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Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

Selected Subjects

Animal Drugs
Food and Drug Administration

Equal Employment Opportunity
Equal Employment Opportunity Commission

Highways and Roads
Federal Highway Administration

Nuclear Power Plants and Reactors
Nuclear Regulatory Commission

Oil Pollution
Coast Guard

Surface Mining
Surface Mining Reclamation and Enforcement Office

Water Pollution Control
Environmental Protection Agency

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 15; at 9 am.

WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.

RESERVATIONS: Call JoAnn Harte, Workshop Coordinator, 202-523-5239.

FUTURE WORKSHOPS: Additional workshops are scheduled bimonthly in Washington and on an annual basis in Federal regional cities. The January 1986 Washington, D.C. workshop will include facilities for the hearing impaired. Dates and locations will be announced later.

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 83-007F]

New Turkey Inspection System

Correction

In FR Doc. 85-22062, beginning on page 37508 in the issue of Monday, September 16, 1985, making the following correction:

On page 37513, first column, the section number in the section heading, which reads "§ 318.76", should read "§ 381.76".

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2 and 50

Revision of Backfitting Process for Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is revising its regulations to establish standards and an agency discipline for future management of backfitting for power reactors. Backfitting is a process which can include both plant-specific changes and generic changes as applied to one or more classes of power reactors. As described in the rule, backfitting is defined as the modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility; any of which may result from a new or amended provision in the Commission rules or the imposition of new or different regulatory staff position interpreting the Commission rules after (i) the date of issuance of the construction permit (CP) for the facility for facilities having construction permits issued after October 21, 1985; or (ii) six months before the date of docketing of the operating license (OL) application for the facility for facilities having construction permits issued before October 21, 1985; or (iii) the date of issuance of the operating license for the facility for facilities having operating licenses; or (iv) the date of issuance of the design approval under Appendix M, N, or O of 10 CFR Part 50.

EFFECTIVE DATE: October 21, 1985.

FOR FURTHER INFORMATION CONTACT: James R. Tourtellotte, Chairman, Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Phone: (202) 634-3300.

SUPPLEMENTARY INFORMATION:

Background

The Commission initiated this rulemaking proceeding for the purpose of establishing requirements for the future management of backfitting for power reactors. Backfitting can include both plant-specific changes and generic changes applicable to one or more classes of power reactors.

Section 50.109 of the Commission's current power reactor regulations provides the following standard for backfitting decisions: Backfitting may be required where the Commission finds "that such action will provide substantial, additional protection which is required for the public health and safety or the common defense and security." On its face, this appears to be a relatively high standard. In practice, however, § 50.109 has rarely been formally invoked, and it is therefore difficult to tell the extent to which this standard has actually been applied to previous backfitting decisions. The Commission has decided that a new, more specific standard and related procedures should be applied by rule to backfitting decisions.

The Commission published an advance notice of proposed rulemaking and policy statement on this subject at 48 FR 44217 (September 28, 1983) and more recently, a notice of proposed rulemaking at 49 FR 47034 (November 30, 1984). The complete record of this proceeding is available for review in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC.

Public Comments

The comment period officially closed January 29, 1985. A number of comments were received after that time, the last of which was filed on March 12, 1985, by the Advisory Committee on Reactor Safeguards. All comments were considered in formulation of the final rule.

Fifty-seven comments were filed as follows: utilities, 30; vendors, 3; architect engineers and service companies, 5; industry groups and trade associations, 3; consulting engineering firms, 3; various individuals and groups, 10; federal agency, 1 (DOE); states, 1 (Illinois); Advisory Committee on Reactor Safeguards, 1.

As a result of the responses to the advance notice of proposed rulemaking, the Commission posed six numbered questions and other unnumbered questions in the notice of proposed rulemaking. The responses to these questions have assisted the Commission in reaching its determination on the content of the final rule.

Question 1. Should § 50.109 also apply to backfitting imposed through rulemaking? When a modification is imposed by rule or regulation, should the affected licensee be afforded an appeal to the EDO? What is the basis for this position?

The Union of Concerned Scientists (UCS) stated that § 50.109 should not apply to rulemaking. They assert that the Atomic Energy Act and prevailing case law do not permit the consideration of cost in determining minimum safety standards. (See UCS 1983 comments, pages 4-7.) An appeal to the EDO from a requirement imposed by rule cannot be legally permitted, according to UCS, and the Commission may not circumvent the legal requirements of the Administrative Procedure Act, 5 USC Section 553, by permitting appeals outside of the public forum to the Executive Director for Operations.

The Ohio Citizens For Responsible Energy (OCRE) also oppose application of § 50.109 to rulemaking because they say "licensees are afforded enough opportunities in the rulemaking and administrative process to contest the

rules." They suggest that a petition for waiver of a rule under 10 CFR 2.758 or an exemption under 10 CFR 50.12 provides sufficient remedies for licensees.

The Nuclear Utility Backfitting and Reform Group (NUBARG) believes that backfitting controls should apply to facility modifications imposed by rulemaking. They state four reasons for their position. First, in terms of public health and safety, they state the practical impacts of backfitting by rulemaking or backfitting on a plant specific basis are the same. Therefore, NRC regulations should require a documented analysis of a backfit regardless of the source of the requirement. Second, there is no apparent justification for excluding backfit modifications imposed by rulemaking. They suggest that the NRC should satisfy itself of the need for and efficacy of any backfit required. Third, if the backfitting rule did not apply to rulemaking, there may be a natural temptation by the staff to avoid the effects of the backfitting rule by imposing requirements through rulemaking. Fourth, there would be no additional burden because much of what the rule would require already takes place during the CRGR review of proposed rules. NUBARG states that it does not advocate the preparation of a plant-specific backfitting analysis for backfits proposed in the context of a rulemaking.

NUBARG also believes that an opportunity for an appeal to the Executive Director for Operations should exist. The licensee, they say, should be given the opportunity to demonstrate that the modification established by rule or regulation should not be required for its facility because that facility is substantially different from the type, design, or vintage of facilities evaluated in the modification analysis and as a result, findings made pursuant to § 50.109 are not applicable. They go on to cite the need for flexibility in the rulemaking process as a basis for their position. The Atomic Industrial Forum (AIF) and other industry commenters appear to be in general agreement with the positions taken by NUBARG.

DOE also states that § 50.109 should apply to rulemaking since rulemaking and orders are "the only two avenues through which a backfit should be imposed by the Commission." They oppose appeal to the EDO, however, and suggest use of a waiver request under 10 CFR 2.758.

Question 2. Should § 50.109 limit backfitting to backfits imposed by rule, regulation or order? If the imposition of backfits is not limited to rules, regulations or orders, what other mechanisms should be employed?

UCS opposes such a limitation, stating that the effect would "undoubtedly be to eliminate the condition which the Supreme Court found legally necessary to justify two-stage licensing," citing *Power Reactor Development Company* v. *Union*, 367 U.S. 396, 414 (1961).

OCRE takes a somewhat different position. They state that the Atomic Energy Act "clearly states that the Commission's safety standards are to be imposed by rule or order . . . However, the NRC is in the habit of imposing regulatory requirements through non-enforceable means (e.g., Reg. Guides, SRP). OCRE states that because legally binding requirements are those reached through rulemaking or adjudication and because these processes inherently involve weighing pros and cons of adverse parties, they are reasoned, open deliberated processes subject to judicial review and therefore need no further analytical requirements. OCRE continues, "While it would be preferable if all regulatory requirements resulted from rules or orders, it is a fact of life that the staff imposes regulatory requirements on its own." OCRE appears to not take a position either way on the question but is willing to accept current staff practice as a "fact of life."

NUBARG takes a strong position that § 50.109 should limit backfitting to those modifications imposed by rules, regulations or order. They state that current and past staff practice of requiring licensees to backfit facilities on the basis of non-binding guidance requirements is illegal. Regarding the second part of the question, NUBARG states that there are no means other than rules, regulations or orders by which the Commission may lawfully require a licensee to modify its facility. In short, it is NUBARG's position that Section 50.109 would violate the statute if it permitted imposition of backfits by any means other than rules, regulations or order. The AIF and other industry commenters appear to be in general agreement with NUBARG's position.

DOE states that backfitting should only be imposed by rule, regulation or order and that all analyses, reviews and decisions required by the proposed rule should apply to all methods of backfitting.

Question 3. Should a documented analysis of a proposed backfit come before the backfit is issued or only after an affected licensee lodges an appeal?

USC urges that there be no requirement for a detailed analysis unless the licensee appeals because such analyses in absence of an appeal would, in their words, "be an utter waste of time and resources."

OCRE suggests that to require analysis of every proposed backfit would create too great a burden on the staff. OCRE appears to reserve the term "backfit" for "non-enforceable regulatory requirements" and therefore, "licensees should feel free to contest a proposed backfit."

NUBARG takes the position that there should be a documented analysis by the NRC whenever its proposes to require licensees to modify their facilities. They state, "a plant modification has the same impact regardless of who initiates it. Therefore, just as the licensee must always develop a sound technical basis in support of a proposed facility modification, so should the staff." Such an analysis is necessary, they argue, so that the NRC can be assured that the backfit it wishes to impose is truly needed to enhance safe reactor operations and that it will have the intended effects.

AIF suggests that such evaluations are needed to determine whether the proposed backfit does increase safety, to what extent, and at what costs. Further, it is needed "to impose discipline into the backfit process." AIF also suggests that licensees should not be placed in a position of having to invoke procedure in order to initiate backfit analysis. To do so, they say, places the licensee in a position of having to jeopardize its relationship with the staff by opposing a change that the staff is requiring.

AIF also suggests that, in addition to the seven factors proposed in the **Federal Register** notice, the following factors should be considered in making an analysis of a proposed backfit.

1. A precise statement of the specific objectives that the proposed modification is designed to achieve.

2. A general description of the activity that would be required by the licensees or applicants in order to complete the modification.

3. Alternatives to the proposed backfit and how these alternatives (including the recommended alternative) will affect other proposed or imposed facility backfits; and

4. A priority ranking by safety significance of each proposed backfit relative to other proposed or imposed backfits.

5. Whether, after balancing of all appropriate factors (including those in this paragraph) the demonstrations required in § 50.109(a) have been made.

DOE states that the burden of proof for demonstrating that an increase in

safety is needed should rest with the staff rather than requiring the licensee to prove that such an increase is unnecessary. Their reasoning is that, "requiring a written basis and analysis of a proposed backfit before it is imposed will increase the likelihood of improved safety and increase confidence that its effects are understood."

Question 4. Should backfitting be defined as "the imposition of new regulatory requirements or the modification of previous requirements" (the cause) or defined as a "modification or addition required by the Commission to the facility or to the structure, systems or components of such facility, the design thereof, or the procedures or organization required to construct or operate such facility" (the effect)? What is the basis for this position?

UCS believes that neither definition is appropriate, citing its 1983 comments, pages 10–30, in support of its position. UCS further suggests that exclusion of rules, regulations and orders from the definition of regulatory requirements raises questions about what is meant.

OCRE states that backfitting should be defined as "the imposition of new requirements; i.e., the cause, not the effect." Its reasoning is that "Since we interpret backfit to apply *only* to the non-enforceable requirements, licensees are free to use alternative methods to comply. This, again, is a difficult point which should be resolved by bringing the NRC's practices into line with the Atomic Energy Act (AEA); i.e., all requirements imposed by rule or order."

AIF suggest that the definition should be stated in terms of the effect which they suggest should read:

> As used in this section, "backfitting" of a production or utilization facility means a modification; or addition required by the Commission to the design approval, manufacturing license, or facility or to the structures, systems or components of such facility, the design thereof, or the procedures or organization required to construct or operate such facility, after . . . (times specified in proposed rule).

They also suggest that backfits should include requirements to perform extensive analytical efforts or tests, regardless of whether modifications or additions to the structures, systems or components of a facility or design result from such analytical efforts or tests. The basis for rejecting regulatory requirements as a part of the definition is directly related to their previous argument that backfits may only be legally imposed by rule, regulations or order. AIF's position is generally supported by other industry comments.

DOE would recommend the following in lieu of either the "cause" or "effect" definition:

1. A "modification," means a change required by the Commission to a site permit; a design approval; a production or utilization facility, or the structures, systems, or components of a facility; to the procedures pursuant to which a facility is to be constructed or operated; or to the organization required to construct or operate such a facility.

2. A "backfit" means "a modification not imposed by the Commission for achieving compliance with a construction permit or operating license, at the time of issuance or as amended, or contained in the requirements incorporated by reference in the permit or license."

The State of Illinois rejects the use of "regulatory requirements" as too ambiguous and suggests the definition be more precise for clarity and scope.

Question 5. The industry's proposed standard for justification of a backfit is "substantial improvement in the overalll safety of the plant considered over its remaining life." Is it appropriate to include the concept of "over its remaining life"? What other standard could be used?

UCS suggest that it is not appropriate to consider the concept of "over its remaining life" for the following reasons:

1. Such analysis can only be based on probabilistic risk assessment and that methodology is not appropriate.

2. The concept creates an incentive for delay and obstructionism and rewarded those who delay the most.

3. "Benefits" are currently expressed by NRC in terms of annual average dose "avoided" and this is inconsistent with the concept of "remaining life".

4. The concept does not account for problems cause by aging and deterioration of equipment which are likely to increase as a plant ages.

5. There is no justification in law or policy for subjecting people around older plants to a greater risk than those who live around newer plants.

OCRE also objects to the use of the standard because of what they perceive to be implication of required use of probabilistic risk assessments.

NUBARG suggests that use of the concept is appropriate as being one factor among many that should be considered when a backfit is required. Industry commenters generally support this position.

Question 6. To what extent may the Commission consider cost, including the economic costs in backfitting decisions under standards and processes proposed in § 50.109?

USC cites its previous 1983 comments in support of its position that costs may not be considered under the Atomic Energy Act and established case law. OCRE also opposes cost consideration as a part of the decision process.

AIF takes the position that cost may be considered and that such costs should include:

1. Costs of evaluation, engineering, construction, material procurement, Allowance for Funds Used During Construction, (AFUDC) and investigations;

2. An attributable portion of replacement power costs during down time for implementation;

3. Operating costs due to changes in specifications, procedures, operator retraining and training manuals, increases in manpower requirements and net generation losses;

4. Impact on preoperational startup, operator training, procedure development and system turnover during plant construction; and

5. Any incremental increase in man rem exposure as a result of installation and subsequent operation of the modification.

As a basis for the position stated, AIF attaches to their comment a legal memorandum entitled, "Consideration of Cost and Benefits in Connection with Backfitting." This memorandum takes the position that the Atomic Energy Act and its legislative history, court decisions, Commission regulations and documents, the Energy Reorganization Act and Executive Order 12291 and the NRC's General Counsel memorandum dated May 4, 1984, all support the conclusion that costs may be considered in connection with backfitting. Industry comment generally supported the AIF position.

DOE also conducted a legal analysis of the cost question. They stated:

> The legal conclusion which emerges from the foregoing is that, except for deciding the narrow question of whether a backfit should be required for construction permittees to eliminate or reduce to a threshold level a particular risk in order to meet the "adequate protection" test, the NRC has broad discretion to consider the relationship between benefits and costs in deciding whether to impose a backfit.

The Commission also requested comments on whether reliance upon probabilistic risk assessments is prohibited by the Atomic Energy Act as suggested by UCS. OCRE agreed with the UCS position.

AIF takes the position that UCS mischaracterizes the industry position on the use and value of probabilistic risk assessment (PRA). They point out that

PRAs should support, not supplant, determinative requirements. NUBARG points out that neither the industry nor the proposed backfitting rule mandates the use of PRAs. They point to the fact that the proposed industry rule would require the use of PRAs only "where appropriate and where pertinent data is available." They also suggest that the Atomic Energy Act does not prohibit the use of PRAs.

The Commission requested comments on the correctness of the UCS position that "the Commission exercises its rulemaking authority to establish nuclear reactor safety standards, and licenses may avoid those standards only by obtaining a waiver under 10 CFR 2.758." NUBARG states that UCS misunderstands § 2.758 and the operation of the backfit rule. They further suggest that neither of the proposed backfitting rules can reasonably be read as permitting licensees to avoid requirements applicable to their facilities. Those rules, they state, would simply require the staff to document the basis for its conclusion that a backfit is required.

The Commission requested comments on whether the elements of the proposed backfitting rule are too prescriptive and are truly needed to ensure that the staff considers all factors that are appropriate before it imposes a backfit. NUBARG points out that virtually all of the elements of the analysis have been used by NRC before and are sufficiently broad to be applied in most, if not all, by backfitting situations. The State of Illinois remarked: "The Department [State] believes that the seven factors contained in the proposal provide an appropriate means for balancing all factors in determining whether backfitting should apply." AIF agreed with the seven factors but suggested the addition of five more.

The Commission also expressed a concern over whether preparation of a backfitting analysis should be required as a condition precedent to the issuance of a license amendment. NUBARG stated that "unless requested by a licensee, the staff should not be requested to prepare a backfitting analysis as a condition precedent to issuance of a license amendment if the licensee requests an amendment pursuant to 10 CFR § 50.90." NUBARG points out that application for significant amendments requries a description of the proposed modification and the preparation of a safety analysis report by the licensee. Since the licensee presumably will have subjected the amendment to an internal cost effectiveness review, a backfitting analysis by the NRC would appear to be neither necessary nor appropriate. AIF was in general agreement with this position and stated further that the option to allow a licensee to request a backfitting analysis should be retained. AIF suggested that there are instances when licensees are under informal but intense regulatory pressure to submit an amendment request. In this circumstance, backfitting analysis should precede the issuance of a license amendment according to AIF. General comments from other members of the industry tend to support the NUBARG and AIF positions.

Comments on the Additional Views of Commissioner Asselstine

Commissioner Asselstine's additional views were generally supported by Ecology/Alert, Federal Conservationist of Westchester County, Inc., Ohio Citizens for Responsible Energy, and UCS. Industry comment generally opposed Commissioner Asselstine's approach. Similarly, the Department of Energy did not support Commissioner Asselstine's alternative backfit rule, and the State of Illinois had a mixed response.

Although UCS endorses Commissioner Asselstine's position, it suggests two changes. First, it takes exception to Commissioner Asselstine's rule to the extent that it prohibits consideration of monetary costs at the operating license stage only for backfits related to safety matters that were left unresolved at the time of issuance of the construction permit. UCS believes that so long as construction permits are to be granted on the basis of preliminary design concepts, it is not legitimate to consider as backfits, changes required between the construction permit and operating license, or to consider costs at that stage. Second, USC objects because Commissioner Asselstine's proposal does not provide for formal public participation in backfitting decisions. USC believes that the decisionmaking process should be open and accessible to all persons who might be affected.

OCRE also suggested two changes to Commissioner Asselstine's proposal. First, they would remove review by CRGR because, they say, CRGR does not further the mission of the Commission but serves only to discourage new safety improvements. Second, they, like UCS, would provide an opportunity for public comment for both generic and plant specific backfits.

In its discussion rejecting the proposed use of "regulatory requirements" in the definition of backfitting, the State of Illinois endorses "the more precise definitions of backfitting proposed by Commissioner Asselstine and the industry" and to that extent, could be considered as endorsing Commissioner Asselstine's approach. However, the State of Illinois also stated that they did not agree with Commissioner Asselstine's proposals to specify in the regulations a presumption in favor of the backfit. They believe that seven factors contained in the proposal provide an appropriate means for balancing all factors in determining whether backfitting should apply.

The thrust of the industry position appears to be that many of the terms used by Commissioner Asselstine in his proposed rule are ambiguous and undefined and in other instances, where the standard is well understood, it is simply misconceived. For example, NUBARG points to Commissioner Asselstine's proposal to define backfits in terms of changes to facility design, construction or operation "imposed by the staff to . . . satisfy a regulatory staff position" developed after a specified period. NUBARG complains that "regulatory staff position" is not defined. AIF states that the word "satisfy" in this context cannot be anchored to any applicable statutory standard, not to any prevailing doctrine of administrative jurisprudence. NUBARG questions the ultimate effectiveness of such an alternative rule because, they argue, backfits may not be legally imposed on the basis of such documents.

Industry takes a different tack with regard to the position espoused by Commissioner Asselstine that the basic premise of nuclear regulation should be to "reduce the risk to the public caused by these facilities to a level that is as low as reasonably achievable." NUBARG suggests that this approach reverses the presumption of regularity associated with past NRC licensing decisions. Those who have already been granted licenses and thus have been deemed "safe enough" by the NRC could, according to NUBARG, find themselves having to justify routinely why their licenses should not be modified. This, NUBARG states, raises serious legal questions of fundamental fairness and due processs, and appears to be at odds with the Administrative Procedure Act. NUBARG also complains that the standard suggested by Commissioner Asselstine is potentially open-ended.

AIF further suggested that the Atomic Energy Act requires "reasonable assurance of the public health and safety" and reasonable assurance is not equated with "as low as reasonably achievable." AIF further states that this

standard is at odds with section 103(b) of the Atomic Energy Act, which provides, in part, that "The Commission shall issue such licenses . . . to persons applying therefor . . . (to) who are equipped to observe and who agree to observe such safety standards to protect health and to minimize danger to life or property as the Commission may, by rule, establish: . . ." AIF suggests that this language has been interpreted by the Commission in its regulations to require "reasonable assurance" that licensed activities of the Commission can be conducted without endangering the health and safety of the public, citing, for example, 10 CFR 50.57(a)(3). They also cite *Citizens for Safe Power, Inc.* v. *Nuclear Regulatory Commission*, 524 Fed. Second 1291, 1297 (D.C. Circuit 1975) for the proposition that "absolute or perfect assurances are not required by AEA and neither present technology or public policy admit of such a standard."

The Department of Energy also does not support Commissioner Asselstine's alternative proposed backfit rule. This proposed rule, DOE states, "detracts from the basic purpose for instituting a new backfit rule and, if adopted, would perpetuate the significant deficiencies of backfitting practices of the past." DOE further suggests that Commissioner Asselstine's definition of backfitting is too narrow; that the "as low as is reasonably achievable" standard is inappropriate, and would probably be inconsistent with safety goals should those be established; that the limitations on the use of quantitative cost benefit balancing would be "overly restrictive" and would be "a regressive step for modern analysis techniques"; that the decision criteria are not identified in Commissioner Asselstine's rule; and that the implementation procedures have several deficiencies.

Commission Position

The Commission is appreciative of the time and effort expended by those who submitted comments. Backfitting is a matter of considerable importance and the views expressed in the comments have been very helpful to the Commission in its deliberation. To some extent, the final rule will be modified from the proposed rule to reflect the views expressed.

Since there is no practical difference between a backfit that is imposed pursuant to a rule or a staff position interpreting a rule, the Commission will alter the final rule to require a documented analysis of required backfits regardless of the source. A plant-specific backfit analysis will not be required in rulemaking and the factors specified in the rule will be reviewed only on a generic basis for rulemaking purposes. Because there must be safety reasons for the agency to impose any changes to a regulatory requirement or a staff position, applicable to the licensee, because the safe consequences are unknown until analyzed, and because the Commission should fully understand the effects of a proposed backfit before its imposition, it is of little consequence how a backfit is imposed. Safety and sound management require that analysis precede imposition of a new or modified regulatory requirement or staff position. It follows that those backfits imposed by rulemaking should undergo the same scrutiny as proposed by other means. It also follows that changes in regulatory requirements or staff positions for procedures and organization should also be analyzed before implementation to determine, *inter alia*, the safety significance of any such proposed change. The final rule reflects this position.

Many of the most important changes in plant design, construction, operation, organization, and training have been put in place at a level of detail that is expressed in staff guidance documents which interpret the intent of broad, generally worked regulations. The NRC has determined that the correct focus for backfit regulation is the establishment of effective management controls on existing staff processes for the interpretation of regulations that are known to result in valuable upgrades in industry safety performance. Thus, the Commission opts to adopt a management process not only for the promulgation of regulations as backfit instruments, but also for the lower tier staff review and inspection processes known to result in reactor plant changes.

The Commission agrees with those who suggest that the Staff should not be required to prepare a backfitting analysis as a condition precedent to issuance of a license amendment if the licensee requested the amendment pursuant to 10 CFR 50.90. If a licensee believes that the amendment process is being used by the staff to impose a backfit, the licensee may invoke the rule under § 50.109. It is unnecessary to amend the rule in this regard since mention of the point here provides adequate direction to the Staff and licensees.

Considerable attention was given to the question of whether backfitting should be defined in terms of its cause or its effects. After due consideration, the Commission believes that the definition for backfitting should take into account both the cause and the effects. Therefore, the definition is modified accordingly.

Question 5 concerned the industry's proposed standard for justification of a backfit and the suggestion that the "substantial improvement in overall safety of the plant considered over its remaining life" should be incorporated into the rule. In our view, the concept of "over its remaining life" is already incorporated in the rule under § 50.109(d)(8). There is no need to place that concept in the rule at another place.

The additional factors suggested by the industry for inclusion under § 50.109(c) generally appear to be reasonable and not unduly burdensome. Therefore, the thrust of the additional factors will be included as appropriate in the final rule.

As the accountable manager for backfitting, the Commission has directed the EDO to establish backfit procedures and to ensure appropriate rights of appeal. The Commission believes it is unnecessary to include in the rule a section establishing appeal rights to the Executive Director for Operations.

Consideration of Costs in Backfit Decisions

In the current rulemaking, comments were filed by UCS and AIF stating strongly contrasting legal views concerning the Commission's authority to consider the costs of new safety requirements which the Commission would impose if costs were not a factor in the decision. (See Question 6, *supra*.) In view of the importance of the cost issue and the strongly divergent views stated in the comments, it is important to set forth the Commission's legal and policy views on this matter.

The costs associated with proposed new safety requirements may be considered by the Commission provided that the Atomic Energy Act finding "no undue risk" to the public health and safety can be made. There may be any number of ways by which the Commission can arrive at such a conclusion. Each approach could have different costs associated with it and it cannot be seriously argued that in such circumstances the Commission is statutorily prevented from choosing the most cost effective means of protecting public health and safety.

Similarly, it may be presumed that the current body of NRC safety regulations provides adequate protection. Where new information indicates that improvements are needed to ensure there is "no undue risk" on either a plant-specific or generic basis which the Commission believes to be the minimum

necessary, such requirements must be imposed. However, where there are alternatives for achieving the improvements which have different associated costs, such costs may be considered.

Cost considerations have been a part of the Commission's regulatory approach in many other instances. For example, the ALARA principle requires Commission licensees to meet an absolute set of radiation exposure standards but also requires further reductions in exposure where the cost of the exposure avoided outweighs the cost of implementing controls to avoid the exposure. Commenters who addressed the proposed backfit rule and opposed the use of costs did not address this point. It would appear that the only situation where the consideration of costs may be seriously challenged is where a new requirement is necessary to provide an absolutely minimum level of protection to the public health and safety and no alternative means of achieving such protection are apparent.

In general, the consideration of costs associated with incremental safety improvements is within the NRC's statutory mandate. However, the cost of new safety requirements will not be considered where such requirements are necessary to ensure there is no undue risk to the public health and safety and no alternatives are available.

After reviewing all of the comments and positions stated, the Commission believes that there is sufficient authority in the statutes, case law, and Commission practice to justify making cost considerations in backfitting decisions. Since consideration of costs was a part of the proposed rule, the rule will remain unchanged in this regard. The Commission also rejects as without merit the suggestion that probabilistic risk assessments are precluded by law.

Description of Final Rule

The proposed amendment of § 50.54(f) ensures that except for information sought to verify licensee compliance with the current licensing basis for that facility, the reason or reasons for each information request must be prepared prior to its issuance to determine whether the request is for information already in the possession of the applicant or licensee or instead will require the institution of studies, procedures, or other extensive effort to generate the necessary data to respond. If extensive effort is reasonably anticipated, the request will be evaluated to determine whether the burden imposed by the information request is justified in view of the potential safety significance of the issue to be addressed.

It should be noted that § 50.54(f) does not by its terms apply to the review of applications for licenses or amendments. Consequently, if the staff seeks information of a type routinely sought as a part of the standard procedures applicable to the review of applications, no analysis will be necessary. If the request is not part of routine licensing review and falls within the purview of § 50.109, however, a full analysis is most likely indicated. Requests for information to determine compliance with existing facility requirements or for fact-finding reviews, inspections and investigations of accidents or incidents, however, usually are not made pursuant to § 50.54(f) nor are such requests normally considered within the scope of the backfit rule. Amendment of this section also provides for management control and accountability for backfits by requiring that staff evaluations be reviewed by the Executive Director for Operations or his designees prior to the issuance of the request.

The amendment of § 50.54(f) should be read as indicating a strong concern on the part of the Commission that extensive information requests be carefully scrutinized by staff management prior to initiating such requests. The Commission recognizes that there may be instances where it is not clear whether a backfit will follow an information request. Those cases should be resolved in favor of analysis. In short, staff management should develop an internal review process to ensure that there is a rational basis for all information requests, even where it is not clear that a backfit will result.

Section 50.109(a) sets out the definition of backfitting, the analysis requirement, the standard to be used in determining whether a backfit should be imposed and the exceptions to the rule. The definition focuses on modifications to systems, structures, components, designs, procedures or organization which may be caused by new or modified Commission rules or orders or staff interpretations of Commission rules or orders.[1] Thus, this definition includes both cause and effect of backfitting. It may also be noted that "cause" includes not only Commission rules and orders, but staff interpretations of those rules and orders. This is not to say that staff interpretations of rules are viewed by the Commission as being legal requirements. Clearly, they are not. Nevertheless, staff interpretations of broadly stated rules are often necessary to give a rule effect and in some instances may be a causal factor in initiating a backfit.

Section 50.109(a)(2) requires a systematic and documented analysis as a condition precedent to the imposition of a backfit. This will ensure that the safety significance of any modification and its relation to other relevant factors is well understood before changes are required.

The standard against which proposed backfits would be measured is stated in § 50.109(a)(3) as "substantial increase in the overall protection of the public health and safety or the common defense and security." Substantial means "important or significant in a large amount, extent, or degree." Under such a standard, the Commission would not ordinarily expect that safety improvements would be required as backfits which result in an insignificant or small benefit to public health and safety or the common defense and security, regardless of the implementation costs. On the other hand, the standard is not intended to be interpreted in a manner that would result in disapprovals of worthwhile safety or security improvements having costs that are justified in view of the increased protection that would be provided.

The phrase "overall protection of the public health and safety or the common defense and security" in the proposed backfit standard also deserves some discussion. The principal purpose of requiring consideration of the overall protection that would be provided by a proposed backfit is to ensure that both its negative and positive effects are taken into account in deciding whether the backfit is justified. A backfit for a part of a plant should be evaluated in light of the net increase in overall protection that the entire plant would provide as a result of the backfit, taking into account the effects it would have on other aspects of the plant. Thus, the net benefit of a backfit to the protection provided by the plant as a whole is the overriding consideration, not just the benefit to the part of the plant being backfitted.

However, the Commission does not intend use of the phrase "overall protection" in the backfit standard to signal a departure from its traditional reliance on defense in depth and diversity for protection of public health and safety. Therefore, safety improvements in one line of defense against undue risk should not be disapproved or approved based solely

[1] The term "regulations" is not in the text because that term is synonymous with "rule."

on the presence or absence of another line of defense to cope with the failure of the first. For example, safety improvements in the integrity of the reactor coolant system should not be dismissed merely because an emergency core cooling system has been provided to protect public health and safety with high confidence in the event that the integrity of the reactor coolant system is lost. On the other hand, such a suggested improvement may be precluded because it does not meet the substantial test, or does not increase overall protection provided by the plant due to, for example, the negative impacts on other aspects of the plant. The proposed requirement that the costs of backfits be considered and justified in view of the increased protection to public health and safety or security is based on the Commission's view that it should, in these circumstances, consider the direct and indirect costs of implementation in making safety decisions under the Atomic Energy Act.

The consideration and weighing of costs contemplated by the rule applies to backfits that are intended to result in incremental safety improvements for a plant that already provides an acceptable level of protection. In this area the Commission believes that direct and indirect implementation costs are especially relevant. Without cost as a competing consideration in these circumstances, the regulatory process takes on the characteristics of a quest for a risk-free plant, an unattainable objective as recognized by Congress in establishing the standard of no undue risk in the Atomic Energy Act.

Section 50.109(a)(4) creates exceptions for modifications necessary to bring a facility into compliance or to ensure through immediately effective regulatory action that a licensee meets a standard of no undue risk to public health and safety. In cases involving the compliance exception, backfit analysis is not required and the standard does not apply. The compliance exception is intended to address situations in which the licensee has failed to meet known and established standards of the Commission because of omission or mistake of fact. It should be noted that new or modified interpretations of what constitutes compliance would not fall within the exception and would require a backfit analysis and application of the standard.

The exception for immediately effective regulatory actions that are necessary to ensure that a licensee meets the standard of no undue risk to the public health and safety permits the Commission to act in emergency situations to ensure that operation of the backfit rule will not preclude the Commission from ensuring that minimum standards are met to protect public health and safety. The exception anticipates the existence of significant new information or the occurrence of an event which clearly demonstrates that the standard of no undue risk to the public health and safety cannot be maintained without the designated modification. Moreover, the presumption of safety which ordinarily accompanies the issuance of any license must be overcome in order for the exception to be used. As with the compliance exception, there is no intent on the part of the Commission to include within the scope of the exception new or modified interpretations of what constitutes no undue risk to the public health and safety. In such a case, the rule applies. The rule also provides that a backfit imposed by immediately effective regulatory action shall not relieve the Commission of performing an analysis after the fact to document the safety significance and appropriateness of the action taken.

For those modifications which are to ensure that the facility poses no undue risk to the public health and safety and which are not deemed to require immediately effective regulatory action, analyses are required; these analyses, however, should not involve cost considerations except only insofar as cost contributes to selecting the solution among various acceptable alternatives to ensuring no undue risk to public health and safety.

To ensure that the discipline is maintained in the process and that the exceptions do not become the rule, the Commission directs the staff to document each exception. Documentation shall include a precise statement of the specific objectives of and reasons for the modification and the basis for the exception. It may also serve useful regulatory purposes to include such matters as a general description of the activity that would be required by the licensees or applicants in order to complete the modification and the identification by type, design and vintage of the design approvals, manufacturing licenses for production or utilization facilities to which the modification would apply.

Section 50.109(b) "grandfathers" backfits imposed prior to the effective date of this rule.

Section 50.109(c) sets out nine factors to be used by the staff in its backfit analysis. Finally, § 50.109(d) explicitly recognizes the responsibility of the Executive Director for Operations to manage the Commission's backfitting program in general and requires approval of backfit analyses by the Executive Director for Operations or his or her designee.

As a matter of information, it may be noted that the nine factors in § 50.109(c) have precedent in existing NRC practices as seen in the Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission, NUREG/BR-0058, the approved CRGR Charter and the Commission's approved plan for the management of plant-specific backfitting, SECY-83-321.[2]

The nine factors to be used by the Staff for a systematic and documented analysis are listed under § 50.109(c) and read as follows: "(1) Statement of the specific objectives that the proposed backfit is designed to achieve; (2) general description of the activity that would be required by the licensee or applicant in order to complete the backfit; (3) potential change in risk to the public from the accidental offsite release of radioactive materials; (4) potential impact on radiological exposure of facility employees; (5) installation and continuing costs associated with backfit, including the cost of facility down time for the cost of construction delay; (6) the potential safety impact of changes in plant or operational complexity including the effect on other proposed and existing regulatory requirements; (7) the estimated resource burden on the NRC associated with the proposed backfit, and the availability of such resources; (8) the potential impact of differences in facility type, design or age on the relevancy and practicality of the proposed backfit; (9) whether the proposed backfit is interim or final and, if interim, the justification for imposing the proposed backfit on an interim basis. These nine factors are to be used as balancing mechanisms in the decisionmaking process for backfitting.

During internal review of the rule, a question was raised as to whether licensing action should be withheld during backfit review. The answer is that the rule never contemplated such a withholding. To the contrary, until a backfit analysis is complete, licensing action should continue along a course

[2] The Regulatory Analysis Guidelines of the U.S. Nuclear Regulatory Commission, NUREG/BR-0058, is available for inspection or copying for a fee in the NRC Public Document Room, 1717 H Street, NW., Washington, D.C. This report may be purchased from the U.S. Government Printing Office (GPO) by calling 202-275-2060 or by writing the GPO, P.O. Box 37082, Washington, DC 20013-7082. It may also be purchased from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

consistent with normal practice. For clarification of the point, § 50.109(d) was added to the final rule.

Section 50.109(e) emphasizes and codifies the Commission's intent that backfit management is of paramount importance to responsible regulatory practice. Accordingly, the Executive Director for Operations is responsible for implementation of the backfit rule.

It may be noted that the resolution of any backfit case can be by Commission rule or order, or by written commitment of a licensee. Recognition of this point completes the design of the backfit management process and establishes that licensee compliance with approved backfits may be accomplished by voluntary commitment, but that the legal instrument of a rule or order can and will be used if necessary.

The proposal to amend 10 CFR Part 50, Appendix O is necessary to conform Appendix O to the final rule. The amendment provides that information requests to the approval holder regarding an approved design shall be evaluated prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such evaluation performed by the NRC staff shall be in accordance with 10 CFR 50.54(f) and shall be approved by the Executive Director for Operations or his designees prior to issuance of the request.

Section 2.204 is amended to ensure that any order for modification of a license involving a backfit is subject to the provisions of the new § 50.109.

Commissioner Asselstine and Commissioner Bernthal disapprove this final rule. The separate views and comments of Commissioners follow.

Separate Statement of Chairman Palladino

During my tenure as Chairman, I have sought a new system of backfit controls for NRC that would ensure that a backfit is analyzed and that an explicit judgment of its safety and cost consequences is made. This new rule does just that.

Although a previous version of an NRC backfit rule has been on the books, it has rarely been followed. In addition, documentation in too many cases has been non-existent or inadequate to identify and justify the safety and cost consequences of past NRC-imposed backfits.

The steps to this new backfit rule have been deliberate and, I believe, thorough. In 1983 we issued a policy statement announcing interim backfit controls and our intent to conduct rulemaking to establish a new backfit rule. 48 FR 44173 (1983). At the same time, we published an advanced notice of rulemaking soliciting public comments on various proposals for the long-term management of the backfitting process, both plant-specific and generic. 48 FR 44217 (1983). In November 1984, we published a notice of proposed rulemaking, seeking public comment on an NRC proposal and on a number of specific questions designed to elicit public views on significant issues and alternatives. The Commission held a number of public meetings on backfitting, and received the advice of the Regulatory Reform Task Force and senior agency officials.

The rule that emerged is a good one. Contrary to the claim of Commissioner Asselstine, the rule is not designed to stymie regulation. What the rule requires is an analysis and an explicit judgment that a proposed safety requirement is justified. A Commission concerned about the protection of public health and safety—which this Commission is, Commissioner Asselstine's comments notwithstanding—will find ample freedom to make sound safety decisions based on analysis. Further, the rule provides that its requirements do not apply if a proposed safety measure is needed to assure compliance with NRC requirements or protection against imminent public risk.

It seems somewhat late in the day for a Commissioner now to argue for the first time that this backfit rulemaking, which we initiated almost two years ago, is unnecessary. To my knowledge, when we started, all Commissioners agreed that our experience under the existing NRC backfit rule had not been satisfactory and that backfit controls of some sort were needed. The decision to incorporate controls into a rule will mean that the Commission can be held accountable in the future for how it implements those controls. Further, the decision to adopt a rule also means that modifications of the controls will involve public participation.

Similarly unfounded is Commissioner Asselstine's criticism of the backfit standard in this rule. The Commission gave considerable attention to the standard during the rulemaking and adopted the following explanation of "substantial increase" in protection of health and safety:

> Substantial means "important or significant in a large amount, extent, or degree." Under such a standard, the Commission would not ordinarily expect that safety improvements would be required as backfits which result in an insignificant or small benefit to public health and safety or the common defense and security, regardless of the implementation costs. On the other hand, the standard is not intended to be interpreted in a manner that would result in disapprovals of worthwhile safety or security improvements having costs that are justified in view of the increased protection that would be provided.

I do not believe that this standard can reasonably be criticized as "intended to block new safety requirements."

Commissioner Asselstine simply ignores the words of the rule when he contends that it requires a backfit analysis that is skewed against new safety requirements. Section 50.109(c) provides that "any . . . information relevant and material to the proposed backfit" may be considered in the analysis and, thus, taken into account in the safety decision. This language provides, in my judgement, ample room for Commission reliance on, among other things, the expertise of its staff to supplement other analytical tools in order to provide an adequate basis for a particular backfit decision.

In response to Commissioner Bernthal's statement, I am disappointed that we could not agree on how to apply backfit controls to future rulemakings. I believe that our differences are really very small.

Modifications to plants or plant procedures can result from new or modified NRC requirements adopted by rulemaking. Therefore, future rulemakings should be covered in principle by backfit controls. The alternative would be a system where plant specific backfits are analyzed and documented but generic rule backfits are not. Such an alternative would leave a significant area of backfitting formally uncontrolled without apparent reason.

Moreover, I believe that the Commission would be creating questions without apparent answers if it chose to control plant specific backfits by a backfit rule and generic rule backfits by internal agency management and guidance. By subordinating generic rule backfits to internal agency management for the stated reason of preserving "flexibility," the Commission could be seen as sending the message that it does not wish to be held accountable for the application of backfitting controls to future rulemakings. This outcome could well serve to undermine the agency's efforts to manage backfitting.

Application of the backfit rule will not result in the Commission making unsound safety or backfit decisions in future rulemakings. The main thrust of the backfit rule is to apply analysis, including analysis of costs, before a backfit is imposed. The rule only

requires analysis of "such . . . factors as may be appropriate . . ." The decisional standard is only that the costs of the backfit be "justified in view of the protection to public health and safety afforded by the backfit." Further, as noted earlier, the rule provides that its requirements do not apply if a proposed safety measure is needed to assure compliance with NRC requirements or protection against imminent public risk. Thus, the backfit rule provides sufficient flexibility for the Commission in future rulemakings.

Finally, the Commission can suspend the backfit rule in a future rulemaking if there is good reason. Thus, while it is our intent that this rule apply to backfitting that arises from future rulemaking, the final judgment on this issue will rest with the Commission. If it believes that there is good cause, the Commission could state, in the notice of proposed rulemaking for a future rule, that it was proposing not to apply some or all of the provisions of this backfit rule and request public comment on the underlying reasons. If, after considering public comments, the Commission finds good cause, it can so state in the notice of final rulemaking.

I concur in the views of Commissioners Roberts and Zech.

Comments of Commissioner Roberts and Commissioner Zech

Safety is paramount to the execution of our mission. We believe that the backfit rule is entirely compatible with and supportive of this principle. Unmanaged, uncoordinated and inadequately analyzed backfits, on the other hand, are not. There is nothing in the backfit rule which would stand in the way of a Commission action which is needed to protect the public health and safety or in the way of the adoption of policy changes which a majority of the Commission believes are warranted in the circumstances.

We believe that in the execution of our mission to provide reasonable assurance that the public health and safety are protected, we must have in place criteria and a system for the timely application of justified changes in regulatory requirements. The so-called backfitting regulation which has been in place for many years has not completely satisfied this need. Although it established a broad standard, it did not also provide for a system to assure that backfitting decisionmaking to apply the standard is done in a disciplined, systematic manner. The regulatory system needs a backfitting rule which is complementary to our overall regulatory mission and which is practical to implement. Our chief reason for voting to adopt this backfit rule is that it provides for a disciplined and formalized review of regulatory requirements to assure that there is a rational basis for modifications to a nuclear power plant. The rule, along with its explanatory statement, also provides guidance and direction to the staff regarding backfit management and control. This disciplined approach to backfitting will, in our judgment, improve the overall effectiveness and certainty in the regulatory process, thus enhancing our regulatory mission.

Discipline and management of backfitting do not mean that safety actions which are justified will be obstructed, or that the Commission will not continue to have the discretion to adopt policies and rules which it believes will serve to enhance the protection of the public health and safety. Instead, they mean that attention and priorities will be focused on areas where action is justified to carry out our regulatory responsibilities. Inadequately managed and controlled backfitting, on the other hand, provide no assurance that modifications, individually and collectively, are in the best overall interest of protecting the public health and safety.

We have carefully considered the views of our dissenting colleagues, and although we respect them, we see the matter quite differently. As we have noted, we believe that this backfitting rule serves a vital regulatory need. We see no reason why the important subject of rulemaking which may involve generic backfitting should be excluded from coverage. It is true, as one of our colleagues points out, that rulemaking is subject to the procedures in the Administrative Procedure Act. It is also correct that we have in place a Committee to Review Generic Requirements (CRGR) and have informal practices which, in their totality may, in an individual case, serve the purpose of the rule if everything falls into place properly in a rulemaking proceeding. The chance of this happening, however, is not to us an acceptable substitute for the system which is being put in place as a matter of overall Commission policy in the backfitting rule. And even assuming that, under its present charter and under its incumbent chairman, the CRGR did cover all of the elements of the backfitting rule, this is not the equivalent of published Commission policy which states the applicable criteria and procedures. The policy and system which are set forth in the backfit rule provide a much sounder foundation for Commission control over future rulemaking requirements than relying exclusively on existing procedures.

We believe that the procedural requirements of the Administrative Procedure Act and the functions of the CRGR are compatible with the objectives of the backfit rule. However, we also believe that application of the rule to rulemaking is necessary to assure consistent application of the backfitting policy under a prescribed uniform system, regardless of whether a proposed change is generic or plant specific.

The APA does not provide such a system, but does, of course, provide for the important procedural requirement of assuring that there is adequate public notice and opportunity to comment. This does not provide the assurance needed that the substantive matters covered in the backfit rule will be considered either by the staff or the Commission in the Commission's rulemaking decision. There is no requirement for anyone to participate in a rulemaking proceeding, and even for those who choose to participate, there is no provision to assure that there will be systematic and comprehensive coverage of backfitting issues. Indeed, it appears unusual for either the staff's recommendation to the Commission or for the final rulemaking decision to address in any detail, if at all, the application of new requirements to existing licenses and applications. A rulemaking proceeding which meets all of the procedural requirements of the APA would not necessarily assure that the subject matter in the backfit rule is indeed covered. This is not surprising because the objectives of the APA and the backfit rule are, as noted, fundamentally different. Furthermore, we are not able to distinguish, for purposes of the objectives of this backfitting rule, between backfitting modifications which are imposed by individuals in specific plant-by-plant situations and modifications which are imposed by a change in a regulation in a rulemaking proceeding. In each instance a disciplined system should be followed to assure that the backfit is fully understood and justified in terms of its safety relationship and its related costs.

If the backfitting policy and system are sound and are needed, as we believe they are, the straightforward way to go about dealing with the backfit problem is to publish a Commission policy. This is what the backfitting rule does.

We do not share the concern of our dissenting colleague regarding the litigative risks because rulemaking is covered. We are informed that that risk should be minimal. But regardless of whether it is or it isn't, if the rule is

needed, if it makes sense, and if it is a responsible regulatory action on our part, we should be prepared to defend our decisions in its application.

In summary, we support fully the backfit rule, including its coverage of rulemaking. The rule will bring discipline and accountability to the imposition of plant modifications by the Commission by establishing criteria and a system for rational decisionmaking. Without any question, we believe this approach will enhance the quality of our mission to assure that the public health and safety are protected in our licensing and regulatory requirements decisions.

Separate Views of Commissioner Asselstine

In adopting this backfitting rule, the Commission continues its inexorable march down the path toward non-regulation of the nuclear industry. In two previous decisions the Commission found acceptable the present level of risk of a severe accident at the most highly populated site for an operating nuclear plant in this country. See, *Consolidated-Edison Company of New York* (Indian Point, Unit No. 2), CLI 85–6, 21 NRC 1043 (1985). The Commission's decision was made without an adequate explanation or rationale; it was made without an adequate analysis of the issues; and it was made by ignoring the enormous uncertainties in our methods for estimating risks. The Commission then extended that decision to all nuclear plants through its Severe Accident Policy Statement. See, "Policy Statement on Severe Reactor Accidents Regarding Future Designs and Existing Plants," 50 FR 32138 (August 8, 1985). This backfitting rule is another part of the Commission's withdrawal from active regulation of the industry.

The Commission's rule in effect says that nuclear reactor risks are so acceptable and so well understood that the burden of proof for lowering the risk to the public must be placed on the proponent of improved safety even if that proponent is the Commission itself. This optimistic view of the risks posed by nuclear power plants is unjustified. The Commission's adoption of this rule is truly an unprecedented step in the annals of regulation. I can think of no other instance in which a regulatory agency has been so eager to stymie its own ability to carry out its responsibilities. Indeed, the adoption of this rule is the most compelling evidence to date of the Commission majority's open hostility to the regulatory mission of this agency.

I do not believe that there is a need for a formal Commission regulation restricting the Commission's ability to require safety improvements for nuclear power reactors. My opinion is shared by our reactor safety technical staff, including the Commission's chief safety officer. The Commission's purported reason for promulgating this rule is to add "discipline" to the backfitting process. The Commission can add discipline to the backfitting process without at the same time unnecessarily limiting its own discretion to impose new safety requirements by fettering itself with this rule. Further, by adding layer upon layer of procedures to the backfitting process the Commission has created a lawyer's paradise in which litigation over procedural irregularities may hamper the Commission's ability to impose needed safety requirements.

Even if I felt that a backfit rule were appropriate, I would not support a rule as poorly thought out as is this one. This rule sets a threshold standard for improvements to safety which is much too high given our present understanding of risk and the uncertainties associated with our methods of estimating risk. Further, the factors to be considered in determining whether a backfit should be imposed are skewed against imposing new requirements. In addition, the Commission's determination of risk in the cost-benefit balance is to be based on unreliable risk analyses.

The consequence of this rule is to limit the NRC staff's and even the Commission's ability to identify and correct safety weaknesses at the nuclear power plants in operation and under construction in this country. As a result, these weaknesses are likely to persist until they cause serious operating events or accidents which pose a direct threat to the health and safety of the public. This rule, then, further ensures a continuation of the piecemeal, reactive approach to safety which has been responsible for many of the failures of the past. By this step, the Commission is moving in the wrong direction—a direction that will likely result in further serious operating events, more accidents, and a lower level of safety than that achieved in many more forward-thinking countries in the world. I discuss each of my reasons for opposing this rule in more detail below.

The Nature of the Backfitting Problem

When asked to describe the backfitting problem, most of our licensees point to the substantial number of hardware modifications, procedural changes and human factors improvements which have been required by the NRC in recent years. The bulk of these new requirements can be traced to three sources: the Commission's fire protection rule; its rule requiring the environmental qualification of electrical equipment; and the Commission's response to the Three Mile Island accident. It is worth noting that each of these broad safety initiatives was adopted by the Commission itself in response to the identification of significant areas of safety vulnerability within the industry.

Typically, the industry does not challenge the need for improvements in fire protection or the need to assure that safety-related electrical equipment will be able to function under serious accident conditions. Nor does the industry deny the need to address the numerous safety weaknesses brought to light by the Three Mile Island accident. Rather, the industry largely focuses its criticisms on the process used to translate those broad areas of needed improvement into specific modification to plant hardware, procedures and operations.

The industry raises five specific complaints. First, our licensees argue that new requirements often fail to define clearly what is expected of the industry. Second, they contend that the implementation of these requirements—the process by which more general directives are translated into specific modifications—is not well managed. In support of this argument, the industry points to some past failures in documenting proposed modifications, in ensuring consistency in making plant-specific implementation decisions, in providing effective management oversight of plant-specific decisions, and in providing a fair opportunity to appeal objectionable staff-proposed modifications. Third, our licensees assert that specific plant modifications are proposed by staff members who have a single narrow area of interest, and little consideration is given to the overall safety impact of the proposed change. Fourth, the industry argues that the staff's implementation process all too often fails to provide a final decision from the staff on the adequacy of the licensee's efforts to comply with a requirement until *after* the licensee has made the modification to its plant. This process, they contend, exposes the industry to second-guessing by the NRC staff and sometimes leads to making repeated modifications to address the same problem. Finally, the licensees argue that the Commission sometimes adopts arbitrary and unrealistic deadlines for the implementation of new requirements. More than anything else, these complaints focus on the management of the backfitting process.

In the literally thousands of backfitting decisions made by the NRC over the past several years I am sure that some examples can be found to support each of these complaints. However, I believe that each of the industry's valid concerns is addressed by the administrative backfitting management improvements already adopted by the Commission.

Why A Rule?

The Commission claims that this rule is necessary to provide a "management process" for the adoption of Commission regulations and staff interpretations of those regulations. Implicit in the Commission's explanation of this rule is a feeling on the part of the Commission that it is necessary to add discipline to the backfitting process. The Commission never clearly explains why if added discipline is necessary they must embed that discipline or management process in a formal agency rule. The Commission also refuses to explain the connection between discipline and the necessity for a substantial threshold that must be surmounted before safety can be improved. Further, the Commission never adequately explains why it cannot accomplish improved management of the backfitting process without at the same time limiting its own discretion to require safety improvements by requiring that Commission rules comply not only with the Administrative Procedure Act, but also with this rule.

By choosing to adopt this rule the Commission admits failure. The Commission admits that it has been incapable of solving administratively whatever problems it sees with the management of the backfitting process. By adopting this rule, the Commission says to the world that it so mistrusts its own ability to act in a sensible manner and it so mistrusts its ability to control the NRC staff that it must have a formal rule which limits the Commission's discretion and which can be used as a bludgeon to control the staff.

The irony of this all is that the administrative actions taken by the Commission to formalize the backfitting process have already been successful in adding discipline to the process and in addressing the valid concerns of the industry. A senior official of one of the utilities involved most actively in the backfit debate recently told me that when his company first expressed its concerns about backfitting all it wanted was to get NRC management to pay attention to backfitting problems. The company simply wanted a brief written statement for each proposed backfit describing the proposed change and the NRC staff's reasons for requiring the change, together with the right to appeal to upper NRC management the decisions being made at the lower levels of the NRC staff. Their objective, this official said, is already being achieved by the Commission's internal management directions to the NRC staff.

Whatever "backfitting problem" exists is really a management problem. The Commission's statement of considerations acknowledges that. And, the problem is being corrected independently of this rule. Why then must this rule be promulgated without delay? Apparently it is because the movement to put in place a backfit rule is much like an avalanch—once it starts rolling it cannot be slowed down or changed in course.

Lawyer's Paradise

By embedding the Commission's backfit management process in the form of a rule, the Commission has chosen to formalize a process which ought to be a purely internal management tool. In doing so, the Commission has imposed upon itself a particular management process as a legal requirement which cannot be ignored, adapted to circumstances, or changed without once again going through formal rulemaking procedures. The rule provides a myriad of opportunities for licensees to invoke procedural irregularities in challenging the Commission's rules and its backfitting decisions. The rule lends itself readily to being used as a delaying tactic by uncooperative licensees, and it has the potential for hamstringing the Commission's ability to impose needed safety improvements while the legal wrangling goes on and on and on.

The Commission's decision to include Commission rulemaking within the coverage of the backfit rule is an excellent example of the overproceduralization of the backfit process. The Administrative Procedure Act and cases interpreting it set out requirements for rulemaking. Interested parties are given an opportunity to comment on the proposed agency action before it goes into effect. The Commission must then take those comments into account before promulgating a final rule. The courts can then review Commission action and test it for reasonableness and rationality. The Commission wishes to add on to these legal requirements a very high standard or threshold the Commission must meet before it can institute safety improvements. Further, the rule requires a strict cost-benefit balance, something the courts have not found is required by the Atomic Energy Act or the Administrative Procedure Act. Contrary to Chairman Palladino's assertion, the Commission cannot decide whether to follow these new, more stringent requirements in individual rulemaking proceedings on a case-by-case basis. This regulation now becomes binding on the Commission, and must be followed in all future rulemakings.

In addition to this, the backfit rule applies to staff interpretations of Commission rules. By the rule's literal terms, any staff interpretation of a Commission rule would also have to meet the requirements of the backfit rule. Thus, the Commission would be required to meet a high threshold and perform a cost-benefit balance for any rule it issues, and the staff would then have to again meet the same high threshold and perform a new cost-benefit balance before it could interpret that rule. That is absurd, but that is what the rule appears to require.

Even if rulemaking were not to be included within the scope of this rule, staff interpretations of Commission rules would be. This presents an interesting dilemma. The Commission's 1985 Policy and Planning Guidance states: "The Commission intends to shift its regulatory emphasis away from detailed, prescriptive requirements toward performance criteria." See, NUREG–0885 Issue 4, "U.S. Nuclear Regulatory Commission Policy and Planning Guidance 1985." This means that new rules will tend to be general in nature. It is difficult for safety reviewers and inspectors to review and inspect generalities. They need to develop positions on acceptance criteria, hardware requirements, applicable quality assurance provisions, technical specifications, etc. The rule would require that these interpretations meet the requirements of the backfit rule. Thus, if rulemakings are outside the scope of the backfit rule, but interpretations of those rules are not, it may create a situation where the staff cannot adequately interpret the rule because the interpretations would not meet the backfitting requirements, even though the Commission's rule has been otherwise legally promulgated.

If these are the results the Commission intended, then the Commission's backfit rule makes no sense whatsoever. If this is not what the Commission intended, then the Commission should make that absolutely clear. Such ambiguities do nothing but provide fodder for litigation. These problems illustrate further how poorly written and how poorly explained is this rule. These are the kinds of issues one should not have to make guesses about.

It is interesting to note that my colleagues constantly complain about the length and over-legalization of the licensing process, often arguing that there are too many procedures and that the process is too formal. Yet, those same Commissioners who want to make the licensing process as simple and informal as possible have here added layer upon layer of procedures to the backfitting process. In fact, they have added procedures far beyond those which are legally required, and in the process have added new opportunities for litigation.

Barrier to Improved Safety

The Commission's rule sets up a threshold standard that the Commission must meet before it can adopt new safety requirements. Under this rule, the Commission cannot reduce the radiological risks to the public unless it first determines that a proposed safety improvement provides a "substantial increase in the overall protection of the public health and safety or the common defense and security." Section 50.109(a)(3). Thus, the Commission creates a significant barrier to reactor safety improvements.

The Commission's explanaton in the statement of considerations of what it means by "substantial increase" is so unclear as to be useless. However, an indication of what the Commission really intends can be found in the Commission's recent Indian Point decision. 21 NRC 1043. In that proceeding, the Commission's technical staff and Licensing Board urged the Commission to require a set of safety improvements for the reactors sited at the most highly populated locations in this country. Upon learning that those improvements only cut the risks to the public in half, the Commission rejected them as not providing a "substantial" increase in protection. 21 NRC 1043.

I would prefer a standard which does not set such a high threshold for the imposition of safety improvements. In fact, I proposed such a standard. Under my proposed standard the Agency would require improved safety upon a determination that a proposed measure provides a net increase in the protection of the public health and safety and that the costs of this improvement are not incommensurate with the increased protection. This standard would allow more improvements in safety than would the Commission's standard but would still exclude proposed changes which would result in only trivial safety improvements. The Commission rejected this standard because it does not present a high enough barrier to block new safety requirements. Apparently, the Commission is interested in more than simply bringing discipline to the backfitting process. Rather, it is really interested in tying its own and the staff's hands to restrict the number of safety improvements. If the Commission really only wanted discipline and sound thinking to be brought to the backfitting process, it would not feel the need to propose such a stringent threshold for safety improvements.

Tipping the Scale Against Safety

The rule specifies nine factors that "are to be used as balancing mechanisms in the decisionmaking process for backfitting". See, § 50.109(c) for list of factors. If one cuts through the extraneous matter in that section of the rule, one finds that the Commission requires cost-benefit analyses to be performed on all proposals for backfits. Of course, in cost-benefit analyses the bottom line depends on what factors one chooses to put on the scale.

Not satisfied that a high threshold standard will sufficiently limit the number of backfits, the Commission has also decided to stack the cost-benefit balance. The only benefit the Commission is able to identify as being appropriately considered in decisions on whether safety should be improved is the "potential change in the risk to the public from the accidental off-site release of radioactive material." Section 50.109(c)(3). Risk is typically defined as the probability of an accident multiplied by the consequences, with the latter expressed as the collective dose to the public (person-rem). However, even here the Agency's typical practice is to ignore societal doses beyond a 50-mile radius. As calculations of accident consequences indicate, this procedure captures less than half of the health consequences of core meltdown accidents.

The Commission refuses to include among the "balancing factors" the averted costs of off-site property damage resulting from radiological releases. The Commission does not seem to realize that core meltdown accidents can contaminate off-site property to hazardous radiation levels and that there is a real benefit in preventing that from occurring. Averting the necessity to decontaminate such property is a real benefit of backfits which lessen the likelihood of off-site releases of radioactive materials. Since these costs in some instances substantially exceed the monetized value of averted health effects resulting from accidents, the Commission has no defensible basis for omitting from the "balancing factors" off-site property decontamination costs.

The Commission also rejects the inclusion of the benefits derived from averting damage to the plant itself. The TMI-2 accident, which apparently did not result in extensive melting of the reactor core or substantial offsite releases of radioactivity, resulted in billions of dollars in plant damage, plant clean-up and power replacement costs. The Commission's rule fails to recognize that preventing such costs has a public benefit. The Commission chooses to ignore averted replacement power costs associated with safety improvements that prevent accidents. However, in order to inflate the costs side of the equation which weighs against backfitting, the rule requires consideration of the replacement power costs for the facility downtime associated with implementing a backfit.

At the same time the Commission ignores the benefits of backfits, the Commission tries to include every conceivable "cost" of the backfit in the balance. The rule includes costs such as installation and other costs associated with physically changing the plant; the cost of facility downtime, e.g. replacement power costs, etc; the cost of construction delay; and, radiological impact on facility employees. The Commission has even thrown the cost to the NRC (resource burden on the NRC) into the balance. Obviously this stacking of the deck against safety improvements indicates once again that the Commission is interested in more than just adding discipline to the backfitting process.

The Commission majority tries to argue that the balance of costs and benefits is not slanted because other benefits beyond those enumerated in the rule can be considered. Their own actions contradict this argument. In adopting this rule, the Commission majority expressly rejected proposals to include additional health and safety and economic benefits of proposed backfits that would have resulted in a fair and even-handed consideration of *all* relevant costs and benefits. Given its own actions, the true intent of the Commission majority is beyond doubt.

Reliance on Indefensible Analyses

The Commission's rule places great reliance on Probabilistic Risk Analyses (PRA's). In determining the "change in risk" as required by this rule, the Commission intends to rely on the bottom-line results of PRA's. Unfortunately, numbers produced by these analyses amount really to only estimated guesses; yet, the Commission intends to rely heavily on these numbers, which nearly all PRA

practitioners agree are unreliable, in determining whether to require improvements in safety.

Preparation of a PRA requires that the analyst calculate the core meltdown probability. Given a particular core meltdown scenario, the analyst must then calculate the containment failure mode, the quantity of radioactive fission products released from the containment (the "source term"), the dispersion of the fission products in the atmosphere and finally the radiation doses to the public. The calculated probabilities from all of the above are multiplied by the aggregate doses to the public. This is the risk to the public.

To calculate the change in risk, as required by this rule, the analyst must first calculate the risk to the public before a proposed safety improvement is implemented, and then calculate the risk assuming the improvement is made. Unfortunately the necessary calculations cannot be made based on data, and scientifically accepted principles and methodologies. Because of major inadequacies in the data base, because of the vast complexity of nuclear plants, because a tremendous number of assumptions must be made, because all contributors to risk cannot be quantified and because core meltdown phenomena are poorly understood, no one calculation of risk yields a remotely meaningful value of risk. I discussed the meaningless nature of these risk estimates in more detail in my separate views on the Severe Accident Policy Statement.

Our experience with the Davis Besse plant provides an excellent example of the inadequacies of PRA's for truely predicting risk. It also illustrates the shortcomings of a system which relies heavily on strict cost-benefit balances for making decisions on safety improvements. The Davis Besse plant has one of the most (if not the most) unreliable emergency feedwater systems (EFS) of any nuclear plant in this country. The NRC staff has been trying to require Davis Besse to upgrade its EFS reliability. However, for the last several years, the licensee has been using reliability and cost-benefit analyses to argue that substantial upgrades should not be required. Two independent reliability analyses (one by the utility and one by the NRC staff) were performed on the EFS at Davis Besse. The results of these two studies differed by a factor of 100 in their estimate of the reliability of the systems. The studies also differed on what was the most cost-effective way to upgrade the system. The utility argued that its cost-benefit analyses showed that only some low-cost minor changes were justifiable while the staff argued that its cost-benefit analyses supported more significant modifications. Because the Commission-required cost-benefit analyses could not demonstrate the necessity of a particular way to upgrade the EFS reliability, the staff could not require a substantial upgrade of that system even though the plant continued to operate with an unreliable but crucial safety system during the several years of the PRA debate between the staff and the utility.

The June 9, 1985 Davis Besse event demonstrated that the PRA analyses were wrong. Davis Besse had a loss of all feedwater that involved the failure of 14 separate pieces of equipment. (See, NUREG–1154, "Loss of Main and Auxiliary Feedwater Event at the Davis-Besse Plant on June 9, 1985"). The event led the Agency's chief safety officer to observe: "I believe that the recent Davis-Besse event illustrates that, in the real world, system and component reliabilities can degrade below those we and the industry routinely assume in estimating core melt frequencies." (See memorandum from Harold R. Denton to William J. Dircks, dated June 27, 1985). Further, it appears that the steam and feedwater rupture control system had a significant role in causing the loss of emergency feedwater. Yet that system was not even included as a possible contributor to the unreliability of the emergency feedwater system in either of the independent reliability studies. Despite this clear evidence of the weaknesses in PRA studies and their potential for manipulation and distortion, the Commission persists in using them and in requiring their use by the staff in this rule as the basis for deciding on safety improvements.

Although this rule will have a negative impact on all aspects of the Commission's reactor safety activities, its effects are likely to be greatest in the area of improving human performance. Recent operating experience indicates that roughly half of all significant operating events can be traced to inadequate human performance in such areas as reactor operations, surveillance testing and maintenance. A number of the Commission's post-TMI requirements have focused on human performance, but recent operating experience demonstrates the need for further improvements in this area. Indeed, virtually all members of the Commission have advocated further measures to improve the qualifications, experience and training of plant personnel. Specifically, members of the Commission have spoken in favor of increasing the engineering knowledge and skills of plant operators and requiring the use of plant-reference simulators for operator training and testing. Common sense and sound engineering judgment tell us that such measures will have a positive effect in improving plant performance. Yet, it will be especially difficult to assess how such proposed requirements will reduce the risk of a core melt accident which might result in harm to the public. Thus, the practical effect of this rule will be to thwart the efforts of the NRC staff to develop new safety requirements in the area of human performance where such requirements could be of the greatest safety benefit.

Ignoring Uncertainties

The Commission also fails to deal with the huge uncertainties associated with the risks of nuclear reactors. The actual risks could be up to 100 times the value frequently picked by the Commission. One would think that the uncertainties about the level of safety achieved at the operating reactors would have a bearing on whether reactor safety should be improved. I proposed that the Commission articulate its expectations on the handling of uncertainties in the backfitting decisionmaking process before allowing this rule to become effective. The Commission rejected my proposal. There is no reference in this rule to uncertainties in reactor risks or to how uncertainties are to be factored into safety decisions. The Commission's silence simply reaffirms its practice of ignoring the enormous uncertainties in nuclear risks when deciding whether to improve the protection of the public health and safety.

Selective Application of the Rule

The Commission's stated manner of applying this rule is also troubling. First, according to the statement of Considerations, a licensee may request an amendment to its license and the NRC staff is not required to consider whether the amendment represents a "substantial increase in the overall protection of the public health and safety." However, if the NRC staff wants to amend a license to establish a more stringent standard, the staff must first demonstrate that the amendment meets that backfitting standard. Thus, the rule stacks the deck in favor of the industry and against the NRC staff.

But more troubling is the Commission's apparent intent to apply this backfit rule with its high threshold and cost-benefit analysis only to those new Commission requirements which

are intended to improve safety. If one reads the Commission's rule literally, it applies to *any* change in Commission requirements, both a change to make requirements more stringent and one to relax requirements. Further, the Commission states in its statement of considerations: "[T]here is no intent on the part of the Commission to include within the scope of the exceptions (to the rule) new or modified interpretations of what constitutes no undue risk to the public health and safety. In such a case, the rule applies." All of this seems to indicate that the backfit rule applies across the board to new Commission regulations and interpretations.

However, the Commission's actions and rhetoric would seem to indicate otherwise. The Commission has been devoting and continues to devote considerable agency resources to relaxing the current emergency core cooling regulations and the emergency planning regulations. For example, the staff is developing new and relaxed (relative to the current staff position) acceptance criteria for emergency core cooling systems that would effectively allow the licensees to increase the power level of the operating reactors. Likewise, the Commission assigns resources to work on a rule that would allow less comprehensive evacuation planning. Both activities involve new or modified interpretations of what constitutes compliance, involve a modified interpretation of what constitutes "no undue risk," and do not fall within any of the exemptions to the backfit rule. Thus, if one reads the backfit rule literally, the Commission must determine that increasing the power level of reactors and diminishing the level of emergency preparedness result in a "substantial increase in the overall protection of the public health and safety or common defense and security." It would take quite a bit of convoluted argument to find that relaxing safety standards meets the rule's substantial increase requirement. One can only conclude that either the Commission is wasting resources on these activities or that it does not intend to apply the backfit rule to actions which *relax* existing safety standards.

This problem of interpretation is another example of how poorly thought out and how poorly written is this rule. The Commission should make clear exactly what is the scope of this rule, and should revise the rule accordingly. Otherwise, this apparent ambiguity once again produces nothing but fuel for litigation.

Conclusion

I might be as sanguine as is the Commission about the current state of reactor safety, and I might be willing to restrict the Commission's ability to require safety improvements if there were a clear understanding of the level of safety already achieved at plants and if that understanding demonstrated that the potential for severe accidents is indeed very remote. Unfortunately, the Commission does not have a clear understanding of the level of safety of current reactors.

The Commission does not know where we are on the learning curve for reactor performance, and there is a distinct possibility of one or more severe accidents in the foreseeable future. Operating experience indicates that a total loss of a safety system is not a rare event, that multiple independent failures do occur, that there are component and reliability problems, that operating practices are frequently deficient, and that there are a wide range of adverse systems interactions. The Commission is reluctant to face these facts and to demand improved safety because that might suggest to the public that the existing reactors are unsafe and might hinder the further development of the nuclear industry.

In my view, another severe accident may well bring to a halt further development of the nuclear industry and, if people are injured, may jeopardize continued operation of existing reactors. The Commission has said there is about a 50–50 chance of another severe accident in the next twenty years. The Commission finds that risk so acceptable that it can now, through this rule, put roadblocks in the way of further safety improvements. I find the Commission's actions to be not only unwise but harmful to the public interest and potentially hazardous to the public health and safety.

The Commission will next turn its attention to the forth and final action that will complete the framework for deciding whether the NRC and the industry will pursue safety issues before accidents occur, i.e. the Safety Goal Policy Statement. That will be the final opportunity to come to grips with the pivotal issues the Commission has steadfastly avoided over the last several years. As I wrote in my separate views on the Severe Accident Policy Statement, it is encouraging that there appears to be an emerging consensus within the NRC senior technical staff and within the ACRS in favor of safety improvements to reduce severe accident risks. However, it is dismaying that the Commission, having lost all sight of the broadest lessons learned from the TMI-2 accident, has chosen to hinder enhancing the protection of the public health and safety through this backfit rule.

Views of Commissioner Bernthal

I had fully expected to support the Commission's final rule on backfitting. Unfortunately, an eleventh-hour decision by the majority has added a destructive provision that at best can only confuse the public and our licensees by its misrepresentation of the role and options of the Commission in rulemaking; at worst it contains the seeds for rulemaking chaos, with litigative risks, unpredictability, and lengthened timetables that will result in more, rather than less uncertainty in the Commission's entire licensing and regulatory process. Such a backfitting rule is surely not in the public interest or in the interest of our licensees.

In a word, my principal quarrel with the rule adopted by the Commission is its inclusion of rulemaking in the definition of backfitting. Indeed, the mere idea of imposing its own rule on the statutory procedures for rulemaking as set forth in the Administrative Procedures Act should have given the Commission majority long pause, to say the least.

But in its apparent desire to appear to have voluntarily circumscribed its own authority and flexibility for rulemaking (when it cannot, of course, ultimately do so), the Commission has instead chosen to run the risk of creating new, legally binding requirements for rulemaking, requirements which will only widen the target for anyone seeking to challenge a final rule.

It is not even clear just who it is the Commission believes will be served by this action. Far from lending discipline and order to the rulemaking process, what the Commission majority has done will help insure that our often long and tortured consideration of rules will become even longer, more tortured, and more confusing. More ominously, should a future Commission find common-sense public health and safety measures unduly confused and obstructed by the backfit rule, it may in frustration choose simply to begin issuing by order "rules" that today would be subjected to the careful, disciplined process set forth in the Administrative Procedures Act.

The only rationale the majority has offered for wanting to include rulemaking under the backfit rule is to "discipline" the Commission (i.e., to protect the Commission from itself). If the Commission is incapable of disciplining itself in the rulemaking

process as it stands (what with the existing Committee to Review Generic Requirements and the Commission's incontestable authority and ineluctable responsibility to instruct the staff), then I doubt that rule laid upon rule will do much to teach the Commission the virtue of self-discipline.

More specifically, the Commission majority presumably knows that the backfit threshold criteria applied to rulemaking would apply not just on a plant-specific basis (which it should be recalled was the intent of the original backfitting initiative), but to *generic* decisions that may affect dozens of plants, and in fact to rulemaking on *all* but procedural matters, rulemaking that may or may not have the remotest connection to what the public and our licensees normally consider a plant "backfit". The scope of Commission rulemaking responsibilities thus often involves broad public policy considerations, and those considerations can rise above elements as simple as cost-benefit analysis to reach issues as fundamental as fairness and individual rights. The Commission's backfit rule, if applied to rulemaking itself, will thus serve only to trivialize in appearance and confuse in practice the many factors to be weighed in rulemaking.

As one small example of the morass into which the Commission majority has wandered, consider (as the Commission currently is considering) whether there should be a requirement that radiation workers be provided their dose records annually. The "benefit" of this "backfit" of Commission rules may seem clear, but it might very well never pass the cost-benefit test. Indeed, it is difficult to imagine a rule that would involve the human-factors element of plant operations, and that would also be amenable to straightforward cost-benefit analysis.

Rulemaking as it exists involves numerous inherent procedural checks and balances to insure that each proposal is carefully considered prior to adoption. Indeed, rulemaking is the forum which provides the greatest number of checks against arbitrary action by the Staff or Commission. Much of the analysis (*including* cost-benefit) which the new backfitting rule would require is already done informally throughout the process of considering and adopting new regulations.

If the Commission wishes to insure still more structure in the rulemaking process, structure which could take into account every single factor set forth in the backfit rule and more, there are ample means of doing so by simple internal agency management. Such methods would reaffirm existing Commission guidelines to the Staff without opening the door to additional needless litigation as a consequence of vague new, legally enforceable, Commission-created rights added to those already available to all parties under the APA.

The entire backfit rulemaking was undertaken to bring order and accountability to plant modifications heretofore sometimes imposed without the benefit of systematic evaluation and justification. In rulemaking per se, that objective has always been well within the Commission's grasp—it is, after all, the Commission that makes rules. For good measure, the Commission also has the Administrative Procedures Act as a matter of law, and its own Committee to Review Generic Requirements as a matter of internal administrative policy to assist it in carrying out such considered decision-making. Casting the net of the new backfit rule over Commission rule-making (almost as an afterthought, as it happened in this case) is thus at best an exercise in pointless symbolism, and at worst potentially destructive of the Commission's entire rule-making process.

Unneeded law is bad law, and unneeded regulation is bad regulation. The Commission majority has imposed on this agency new regulatory obligations in rulemaking that are not only unneeded, but which the Commission majority itself hopes and trusts will be of little practical (i.e. legally enforceable) consequence. To the extent that this rule will affect rulemaking, it will therefore be a bad rule. In sum, the Commission majority has inexplicably insisted on fixing not only what is, but what ain't broke. I will not be a party to such poor judgment.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0011.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The affected facilities are licensed under the provisions of 10 CFR 50.21(b) and 10 CFR 50.22. The companies that own these facilities do not fall within the scope of "small entities" as set forth in the Regulatory Flexibility Act or the Small Business Size Standards set forth in regulations issued by the Small Business Administration in 13 CFR Part 121.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Nuclear power plants and reactors, Hazardous waste.

10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 2 and 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Sec. 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 40.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68

Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.54, paragraph (f) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(f) The licensee shall at any time before expiration of the license, upon request of the Commission submit written statements, signed under oath or affirmation, to enable the Commission to determine whether or not the license should be modified, suspended or revoked. Except for information sought to verify licensee compliance with the current licensing basis for that facility, the NRC must prepare the reason or reasons for each information request prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such justification provided for an evaluation performed by the NRC staff must be approved by the Executive Director for Operations or his or her designee prior to issuance of the request.

* * * * *

3. In § 50.109, paragraph (a) is revised, paragraph (b) is removed, paragraph (c) is revised and redesignated as (b), and new paragraphs (c), (d) and (e) are added to read as follows:

§ 50.109 Backfitting.

(a)(1) Backfitting is defined as the modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility; any of which may result from a new or amended provision in the Commission rules or the imposition of a regulatory staff position interpreting the Commission rules that is either new or different from a previously applicable staff position after:

(i) The date of issuance of the construction permit for the facility for facilities having construction permits issued after October 21, 1985; or

(ii) Six months before the date of docketing of the operating license application for the facility for facilities having construction permits issued before October 21, 1985; or

(iii) The data of issuance of the operating license for the facility for facilities having operating licenses; or

(iv) The date of issuance of the design approval under Appendix M, N or O of this part.

(2) The Commission shall require a systematic and documented analysis pursuant to paragraph (c) of this section for backfits which it seeks to impose. Imposition of a backfit pursuant to paragraph (a)(4)(ii) of this section shall not relieve the Commission of performing an analysis after the fact to document the safety significance and appropriateness of the action taken.

(3) The Commission shall require the backfitting of a facility only when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection.

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section are inapplicable and, therefore, backfit analysis is not required and the standard does not apply where the staff finds and declares, with appropriate documented evaluation for its finding, either:

(i) That a modification is necessary to bring a facility into compliance with a license or the rules or orders of the Commission, or into conformance with written commitments by the licensee; or

(ii) That an immediately effective regulatory action is necessary to ensure that the facility poses no undue risk to the public health and safety.[3]

Such documented evaluation shall include a statement of the objectives of and reasons for the modification and the basis for invoking the exception.

(b) Paragraph (a) of this section shall not apply to backfits imposed prior to October 21, 1985.

(c) In reaching the determination required by paragraph (a) of this section, the Commission will consider how the backfit should be prioritized and scheduled in light of other regulatory activities ongoing at the facility and, in addition, will consider information available concerning any of the following factors as may be appropriate and any other information relevant and material to the proposed backfit:

(1) Statement of the specific objectives that the proposed backfit is designed to achieve;

(2) General description of the activity that would be required by the licensee or applicant in order to complete the backfit;

(3) Potential change in the risk to the public from the accidental off-site release of radioactive material;

(4) Potential impact on radiological exposure of facility employees;

(5) Installation and continuing costs associated with the backfit, including the cost of facility downtime or the cost of construction delay;

(6) The potential safety impact of changes in plant or operational complexity, including the relationship to proposed and existing regulatory requirements;

(7) The estimated resource burden on the NRC associated with the proposed backfit and the availability of such resources;

(8) The potential impact of differences in facility type, design or age on the relevancy and practicality of the proposed backfit;

(9) Whether the proposed backfit is interim or final and, if interim, the justification for imposing the proposed backfit on an interim basis.

(d) No licensing action will be withheld during the pendency of backfit analyses required by the Commission's rules.

(e) The Executive Director for Operations shall be responsible for implementation of this section and all analyses required by this section shall be approved by the Executive Director for Operations or his designee.

4. In Appendix 0 to 10 CFR Part 50, a new section (8) is added to read as follows:

Appendix 0—Standardization of Design; Staff Review of Standard Designs

* * * * *

8. Information requests to the approval holder regarding an approved design shall be evaluated prior to issuance to ensure that the burden to be imposed on respondents is justified in view of the potential safety significance of the issue to be addressed in the requested information. Each such evaluation performed by the NRC staff shall be in accordance with 10 CFR 50.54(f) and shall be approved by the Executive Director for Operations or his or her designee prior to issuance of the request.

PART 2—[AMENDED]

5. The authority citation for Part 2 continues to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 84-615, 76 Stat. 408 (42

[3] For those modifications which are to ensure that the facility poses no undue risk to the public health and safety and which are not deemed to require immediately effective regulatory action, analyses are required; these analyses, however, should not involve cost considerations except only insofar as cost contributes to selecting the solution among various acceptable alternatives to ensuring no undue risk to public health and safety.

U.S.C. 2241); sec. 201, 88 Stat. 1342, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Sec. 2.101 as issued under secs. 52.62, 63.81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 102, Pub. L. 91-190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97-415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200-2.206 also issued under secs. 186, 234, 68 Stat. 955, 83 Stat. 444, as amended (42 U.S.C. 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.300-2.309 also issued under Pub. L. 97-415, 96 Stat. 2071 (42 U.S.C. 2133). Sections 2.600-2.606 also issued under sec. 102, Pub. L. 91-190, 83 Stat. 853 as amended (42 U.S.C. 4332). Sections 2.700a, 2.781 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85-256, 71 Stat. 579, as amended (42 U.S.C. 2039). Appendix A also issued under sec. 6, Pub. L. 91-580, 84 Stat. 1473 (42 U.S.C. 2135).

6. Section 2.204 is revised to read as follows:

§ 2.204 Order for modification of license.

The Commission may modify a license by issuing an amendment on notice to the licensee that the licensee may demand a hearing with respect to all or any part of the amendment within twenty (20) days from the date of the notice or such longer period as the notice may provide. The amendment will become effective on the expiration of the 20-day period during which the licensee may demand a hearing. If the licensee requests a hearing during this 20-day period, the amendment will become effective on the date specified in an order made following the hearing. When the Commission finds that the public health, safety, or interest so requires, the order may be made immediately effective. If the amendment involves a backfit, the provisions of § 50.109 of this chapter shall be followed.

Dated at Washington, D.C., this 17th day of September, 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-22572 Filed 9-19-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulation No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Listing of Impairments—Mental Disorders

Correction

In FR Doc. 85-20552 beginning on page 35038 in the issue of Wednesday, August 28, 1985, make the following corrections:

1. On page 35040, third column seventh line from the bottom, "of" should read "or".

2. On page 35044, first column, in the fourth *Comment*, sixth line, insert the word "only" between "if" and "one".

3. On page 35045, third column, in the third *Comment*, sixth line, "by" should read "be".

4. On page 35046, first column, in the fourth *Comment*, second line from the bottom, "patient's" should read "patients".

5. On page 35048, first column, in the second *Comment*, first line, "larger" should read "large".

6. On page 35049, first column, in the first *Response*, twelfth line, "necessary" should read "necessarily".

7. On the same page, second column, in the first *Response*, second line from the bottom, "individual" should read "individuals". Also, in the third column, "*12.04 Mental Retardation*" should read "*12.05 Mental Retardation*".

8. On page 35066, third column, first complete paragraph, "including" should read "include".

BILLING CODE 1505-01-M

20 CFR Part 404

Social Security Benefits; Coverage of Employees of Private Nonprofit Organizations, Work Outside United States, Etc.

Correction

In FR Doc. 85-21321, beginning page 36571 in the issue of Monday, September 9, 1985, make the following corrections:

On page 36572, first column, in the **DATES** paragraph:

1. In the first and second lines, "(insert date of publication)" should have read "September 9, 1985":

2. In the eleventh line "received" should have read "receive".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject To Certification; Flunixin Meglumine Paste

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 a new animal drug application (NADA) filed by Schering Corp., providing for flunixin meglumine paste. The paste is for oral use in horses to alleviate inflammation and pain from musculoskeletal disorders.

EFFECTIVE DATE: September 20, 1985.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Center for Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: The Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, has filed NADA 137-409 for Banamine® Paste (flunixin meglumine). Flunixin meglumine paste is for the alleviation of inflammation and pain associated with musculoskeletal disorders in horses. The NADA is 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 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application 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 agency has determined under 21 CFR 25.24(d)(1)(iii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 520.970 [Redesignated as § 520.970a]

2. Part 520 is amended by redesignating § 520.970 as § 520.970a and by adding new § 520.970 and § 520.970b, to read as follows:

§ 520.970 Flunixin oral dosage forms.

§ 520.970a Flunixin meglumine granules.

* * * * *

§ 520.970b Flunixin meglumine paste.

(a) *Specifications.* Each 30-gram syringe contains flunixin meglumine equivalent to 1,500 milligrams of flunixin.

(b) *Sponsor.* No. 000085 in § 510.600(c) of this chapter.

(c) *Conditions of use. Horses*—(1) *Amount.* 0.5 milligram of flunixin per pound of body weight daily.

(2) *Indications for use.* For alleviation of inflammation and pain associated with musculoskeletal disorders.

(3) *Limitations.* For oral use only. Treatment should not exceed 5 consecutive days. The effect of this drug on pregnancy has not been determined. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: September 12, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-22474 Filed 9-19-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject To Certification; Stanozolol Chewable Tablets

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 a new animal drug application (NADA) filed by Sterling Drug, Inc., providing for use of a 2 milligram (mg) stanozolol chewable tablet as an anabolic steroid treatment in dogs.

EFFECTIVE DATE: September 20, 1985.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Sterling Drug, Inc., 90 Park Ave., New York, NY 10016, is the sponsor of NADA 135-544 providing for the use of a 2 mg chewable tablet containing stanozolol as an anabolic steroid treatment in dogs. The drug is presently approved for such use as a 2 mg nonchewable tablet.

The NADA is approved and the regulations are amended to reflect this approval. The basis of approval is discussed in the freedom of information summary referred to below.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application 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 agency has determined under 21 CFR 21.24(d)(1)(iii) (April 26, 1985; 50 FR 16636) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 520

Animal drugs, oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 520 continues to read as follows:

Authority: Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 520.2150 [Redesignated as § 520.2150a]

2. Part 520 is amended by redesignating § 520.2150 as § 520.2150a and by adding new § 520.2150 and § 520.2150b to read as follows:

§ 520.2150 Stanozolol oral dosage forms.

§ 520.2150a Stanozolol tablets.

* * * * *

§ 520.2150b Stanozolol chewable tablets.

(a) *Specifications.* Each chewable tablet contains 2 milligrams of stanozolol.

(b) *Sponsor.* No. 000934 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Used as an anabolic steroid treatment in dogs.

(2) Administered orally to small breeds of dogs, ½ to 1 tablet twice daily for several weeks; to large breeds of dogs, 1 to 2 tablets twice daily for several weeks.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: September 13, 1985.

Lester M. Crawford,

Director, Center for Veterinary Medicine.

[FR Doc. 85-22476 Filed 9-19-85; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 606 and 640

[Docket No. 80N-0120]

Current Good Manufacturing Practice for Blood and Blood Components; Uniform Blood Labeling

Correction

In FR Doc. 85-20739 beginning on page 35458 in the issue of Friday, August 30, 1985, make the following corrections:

1. On page 35460, in the third column, in the fourth complete paragraph, in the second line, "§ 606121(c)(6)" should read "§ 606.121(c)(6)".

2. On page 35463, in the third column, in the second paragraph, in the last line, "(e)(1)(ii)" should read "(e)(1)(iii)".

BILLING CODE 1505-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 590

[Docket No. R-85-1177; FR-1624]

Urban Homesteading Program; Deregulation and Implementation of 1983 Statutory Amendments; Correction

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule published in the **Federal Register** on June 24, 1985 (50 FR 25941), that revised certain procedures governing the Urban Homesteading Program. Section 590.11(b) of that final rule, "Annual Request for Program

Participation," set out notification requirements for applicants that had been previously approved to participate in the Urban Homesteading Program and that wished to continue participating. The reapplication requirement was intended to reduce the burden of the application process for continuing participants. The purpose of this document is to adjust the language of § 590.11(b) to make it clear that the reduced reapplication requirements would only be available in years following the year that the initial application for a local urban homesteading program was filed under the revised regulations, *i.e.*, every applicant, regardless of previous participation in the program, must at least once, after the effective date of this rulemaking (August 2, 1985), complete an application containing the material described in § 590.11(a).

FOR FURTHER INFORMATION CONTACT: Richard Burk, Director, Urban Homesteading Program, Department of Housing and Urban Development, Room 7168, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5324. (This is not a toll-free number.)

Accordingly, the following correction is being made to FR Doc. 85-15072 appearing in the **Federal Register** of June 24, 1985 on page 25941:

PART 590 [CORRECTED]

On page 25946, § 590.11(b) is corrected to read as follows:

§ 590.11 Applications.

* * * * *

(b) *Annual Request for Program Participation.* To participate in the Urban Homesteading Program in fiscal year 1987 or thereafter, an applicant that has been approved by HUD under paragraph (a) of this section after August 2, 1985 to participate in the Urban Homesteading Program shall notify the HUD Field Office in writing on or before August 1, 1986 and on or before August 1 of each succeeding year if it wishes to continue in the program. At the same time, the applicant shall notify HUD of its estimate of the section 810 funds to be used during the upcoming Federal fiscal year, along with an explanation of the basis for the estimate.

Authority: Sec. 810 of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: September 16, 1985.

Alfred C. Moran,

Assistant Secretary for Community Planning and Development.

[FR Doc. 85-22496 Filed 9-19-85; 8:45 am]

BILLING CODE 4210-29-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the Tampa, Florida Office of Community Relations as a 706 Agency.

EFFECTIVE DATE: September 20, 1985.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Systemic Investigations and Individual Compliance Programs, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovermental relations.

PART 1601—PROCEDURAL REGULATIONS

Accordingly, Title 29, Chapter XIV of the Code of Federal Regulations, 29 CFR 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * * Tampa, Florida Office of Community Relations

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a))

Signed at Washington, D.C. this 12th day of September, 1985.

For the Commission.

James H. Troy,

Director, Office of Program Operations

[FR Doc. 85-22571 Filed 9-19-85; 8:45 am]

BILLING CODE 6570-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 153

[OPP-60010; PH FRL-2799-4]

Reporting Requirements for Risk/Benefit Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Interpretive Rule and Statement of Policy.

SUMMARY: This rule is issued under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. This rule codifies EPA's existing interpretation of what information FIFRA section 6(a)(2) requires to be reported to EPA. The reasoning supporting this interpretation appears in full in the **Federal Register** of August 23, 1978 (43 FR 37611). This rule also amends and codifies a statement of EPA enforcement policy regarding which failures to report information, or delays in reporting, will be regarded by EPA as actionable violations of FIFRA section 6(a)(2). The statement of policy originally appeared in the **Federal Register** of July 12, 1979 (44 FR 40716). The amendments provide that failures to submit certain information concerning pesticide residues in food, feed, water, or the environment will now be regarded as actionable violations, and shorten the period to 15 working days within which most information must be reported to EPA by the registrant.

To facilitate prompt review of information indicating potential for significant consequences to health and the environment this rule will incorporate criteria developed to specify studies which must be flagged by registrants for EPA's attention when submitted. A new 40 CFR Part 153 is established to contain this rule and other interpretive rules or statements of policy concerning FIFRA which EPA may desire to codify.

DATE: This rule becomes effective at the end of 60 days of continuous session of Congress subsequent to the date of promulgation. After that period has elapsed EPA will issue for publication in the **Federal Register** a notice announcing the effective date of this rule. Comments on the flagging provisions should be submitted on or before November 19, 1985.

ADDRESS: Submit three copies of comments, identified with the document control number OPP 60010—

By mail, to: Information Services Section, Program Management and

Support Division (TS–757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: David Alexander, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 1114C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–3942).

SUPPLEMENTARY INFORMATION:

I. History

Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 138d(a)(2), states: "If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide he shall submit such information to the Administrator."

Section 6(a)(2) requires each registrant to submit any item of information in his possession which pertains to a pesticide product for which he holds a registration and which, if true, would be relevant to an evaluation of the risks and benefits of the pesticide product. Information consisting solely of unsolicited lay opinion or which has been previously submitted is an exception to this policy.

EPA issued a memorandum prepared by the EPA General Counsel and adopted by the Administrator as the Agency's "Interpretation of Requirements Imposed on Registrants by Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act." The interpretation was published in the **Federal Register** on August 23, 1978 (43 FR 37611) and explained in detail the Agency's views concerning proper interpretation of the statutory reporting requirement established by section 6(a)(2).

The conclusions in the August 1978 interpretation were based on the pertinent legislative history and on the principle that the language of section 6(a)(2) should be construed consistently with the overall regulatory approach established by Congress. The Agency concluded that section 6(a)(2) requires each registrant to submit any item of information in his possession which pertains to a pesticide product for which he holds a registration and which, if true, would be relevant to an evaluation of the risks and benefits of the pesticide product unless such information consists solely of unsolicited lay opinion or has been previously submitted. These conclusions now appears in §153.66 of this rule.

The August 1978 interpretation rejected the notion that Congress intended that section 6(a)(2) be given a narrow or restrictive reading. The Agency's broad interpretation was upheld by the U.S. District Court for the District of Columbia in a challenge brought by the Chemical Specialties Manufacturers Association (CSMA) and National Agricultural Chemicals Association (NACA). *Chemical Specialties Manufacturers Association (CSMA) v. EPA*, 484 F. Supp. 513 (D.D.C. 1980).

Although the court agreed with EPA in most respects, it disagreed on two points: it said that information which was expert opinion was not "factual" in nature within the meaning of section 6(a)(2), and that information concerning benefits was not covered. Because the court's actual order held without qualification in favor of EPA, EPA could not appeal these two points. (EPA submitted a motion for reconsideration on these two issues but the motion was denied without opinion.) Accordingly, EPA and the Department of Justice believe that EPA is free to take the position that expert opinion evidence and benefits data are covered by section 6(a)(2) despite the *dicta* in *CSMA*, and EPA continues to take this position.

The August 1978 interpretation did note that:

> The Agency might conclude that although information of a certain kind is subject to the section 6(a)(2) reporting requirement (as interpreted by this memorandum), registrant reporting of that kind of information is not essential to the Agency's functions * * * In such a case, it woud be appropriate for the Agency to announce publicly (by **Federal Register** notice or otherwise) that it will not consider a registrant's failure to submit that kind of information to be an actionable violation of section 6(a)(2).

On July 12, 1979, before the *CSMA* decision was issued, EPA issued its first statement of enforcement policy regarding particular types of information which, though arguably pertinent to evaluation of risks and benefits and otherwise reportable under section 6(a)(2), were not needed by EPA in order to discharge properly its statutory responsibilities under FIFRA, and thus need not be submitted by registrants (44 FR 40716). This rule revises that statement and, as revised, constitutes a statement of all information EPA now wants submitted under section 6(a)(2). EPA does not intend to alter or amend in any way its existing interpretation of the requirements imposed on registrants by section 6(a)(2), but rather to specify, until further notice, certain instances in which a registrant's failure to submit information to EPA will not be treated as an actionable violation of section 6(a)(2).

II. Summary of the Rule

FIFRA Section 6(a)(2) was enacted to ensure that EPA promptly receives any data indicating that might lead EPA to conclude use of a pesticide may pose unreasonable adverse effects. The amounts of data to which Section 6(a)(2) may apply is increasing rapidly, because vast quantities of data are being generated in response to the Agency Data Call-in and Registration Standards programs. The Agency thus believes that it would be useful, by this notice, to reiterate and clarify for registrants the scope of their 6(a)(2) responsibilities, and to include the Agency's interpretation in the Code of Federal Regulations for easier access.

Section 6(a)(2) requires submission only of existing data or information known to the registrant. Much of the information required to be submitted under section 6(a)(2) eventually might be submitted under the Data Call-in and Registration Standards programs. However, the Agency believes that early receipt of information under section 6(a)(2), even preliminary data from toxicological studies, is important. For example, receipt of such data permits EPA to determine whether additional information, such as exposure data, needs to be generated in order to accurately assess the risks of the pesticide once the final study is submitted. Similarly, early receipt permits early generation of benefits data so that EPA can conduct a risk/benefit analysis and take appropriate regulatory action as soon as the final toxicological data is received. Prompt reporting of

other types of information not normally required under the data call-in or registration programs (such as human exposure incidents) permits EPA to promptly investigate such incidents and take further action as needed.

In addition to clarifying in this rule what information must be submitted under section 6(a)(2), the Agency believes that there are classes of studies which should receive prompt attention by the Agency, whenever they are submitted to EPA. To facilitate identification of these classes of studies, the Agency has developed scientific criteria for use by registrants to flag certain studies for EPA's immediate attention. It is important to note that, because of the nature of the criteria outlined later in this preamble, not all data required to be submitted pursuant to section 6(a)(2) would meet these criteria nor would all studies meeting these criteria need to be submitted under section 6(a)(2). Through a companion proposed bill (to be issued in the **Federal Register** shortly), the Agency will require registrants to apply these criteria to all data submitted pursuant to the Data Call-in and Registration Standards programs. Through this notice, EPA is encouraging registrants to apply the flagging criteria to submissions under section 6(a)(2) so that the most significant adverse effects data can be addressed expeditiously.

In summary, to ensure receipt of the data the Agency needs and to facilitate prompt review of that data, EPA is in this notice:

1. Emphasizing to the regulated community the seriousness with which the Agency views the provisions of FIFRA section 6(a)(2) by reissuing the 1978 interpretation and 1979 statement of enforcement policy and fostering their use by consolidating and codifying them into a new Part 153 of Title 40 of the Code of Federal Regulations.

2. Modifying the 1979 enforcement policy to provide for submission of information on pesticide residues in the environment.

3. Modifying the 1979 enforcement policy to provide for receipt of most information by EPA within 15 working days of receipt by the registrant.

4. Providing practical guidance to registrants on how information should be submitted to the Agency.

A summary of the provisions of the rule follows. Although the summary of most sections is brief, revisions of existing policy are noted and discussed in greater detail.

Section 153.61 simply provides a direct quotation of FIFRA section 6(a)(2).

Section 153.62 cross-references the definitions found in FIFRA and 40 CFR Part 162. A definition is specifically provided for the term "registrant."

Section 153.63 explains who must submit information to EPA. Although FIFRA section 6(a)(2) imposes that responsibility on the registrant, FIFRA section 14(b)(4) makes it clear that an act or omission of any employee or agent of a registrant, or of any person acting for a registrant, is to be regarded as the act or omission of the registrant.

Section 153.64 explains when information must be submitted to EPA. The Agency has consistently interpreted FIFRA section 6(a)(2) to require submission of information when the registrant first comes into possession of or knows of such information. However, in the exercise of its enforcement discretion, the Agency provided additional time frames for the submission of certain information in its July 1979 policy notice. EPA is now revising that policy to provide for a maximum delay of 15 working days for the submission of all types of reportable information, with one exception. The exception relates to certain information from incomplete toxicological studies. These studies are covered in § 153.70(a) (1) and (2) and must be submitted in accordance with the time limits which appeared in the July 1979 policy notice, which were designed to encourage completion of studies. As to all other information, if the registrant wants to conduct an investigation to confirm the factual nature of a report, he may do so, but the report still must be received by EPA not later than the 15th working day after the date the registrant obtained the information.

EPA is changing the time limits regarding submission of information, other than incomplete toxicological information, to 15 working days so as to be consistent with EPA policy regarding submission of similar information under section 8(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607; see also the statement of the Agency's section 8(e) interpretation and enforcement policy published in the **Federal Register** of March 16, 1978 (43 FR 11110).

Consistent with the TSCA section 8(e) statement and the provisions of FIFRA section 14(b)(4), a registrant is considered to have obtained or received information at the time any officer, employee or agent capable of appreciating the significance of that information first possesses or knows of it. By linking the reporting period to possession or knowledge of pertinent information by an individual "capable of appreciating [its] significance", the Agency recognizes that there may be situations where, through inadvertence, pertinent information is delayed in reaching the appropriate individual within a registrant's organization. However, the Agency will not tolerate abuse of this provision. In monitoring a registrant's compliance, EPA will look behind any delays that do occur in order to determine whether the registrant has established and followed procedures for expeditiously processing pertinent information, and will take this into account when making enforcement decisions. In this same regard, the Agency will hold the registrant responsible for reporting information which a prudent person similarly situated could reasonably be expected to possess or have knowledge of. Registrants must recognize and accept responsibility for becoming cognizant of pertinent information which their officers, employees or agents possess or know of, and for ensuring that such information is submitted to EPA within the prescribed reporting periods.

The Agency believes 15 working days are sufficient to accomplish the investigations permitted before information of the type covered by this rule is submitted. Even where a 15-day period is insufficient to complete an investigation, EPA believes it is important that registrants provide early notification to EPA so the Agency is apprised of a potential problem while its scope is being defined.

Section 153.65 contains practical guidance for registrants on how information should be submitted to the Agency. Consistent with Agency policy for TSCA section 8(e), § 153.65(c) states that submissions should contain the name of the submitter, the company name and number, the date of transmittal to EPA, and a statement that the information is being submitted in accordance with FIFRA section 6(a)(2). Section 153.65(e) provides a cross reference to so-called "flagging" requirements which EPA intends to apply to the submission of data under FIFRA sections 3(c)(1)(D) and 3(c)(2)(B). To facilitate prompt review of the information with the most significant consequences to health and the environment, EPA has developed criteria to specify studies which must be flagged for EPA's attention when submitted with registration applications and data call-in notices under FIFRA section 3. EPA intends to impose these requirements on material submitted under section 3 through promulgation of regulations and modification of current and future data call-in notices. Section 153.65(e) requires that information

submitted under this rule, comply, to the extent applicable, with those requirements when promulgated. Because the flagging criteria were developed for submissions made under FIFRA section 3, they may cover information which is not reportable under this rule. For example, a study demonstrating "solubility in water greater than 30 ppm" (Reporting Code 13) arguably may not have to be reported in some cases under section 6(a)(2); although where such a study was reported under section 6(a)(2), it should be flagged. Registrants are urged to follow these criteria immediately with respect to section 6(a)(2) submissions by alerting the Agency to any 6(a)(2) submissions which demonstrate possible adverse effects as specified in the chart below.

FLAGGING CRITERIA

Type of study (with section and reference numbers from 40 CFR 158)	Criteria	Reporting code
Oncogenicity (83-2) (or combined oncogenicity/chronic feeding or Subchronic feeding study (82-1) (§ 158.135).	When compared with controls, treated animals show any of the following effects:	
	Incidence of neoplasms which increase with dose, or	1
	Substantially increased incidence of neoplasms, or	2
	Marginal increases in neoplasms of several organs/tissues, or	3
	Increase in uncommon neoplasms, or	4
	Decreased time to tumor development	5
Teratology (83-3) (§ 158.135)	An association between treatment and an increase, compared with controls, in malformations (or death) on a fetus or litter basis in the absence of significant maternal toxicity at the same dose levels.	6
Neurotoxicity (81-7) (§ 158.135)	A positive effect when compared with controls	7
Chronic feeding study (83-1) or combined chronic feeding/oncogenicity study (§ 158.135).	Cholinesterase inhibition NOEL less than 10 times the current ADI.	8
	General toxicity NOEL less than 100 times the current ADI.	9
Reproduction study (83-4) (§ 158.135)	Reproductive effects NOEL less than 100 times the current ADI.	10
Subchronic feeding study (82-1) (§ 158.135)	Cholinesterase inhibition NOEL less than 200 times the current ADI.	11
	General toxicity NOEL less than 2,000 times the current ADI.	12
Solubility (63-8) (§ 158.130)	Solubility in water greater than 30 ppm	13
Leaching and adsorption/desorption (163-1) (§ 158.130).	K_d (soil-water partition coefficient) less than 5	14
Hydrolysis (161-1) (§ 158.130)	Half-life greater than 25 weeks	15
Aerobic soil metabolism (162-1) (§ 158.130)	Half-life greater than 3 weeks	16
Anaerobic soil metabolism (162.2) (§ 158.130)	Half life greater than 3 weeks	17
Field dissipation (164-1) (§ 158.130)	Half-life greater than 3 weeks	18
Octanol/water partition (63-11) (§ 158.120)	Coefficient greater than 1,000	19
Fish accumulation (165-4) (§ 158.130)	Ratio (ppm of substance in fish tissue to ppm in ambient water) greater than 1,000.	20
Avian oral Toxicity (71-1) (§ 158.145)	LD_{50} less than 100 mg/kg	21
Avian dietary toxicity (71-2) (§ 158.145)	LD_{50} less than 500 ppm	22
Acute fish and invertebrate toxicity (freshwater fish, 72-1; invertebrates (72-2) (§ 158.145)).	LC_{50} less than 1 ppm	23

Note.—Items with reporting codes 8, 9, 10, 11, and 12 require the submitter to compare (A) a no-observed effect level for the substance as derived from the study ("NOEL"), expressed in mg/kg bw/day, with (B) the acceptable daily intake for the substance currently established by EPA ("current ADI"), also expressed in mg/kg bw/day, which, if not known by the submitter may be obtained by the submitter from the appropriate EPA Product Manager

The flagging criteria require scientific judgment. If there is doubt or scientific disagreement about whether a study meets or exceeds a given criterion, the criterion should be interpreted to include rather than exclude the study, which should be flagged accordingly. For some guidance on criteria numbered 1 through 6, refer to the hazard evaluation identification sections of the Agency's Proposed Guidelines for Carcinogen Risk Assessment, 44 FR 46294, and Proposed Guidelines for Health Assessment of Suspect Developmental Toxicants, 49 FR 46325, both published in the **Federal Register** of November 23, 1984 (44 FR 46294 and 46325 respectively). Additional guidance may be found in "Standard Procedures for Teratology Studies" (Chitlik, L.D., Bui, Q.Q., Burin, G.J., and S.D. Dapson, Office of Pesticide Programs, EPA, 1984), and "Oncogenic Potential: Guidance for Analysis and Evaluation of Long Term Rodent Studies" (O.E. Paynter, Office of Pesticides and Toxic Substances, EPA, 1984). These documents are available from the Toxicology Branch, Hazard Evaluation Divison, Office of Pesticide Programs, EPA, 1921 Jefferson Davis Highway, Arlington, VA, Rm. 816.

Section 153.66 sets forth EPA's interpretation of the requirements of FIFRA section 6(a)(2). This interpretation originally appeared in the **Federal Register** of August 23, 1978 (43 FR 37611), together with a full discussion of the reasoning which supported it. In summary, under the Agency's interpretation, section 6(a)(2) requires the submission of any information on either the risks or benefits of a registered pesticide which, if true, would be relevant, either by itself or in conjunction with other information, to the terms and conditions of registration of the pesticide or to the question of whether the pesticide should be registered at all. EPA recognizes that, unless a complete investigation of certain reports has been conducted by the registrant, the information submitted, although relevant, may be regarded as preliminary.

It should be noted that § 153.66 represents EPA's interpretation of information required to be submitted by FIFRA, in contrast to information that must be submitted in order to avoid enforcement action under the policy set forth in §§ 153.67 through 153.78.

Section 153.67 explains what EPA will consider to be an "actionable violation" of FIFRA section 6(a)(2) in the exercise of its enforcement discretion, and discusses the consequences which may be faced by those registrants who violate section 6(a)(2). A registrant who violates FIFRA section 6(a)(2) commits an unlawful act under FIFRA section 12(a)(2)(N), 7 U.S.C. 136j(a)(2)(N), and may be subject to civil or criminal penalties including fines of up to $25,000 and imprisonment up to 1 year under FIFRA section 14 (7 U.S.C. 136(l)), whether or not the registrant directed that an employee or agent submit required information. Whenever this rule provides that a given failure to submit information will not be treated by EPA as an actionable violation of section 6(a)(2), it means that EPA will not recommend or seek to impose a civil or criminal penalty under section 14 or otherwise on the grounds that such a failure to submit information violates section 6(a)(2). This section of the rule also outlines the consequences of a violation of 18 U.S.C. 1001, which makes it illegal to submit false or misleading information to a Federal agency.

Sections 153.69 through 153.78 set forth EPA's enforcement policy regarding which failures to submit information will be regarded as actionable violations of FIFRA section 6(a)(2). Failure to submit, on time, information of the type described in §§ 153.69 through 153.78, and otherwise reportable under § 153.66, may result in the imposition of civil or criminal penalties, or both.

Sections 153.69 through 153.78 are designed to give clear and explicit guidance to registrants on those items of information which must be submitted in order to avoid enforcement action by EPA. These items include:

1. Toxicological studies (both completed and incomplete).
2. Epidemiological studies.
3. Efficacy studies.
4. Studies of dietary or environmental pesticide residue.
5. Toxic or adverse effect incident reports.
6. Failure of efficacy incident reports.
7. Dietary or environmental pesticide residue incident reports.

The provisions dealing with efficacy studies in § 153.72 have been revised to indicate that efficacy studies must be submitted where the information concerns any deficiency or reduction in the claimed efficacy of any use of a registered pesticide and such use is subject, among other things, to a Registration Standard (reregistration) proceeding.

Sections 153.73 and 153.77 contain new provisions requiring the submission of information from studies or reports or residues exceeding established levels on food or feed, or concerning any active ingredients, metabolities, or degradates or pesticides in ground water or elsewhere in the environment other than treated areas. The July 1979 policy did not specifically require submission of such information, but such data are now deemed important to EPA efforts to learn about and control pesticides in ground water and to verify or modify EPA's calculations of levels of exposure of the population to pesticides and assumptions about the ways in which pesticides are used. As noted in the example in § 153.73(d), the presence of pesticides or their metabolites or degradates in excess of "established levels" includes those situations where such residues were originally not anticipated, but are later detected.

The provisions which cover toxic effect incident reports in § 153.75(a)(1) have been revised to make it clear that the Agency is generally not interested in receiving reports concerning eye irritation when the pesticide label provides adequate notice of such a hazard.

Section 153.79 references the approval by the Office of Management and Budget of the information collection requests contained in this rule.

III. Submission of Public Comment

Because this rule consists of a general statement of policy and an interpretation of the statute, it is exempted from the notice and comment provisions of the Administrative Procedure Act by 5 U.S.C. 553(b)(3)(A). Nevertheless, interested parties may submit comments on this rule. EPA is especially interested in receiving comments on the flagging criteria specified in this preamble, and may revise them on the basis of the comments received.

Comments will be most helpful if they are received on or before September 15, 1985. EPA will evaluate the comments received and consider appropriate modifications to this rule.

IV. Public Comment Received

A draft version of this rule was made public in preparation for the review of the rule by the FIFRA Scientific Advisory Panel (SAP). The Panel, and all members of the public who requested it, received copies.

EPA received comments from the SAP and the National Agricultural Chemicals Association (NACA). Unit VI of this Notice addresses the comments received from the SAP. EPA's summary of and response to NACA's comments follows:

NACA requested that EPA clarify its intent regarding whether this rule "should be correctly characterized as an interpretive rule or regulation."

This rule does not impose any requirements in addition to those imposed by FIFRA section 6(a)(2); it consists of a general statement of policy and an interpretation of a federal statute of the type exempted from the notice and comment provisions of the Administrative Procedure Act (APA) by section 4(b)(3)(A) of the statute (5 U.S.C. 553(b)(3)(A)). This issue was decided in the Agency's favor by the court in *CSMA* v. *EPA*, 484 F. Supp. 513, 518. EPA notes that FIFRA, Executive Order 12291 and the Paperwork Reduction Act contain procedural requirements for actions such as this. Accordingly, EPA has complied with those requirements (see unit VI.) However, compliance with those requirements does not in any way give this action characteristics of a substantive rule that would require public comment under the APA.

NACA also suggested "that public comment . . . would benefit . . . a rule or regulation." As previously noted, this does not alter or amend in any way EPA's existing interpretation of the requirements imposed by section 6(a)(2). As regards the revisions to the Agency's enforcement policy incorporated in this rule, the Agency believes that review, prior to issuance, by the U.S. Department of Agriculture and FIFRA Science Advisory Panel provided an adequate opportunity for review of those revisions in a public forum. In addition, the Agency has reviewed and addressed the comments submitted by NACA and encourages NACA and all other interested parties to submit comments on this final rule (see Unit III above).

NACA's next comment expressed concern over possible confusion arising as a result of EPA's attempt to encourage registrants to comply with the flagging criteria included in Section III of this preamble when making submissions under FIFRA section 6(a)(2). NACA said—

> The flagging proposal only introduces confusion whether certain information is or is not the kind of information to be submitted under EPA's interpretation of section 6(a)(2).

In response to this concern EPA has revised the preamble discussion to make it clear that the flagging criteria are separate and distinct from a determination of whether the data must be submitted under FIFRA section 6(a)(2) or any other authority. The controlling language for 6(a)(2) submissions is the language of the statute and this rule, not the flagging criteria. There is a great deal of information which must be submitted under section 6(a)(2) to which the flagging criteria do not apply. There may also be certain studies which should be flagged when submitted under FIFRA section 3 for which no submission under section 6(a)(2) would be required. When issued in the form of a substantive rule, compliance with the flagging criteria would be mandatory. In this preamble, EPA urges that section 6(a)(2) submissions also be flagged as appropriate. Flagging would simply entail submission of an appropriate cover sheet with each study. All parties will have an opportunity to comment again on the flagging criteria when they are formally proposed in the **Federal Register.**

NACA also voiced concern that 15 days is too short or inflexible a period for "registrants to receive, verify and forward to the Agency the quantity of information received by registrants. . . . The requirement to contact every author of an erroneous study and receive written acknowledgement of error . . . is also virtually impossible."

EPA wishes to reemphasize that this rule imposes no blanket requirements for verification of reports received by registrants nor requirements that every author of a study be contacted. EPA has simply put registrants on a firm time schedule for submitting whatever information was received, so that EPA could determine its import. EPA has provided guidance on what registrants must show if they elect to discredit reports themselves. However, registrants cannot be permitted to elect to extend their own time schedules. Prompt notification of EPA will provide the Agency early notice and allow both

EPA and the registrant the opportunity to discuss how best to investigate the findings.

NACA stated that the longer time frames provided by the EPA 1979 enforcement policy for FIFRA section 6(a)(2) have been eliminated. In most cases, the 15-day period was substituted for the previous 30-day period so as to be consistent with similar procedures under the Toxic Substances Control Act which have been in effect since 1978, and to allow the earliest reasonable notification of EPA. Section 6(a)(2) requires submission of relevant information "at any time after the registration of a pesticide." The Agency interprets this as a requirement for immediate reporting of covered information, but has provided a 15-day grace period as an exercise of its enforcement discretion. Longer time frames of up to 1 year were provided in the 1979 rule for incomplete toxicological studies so that there would be enough time for completion of the studies, while ensuring that submission of undesirable information could not be avoided by leaving studies incomplete. These longer time frames of up to 1 year remain in this rule for the same types of studies.

NACA expressed concern over the "apparent retroactive effect for submitting information, for example, when a product enters registration standard, special review, suspension or cancellation proceedings without the exceptions that EPA has read into the statute under other circumstances."

The comment refers to § 153.69(a)(7) which requires submission of tests indicating any toxic or adverse effect associated with substances which are the subject of one of the named proceedings even if the tests are only corroborative of effects already known to the Agency. There is no requirement for retroactive submission. Submission is required 15 days after notice of such a proceeding is published in the **Federal Register.**

NACA urged the Agency to make it clear that the 15-day time limit is 15 working days and begins only ". . . when an employee capable of appreciating the significance of the pertinent information and FIFRA requirements has possession of the information."

Consistent with the TSCA section 8(e) policy and the provisions of FIFRA section 14(b)(4), this rule requires receipt of information by the Agency within 15 working days of the date that any officer, employee, agent, or other person acting for or employed by the registrant and capable of appreciating the significance of such information first comes into possession of or knows of such information. This includes information which a prudent person similarly situated could reasonably be expected to possess or have knowledge of.

FIFRA section 14(b)(4), quoted in § 153.63, states that "When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed." For these reasons, the Agency believes it is incumbent upon registrants to establish procedures for expeditiously processing pertinent information in order to comply with the prescribed reporting periods.

Finally, NACA criticized the Agency's determination that "information regarding any amount of any active indredient or related chemicals in ground water or elsewhere, where unexpected, must be reported to EPA" as being in conflict with section 6(a)(2) because "not all residue detections present an unreasonable adverse effect."

EPA agrees that not every discovery of residues will necessarily constitute an unreasonable adverse effect *per se.* However, section 6(a)(2) requires submission of any information "regarding unreasonable adverse effects on the environment of the pesticide." Knowledge of the existence of active ingredients or related chemicals in unexpected places is relevant to an evaluation of the exposure to these chemicals, which, in conjunction with other information, is necessary to the complete evaluation of risks and benefits of the chemicals. Consequently such information is both properly reportable under section 6(a)(2) and of the type which EPA does, in fact, want submitted.

V. Procedural Matters

Once 60 days of continuous Congressional session after the date of promulgation have elapsed EPA will issue for publication in the **Federal Register** notice of the effective date of this rule.

In the exercise of its enforcement discretion, if EPA changes this rule in the future, EPA will refrain from commencing any civil or criminal penalty action based on FIFRA section 6(a)(2), with regard to any failure by a registrant to submit any information which this rule says need not be submitted, until at least 30 days after modification or revocation of this rule. This rule will be modified or revoked only by publication in the **Federal Register** of a notice which clearly states which failures to submit information which were previously permitted will subsequently be treated as actionable violations of section 6(a)(2). Any modification of this rule will be applied prospectively only.

Because the Agency is placing greater emphasis on its FIFRA section 6(a)(2) policy and will be paying strict attention to compliance with the submission requirements, this document consolidates and codifies all relevant requirements in the Code of Federal Regulations for ease of reference by registrants, the public, and EPA personnel. Except as already noted, all sections are drawn, with minor editorial change, from the July 1979 policy and the August 1978 interpretive rule.

In the future EPA intends to issue for publication in the **Federal Register,** on a quarterly basis, lists of information received in accordance with this rule, some of which may be preliminary or as yet unverified by EPA or registrants. The public can review the conclusions EPA has drawn as a result of reviewing that information by looking for chemical-specific notices published in the **Federal Register** or, where no notice appears, by contacting the Product Manager for that chemical. Information will be made available to the public subject to applicable claims of confidentiality made by the registant.

VI. Statutory Review Requirements

In accordance with section 25 of FIFRA, this rule was provided to the U.S. Department of Agriculture (USDA) and the FIFRA Science Advisory Panel (SAP) for comment prior to publication.

USDA had no objection to the rule and assumed "that while certain data are flagged, the review of that data will be kept in the context of the proposed use and in relationship to other data." USDA's assumption accurately reflects EPA's intent.

The Scientific Advisory Panel, while generally supportive of the rule, wished to register its concern over the announcement in the preamble that EPA plans to issue for publication in the **Federal Register** lists of information received in accordance with the rule. The Panel "does not believe publicizing such unverified scientific data to be advisable until the adverse information can be evaluated by Agency scientists."

EPA believes publication of lists of receipts is merited specifically to assist the public in holding EPA accountable for review of the data once received. EPA believes that because some data submitted under the rule will be

unverified it should take steps to avoid alarming the public, but it believes that can be done without depriving the public of important information. EPA also notes that since information submitted under this rule will receive priority review, and publication of lists will occur only quarterly, much of the information submitted will have had some review by the time publication occurs. Any registrant concerned about an inability to verify data prior to submission under this rule may submit, with the data, a statement describing the registrant's reservations concerning the validity or significance of the data (see 43 FR 37614). The Agency would take that statement into account in assessing the data and the statement would, absent any claim of confidentiality, be available to interested persons outside the Agency. In addition, before publication occurs, registrants may have provided more analysis of the information than they did when submitting it initially. The results of such analyses would, absent any claim of confidentiality, also be available to interested persons outside EPA.

SAP also said that "the 15-day requirement for submission of adverse data on efficacy appears to be too short, given the problem of evaluating efficacy data."

Information regarding efficacy is reportable under this rule only if it pertains to deficiencies in performance of pesticides intended to control organisms which may pose a risk to human health or deficiencies in performance of pesticides subject to Registration Standard, special review, suspension or cancellation proceedings. EPA believes it undesirable to have to wait longer than 15 working days to receive notice of such important information even if a registrant's evaluation takes longer. As noted previously, registrants are free to submit statements describing their reservations concerning the data and are expected to submit additional information for EPA's consideration as it becomes available.

Finally the SAP requested a definition of "several" animals in the example provided in § 153.70(c)(3) where EPA has said "Six months after the study commences several of the exposed animals die," and a definition of "highly toxic" in the example provided in § 153.73(c).

In response to the SAP's comments, EPA has revised the examples to more accurately reflect the Agency's true concerns. Section 153.70(c)(3) now discusses an example which is not dependent upon a definition of the word "several"; § 153.73(c) now refers to residues of a metabolite of a soil insecticide without characterizing the toxicity of the metabolite.

VII. Regulatory Review Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore subject to the requirement that a regulatory analysis be performed. A "major" rule is one which has an annual effect of $100 million or more, or results in a major increase in costs or prices, or has significant adverse effects on economic activities. The Agency concludes that this rule does not meet the criteria for "major" because it imposes no requirements for data generation and will result in submission of certain existing information an estimated total of 30 times per year. This will result in an estimated total burden to all registrants of 2,000 man hours excluding voluntary investigations performed by registrants. This rule has been submitted to the Office of Management and Budget for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this rule will not have a significant economic impact on a substantial number of small businesses.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and has assigned OMB Control Number 2070-0039. Comments on regulatory review requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 153

Pesticides and pests, Recordkeeping and reporting requirements, Policy statements.

Dated: September 11, 1985.

Lee M. Thomas,

Administrator.

Therefore, Chapter I of 40 CFR is amended as follows:

1. The authority citation for Part 153 is:

Authority: 7 U.S.C. 136d, 136w.

2. Part 153, consisting at this time of Subpart D, is added to read as follows:

PART 153—STATEMENTS OF POLICIES AND INTERPRETATIONS

Subparts A—C [Reserved]

Subpart D—Reporting Requirements for Risk Benefit Information

Sec.

153.61 What the law requires.
153.62 Definitions.
153.63 Who must submit information.
153.64 When information must be submitted.
153.65 How information should be submitted.
153.66 What information must be submitted.
153.67 What are the consequences of a failure to submit required information.
153.69 Completed toxicological studies.
153.70 Incomplete toxicological studies.
153.71 Epidemiological studies.
153.72 Efficacy studies.
153.73 Studies of dietary or environmental pesticide residues.
153.74 Incident reports: general policy.
153.75 Toxic or adverse effect incident reports.
153.76 Failure of performance incident reports.
153.77 Dietary or environmental pesticide residue incident reports.
153.78 Reporting of other information.
153.79 Office of Management and Budget approval under the Paperwork Reduction Act.

Authority: 7 U.S.C. 136d, 136w.

Subparts A—C [Reserved]

Subpart D—Reporting Requirements for Risk Benefit Data

§ 153.61 What the law requires.

Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) states: "If at any time after the registration of a pesticide the registrant has additional factual information regarding unreasonable adverse effects on the environment of the pesticide, he shall submit such information to the Administrator."

§ 153.62 Definitions.

(a) The definitions set forth in FIFRA sections 2 and 162 of this chapter apply to this Part.

(b) The term "registrant" includes any person who holds a registration for a pesticide product issued under FIFRA section 3 or 24(c).

§ 153.63 Who must submit information.

FIFRA section 6(a)(2) imposes a reporting duty on the "registrant." However, FIFRA section 14(b)(4) states: "When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed." Thus an act or

omission (such as a failure to report information) of any employee or agent of a registrant, or of any person acting for a registrant, is to be regarded as the act or omission of the registrant.

§153.64 When information must be submitted.

(a) Information which is otherwise reported under this Part must be submitted to EPA when the registrant first comes into possession of or knows of such information. However, except as provided under § 153.70(a)(1) and (2), EPA will consider such information to be submitted on time if it is received by EPA not later than the 15th working day after the registrant first possesses or knows of the apparently reportable information. Submission of such information after the 15th working day will be considered to be an actionable violation of FIFRA section 6(a)(2).

(b) A registrant possesses or knows of information at the time any officer, employee, agent, or other person acting for or employed by the registrant and capable of appreciating the significance of such information first comes into possession of or knows of such information. This includes information which a prudent person similarly situated could reasonably be expected to possess or have knowledge of.

(c) In monitoring a registrant's compliance with the prescribed reporting periods, EPA will determine whether the registrant has established and followed procedures for expeditiously processing pertinent information, and will take this into account when making enforcement decisions. Registrants must recognize and accept responsibility for becoming cognizant of pertinent information which their officers, employees or agents possess or know of, and for ensuring that such information is submitted to EPA within the prescribed reporting periods.

§153.65 How information should be submitted.

A submission should:

(a) Be sent by certified mail, or in any other way permitting verification of its receipt by the Agency;

(b) Be addressed to: Registration Division (TS-767C), U.S. Environmental Protection Agency, Washington D.C. 20460;

(c) Contain the name of the submitter, the company name and number, the date of transmittal to EPA, and a statement that the information is being submitted in accordance with FIFRA section 6(a)(2);

(d) Identify the substance tested or otherwise covered by the information (including, if known, the CAS Registry Number);

(e) Comply, to the extent applicable, with any requirements issued by the Agency under FIFRA section 3(c)(2)(B) and/or section 3(c)(1)(D) for the flagging of data demonstrating possible adverse effects;

(f) Summarize the information being submitted;

(g) Assert any claims of confidentiality for information contained in the submission;

(h) If submitted under another provision of FIFRA (e.g., section 3(c)(2)(B)), comply with all applicable requirements for the submission of data under such provision.

§ 153.66 What information must be submitted.

This section sets forth EPA's interpretation of the requirements of FIFRA section 6(a)(2). Note also that §§ 153.69 through 153.78 of this Part set forth EPA's enforcement policy regarding which failures to submit information EPA will regard as actionable violations of FIFRA section 6(a)(2).

(a) *Requirement* EPA interprets FIFRA section 6(a)(2) to require a registrant to submit information to EPA if:

(1) The registrant "has" the information, i.e., the registrant (or any officer, employee, agent, or other person acting for or employed by the registrant) possesses or knows of the information;

(2) The information pertains to a pesticide for which that registrant holds a registration under FIFRA;

(3) The information, if true, would be relevant, either by itself or in conjunction with other information, to an Agency decision regarding the risks and benefits of the pesticide, i.e., an Agency decision regarding the registerability of the pesticide or regarding the proper terms and conditions of the registration of the pesticide; and

(4) The exclusions in paragraph (b) of this section do no apply to the information.

(b) *Exceptions* Notwithstanding paragraphs (a)(1), (2) and (3) of this section, EPA does not interpret FIFRA section 6(a)(2) to require the submission to the Agency of information:

(1) *Non-expert opinion.* If it consists solely of opinion(s) or conclusion(s), unless expressed by a person:

(i) Who was employed or retained (directly or indirectly) by the registrant to express an opinion or conclusion which relates in any way to the pesticide's properties, effects, risks, or benefits; or

(ii) From whom the registrant requested the opinion(s) or conclusion(s) in question; or

(iii) Who by virtue of his knowledge, skill, experience, training, or education would be permitted to testify to the opinion(s) or conclusion(s) in a court under Rule 702 of the Federal Rules of Evidence; or

(2) *Previously submitted information* If it has previously been submitted to the Agency.

(i) *Information considered to have been previously submitted* Information shall be considered to have been previously submitted to EPA for purposes of this Part if such information is contained completely in:

(A) Documents previously submitted to EPA by the registrant;

(B) Any scientific article or publication which has been abstracted in Biological Abstracts, Chemical Abstracts, Index Medicus, or Pesticides Abstracts, if the abstract in question clearly identified the active ingredient or the registered pesticide(s) to which the information pertains (information received by or known to the registrant prior to publication of an abstract concerning the information must be reported and may not be withheld pending such publication);

(C) EPA publications, EPA hearing records, or publications cited in EPA Federal Register notices.

(D) Reports or publications which have been made available to the public by any of the following Federal agencies: Center for Disease Control, Consumer Products Safety Commission, Department of Agriculture, Department of the Interior, Food and Drug Administration, National Institutes of Health, or Occupational Safety and Health Administration (otherwise reportable information concerning research which was performed, sponsored, or funded by the registrant which may also appear in a forthcoming Government report or publication must be reported and may not be withheld pending publication); or

(E) Any other documents which are contained in the official files and records of the EPA Office of Pesticide Programs.

(ii) *Discussion.* Section 6(a)(2) applies only to "additional" information. Thus, if a registrant has previously submitted information concerning a given study, document, or incident, the same information need not be submitted again. In addition, EPA does not believe that it would serve any useful purpose to insist that registrants submit information which is already in EPA files or is otherwise readily accessible to

EPA. Accordingly, EPA has specified a number of objectively defined categories of information which need not be submitted. Failure to submit information in any of these categories will not be treated as an actionable violation of section 6(a)(2). While the specified categories are not intended to encompass all information which could conceivably come to the attention of Agency personnel, they do indicate which types of information are most likely to be routinely examined or reviewed by EPA.

§ 153.67 What are the consequences of a failure to submit required information.

(a) Failure to submit, on time, information of the type described in §§ 153.69 through 153.78 and otherwise reportable under § 153.66 of this Part, will be treated as an actionable violation of FIFRA section 6(a)(2).

(b) An actionable violation of FIFRA section 6(a)(2) means that EPA may recommend or seek to impose a civil and/or criminal penalty on the grounds that such a failure to submit information violates FIFRA section 6(a)(2).

(c) In the exercise of its enforcement discretion, EPA will not commence any civil penalty action or seek criminal prosecution of any registrant with regard to any failure to submit information under FIFRA section 6(a)(2) which is not treated as an actionable violation under this Part. Sections 153.69 through 153.78 identify the types of information which must be submitted in order to avoid enforcement action by EPA.

(d) A registrant who violates FIFRA section 6(a)(2) commits an unlawful act under FIFRA section 12(a)(2)(N), 7 U.S.C. 136j(a)(2)(N), and may be subject to civil and/or criminal penalties under FIFRA section 14, 7 U.S.C. 136(l), including imprisonment up to 1 year and fines up to $25,000. The submission of false or misleading information is a violation of 18 U.S.C. 1001, and may result in the imposition of a fine up to $10,000 or imprisonment up to 5 years, or both.

(e) EPA will not automatically recommend or seek a civil or criminal penalty whenever it discovers an apparent violation of FIFRA section 6(a)(2) of a type which is considered actionable under this Part. Decisions in such cases will be based on a careful evaluation of all pertinent information, including any explanation offered by the registrant.

§ 153.69 Completed toxicological studies.

(a) *Policy: data that must be submitted.* The results of a completed study of the toxicity to any organism of a registered pesticide product or any of its ingredients, impurities, metabolites, or degradation products which is otherwise reportable under § 153.66 must be submitted if:

(1) The substance tested had a kind of toxic or adverse effect, or an effect on an organ or tissue type, not observed in any study concerning the substance previously reported to EPA; or

(2) The substance tested had any toxic or adverse effect at a lower dosage, after a shorter exposure period, or after a shorter latency period, than in any study concerning that effect of the substance previously reported to EPA; or

(3) The substance tested had a more severe toxic or adverse effect, or a toxic or adverse effect which occurred at a higher incidence or frequency, than in any study concerning that effect of the substance previously reported to EPA; or

(4) The substance tested had a toxic or adverse effect in any species, strain, sex, or generation of test organism different from that in any study concerning that effect of the substance previously reported to EPA; or

(5) The substance tested had a toxic or adverse effect involving a route or medium of exposure not associated with such an effect in any study concerning the substance previously reported to EPA, if humans or other non-target organisms could conceivably be exposed to the substance by that route or medium; or

(6) The substance tested produced a toxic or adverse effect by means of a pharmacokinetic, metabolic, or biological mechanism different from any mechanism proposed for that effect in any study concerning the substance previously reported to EPA; or

(7) The substance tested had any toxic or adverse effect (even if corroborative of information already known to the Agency), if the substance is a pesticide, or an ingredient, impurity, metabolite, or degradation product of a pesticide which is the subject of a Registration Standard (reregistration) proceeding, Special Review (or Rebuttable Presumption Against Registration (RPAR)) proceeding, suspension proceeding, or cancellation proceeding. For the purposes of this section a pesticide is subject to a proceeding when notice of commencement of such a proceeding has been published in the **Federal Register** and no notice of completion of the proceeding has been published. Upon publication of notice of commencement of any such proceeding each registrant must immediately submit all data in his possession required to be submitted by virtue of commencement of the proceeding and must submit any other such information within 15 working days from his receipt of it until announcement in the **Federal Register** of the completion of the proceeding.

(b) *Policy: information found to be erroneous.* Information which is otherwise reportable under § 153.66 and paragraph (a) of this section need not be submitted if, within 15 working days of the date the registrant first has the apparently reportable information:

(1) The registrant discovers that any analysis, conclusion, or opinion which would have caused the information to be reportable was predicated on data that were erroneously generated, recorded, or transmitted, or on computational errors;

(2) Every author of each such analysis, conclusion, or opinion has acknowledged in writing that the analysis, conclusion, or opinion was improper because of the use of the erroneous data, and has corrected the original analysis, conclusion, or opinion accordingly; and

(3) After such corrections, the information is no longer required to be reported under any provision of this Part.

(c) *Discussion of basis for policy.* (1) The result of any study in which exposure to a pesticidal substance is associated with a toxic or adverse effect is clearly pertinent to evaluation of risk and is thus legally reportable under section 6(a)(2). However, unless an item of toxicological information is the first of its category to be received by EPA, or unless it suggests that reliance on material previously submitted to EPA may have resulted in underestimation of risk, or was otherwise inaccurate, misleading, or incomplete, submission of such new information is not likely materially to affect the registration status of products containing the substance tested. EPA thus ordinarily will not treat failure to submit toxicological information which is essentially corroborative as an actionable violation of section 6(a)(2), but will insist on submission of any toxicological data which indicate that a pesticide may present different or greater hazards than previously identified.

(2) However, when a particular pesticide product is involved in a Special Review (RPAR) proceeding under § 162.11 of this chapter, or in suspension or cancellation proceedings under FIFRA section 6 (b) or (c), or where reregistration is underway, EPA's need for information is considerably greater. In such circumstances, the ultimate status of the pesticide depends

on a comprehensive Agency reevaluation of the pesticide's risks and benefits, including an assessment of the reliability of previously submitted material and the extent to which it has been corroborated. Thus, if a particular substance is the subject of a reregistration, Special Review (RPAR), suspension, or cancellation proceeding, EPA will treat failure to submit any toxicologial information linking that substance with any toxic or adverse effect as an actionable violation of section 6(a)(2), regardless of whether or not such information merely confirms or corroborates prior data.

(3) By the time a study is "completed," checking and validation of data should normally also be complete. The Agency will nonetheless allow the registrant a reasonable period, not to exceed 15 working days, to check for data errors which the registrant believes may have formed the basis for an opinion about what the data signify, and to seek a corresponding modification of the opinion. On the other hand, if it is not the data, but the expert analysis, conclusion, or opinion itself with which the registrant disagrees, the registrant's remedy is not to withhold the information from EPA, but to submit with the section 6(a)(2) report his own analysis of the information's significance.

§ 153.70 Incomplete toxicological studies.

(a) *Policy.* Information from an incomplete study of the toxicity to any organism of a registered pesticide product or any of its ingredients, impurities, metabolites, or degradation products which is otherwise reportable under § 153.66 must be submitted if the information is from:

(1) *Short-term studies.* A study utilizing a testing regimen lasting 90 calendar days or less, and:

(i) All testing has been completed;

(ii) A preliminary data analysis or gross pathological analysis has been conducted;

(iii) Final analysis has not been completed;

(iv) A reasonable period for completion of the final analysis not longer than 90 calendar days following completion of testing has elapsed;

(v) comparable information concerning the results of a completed study would be reportable under § 153.69; or

(2) *Long-term studies.* A study utilizing a testing regimen lasting more than 90 calendar days, and:

(i) All testing has been completed;

(ii) A preliminary data analysis or gross pathological analysis has been conducted;

(iii) Final analysis has not been completed;

(iv) A reasonable period for completion of final analysis (not longer than 1 year following completion of testing) has elapsed;

(v) Comparable information concerning the results of a completed study would be reportable under § 153.69; or

(3) *Serious adverse effects.* Any study in which testing or analysis of results is not yet complete but in which serious adverse effects have already been observed which may reasonably be attributed to exposure to the substances tested, because the effects observed in exposed organisms differ from effects observed in control organisms, are atypical in view of historical experience with the organism tested, or otherwise support a reasonable inference of causation and 15 working days have passed from the date the registrant first has the information.

(b) *Discussion of basis for policy* (1) In developing a policy regarding which failures to submit otherwise reportable information from incomplete toxicological studies should be treated as actionable violations of section 6(a)(2), EPA has determined that it is not necessary at this time to require submission of preliminary or incomplete toxicological information, except in certain specific circumstances. The criteria selected are designed to accomplish two fundamental regulatory objectives. The first objective is to provide an incentive to registrants to complete analysis of toxicological data within a reasonable time, especially if a preliminary appraisal suggests that a pesticide may present different or greater hazards than those previously identified. The second objective is to ensure that any preliminary findings are reported to EPA as soon as there is a reasonable basis for concern, even though further testing or analysis may be necessary before the observed hazard can be defined or quantified.

(2) EPA does not currently believe that it would be useful to insist on submission of preliminary or inconclusive data on a routine basis. On the other hand, no registrant who fears immediate modifications of or additions to the study protocol or fears that submission of a completed study might jeopardize any of his registrations should be permitted indefinitely to defer or postpone completion of analysis of potentially significant data. Accordingly, the Agency has designated an appropriate period—up to 90 calendar days for short-term studies, up to 1 year for long-term studies—during which the registrant may engage in further analysis designed to complete the analysis of the data prior to submission.

(3) Certain types of preliminary experimental observations and findings are sufficiently serious that they should be reported to EPA within 15 working days. In general, the Agency will not treat failure to submit information concerning any incomplete study in which testing is still underway, or for which the prescribed period for analysis of results has not yet expired, as an actionable violation of section 6(a)(2) unless serious adverse effects have been observed which are sufficiently different from effects observed in control organisms or in prior experience with the test system that the registrant may reasonably assume that the adverse effects are associated with the pesticidal substance being tested. Even though preliminary information may not always be sufficiently complete or definitive to warrant immediate regulatory action, preliminary data may indicate a need for immediate modifications of or additions to the study protocol, provide a basis for requests for further information under FIFRA section 3(c)(2)(B), or convince EPA to conduct or sponsor additional research.

(c) *Examples of how policy will be applied.* (1) A registrant conducts the first study of the acute effects of ingestion of a certain pesticide on rabbits. A prior acute study of the same pesticide using mice found that exposed mice experienced increased mortality due to liver damage. The registrant notes increased mortality of unknown origin in the exposed rabbits. Following completion of the test regimen, the registrant may take a reasonable period, not exceeding an additional 90 calendar days, for investigation of the significance and cause of the increased mortality. After that period has elapsed, failure to submit information concerning the study to EPA will be treated as an actionable violation of section 6(a)(2), regardless of whether or not the analysis is yet complete, because information concerning a completed study in which toxic effects have been observed in a different species than previously reported would be reportable. Of course, the registrant will always be entitled to supplement any initial submission with the results of subsequent analysis.

(2) A registrant conducts a 2-year study of the effects of chronic exposure to a certain pesticide on rats. Nine months after the study commences, study personnel observe that a large percentage of the exposed rats have developed ocular opacity of the type associated with formation of cataracts. None of the control rats exhibits a

comparable abnormality. Though the test is incomplete and the evidence that the pesticide is inducing cataracts is not yet definitive, the registrant may reasonably conclude that the ocular abnormalities are attributable to exposure to the pesticide, and the observed effects must be reported to EPA within 15 working days of the observation.

(3) A registrant conducts a 2-year study of the effects of chronic exposure to a certain pesticide on mice. Six months after the study commences, incidence of death of exposed animals reaches a level such that significant doubt could arise that an inadequate number of animals would be at risk from the toxicological effects of the compound at the scheduled completion date. Though a substantial portion of the test regimen has not been completed, a reasonable inference arises that the unexpected effects are attributable to exposure to the pesticide, and the observed effects must be reported to EPA within 15 working days of the observation for the reasons specified in §153.70(b)(3).

§ 153.71 Epidemiological studies.

(a) *Policy.* Information which concerns any epidemiological study (or portion thereof) involving correlation or association between exposure to a registered pesticide (or any of its ingredients, impurities, metabolites, or degradation products) and adverse effects in humans, and which is otherwise reportable under § 153.66, must be submitted regardless of whether or not the registrant considers any observed correlation or association to be significant.

(b) *Discussion of basis for policy.* Unlike most studies, which can be designed and controlled in advance, epidemiological studies are generally retrospective in character. As a consequence, it is often difficult to assess the impact of various uncontrolled variables on the magnitude of any observed correlation, and competent experts can reasonably disagree regarding the practical significance of epidemiological findings. On the other hand, epidemiological studies can be indespensible sources of information on the critical issue of the risks associated with human exposure. Thus, it is important that EPA be able to examine independently for relevance any epidemiological information concerning pesticide exposure, and the Agency will consider any failure to provide such information within 15 working days of receipt by the registrant to be an actionable violation of section 6(a)(2). Registrants may supplement any submission of epidemiological information with a statement describing any reservations they might have concerning the information's validity or significance.

§ 153.72 Efficacy studies.

(a) *Policy: information that must be submitted.* Information which concerns any study of the efficacy of a registered pesticide product and which is otherwise reportable under § 153.66 must be submitted if:

(1) The information demonstrates that the pesticide may not perform in accordance with any claim by the registrant regarding uses intended for control of organisms which may pose a risk to human health, including any of the uses identified in § 162.163(b)(2) of this chapter; or

(2) The information concerns any deficiency or reduction in the claimed efficacy of any use of a registered pesticide, is such use is subject to a Registration Standard proceeding, Special Review (RPAR) proceeding, suspension proceeding, or cancellation proceeding as defined in § 153.69(a)(7).

(b) *Policy: information found to be erroneous.* Information which is otherwise reportable under § 153.66 and paragraph (a) of this section need not be submitted if, within 15 working days of the date the registrant first receives the apparently reportable information:

(1) The registrant discovers that any analysis, conclusion, or opinion which would have caused the information to be reportable was predicated on data that were erroneously generated, recorded, or transmitted, or on computational errors;

(2) Every author of each such analysis, conclusion, or opinion has acknowledged in writing that the analysis, conclusion, or opinion was improper because of the use of the erroneous data, and has corrected the original analysis, conclusion, or opinion accordingly; and

(3) After such corrections, the information is no longer required to be reported under any provision of this Part.

(c) *Discussion of basis for policy.* (1) In most instances, EPA will not treat the failure to submit information concerning the efficacy of a registered pesticide product as an actionable violation of section 6(a)(2) unless such information indicates that the pesticide may not perform as claimed when used to control organisms which pose a potential threat to human health. The Agency has taken the position that the utility and efficacy of many pesticide products can best be verified by the mechanism of the marketplace.

(2) However, in instances where use of a particular pesticide appears to involve substantial hazards, EPA must evaluate the efficacy of the pesticide, in addition to the magnitude and value of its use and the feasibility of substitutes, before determining whether or not the risks associated with use of the pesticide are acceptable. Accordingly, whenever any use of a registered pesticide is the subject of a Registration Standard, Special Review (RPAR), suspension, or cancellation proceeding, as defined in § 153.69(a)(7), EPA will treat failure to submit within 15 working days any study which concerns any deficiency or reduction in the efficacy of the product for the use in question as an actionable violation of section 6(a)(2).

§ 153.73 Studies of dietary or environmental pesticide residues.

(a) *Policy.* Information which is otherwise reportable under § 153.66 from studies which show that levels of any active ingredients, metabolites, or degradates of pesticides may exceed established levels on food or feed, or which show any active ingredients, metabolites, or degradates of pesticides in ground water or elsewhere in the environment other than legally treated sites, must be submitted.

(b) *Policy: information found to be erroneous.* Information which is otherwise reportable under § 153.66 and paragraph (a) of this section need not be submitted if, within 15 working days of the date the registrant first receives the apparently reportable information:

(1) The registrant discovers that any analysis, conclusion, or opinion which would have caused the information to be reportable was predicated on data that were erroneously generated, recorded, or transmitted, or on computational errors;

(2) Every author of each such analysis, conclusion, or opinion has acknowledged in writing that the analysis, conclusion, or opinion was improper because of the use of the erroneous data, and has corrected the original analysis, conclusion, or opinion accordingly; and

(3) After such corrections, the information is no longer required to be reported under any provision of this Part.

(c) *Discussion of basis for policy.* Such data are important to EPA efforts to learn about the existence and gauge the risk of pesticides in ground water and to verify or modify EPA's calculations of levels of exposure of the population to pesticides or their degradates or metabolites. Information on exposure is as important as data

which indicate the toxicological effects of pesticidal chemicals to assessment of the potential risk associated with use of a chemical. If field monitoring studies or other information is available which might allow EPA better to protect public health or assess environmental fate by refining exposure calculations, it is imperative that EPA receive it. EPA establishes permissible levels of pesticides by setting tolerances and promulgating food additive regulations under the Federal Food, Drug, and Cosmetic Act (FFDCA).

(d) *Example.* The registrant knows that the original EPA decision to register his product for use as a soil insecticide in corn fields (the only registered use) was based on the belief that no detectable residues of a particular metabolite of the product would appear in corn planted in fields treated with the product or in ground or surface waters. In January the registrant learns of a study conducted by a university scientist showing that residues of the metabolite in question have appeared in corn grown in fields which were properly treated with the product. The information must be reported to EPA, unless during a reasonable period, not to exceed 15 working days for investigation or verification, the registrant learns of facts establishing it is untrue. One means of verification would be to conduct independent field trials during the coming growing season. However, waiting for the results of field trials would require a delay of at least 9 to 10 months in reporting. Given the potentially serious import of the information already available, a 9-month delay would be unreasonably long. Alternatively, the registrant could contact the scientist who conducted the study and review the raw data for errors. A registrant should be able to complete such a review within the 15 day timeframe for submission of information to EPA.

§ 153.74 Incident reports: general policy.

Registrants may receive information from incidents, rather than from studies, which is reportable under § 153.66. This information concerns specific incidents in which (a) Toxic or adverse effects have been attributed to exposure to the registrant's pesticide product;

(b) Residues in excess of established or expected levels have been reported; or

(c) It has been asserted that the registrant's pesticide product has failed to perform as claimed against designated target organisms. This information may come to the registrant's attention through a variety of sources, including but not limited to: Product liability claims and complaints; information obtained directly, or through field representatives, from dealers, growers and pesticide users; unpublicized reports from agricultural extension agents and Federal and State regulatory agencies; information received from the general public; information received from a poison control center; and information reported by plant managers and employees. Failure to submit information of this type will be considered an actionable violation of FIFRA section 6(a)(2) only to the extent set forth in §§ 153.75 through 153.78.

§ 153.75 Toxic or adverse effect incident reports.

(a) *Policy.* Information which is otherwise reportable under § 153.66 and which is described by paragraph (a) (1), (2), or (3) of this section must be submitted.

(1) *Human incidents.* The information concerns an incident in which:

(i) The registrant has been informed that some person suffered an adverse physiological or behavioral effect (other than local damage to or irritation of the skin or eye of the type commonly associated with dermal or ocular exposure, when the label provides adequate notice of such a hazard);

(ii) The registrant has been informed that the affected person may have been exposed to the pesticide, or to one or more of its ingredients;

(iii) Either:

(A) The registrant has verified that the person did suffer an adverse effect and was exposed to the pesticide; or

(B) The registrant has received sufficient information to enable investigation of whether or not the reported adverse effect and exposure occurred: 15 working days have elapsed; and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur; and

(iv) Either:

(A) The registrant has concluded that the effect resulted or may have resulted from the exposure; or

(B) The registrant has been advised by any person described by § 153.66(b)(1) (i) through (iii) that the effect may have resulted from the exposure, and is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated.

(2) *Incidents involving other non-target organisms.* The information concerns an incident in which:

(i) The registrant has been informed of an adverse effect on non-target fish or wildlife, domestic animals, or plants;

(ii) The registrant had been informed that the affected fish, wildlife, domestic animals, or plants may have been exposed to the pesticide, or to one or more of its ingredients;

(iii) Either:

(A) The registrant has verified that the reported adverse effect and exposure did occur; or

(B) The registrant has received sufficient information to enable investigation of whether or not the reported adverse effect and exposure occurred: 15 working days have elapsed, and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur; and

(iv) Either:

(A) The registrant has concluded that the effect resulted or may have resulted from the exposure; or

(B) The registrant has been advised by any person described by § 153.66(b)(1) (i) through (iii) that the effect may have resulted from the exposure, and is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated.

(3) *Series of incidents.* The information concerns any series or pattern of individual incidents as to which:

(i) The registrant has been informed of the same kind of adverse effect on humans, non-target fish or wildlife, domestic animals, or plants; and

(ii) The registrant has been informed that the affected organisms may have been exposed to the same pesticide or to one or more of its ingredients; and

(iii) For each individual incident, either:

(A) The registrant has verified that the reported adverse effect and reported exposure did occur; or

(B) The registrant has received sufficient information to enable investigation of whether or not the reported adverse effect and exposure occurred, 15 working days have elapsed, and the registrant is not aware of facts which establish that the reported adverse effect or reported exposure did not occur; and

(iv) For each individual incident, the registrant is not aware of facts which conclusively establish that the reported adverse effect and reported exposure were unrelated; and

(v) The series or pattern of incidents would not be expected unless the reported adverse effects were caused by the reported exposures.

(b) *Discussion of basis for policy.* (1) Information concerning incidents in which toxic or adverse effects are

attributed to pesticide exposure varies considerably in specificity and accuracy. Some reports received by registrants are so vague or implausible that they would be unlikely to provide a basis for administrative action. On the other hand, some incident reports may contain unique and valuable information on the hazards and environmental impacts associated with actual use and practice, information which cannot be readily derived from laboratory data alone. Thus, the Agency has endeavored to select sets of criteria which will give practical assistance to each registrant in identifying those types of incident information which are currently needed by EPA in order to discharge properly its statutory responsibilities. Each set of criteria contains the following elements: a report of a toxic or adverse effect; a report of pesticide exposure; an opportunity for investigation of the accuracy of the reports; and a basis for an inference that the toxic effect and the pesticide exposure were related.

(2) Demonstrably inaccurate incident information need not be submitted to EPA under section 6(a)(2). If a registrant can clearly demonstrate that a reported toxic effect or pesticide exposure did not occur, or that the effect and exposure were unrelated, the Agency will not treat any failure to report an alleged incident as an actionable violation of section 6(a)(2). However, failure to investigate the accuracy of any report or allegation which could be investigated will not be considered to excuse non-compliance with section 6(a)(2). By maintaining this policy, EPA does not intend to attempt to impose any sort of duty or obligation on the registrant to investigate incident reports, but rather to accord the registrant an opportunity to investigate incident information. In any event, the responsibility for determining the significance of any potentially useful incident information which has not been either verified or conclusively rebutted must ultimately reside from with EPA.

(3) Information concerning incidents in which humans exposed to a pesticide have experienced toxic or adverse effects is extremely useful in evaluating the occupational risks associated with pesticide use, deciding whether a method of applying the pesticide should be prohibited or that labeling should be changed. Receipt of incident information regarding adverse effects in humans is particularly important because of the ethical unacceptability of deliberate clinical exposure and the difficulties associated with predicting human toxicity on the basis of animal data. Thus, EPA may consider any failure to submit incident information concerning any toxic or adverse effect in humans (except for local damage or irritation of the skin or eye warned against on the label) which includes the basic elements previously identified and which is otherwise reportable under section 6(a)(2) to be an actionable violation of FIFRA, regardless of the circumstances which resulted in the pesticide exposure.

(4) In contrast, EPA will not treat failure to submit information on any single incident involving toxic or adverse effects on other non-target organisms as an actionable violation of section 6(a)(2) if the registrant can demonstrate that the pesticide was used improperly and that the label provides reasonable notice of the risk of adverse effects of the kind reported.

(5) Incident information concerning toxic or adverse effects has little current utility for regulatory purposes and need not be submitted to EPA under section 6(a)(2) unless the information is predicated on a conclusion, opinion, or reasonable inference that the reported effects were related to pesticide exposure. Failure to submit information regarding any single incident of this type will not be treated as a violation of section 6(a)(2) unless the registrant has concluded that the reported effect may have been caused by the reported pesticide exposure, or has been advised by any person described by § 153.66(b)(1)(i), (ii), or (iii) that a causal relationship may have existed.

(6) In contrast to paragraph (b)(5) of this section, if a registrant has been informed of a series or pattern of incidents in which the same kind of toxic or adverse effects has followed exposure to the same pesticide, a reasonable inference of a causal relationship may arise from the existence of the series or pattern itself, even in the absence of a specific conclusion or expert opinion to that effect. In such circumstances, any requirement that the registrant specifically concludes or is advised that a causal relationship exists is superfluous, and registrants will be held legally accountable under section 6(a)(2) for failure to submit information reporting any series or pattern of incidents involving the same kind of toxic or adverse effects from the same pesticidal substance. Moreover, even if a series or pattern consists of incidents which would otherwise not be reportable under this policy, because each incident involves predictable effects on non-target organisms resulting from improper use, EPA will likely treat failure to report such information in an aggregate form as an actionable violation of section 6(a)(2). EPA needs this type of incident information because the existence of widespread or routine misuse of pesticide products may be a basis for changes in labeling, additional restrictions on use, or other regulatory action.

(c) *Examples of how policy will be applied.* (1) A registrant receives a report from an unidentified source indicating that an agricultural employee experienced respiratory difficulties after working in a field where a pesticide manufactured by the registrant had recently been applied. The report is sufficiently detailed to enable investigation of its accuracy. A few days later, the registrant discusses the alleged incident with a toxicologist, who states that, in his opinion, the reported respiratory symptoms could have been caused by exposure to the registrant's pesticide. The registrant will be given a reasonable period of time after that discussion, not to exceed 15 working days, to investigate the incident. If the registrant discovers within that time facts which establish that the reported adverse effects or reported exposure did not occur, or which conclusively establish that the respiratory difficulties experienced by the exposed individual were caused exclusively by some factor other than pesticide exposure, the incident need not be reported. Otherwise, information concerning the incident must be submitted to EPA because the toxicologist is a qualified expert whose opinion is reportable under FIFRA section 6(a)(2).

(2) A registrant receives a report from an agricultural extension agent indicating that fish were killed in a creek adjacent to a field where a pesticide manufactured by the registrant had recently been applied. After investigation, not exceeding 15 working days, the registrant concludes that the reported fish kill probably resulted from exposure to the registrant's pesticide. However, the registrant also discovers facts which establish that the pesticide was improperly applied by an individual who disregarded a statement on the label expressly warning against use in circumstances where contamination of surface waters might result. Any single incident of this sort need not be reported under this section.

(3) The registrant has received reports of unusually high mortality in birds feeding in or near fields where the registrant's pesticide has been applied. Though some of these reports were not specific enough to enable investigation of their acccracy, the registrant has identified a series of three or more

specific investigable incidents in which it appears that an unusual number of birds died following use of the registrant's pesticide. However, the registrant has not determined whether or not the pesticide was responsible for the observed increase in bird mortality, and no employee, consultant, or qualified expert has indicated that a causal relationship may exist. Nevertheless, the existence of the series of unexplained incidents is sufficient to support a reasonable inference of a causal relationship and excess residues, and failure to submit information concerning the incidents will be considered an actionable violation of section 6(a)(2).

§ 153.76 Failure of performance incident reports.

(a) *Policy.* Information which is otherwise reportable under § 153.66 and which is described by paragraph (a)(1) or (2) of this section must be submitted.

(1) *Immediate hazard to life.* The information concerns an incident in which:

(i) The registrant has been informed that a pesticide product did not perform as claimed against target organisms;

(ii) (A) The registrant has verified that the reported failure of performance did occur; or

(B) The registrant has received sufficient information to enable investigation of whether or not the reported failure of performance occurred, a period of 15 working days has elapsed, and the registrant is not aware of facts which establish that the reported failure of performance did not occur; and

(iii) The failure of the pesticide to perform as claimed involved any use against organisms which, unless controlled, may pose an immediate hazard to human life.

(2) *Health risk.* The information concerns a series or pattern of three or more individual incidents as to which:

(i) The registrant has been informed of the same type of failure to perform as claimed against target organisms;

(ii) For each individual incident, either:

(A) The registrant has verified that the reported failure of performance did occur; or

(B) The registrant has received sufficient information to enable investigation of whether or not the reported failure of performance occurred, a reasonable period of time, not exceeding 15 working days, for investigation has elapsed, and the registrant is not aware of facts which establish that the reported failure of performance did not occur; and

(iii) The failure of the pesticide to perform as claimed involved any use meant to control organisms which may pose a risk to human health, including any of the uses identified in § 162.163(a)(2) of this chapter.

(b) *Discussion of basis for policy.* EPA will not treat any failure to submit, within 15 working days, information concerning incidents in which a pesticide did not perform as claimed against target organisms as an actionable violation of section 6(a)(2) unless the reported failure of performance involved organisms which pose a potential threat to human health. This policy reflects a judgment by EPA that the performance of pesticide products which are not used to protect public health can usually be adequately tested by the dictates of a competitive marketplace. Moreover, except in those instances where a reported failure of performance involved use against organisms which may pose an immediate hazard to human life, it is not likely that EPA would consider any single reported incident of failure of performance to be a proper basis for regulatory action. Therefore, the Agency will not treat any failure to submit, on time, incident information concerning failure of performance against organisms which may pose a risk to public health, but do not pose an immediate hazard to human life, as an actionable violation of section 6(a)(2) unless such information concerns a series or pattern of three or more comparable failures of performance. As in the case of incident information involving toxic or adverse effects, registrants will be afforded a reasonable opportunity to investigate any reported failure of performance before such information will be considered reportable.

§ 153.77 Dietary or environmental pesticide residue incident reports.

(a) *Policy.* Information which is otherwise reportable under § 153.66 from a report of one single incident which shows that levels of any active ingredient, metabolite, or degradate of a pesticide exceeds established levels on food or feed, or which show any active ingredient, metabolite, or degradate of a pesticide in ground water or elsewhere in the environment other than legally treated sites, must be submitted.

(b) *Discussion of basis for policy.* Such data are important to EPA efforts to learn about the existence of, and gauge the risk of, pesticides in ground water and to verify or to modify EPA's calculations of levels of exposure to pesticides or their degradates or metabolites. Information on exposure is as important as toxicological data to the assessment of the potential risk associated with use of a chemical. EPA establishes permissible levels of pesticides by setting tolerances and promulgating food additive regulations under the Federal Food, Drug, and Cosmetic Act (FFDCA). Unlike the information required in § 153.73, EPA is requiring information regarding incidents to be submitted only if it shows, rather than may show, existence of excess levels of residues. Information from a single incident, or several reports of single incidents, may allow EPA to define assessments to how a pesticide is actually used in practice. It is to be noted that this section complements § 153.75 in that incidents involving improperly applied pesticides, while sometimes not reportable under § 153.75(b)(4), will be reportable under ths section if the specified excess residues result. Information showing excess residues resulting from performance studies conducted by, or on behalf of, a registrant is not considered information from an incident reportable under this section.

§ 153.78 Reporting of other information.

(a) *Policy.* Infomation of any kind other than those kinds of information described in §§ 153.69 through 153.77 must be submitted if:

(1) After a reasonable period of time for verification or investigation of the information has elapsed, not exceeding 15 working days, the registrant is not aware of facts which establish that the information is incorrect; and

(2) The registrant knows, or reasonably should know, that if the information should prove to be correct, EPA would regard the imformation alone or in conjunction with other information about the pesticide, as raising serious questions about the continued registerability of one or more uses of any of the registrant's pesticide products, or about the proper terms and conditions of registration of any such procuct.

(b) *Discussion of basis for policy.* (1) Sections 153.69 through 153.77 establish policies concerning the types of information which, insofar as EPA is aware, have been the subject of most of the inquiries made and concern expressed with regard to FIFRA section 6(a)(2). There are, however, many other categories of information which may be reportable under FIFRA section 6(a)(2) and § 153.66, including additional information concerning: the identity and amount of impurities and degradates of pesticide products in the product as sold; soil, plant, and animal metabolism;

bioaccumulation by various life forms; levels of exposure to applicators, farm workers, bystanders, food consumers, and other persons above established levels, such as those established by the American Conference of Governmental Hygienists; drift of pesticides to non-target areas; and a variety of other information which might affect EPA decisions concerning the continued registerability of a product or the appropriate terms and conditions of registration.

(2) EPA has not attempted to establish with specificity, for each category of such additional information, which failures to report information EPA will or will not treat as actionable violations of FIFRA section 6(a)(2). This Part may be modified in the future to announce a more specific section 6(a)(2) enforcement policy concerning some or all of these types of information.

(3) However, in order to provide some guidance to registrants, this Part sets forth a general policy covering all information not described by §§ 153.69 through 153.77. It allows registrants a reasonable period, not exceeding 15 working days, to verify or investigate apparently reportable information. If, during this period, the registrant learns of facts showing that the information is incorrect, the information need not be submitted and failure to report will not be considered an actionable violation of section 6(a)(2).

(4) In addition, EPA will not treat a failure to report such additional information as an actionable violation of FIFRA section 6(a)(2) unless the registrant knew, or reasonably should have known, that EPA would regard the information as pertinent to the question of whether the product's registrations should be cancelled, suspended, or modified in some respect.

§ 153.79 Office of Management and Budget approval under the Paperwork Reduction Act.

The Office of Management and Budget has approved the information collection requests in §§ 153.61 through 153.78 and assigned the control number 2070–0039.

[FR Doc. 85–22658 Filed 9–18–85; 4:09 pm]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

Amendment of Part 90 of the Commission's Rules and Regulations To Authorize Narrowband Technologies for Base and Mobile Communications in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors in the Appendix of the Report and Order in Docket No. 84–279.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Herb Zeiler, Private Radio Bureau, Rules Branch, Washington, D.C. 20554 (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Private land mobile radio, Radio.

Erratum

In the matter of amendment of Part 90 of the Commission's rules and regulations to authorize narrowband technologies for base and mobile communications in the private land mobile radio services; PR Docket No. 84–279.

Released: September 12, 1985.

A *Report and Order* in the above captioned matter was released by the Commission on March 29, 1985 and published in the **Federal Register** (50 FR 13596) on April 5, 1985. This Erratum corrects errors in the Appendix of that item.

1. In § 90.63(c) the frequency 150.980 MHz is corrected to read 153.410 MHz.
2. In § 90.75(b) the limitation on the 150–170 MHz band is corrected to read 24 instead of 41.
3. In § 90.75(c) the new limitation is numbered (24) instead of (41).
4. In § 90.213(a) the limitation is numbered 17 instead of 16 in both the Table and the footnotes.

Federal Communications Commission.

William J. Tricarico,

Secretary

[FR Doc. 85–22587 Filed 9–19–85; 8:45 am]

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Proposed Rules

Federal Register
Vol. 50, No. 183
Friday, September 20, 1985

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 TRANSPORTATION

Federal Highway Administration

23 CFR Part 480

[FHWA Docket No. 85-26]

Use and Disposition of Property Previously Acquired by Status for Non-Interstate and Withdrawn Interstate Segments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to amend its regulation concerning the use and disposition of property acquired by States, with the participation of Federal-aid highway funds, in connection with highway projects which are subsequently modified or terminated. This notice of proposed rulemaking (NPRM) supersedes an NPRM published on November 20, 1980 (45 FR 76705), but incorporates most of that NPRM's proposed changes. The 1980 NPRM proposed to amend 23 CFR Part 480 to implement the provisions of Pub. L. 96-106 which limited those situations in which States could avoid creating Federal funds (payback) where FHWA had participated in the acquisition of property for Interstate highway segments that were subsequently withdrawn. This NPRM proposes to further narrow the scope of Part 480 by eliminating situations other than Interstate withdrawals from the coverage.

DATE: Comments must be received on or before November 19, 1985.

ADDRESS: Submit written comments (preferably in triplicate) to FHWA Docket No. 85-26, Federal Highway Administration, HCC-10, Room 4205, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m. e.t., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard. Commenters are advised that only general comments on this NPRM are requested. Specific case-by-case requests for waiver of payback should not be submitted to the docket as this is a general rulemaking proceeding.

FOR FURTHER INFORMATION CONTACT: Curtis L. Shufflebarger, Chief, Interstate Management Branch, Office of Engineering, (202) 426-0404; or S. Reid Alsop, Office of Chief Counsel, (202) 426-0800. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA published its regulation on the use and disposition of highway property acquired by the States on November 17, 1978 (43 FR 54077). The regulation provided that a State need not make a credit to Federal funds if property acquired for highway purposes were reused for another public purpose, when the highway project for which the property was acquired was modified or terminated.

Subsequently, in section 2 of Pub. L. 96-106 (93 Stat. 796), Congress amended section 103(e) of Title 23, United States Code, to clarify its intent, as previously set forth in section 107(f) of the STAA of 1978 (Pub. L. 95-599, 92 Stat. 2689), with regard to repayment for Interstate segments that are withdrawn pursuant to 23 U.S.C. 103(e)(2) or 103(e)(4). Section 2(c) of Pub. L. 96-106 requires payback of the costs of construction items, materials, or right-of-way [all of which are referred to herein as property] acquired for highway projects on segments withdrawn from the Interstate System on or after November 6, 1978 (the effective date of the STAA), unless the following three conditions are satisfied: (1) The property was acquired before November 6, 1978, (2) the Secretary of Transportation had not approved the environmental impact statement for the withdrawn segment prior to the date of withdrawal, and (3) the property is used for a public purpose within ten years after the date of withdrawal. Although payback is required for properties not meeting these conditions, section 2(c) of Pub. L. 96-106 provides that the amount of payback can be reduced significantly where the State uses the property for certain other transportation projects. In these cases, the amount that must be repaid would be the difference between the amount of Federal funds actually received by the State and the amount that would have been received based on the Federal share presently applicable to the transportation project (or type of project) for which the property is used.

An NPRM published on November 20, 1980 (45 FR 76705), as Docket No. 80-7, proposed to implement these statutory changes, while leaving the policy for situations other than Interstate withdrawal unchanged. Pursuant to the President's memorandum of January 29, 1981, which, among other things, directed executive agencies to review outstanding proposals, further action was postponed on the NPRM.

While the FHWA still proposes to incorporate most of that NPRM's proposed changes into this new NPRM, the FHWA also proposes a return to its traditional policy concerning payback for situations other than Interstate withdrawals. This policy would generally require a credit to Federal funds for property previously acquired on projects, other than Interstate withdrawals, that are terminated. House Report No. 288 [1] which accompanied Pub. L. 96-106 stated that, "It is the intent of the Committee that the Department generally continue to follow the traditional ad hoc policy of the Federal Highway Administration to require the repayment of the Federal share of certain costs so as to provide for sound fiscal management and responsible stewardship of Federal funds." The FHWA position is consistent with legislation that established the Highway Trust Fund. The Highway Trust Fund is comprised of receipts from certain highway user taxes (e.g., excise taxes on motor fuel, rubber, and heavy vehicles) and is reserved for use for highway construction and related programs. This proposed change would reduce the cost of the Federal-aid highway program by preventing the diversion of these funds from transportation related improvements into other nontransportation uses.

It is proposed that payback determinations in situations other than Interstate withdrawals would no longer be covered by this regulation. Other FHWA regulations already cover certain kinds of property disposition such as excess right-of-way resulting from plan changes (23 CFR 713, Subpart C).

[1] H.R. Rep. No. 288, 96th Cong., 1st Sess. 3 (1979).

deletions of open-to-traffic segments (23 CFR 470, Subpart A), and individual project phases which do not advance to the next phase within certain time limits for reasons other than termination of the entire segment (23 CFR 630, Subpart C).

The FHWA would consider any remaining payback questions for situations other than Interstate withdrawals bassed on the traditional payback policy. These situations are expected to occur primarily where decisions are made not to complete a highway segment not yet open-to-traffic, or where a segment, not yet open to traffic, is terminated because of a major realignment. In making these payback determinations, the FHWA would take into consideration such factors as the cause for the termination, whether FHWA had agreed to the termination, and the current value of the acquired property. In any case, where property is reused for another transportation project under 23 U.S.C., the amount of funds obligated could be deobligated and replaced by other Federal-aid funds at the appropriate participation ratio.

In order to facilitate project administration in these situations, it is expected that all outstanding payback questions for situations other than Interstate withdrawals be settled, credits to Federal funds be made, and the projects be closed out as soon as possible after the effective date of the final revised rule. Any future termination would be closed out with a credit to Federal funds as soon as possible after termination. Comments are specifically requested on the proposal to handle situations other than Interstate withdrawals administratively, rather than through regulation.

Besides the fundamental change proposed in the applicability of these regulations, other significant proposed changes include the following: (1) The reuse of the previously acquired property would actually have to begin within 10 years of the date of withdrawal, (2) transfer of property to a private party without making payback would be further limited, and (3) the FHWA would expect to receive a pro rata share of the proceeds from any leasing and/or sale of the property to the public or private sector.

Comments Received on Previous NPRM

The FHWA received nine comments on the earlier NPRM (FHWA Docket No. 80-7). The most prevalent comment concerned the transfer of property back to previous owners at less than current fair market value where required by State law. No change was considered necessary in this NPRM since § 480.109(b)(2) continues to permit States to propose that the credit to Federal funds be based on such a sale.

One commenter asked for more examples of what were considered "intangible items." Additional examples have been added to the definition in § 480.105. Another commenter requested a change in that section of the current regulation (§ 480.109(a)) that calls for the Administrator to provide property disposition instructions. The proposed regulation now provides that the State rather than the FHWA would establish a disposition method.

Another commenter felt that the FHWA exceeded the authority of the statute by calling for payback to be based on current fair market value or sales proceeds, rather than on original costs. The FHWA believes the proposed method (which is unchanged from the existing) is fair to both the State and the FHWA since it does not penalize the State when property values go down, nor does it allow the State to reap a windfall when property values go up.

Another commenter hoped that the FHWA would encourage the State to reuse the property in such a way as to compensate for other environmental losses (e.g., reuse as parklands). While a park reuse of property originally acquired for an Interstate highway would, under certain circumstances, meet the requirements of the currently proposed regulation for waiver of payback, the FHWA will not attempt to intefere with a State decision concerning reuse of property originally acquired for Interstate highway purposes.

Section-by-Section Analysis

This analysis discusses the proposed revisions to 23 CFR 480. In general, all references to situtations other than Interstate withdrawals would be eliminated. Also, real property and tangible personal property would generally be covered under the term "property" since the statute treats them the same for purposes of payback. This latter change would simplify existing procedures. Unless otherwise noted, all references below are to the sections of this NPRM rather than the existing regulation.

Section 480.101 Purpose.

This section narrows the scope of the proposed regulation to cover only Interstate withdrawals and emphasizes that FHWA's role is one of determining if a payback is required rather than approving or disapproving reuse of property which the State owns.

Section 480.103 Applicability.

This proposed regulation would apply only to that property in cases of Interstate withdrawal where the FHWA has not yet made a payback determination under the existing regulation (§§ 480.107, 480.109, or 480.111) as of the effective date of the new rule. Accordingly, all outstanding Interstate withdrawals would be covered by the payback regulation in existence at the time a payback determination is made by FHWA rather than by the regulation existing at the time of withdrawal. Similarly, for situations other than Interstate withdrawals, the existing regulation will govern only if the final payback determination is made by FHWA before the effective date of this rule. Subsequent determinations will be based on the traditional FHWA policy. The payback determination by FHWA is an important decision point and it is proposed that FHWA not reopen these closed cases. It is proposed that a sentence be added to clarify that the proposed regulation covers both individual submissions for each piece of property and comprehensive plans covering most or all of the property to be reused.

It is proposed that paragraph (b) of the existing regulation be eliminated as no longer necessary. Proposed paragraph (a) would make this regulation applicable only to Interstate withdrawals under 23 U.S.C. 103(e)(2) or (4).

The FHWA proposes to add a sentence to new paragraph (b) (paragraph (c) of the existing regulation) explaining what action the FHWA will take if property is not put to a reuse within 10 years of the withdrawal date, or if the State does not make a proposal for waiver of payback within that same period. The remaining part of this paragraph is unchanged except as affected by the redefinition discussed below.

Section 480.105 Definitions.

It is proposed that a definition of "Acquired" be added. This regulation only covers property actually acquired by the State as a result of project activities up through the withdrawal date, since the FHWA would not reimburse the State for any acquisition made after the withdrawal date regardless of the authorization date of the project.

It is proposed that the definition of "Applied to a reuse under this part" be changed. The 10-year deadline contained in § 480.103 of this proposed

rule is important in determining applicability of the regulation. Currently, only a "proposal" for reuse has to be submitted within 10 years of withdrawal. The actual reuse then has to be made "expeditiously" in a time period agreed to by the State and FHWA. Under the proposed definition, actual reuse would have to begin within 10 years. No additional intermediate time limit would be placed on the submission of the proposal. The 10-year time limit would be met if physical construction for an individual reuse is undertaken or a reuse (not involving construction) is actually begun. For example, grading is started for a park project, or excavation is started for a hospital building foundation, or ground is broken for a structure which will use previously acquired reinforcing steel. The FHWA believes this is consistent with congressional intent. The 10-year deadline is similar to the 10-year deadline used in 23 U.S.C. 108, which calls for the start of actual highway construction within 10 years of right-of-way acquisition. This proposed change should result in land now vacant being put back into productive use at an earlier date. As proposed, the project status could be checked at the 10-year deadline, and the final settling of accounts could take place. Currently, the waiting period for reuse to begin can be delayed indefinitely and can impose administrative burdens on FHWA and the State.

The proposed definition of "Intangible items" would provide additional examples to clarify what is meant by this term.

It is proposed that a definition of "Property" be added, consolidating the existing definitions of real property and tangible personal property, and emphasizing that once construction items are incorporated into the job, they lose their identity and become part of the real property. This definition encompasses the terms "construction items," "materials," and "rights-of-way" used in the statute.

Section 480.107 Reuse of property.

The title of this section is proposed to be changed by replacing the term "real property" with the more general term "property." This section would then encompass both real property (currently covered under existing § 480.107) and tangible personal property (currently covered under existing § 480.111).

The most important change proposed for this section would be the addition of paragraph (a) identifying the property to which this section would apply.

In paragraph (b) the language of the statute (section 2(c) of Pub. L. 96–106) would be substituted for the language of existing paragraph (a) to describe those reuses to which property could be applied without a credit to Federal funds.

The information to be submitted by the State to justify a request for payback waiver is proposed to be changed. A distribution table is provided to aid in following the proposed changes:

Existing Section	Proposed Section
480.107(b)(1)	Deleted.
480.107(b)(2)	Deleted.
480.107(b)(3)	Deleted.
480.107(b)(4)	480.107(c)(1)
480.107(b)(5)	Deleted.
480.107(b)(6)	480.107(c)(2)
480.107(b)(7)	Deleted.
480.107(b)(8)	480.107(c)(3)
480.107(b)(9)	480.107(d)(5)
None	480.107(d)(1)
None	480.107(d)(2)
None	480.107(d)(3)
None	480.107(d)(4)
480.115 (part)	480.107(c)(4)

Also, although not mandated, States would be encouraged to submit, to the extent possible, a comprehensive reuse plan covering all property to be reused, rather than individual submissions for each piece of property. This would allow individual reuses to be seen in relation to proposed uses of other property.

Existing paragraph (b)(1) would be eliminated. Under the Federal-aid highway program, property may only be acquired for highway related purposes. Accordingly, requiring a State certification to that effect, at this stage, is considered unnecessary.

It is proposed that existing paragraphs (b)(2) and (b)(3) relating to the future need of property for highway purposes be eliminated. They are no longer considered necessary since the circumstances surrounding the withdrawal will already be known to FHWA.

Proposed paragraph (c)(1) would be reworded to make it compatible with proposed paragraph (b). Also, a sentence has been added to emphasize that only property actually needed for a proposed reuse should be covered in the submission. Land banking or the simple transfer or swap of the property to another agency for unspecified uses is not in itself a "reuse" as envisioned by the proposed regulation.

The FHWA can waive payback in situations where property is applied to a "public purpose . . . in the public interest." Proposed paragraph (c)(1) would indicate how FHWA believes this condition is best met. Since it is conceivable that some reuses by private parties could meet this criteria, a payback waiver based on such a reuse would not be prohibited. However, some of the factors that FHWA proposes to take into account in determining payback in a particular situation would be: Does a property value estimate establish that the property has little or no value? Does the property generate little development interest by the private sector based on open competition? In such cases, as a last resort, FHWA may consider the transfer of property to private parties without monetary consideration and without a credit to Federal funds. However, FHWA proposes that normally transfers to private parties occur under market conditions, and Federal funds be credited.

It is proposed that existing paragraph (b)(5) concerning approvals by local officials and (b)(7) concerning consistency with State law be eliminated. They serve no purpose since State or local laws applicable to reuse of the property would contain their own enforcement mechanism. It is also proposed that the FHWA add no requirements or prescriptive details beyond those already required by the State or local governments. Once a highway segment is withdrawn, subsequent reuse is not considered a Federal undertaking merely because the land, when originally acquired, was purchased with Federal-aid highway funds. It is up to the State, acting within the limits of State or local law, to propose a reuse that can be implemented within the 10-year period required for a waiver of payback.

Proposed paragraph (c)(3) would no longer include an assurance that the reuse will be made expeditiously, since the proposed 10-year requirement for actual reuse to begin in § 480.103(b) would establish a specific time limit. Proposed paragraph (c)(3) retains the requirement that a change in reuse, after the initial payback determination by the FHWA, will necessitate a resubmission of the information required in paragraph (c) insofar as it applies to the new reuse. The FHWA is concerned about the problems inherent in monitoring changes in reuse occurring after the initial payback determination. FHWA will hold the State ultimately responsible for any changes in reuse that may cause payback to be required. When the property is transferred by the State to another political subdivision, reverter clauses, title restrictions, etc., could be included in the deed to ensure that the reuses which formed the basis of payback waiver are carried out.

Proposed paragraph (c)(4) would create no new requirements. Rather, it would clarify an assurance already required under the existing § 480.113

and would move it to a more appropriate section of the regulation. This obligation would apply only to those who could have qualified as "displaced persons" as a result of the original acquisition for highway purposes.

It is proposed that paragraphs (d) (1), (2), and (3) be added requesting the acquisition date, withdrawal date, and final environmental impact statement approval date (if any), to ensure that the property, for which payback forgiveness is being requested, meets the applicability requirements.

It is also proposed that a statement of the original amount of Federal funds expended for the property (excluding costs for intangible items) be submitted in future proposals under paragraph (d)(4). This additional information would ensure that the FHWA would have all pertinent information in determining if a credit to Federal funds is required.

Proposed paragraph (f)(1) (formerly paragraph (d)(1)) would be reworded to clarify that the determination requiring consistency of a proposed reuse with Federal statutes is only necessary with regard to Federal statutes applicable to State and local federally assisted undertakings.

Paragraph (h) is proposed to be added to require a credit to Federal funds in those cases where property is kept in public or quasi-public ownership but payment is received in transferring title, or rent is generated via leases to private developers, etc. The FHWA does not require a credit to Federal funds for some reuses in order that the savings may be passed along to assist the State in reusing the property. However, it is proposed that the FHWA share in any income that is received by the State or political subdivision. The FHWA proposes that the State should not profit at the expense of the Federal interest.

Intergovernmental credits for property transfers between State governmental agencies are generally not considered to constitute "Payment" or "income". Further, local governments are often considred to be creatures of State law and subdivisions of the State, even though such local governments usually have separate budgets and revenue. Comments are specifically requested as to whether this proposed section should apply to payments that may be received for transfers between State agencies or from a State to a local government.

Section 480.109 Requirement of credit to Federal funds.

Proposed paragraph (a) identifies the property to which this section would apply. This section would incorporate the provisions of section 2(c) of Pub. L. 96–106 which identify property for which payback would always be required. Proposed paragraph (a)(4) would cover those cases where the State, whatever reasons, simply chooses to credit Federal funds.

It is proposed that paragraph (b) be reworded to reflect the State-Federal relationship in the highway program, where the State rather than the FHWA would determine a disposition method. It is also proposed that paragraph (b)(2) include a sentence clarifying what the FHWA considers to be "reasonable" fix-up expenses.

This proposed section would include new paragrpah (b)(3) which would implement an important provision of section 2(c) of Pub. L. 96–106. That provision provides an incentive for States to reuse property for transportation projects permissible under 23 U.S.C. by reducing the credit to Federal funds that would otherwise be required. If property were reused for such a purpose, instead of requiring a pro rata share of the current fair market value or of the sales proceeds received for a property, the FHWA would require payback only for the difference betweeen the Federal share applicable to the original acquisition and the Federal share applicable to the proposed transportation project. For example, if property originally acquired for a Federal-aid Interstate project costs $1 million, 90 percent of the cost or $900,000 would normally have been the amount of Federal funds provided. If the propertyb instead is used for a Federal-aid primary highway project, then the Federal funds would normally be 75 percent of the cost or $750,000. In such a case, only $150,000 ($900,000–$750,000) would have to be credited to Federal funds. (If the property applied to a project which will not involve Federal highway funds, then the Federal share, for the purpose of this calculation, will be the lowest participation rate that could have been applied to the project.)

The State will be required to provide much of the same information noted in § 480.107 to take advantage of this provision.

Existing § 480.111 Disposition and use of tangible personal property.

It is proposed that existing § 480.111 which applies to the disposition of tangible personal property be deleted from the proposed rule since both real and tangible property are now covered by § 480.107. At the same time, it is proposed that the exemption and deduction provisions in existing paragraph § 480.111(b) not be continued, but that normal Federal-aid billing procedures, which account for all project credits and changes, be used to simplify handling of these cases.

Section 480.111 Credit to original class of fund.

It is proposed that minor changes in wording be made to better indicate the mechanism involved in increasing the State's unobligated balance of Federal-aid funds after a credit to Federal funds is made.

Section 480.113 Relocation assistance.

It is proposed that the assurance previously required by the section be revised slightly and shifted to § 480.107(c)(4) for purposes of clarity. In addition, a two year period after the effective date of the regulation or after approval of a withdrawal (whichever is later) is established as a reasonable time limitation for Federal-aid participation in relocation assistance payments. This would replace the previous provision which permitted the FHWA to establish a date "considered equitable," prior to the time a State sells or disposes of the property, when the FHWA's relocation obligation would end. The Federal Highway Administrator could approve an extension beyond two years if such an extension was demonstrated to be in the public interest. In any case, Federal participation in relocation assistance would not extend beyond the time a payback waiver is granted, or the time a State sells or disposes of the property, whichever occurs first.

Section 480.115 Property management.

It is proposed that this section be modified to emphasize that generally the FHWA will not participate in costs unrelated to the original highway project. In addition, a maximum two year Federal participation period is proposed; identical to that described in § 480.113 above. Comments are specifically requested on the proposals in this section and in § 480.113 to establish a maximum two year participation period.

Section 480.117 Intangible Items.

No substantive changes.

The FHWA has determined that this document contains neither a major proposal under Executive Order 12291 nor a significant proposal under DOT regulatory procedures. The impact of this proposal would fall primarily on State Highway agencies. For this reason and under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, would not have a significant economic impact on a

substantial number of small entities. The FHWA has prepared a draft regulatory evaluation which is available for inspection in the rulemaking docket (No. 85–26, Room 4205). Copies of the regulatory evaluation may be obtained by contacting Mr. Curtis L. Shufflebarger, at the address provided above under the heading "For Further Information Contact."

(Catalog of Federal Domestic Assistance Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation and Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 480

Grant programs—transportation, Highway projects—withdrawal, Highways and roads, Intergovernmental relations, Mass transportation, Rights-of-way.

Issued on: September 13, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

In consideration of the foregoing, the FHWA proposes to revise 23 CFR Part 480 to read as follows:

PART 480—USE AND DISPOSITION OF PROPERTY PREVIOUSLY ACQUIRED BY STATES FOR WITHDRAWN INTERSTATE SEGMENTS

Sec.

480.101 Purpose.
480.103 Applicability.
480.105 Definitions.
480.107 Reuse of property.
480.109 Requirement of credit to Federal funds.
480.111 Credit to original class of fund.
480.113 Relocation assistance.
480.115 Property management.
480.117 Intangible items.

Authority: Sec. 2, Pub. L. 96–106, 93 Stat. 796 [23 U.S.C. 103(e)(5), (6), (7)]; section 107(f), Pub. L. 95–599, 92 Stat. 2689 [23 U.S.C. 103(e)(5), (8)]; 23 U.S.C. 315; 49 CFR 1.48(b).

§ 480.101 Purpose.

This part addresses the extent to which a credit to Federal funds (payback) will be required for property acquired by States with the participation of Federal-aid highway funds when an Interstate segment for which the property was acquired is subsequently withdrawn under section 103(e)(2) or (e)(4) of Title 23, United States Code.

§ 480.103 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to property acquired with the participation of Federal-aid highway funds for any project on a Federal-aid Interstate segment which is subsequently withdrawn and where the Federal Highway Administration (FHWA) has not previously determined if a credit to Federal funds would be required for such property prior to the effective date of this part. This part applies to both individual submissions for specific pieces of property and comprehensive reuse plans for all property, depending on the extent of the State's submission.

(b) The provisions of § 480.107 concerning payback waiver and § 480.109(b)(3) concerning payback reduction apply only to property which has been or will be applied to a reuse under this part, as determined by the FHWA, within 10 years of the withdrawal of the Interstate segment in connection with which it was acquired. Lacking a submission by the State for waiver of payback within 10 years of withdrawal and actual reuse within 10 years of withdrawal, the FHWA will require that the pro rata share of the current fair market value of the property be credited to Federal funds.

(c) Nothing in this part shall be considered to affect or conflict with the obligations of States with respect to the right-of-way (ROW) revolving fund pursuant to 23 U.S.C. 108(c).

§ 480.105 Definitions.

For purposes of this part:

"Acquired" in the case of real property means that title has been passed to the acquiring agency, or a legal obligation to complete the purchase of such real property has been established; or, in the case of construction, that work has been performed, or materials obtained, and payment is due under the contract provision.

"Applied to a reuse under this part" means that construction leading to the reuse, or the reuse itself, has begun on the real property or that construction leading to the reuse, or the reuse iteslf, has begun on the site where the construction items and materials will be incorporated into another project.

"Intangible items" means items having no physical existence or recoverable value, e.g., preliminary engineering, construction engineering, appraisals, relocation payments, etc.

"Property" means land, and/or interests therein, including improvements, structures and appurtenances thereto, and any other acquired items having a physical existence but not yet physically incorporated into the project (such as construction items, materials, movable equipment and machinery).

§ 480.107 Reuse of property.

(a) This section applies to:

(1) Property acquired in connection with an Interstate highway segment withdrawn before November 6, 1978; or

(2) Property acquired before November 6, 1978, in connection with an Interstate highway segment withdrawn on or after November 6, 1978, if the final environmental impact statement for the segment had not been approved prior to the date of withdrawal.

(b) When property to which this section applies is no longer needed for the Interstae highway project for which it was acquired because of withdrawal of such Interstate segment, the State may, subject to the provisions of this section, reuse the property without being required to make payback, for:

(1) A transportation project permissible under Title 23, United States Code;

(2) A public conservation or public recreation purpose; or

(3) Any other public purpose determined by the FHWA to be in the public interest.

(c) In order to request a waiver of payback for reuse of the property without being required to make a credit to Federal funds, the State shall submit to the FHWA the following information (States are encouraged to submit a comprehensive reuse plan, covering all property, rather than individual submissions for each piece of property):

(1) a description of how the State, or political subdivision thereof, or any of their agencies or instrumentalities, has reused or proposes to reuse the property and how such use satisfies paragraph (b) of this section. Only that property actually needed for a known reuse will be considered for waiver of payback. The intent if the property is reused for publicly owned and operated facilities providing government services. To this end, the State shall indicate if any of the property involves was or will be transferred directly or indirectly to any private party in connection with the reuse. The State shall justify to the FHWA why reuse by a private party, without a requirement for credit to Federal funds, is considered a public purpose in the public interest. As a minimum, justification for such a transfer would have to show that property value estimates indicate the property has nominal value, and/or that proposals to competitvely dispose of the property have generated little market interest.

(2) A certification that the current rights under State law of persons owning the real property immediately

prior to such property being obtained by the State have been observed;

(3) An assurance that no major alteration in the reuse will be made without resubmitting the particulars of the individual case to the FHWA for another payback determination; and

(4) An assurance that the State will assume all obligations within respect to providing relocation assistance benefits to those persons described in § 480.113 after the FHWA's obligations are terminated in accordance with § 480.113.

(d) The State should also make the following information available in order to facilitate processing of a payback determination:

(1) The date the property was acquired;

(2) The withdrawal date of the Interstate segment for which the property was acquired;

(3) The approval date of any final environmental impact statement for the Interstate segment for which the property was acquired;

(4) The amount of Federal funds expended for the property to be reused; and

(5) Any additional related information requested by the FHWA.

(e) Based on the submission, the FHWA will determine if the State is required to make a credit to Federal funds.

(f) Besides making the basic determination of whether or not the reuse satisfies paragraph (b) of this section, the FHWA will require a credit to Federal funds with respect to property if:

(1) The reuse is inconsistent with any Federal statute applicable to State/local undertakings not federally assisted;

(2) The certifications and assurances required by paragraph (c) of this section are not made;

(3) The property is to form, or its value is to form, part of the State or local matching share with respect to any Federal program; or

(4) The property is transferred to any private party, unless the FHWA determines that such a reuse, without a requirement for a credit to Federal funds, is for a public purpose in the public interest.

(g) If the FHWA determines that the assurances required by paragraph (c) of this section have not been observed, the FHWA will require that a credit to Federal funds be made as provided in § 480.109.

(h) While the FHWA does not require that the State be compensated for property reused by others under this section, should there be a payment to the State for sales, leases, rents, intergovernmental credits, etc., the State shall credit Federal funds at the same pro rate share as Federal funds participated in the original acquisition. The credit to Federal funds shall be made as soon as practicable after money or credit is received.

§ 480.109 Requirement of credit to Federal funds.

(a) This section applies to:

(1) Property for which the FHWA, under § 480.107, has determined that a credit to Federal funds must be made;

(2) Property acquired before November 6, 1978, in connection with an Interstate highway segment withdrawn on or after November 6, 1978, if the final environmental impact statement for the segment had been approved prior to the date of withdrawal;

(3) Property acquired on or after November 6, 1978, in connection with a segment withdrawn from the Interstate System; or

(4) Property described in § 480.107(a) for which the State elects not to request a waiver of payback.

(b) With respect to property to which this section applies, the State shall credit Federal funds, as soon as practicable, in the following manner:

(1) If the property is retained or transferred without cost, in an amount computed by applying the Federal percentage of participation in the cost of the original acquisition to the current fair market value of the property.

(2) If the property is sold, in an amount computed by applying the Federal percentage of participation in the cost of the original acquisition to the sale proceeds (after deducting actual and reasonable selling or fix-up expenses). Fix-up expenses are limited to the extent that they are reasonably expected to increase the value of the property by at least the amount of the fix-up expenses. The credit to Federal funds shall be based on sales procedures which, unless otherwise agreed to by the FHWA, provide for competition to the maximum extent practicable and are designed to result in the highest possible return.

(3) If the property described in paragraphs (a)(2) or (a)(3) of this section has been or will be reused for another transportation project permissible under 23 U.S.C., in an amount equal to the difference between the funds the FHWA actually reimbursed the State for the property and the funds that would have been reimbursed in accordance with the current Federal share applicable to the transportation project to which the property will be applied. If the amount that would have been reimbursed is greater than the amount that was actually reimbursed, the difference will be considered zero. States shall provide to the FHWA the information required by § 480.107(c) and should provide the information requested by § 480.107(d) as soon as practicable after State has determined how the property will be reused.

§ 480.111 Credit to original class of fund.

An amount equivalent to the Federal funds paid back pursuant to this part will then be credited to the unobligated balance of the same class of funds to which the original acquisition of the property was attributable in the manner set forth in 23 U.S.C. 118(b).

§ 480.113 Relocation assistance.

With respect to owner-occupants, tenants, business owners, and farm operators whose property had been acquired in connection with a federally assisted highway project, who are still in occupancy, and who could have qualified as displaced persons if they had moved prior to the date of withdrawal, the obligations of the FHWA under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 *et. seq.*) will not extend beyond two years after the effective date of this regulation or two years after a withdrawal approval (whichever occurs later) unless the Federal Highway Administrator determines that an extension beyond two years is in the public interest. In any case, Federal participation will not extend beyond the date the FHWA determines that no credit to Federal funds is necessary for a reuse of the property or the date the State sells or otherwise disposes of the property.

§ 480.115 Property management.

Rules or standards of property management normally applicable to property obtained with the participation of Federal-aid highway funds shall continue to apply to the management of property acquired by States in connection with the project after withdrawal of the Interstate segment. These rules or standards shall cease to apply to the property two years after the effective date of this regulation or two years after a withdrawal approval (whichever occurs later) unless the Federal Highway Administrator determines that an extension beyond two years is in the public interest. The FHWA may, at its discretion, participate in the net costs of property management and in other costs related to the acquisition of the property or withdrawal of the highway project that are incurred. Costs associated with the

design and development of the property for other uses (such as developing a reuse plan or site development costs) are not considered property management costs. In any case, Federal participation will not extend beyond the date of a determination by the FHWA that no credit to Federal funds is necessary for a reuse of the property or the date the State sells or otherwise disposes of the property.

§ 480.117 Intangible items.

States are not requird to make a credit to Federal funds for intangible items for which the State had expended Federal-aid highway funds in connection with an Interstate segment which is later withdrawn.

[FR Doc. 85-22549 Filed 9-19-85; 8:45 am]
BILLING CODE 4910-22-M

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23 CFR Part 637

[FHWA Docket No. 85-6]

Sampling and Testing of Materials and Construction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FHWA is requesting comments on proposed revisions to its regulation which establishes general requirements for the sampling and testing of materials and construction on Federal-aid highway projects. The proposed revisions will clarify existing policy and procedures and provide additional guidance in the areas of acceptance sampling and testing, laboratory inspection program and materials certifications.

DATE: Comments must be received on or before November 4, 1985.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 85-6, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., ET., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. P.E. Cunningham, Chief, Construction and Maintenance Division, (202) 426-0392, or Mr. Hugh T. O'Reilly, Office of the Chief Counsel, (202) 426-0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: Subpart B of 23 CFR Part 637 establishes general requirements and procedures related to sampling and testing of materials and construction of Federal-aid highway projects. The sampling and testing programs to provide assurance that all materials and construction on Federal-aid highway projects comply with the specifications. The proposed revisions will clarify and further delineate policy and procedural requirements which are already in effect.

Reviews conducted by the FHWA from 1981 through 1984 have identified several points of misinterpretation of requirements, particularly in the independent assurance sampling and testing requirements. The proposed revisions will clarify these requirements and provide additional guidance in the areas of acceptance sampling and testing, laboratory inspection programs and material certifications. The proposed revisions will not result in any significant additional actions or procedural changes in the standard operating procedures currently being used by the State and local highway agencies.

The proposed revised regulation will include the following changes:

1. Section 637.203 will be revised to include the provision that acceptance sampling and testing be performed by State personnel or its representatives. The current definition does not specifically state who is to do the sampling and testing. This change will clarify that the State is the responsible party.

2. Section 637.205 will be revised to emphasize that all State highway agencies are required to participate in the regular laboratory inspection and comparative sample testing program provided by the National Reference Laboratories or another provided equally nationally recognized authority. This is to provide assurance that the State's sampling and testing equipment and procedures are reliable and repeatable. Currently, all State highway agencies voluntarily participate in this program, however, due to recent budget constraints, several have considered discontinuing this service. We believe participation in this type program is essential to assure State laboratory capability.

3. Section 637.207(d) will be revised to emphasize the requirement for comparison, including documentation, of acceptance test results with independent assurance test results. In order for the independent assurance program to be effective, comparisons to acceptance test results must be made and in a timely manner. Recent investigations have shown that those comparisons were not actually made in some cases. This requirement for comparison documentation would assure the proper comparisons.

4. New § 637.209 will be added which provides for a Laboratories Inspection Program. Each State shall have its own headquarters laboratory included in a regular inspection and comparative sample testing program by a nationally recognized authority as described in § 637.205. Each State shall authorize the inspecting authority to submit copies of all inspection reports to the FHWA. This will allow monitoring of the program described in § 637.205. The inspection reports are developed by the inspecting authority so no additional effort is required by the State highway agencies.

5. Appendix A, Guide Letter of Certification By State Engineer, will be revised to provide for the explanation of exceptions to the certification on the back of the letter. Identification of these exceptions to the specifications will facilitate their review and judgment of their acceptability.

The FHWA has determined that this action does not contain a major proposal under Executive Order 12291 or a significant proposal under the regulatory policies and procedures of the Department of Transportation. The proposed revisions do not impose any new mandatory standards on State and local governments, but would provide general program direction and recommended criteria. The anticipated economic impact of this proposal is so minimal as not to require preparation of a full regulatory evaluation. For the foregoing reasons and under the criteria of the Regulatory Flexibility Act, the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, and under the authority of 23 U.S.C. 109, 114, and 315; 49 CFR 1.48(b), the FHWA hereby proposes to amend Chapter I of Title 23, Code of Federal Regulations, by revising part 637, Subpart B to read as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

List of Subjects in 23 CFR Part 637

Construction project—sampling and testing, Grant program—transportation, Highways and roads, Materials testing.

Issued on: September 13, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

Part 637 is amended by revising Subpart B to read as follows:

PART 637—CONSTRUCTION INSPECTION AND APPROVAL

Subpart B—Sampling and Testing of Materials and Construction

Sec.

637.201 Purpose.
637.203 Definitions.
637.205 Policy.
637.207 Sampling and testing program.
637.209 Laboratory inspection program.
Appendix A—Guide Letter of Certification by State Engineer.

Authority: 23 U.S.C. 109, 114, and 315; 49 CFR 1.48(b).

Subpart B—Sampling and Testing of Materials and Construction

§ 637.201 Purpose.

The purpose of this regulation is to prescribe policies, procedures, and guidelines relating to sampling and testing of materials and construction in Federal-aid highway projects.

§ 637.203 Definitions.

(a) The term "acceptance samples and tests" means all of the samples and tests performed by a State's personnel or its representatives used for determining the quality and acceptability of the materials and workmanship which have been or are being incorporated in the project.

(b) The term "independent assurance samples and tests" means independent samples and tests or other procedures performed by State personnel who do not normally have direct responsibility for process control and acceptance sampling and testing. They are used for the purpose of making inddependent checks on the reliability of the results obtained in acceptance sampling and testing and not for determining the quality and acceptability of the materials and workmanship.

(c) The term "national reference laboratories" means the American Association of State Highway and Transportation Officials (AASHTO) Materials Reference Laboratory (AMRL) and the Cement and Concrete Reference Laboratory (CCRL).

§ 637.205 Policy.

(a) *Sampling and testing program.* It is the policy of Federal Highway Administration (FHWA) that each State highway agency shall develop a sampling and testing program which will provide assurance that the materials and workmanship incorporated in each Federal-aid highway construction project are in reasonably close conformity with the requirements of the approved plans and specifications, including approved changes. The program must meet the criteria in § 637.207, and be approved by the FHWA.

(b) *Laboratory inspection program.* It is the policy of FHWA that all State highway agencies participate in the regular laboratory inspection and comparative sample testing program provided by the National Reference Laboratories as described under § 637.203(c) or an approved equal.

§ 637.207 Sampling and testing program.

Each State's acceptance and independent assurance sampling and testing program shall provide for the following:

(a) The specific location in the construction or production operation at which sampling and testing is to be done.

(b) Frequency guide schedules for acceptance and independent assurance sampling and testing which will give general guidance to personnel responsible for the program, yet give them reasonable latitude for adaption to specific project needs.

(c) Independent assurance sampling and testing shall be performed by personnel who have no direct responsibility for acceptance sampling and testing using test equipment other than that assigned to the project. The program may permit a reasonable portion of the independent samples and tests to be accomplished by independent observation of the acceptance sampling and testing.

(d) A prompt comparison of acceptance test results with independent assurance test results and documentation of that comparison.

(e) The preparation and submission of a material certification, conforming in substance to Appendix A of this regulation, to the FHWA Division Administrator for each construction project.

§ 637.209 Laboratory inspection program.

(a) Each State shall have its central laboratory included in a regular laboratory inspection and comparative sample testing program such as that provided by the National Reference Laboratories.

(b) Each State is required to authorize the National Reference Laboratories, or the other laboratory used in its laboratory inspection program, to submit copies of all laboratory inspection reports to the appropriate regional and division offices of FHWA.

Appendix A

Guide Letter of Certification by State Engineer

Date _____

Project No. _____

This is to certify that:

The results of the tests on acceptance samples indicate that the materials incorporated in the construction work, and the construction operations controlled by sampling and testing, were in reasonably close conformity with the approved plans and specifications; and such results compare favorably with the results of the independent assurance sampling and testing.

Exceptions to this certification are explained on the back hereof (or on attached sheet).

_____

Director of Laboratory or other Appropriate State Official.

[FR Doc. 85-22550 Filed 9-19-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Proposed Public Comment Period and Opportunity for Public Hearing on Amendment to the Virginia Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of a proposed amendment submitted by the Commonwealth of Virginia as a modification to its permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of two new State regulatorty definitions necessary to allow Virginia to require that all coal processing activities associated with surface coal mining and reclamation operations be permitted without regard to geographic proximity or whether the processing activity

involves the separation of coal from its impurities.

This notice sets forth the times and locations that the Virginia program and proposed amendment will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing.

DATES: Written comments from the public not received by 4:00 p.m. on October 21, 1985, will not necessarily be considered in the decision process. A public hearing on the proposed amendment has been scheduled for 1:00 p.m. on October 10, 1985 in the conference room of the Lebanon Area Office of the Office of Surface Mining, Flannagan and Carroll Streets, Lebanon, Virginia. Any person interested in making an oral or written presentation at the hearing should contact Mr. William Thomas at the OSM Big Stone Gap Field Office by 4:00 p.m. on October 7, 1985. If no one expresses an interest in participating in the hearing by this date, the hearing will not be held. If only one person has so contacted Mr. Thomas, a public meeting, rather than a hearing, may be held; the results of the meeting will be included in the administrative record.

ADDRESSES: Written comments and requests for a hearing should be mailed or hand-delivered to: Mr. William Thomas, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219.

Copies of the Virginia program, the proposed modifications to the program, and the administrative record of the Virginia program are available for public review and copying at the OSM offices and the State regulatory authority office listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSM Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (708) 523–4303

Office of Surface Mining Reclamation and Enforcement, Lebanon Area Office, Flannagan and Carroll Streets, P.O. Box 487, Lebanon, Virginia 24266, Telephone: (703) 889–4032

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, N.W., Room 5124, Washington, D.C. 20240, Telephone: (202) 343–4855

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Big Stone Gap, Virginia 24219, Telephone: (703) 523–2925

FOR FURTHER INFORMATION CONTACT: Mr. William Thomas, Director, Big Stone Gap Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. Information pertinent to the general background, revisions, modifications and amendments to the permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61088–61115). The program has been amended several times since approval; information concerning the amendments may be obtained from the agency offices listed under **"ADDRESSES"**.

II. Submission of Amendment

On July 10, 1985, OSM published an interim final rule to clarify the effects of a judicial decision concerning the applicability of SMCRA to facilities that leach or chemically or physically process coal, or that result from or are incident to a surface or underground coal mining operation but are not located proximate to that operation (50 FR 28186–28188). In the July 6, 1984 (Round I) ruling in *In Re: Permanent Surface Mining Regulation Litigation II*, Civil Action No. 79–1144, the District Court for the District of Columbia held that facilities which in any way leach, chemically process, or physically process coal should be regulated as coal preparation plants even if they do not separate coal from its impurities. The Court also held that SMCRA's applicability to support facilities must be based on a functional test rather than a geographic proximity test.

OSM's interim final rule provided that all such facilities must comply with regulatory performance standards as of September 9, 1985. The rule also required each State to determine if any State statutory or regulatory provisions prohibit the permitting or regulation of these facilities under the approved State program, and to so notify OSM no later than November 7, 1985. By letter of August 19, 1985, Virginia notified OSM that it could not legally permit or regulate these facilities.

By letter dated September 4, 1985, Virginia submitted a proposed amendment adding definitions for "'coal preparation' or 'coal processing'" and "coal preparation plant" to the Virginia Coal Surface Mining Regulations at V700.5 (Administrative Record No. VA 560). The proposed definitions are identical to the Federal definitions of "coal preparation" and "coal preparation plant" at 30 CFR 701.5. According to the letter, approval of these amendments would provide Virginia the authority it needs to permit currently unpermitted and unregulated coal preparation and support facilities.

In accordance with the provisions of 30 CFR 731.17, OSM is now seeking comment on whether the proposed definitions satisfy the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. If approved, the proposed amendment will become part of the Virginia program.

III. Procedural Requirements

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action, OSM is exempted from the requirement to prepare a Regulatory Impact Analysis, and this action does not require regulatory review by OMB.

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

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

List of Subjects in 30 CFR Part 946

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

Dated: September 16, 1985.

Jed D. Christensen,

Acting Director, Office of Surface Mining.

[FR Doc. 85-22561 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 153

[CGD 84-067]

Oil and Hazardous Substance Discharge Reporting Requirements

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the procedures for reporting discharges of oil and hazardous substances as required by section 311 of the Federal Water Pollution Control Act, as amended (FWPCA), to revise or delete outdated language, and to clarify the criteria for direct payment from the Pollution Fund. These revisions are necessary to reflect amendments to the FWPCA and the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan), and to remain consistent with related Environmental Protection Agency regulations.

DATE: Comments must be received on or before November 19, 1985.

ADDRESSES: Comments should be submitted to Commandant[G-CMC/21][CGD 84-067] U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. The comments and other materials referenced in this notice will be available at the Marine Safety Council [G-CMC/21], Room 2110, USCG Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Normal office hours are between 7:30 a.m. and 3:30 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LT G.A. Wiltshire; 202-426-9568.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 84-067), the specific section of the proposal to which their comments apply, and give reasons for each comment.

The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in the drafting of this proposal are Lieutenant G.A. Wiltshire, Project Officer, Office of Marine Environment and Systems, and Lieutenant S. Sylvester, Project Attorney, Office of the Chief Counsel.

Discussion of Proposed Rulemaking

The regulations in Part 153 of Title 33 of the Code of Federal Regulations concerning notice of discharges of oil or hazardous substances, oil discharge removal, and administration of the Pollution Fund established by section 311(k) of the Federal Water Pollution Control Act, as amended (FWPCA) (33 U.S.C. 1321) were published in 1976. Since that time, both the FWPCA and the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) (40 CFR Part 300) have been amended. As a result, some of the definitions, procedures, and references in the regulations are outdated. The purpose of the proposed revisions is to delete outdated materials and to update language to correspond to the FWPCA and National Contingency Plan revisions that have occurred or been proposed since the regulations were last updated. In addition, the criteria for direct payment from the Pollution Fund will be clarified. The following section discusses the proposed revisions within each section of Part 153.

1. Section 153.101 is revised to add a specific reference to the FWPCA. This revision clarifies that the regulations within this part apply only to the discharge reporting and removal requirements of the FWPCA. This clarification is necessary because the list of hazardous substances designated by EPA pursuant to FWPCA section 311(b)(2) is also covered by reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. 9601 et seq.). EPA has proposed requirements for reporting hazardous substance releases as required by CERCLA in 40 CFR Part 302 (48 FR 23552).

2. Section 153.103 is revised to add the definition of two terms, delete two terms, and revise the definitions of eight terms. The definition of "CERCLA" is added since this term is used within the regulations but not previously defined. The first term proposed for deletion is "agency coordinator." This term is deleted since it is no longer used to describe the EPA or USCG official that retains FWPCA section 311(d) response authority. Actions under this authority are normally carried out by the On-Scene Coordinator (OSC) as authorized by the appropriate EPA or USCG official. The term "harmful quantity" is also proposed for deletion, and the term "such quantities as may be harmful" added in its place. This revision will incorporate changes to the language in FWPCA section 311(b)(3) made by the 1978 FWPCA amendments. Reference is also added to the EPA regulations where these quantities are established and published.

Eight terms are proposed for revised definitions under the section. The definition of "Act" is revised by adding " as amended" after "Federal Water Pollution Control Act" to reflect the common usage of this term. The definition of "discharge" is revised to reflect the modifications made to this term in the 1978 FWPCA amendments. These amendments excluded from section 311 coverage three types of discharges that are subject to the FWPCA section 402 National Pollutant Discharge Elimination System (NPDES) provisions. The definition of "On-Scene Coordinator" is revised to update the reference to the National Contingency Plan. The definitions of "coastal waters" and "inland waters" are revised to reflect geographical changes to the EPA/USCG boundaries for providing OSC's under the National Contingency Plan. The "coastal waters" definition is also modified to reflect the 1977 amendments to the FWPCA that expanded the geographic scope of FWPCA coverage beyond the contiguous zone to include discharges in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act). The definition of "offshore facility" is revised to reflect the 1977 amendments to the FWPCA that expanded this term to include facilities subject to U.S. jurisdiction located outside the navigable waters of the U.S. Finally, the definition of "chemical agents" is revised to reflect 1984 revisions in Subpart H of the National Contingency Plan (49 FR 29192).

In addition to the above revisions, the definition of "United States" is revised to delete reference to the Canal Zone. Although the statutory definition of this

term in FWPCA section 311(a)(5) includes this reference, by memorandum of 17 March 1981 the Acting Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, concluded that the FWPCA does not apply to any part of the former Canal Zone. This conclusion was based on the changes resulting from the Panama Canal Treaty of 1977 and the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.). A copy of this memorandum is available in the docket for this rulemaking at the above address.

3. Section 153.105 is amended in paragraph (d)(4) to reflect 1980 amendments to the FWPCA, when the citation of the "Fishery Conservation and Management Act of 1976" was changed to the "Magnuson Fishery Conservation and Management Act."

4. Section 153.203 is revised to delete outdated procedures for the reporting of oil and hazardous substance discharges, and to make slight modifications to the discharge reporting procedures. Existing regulations provide detailed reporting instructions, listing the priorities for reporting oil and hazardous substances discharges. The proposed revision deletes this prioritization. In addition, for the reasons discussed in paragraph 2, all references to reporting discharges in the Panama Canal Zone are deleted.

The proposed revision would retain the requirement for direct reporting to the National Response Center (NRC) unless direct reporting is impractical. In such cases, reports may be made to the predesignated USCG or EPA OSC, or the nearest Coast Guard unit. The Coast Guard believes that direct reporting to the NRC is the best means for ensuring the appropriate USCG or EPA OSC is rapidly notified of a discharge. Reports to any other locations may result in delays in relaying the information to the appropriate OSC. Also, in some cases, parties unnecessarily report to both the NRC and to the OSC. This makes it difficult for the Coast Guard and EPA to determine the actual number of discharges that occur.

In addition, it is the intent of the Coast Guard that the proposed revisions result in consistency between the reporting requirements under CERCLA and the FWPCA. All hazardous substance discharges which are subject to the FWPCA section 311(b)(5) reporting requirement are also subject, as hazardous substance releases, to the reporting requirements in CERCLA section 103(a). It would be highly desirable, both from the perspectives of efficiency and in minimizing regulatory burden, to allow a single report to meet the requirements of both statutes.

CERCLA section 103(a) requires reports of all hazardous substances releases to be made to the NRC. With this in view, EPA proposed a rule on May 25, 1983 (48 FR 23602), which would have required such reports to be made *only* to the NRC. However, EPA has reevaluated this requirement, and in proposing revisions to §§ 300.51 and 300.63 of the National Contingency Plan on February 12, 1985 (50 FR 5862), would authorize reports to certain Coast Guard or EPA offices, and require that such reports be promptly relayed to the NRC. This will assure that even when hazardous substances discharges/releases are reported to those offices, it will constitute the statutorily required notice to the NRC. With this in view, it is expected that EPA will amend the rule implementing the CERCLA notification provisions to parallel the reporting procedure that is adopted as a result of the revisions proposed in the National Contingency Plan and this proposal. Consequently, in cases where both statutes apply, one report will meet the reporting requirements of both statutes.

5. Table 1 in Subpart B is revised to reflect changes in addresses and telephone numbers of EPA Region and Coast Guard District offices since these regulations were last updated.

6. In § 153.305, paragraph (d) is revised to reflect changes in the National Contingency Plan. Requirements for use of chemical agents which were previously in Annex X were moved to Subpart H in the 1982 revisions to the National Contingency Plan.

7. In § 153.407, paragraph (a) is revised to reflect revisions to response phases in the National Contingency Plan, to delete reference to the "agency coordinator" for FWPCA section 311(d) actions, and to add reference to actions under the Intervention on the High Seas Act. As a result of the 1982 revisions to the National Contingency Plan, phase III—Containment and Countermeasures, and phase IV—Cleanup, Mitigation, and Disposal, response actions were combined into phase III—Containment, Countermeasures, Clean-up, and Disposal, for oil removals in Subpart E, and into phase III—Immediate removals, for hazardous substance removals in Subpart F. EPA has recently proposed further revisions to Subpart F (February 12, 1985; 50 FR 5863) that would delete the response phases and replace the term "immediate removals" with "removals." The revisions to this section reflect this latest proposal.

The term "agency coordinator" would be replaced by "the EPA or Coast Guard official" since this term is no longer used to describe the EPA or Coast Guard official with the authority to act under FWPCA section 311(d) whenever a marine disaster in or upon the navigable waters of the U.S. has created a substantial threat of a pollution hazard to the public or welfare of the U.S. because of a discharge, or imminent discharge, of large quantities of oil, or of a hazardous substance from a vessel. Within the Coast Guard, the Commandant has reserved the authority to act under 311(d), but would normally authorize the Coast Guard District Commander to act under this authority on a case-by-case basis. The District Commander would in turn authorize the Coast Guard OSC to act under this authority.

Finally, reference to reimbursement for actions under the Intervention on the High Seas Act (IHSA) (33 U.S.C. 1471 et seq.) is added. This is based on section 17 of the IHSA (33 U.S.C. 1486) which authorizes use of the FWPCA section 311(k) Pollution Fund for Federal response actions under the IHSA.

1. In § 153.407, paragraph (b) is revised to clarify the conditions under which the Coast Guard District Commander may authorize direct payment from the Pollution Fund. Only contractors or suppliers that are acting pursuant to a valid Federal contract can be paid directly from the Pollution Fund. Thus, contractors or suppliers of State or local governments involved in response actions are not eligible for direct payment. A State may be reimbursed for their expenses in obtaining goods and services from contractors and suppliers. However, this is reimbursement to the State, not direct payment to the contractors or suppliers.

9. In § 153.415, the title and first sentence of the section are revised to delete reference to the agency coordinator, to add reference to the Intervention on the High Seas Act, and to rename the required report as the "Cost Summary Report." This change is necessary to avoid any confusion between the report required by this section, and the OSC's Report required by the National Contingency Plan, 40 CFR 300.56 (300.40 in proposed revision, 50 FR 5878), for all major oil discharges (as defined in 40 CFR 300.6). The report referred to in this section is required for any incident where FWPCA section 311(k) Pollution Fund monies are spent during a response action.

10. In § 153.417, paragraph (b) is revised to delete the reference to Phase IV in oil removal actions under subpart F of the National Contingency Plan, and to add reference to hazardous substance removal actions under subpart F of the

National Contingency Plan. The reasons for these changes are discussed in paragraph 7 above.

11. In § 153.419, the title and paragraph (a) are revised to include reference to the Intervention on the High Seas Act, all references to the "AC" (agency coordinator) are replaced with "OSC," and reference to hazardous substance removal actions is added. The reasons for these changes are discussed in paragraphs 2 and 7 above.

Reporting and Recordkeeping Requirements

The requirement for reporting oil and hazardous substance discharges is an existing requirement. The proposed revisions affect only the procedures for making the required notifications. These revisions do not create any increase in the reporting or recordkeeping requirements. The existing information collection requirements have previously been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) and have been approved by OMB. The section number and corresponding OMB approval number is 33 CFR 153.203, OMB No. 2115-0137.

EO 12291 and DOT Regulatory Policies and Procedures

These proposed regulations are considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. The revisions proposed will not establish any new reporting requirements, and only reflect statutory or regulatory changes that have occurred since the regulations were last revised or clarify existing policies or procedures.

Regulatory Flexibility Act

Since the impact of this proposed rule is expected to be mimimal, the agency certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 153

Hazardous substances, Oil pollution.

PART 153—[AMENDED]

For the reasons set out in the preamble, Part 153 of Subchapter O, Chapter I of Title 33 of the Code of Federal Regulations is revised to read as set forth below:

1. The authority citation for Part 153 continues to read as follows:

Authority: Secs. 311(j)(1)(A) and (m), 86 Stat. 862 (33 U.S.C. 1321(j)(1)(A) and (m)); secs. 2, 5, and 7, E.O. 11735 (38 FR 21243) as amended by E.O. 12418 (48 FR 20891); 49 CFR 1.45(b) and 1.46 (l) and (m), unless otherwise noted.

2. Section 153.101 is revised to read as follows:

§ 153.101 Purpose.

The purpose of this part is to prescribe regulations concerning notification to the Coast Guard of the discharge of oil or hazardous substances as required by the Federal Water Pollution Control Act, as amended (FWPCA); the procedures for the removal of a discharge of oil; and the costs that may be imposed or reimbursed for the removal of a discharge of oil or hazardous substances under the FWPCA.

3. In § 152.103, paragraphs (a), (d), (g), (j), (l), (m), (n), (o), (p), and (r) are revised to read as follows:

§ 153.103 Definitions.

As used in this part:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

* * * * *

(d) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes (A) discharges in compliance with a permit under section 402 of the Act, (B) discharges resulting from circumstances identified and reviewed and made part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the Act, which are caused by events occurring within the scope of relevant operating or treatment systems.

* * * * *

(g) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

* * * * *

(j) "Offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States, and any facility of any kind which is subject to the jurisdiction of the United States and is located in, on, or under any other waters, other than a vessel or a public vessel.

* * * * *

(l) "On-Scene Coordinator" or "OSC" is the Federal official predesignated by the Environmental Protection Agency (EPA) or Coast Guard to coordinate and direct Federal removal efforts at the scene of an oil or hazardous substance discharge as prescribed in the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) as published in 40 CFR Part 300.

(m) "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(n) "Such quantities as may be harmful" means those quantities of oil and any hazardous substances determined in accordance with the provisions of section 311(b)(4) of the Act.

Note.—Regulations that relate to such quantities as may be harmful of oil are published in 40 CFR Part 110. Regulations that relate to such quantities as may be harmful (reportable quantities) of hazardous substances are published in 40 CFR Part 117 and also listed in 40 CFR Part 302.

(o) "Coastal waters" means all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, or other waters of the high seas subject to discharges in connection with activities under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.), or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.)).

Note.—Coastal waters are those waters where the Coast Guard has the responsibility for providing OSCs under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

(p) "Inland waters" means all other waters of the U.S. not included in the definition of coastal waters.

Note.—Inland waters are those waters where the Environmental Protection Agency has the responsibility for providing OSCs under the National Contingency Plan. Specific dividing lines between coastal and inland waters are contained in Regional Contingency Plans prepared pursuant to the National Contingency Plan.

* * * * *

(r) "Chemical agents" means those elements, compounds, or mixtures that coagulate, disperse, dissolve, emulsify, foam, neutralize, precipitate, reduce,

solubilize, oxidize, concentrate, congeal, entrap, fix, make the pollutant mass more rigid or viscous, or otherwise facilitate the mitigation of deleterious effects or removal of the pollutant from the water. The term "chemical agents" as used in this part includes dispersants, surface collecting agents, biological additives, burning agents, and sinking agents as defined in Subpart H of the National Contingency Plan.

* * * * *

4. In § 153.105, paragraph (d)(4) is revised to read as follows:

§ 153.105 Delegations.

* * * * *

(d) * * *

(4) Which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including resources under Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

* * * * *

5. Section 153.203 is revised to read as follows:

§ 153.203 Procedure for the notice of discharge.

Any person in charge of a vessel or of an onshore or offshore facility shall, as soon as they have knowledge of any discharge of oil or a hazardous substance from such vessel or facility in violation of section 311(b)(3) of the Act, immediately notify the Duty Officer, National Response Center (NRC), U.S. Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593, toll free telephone number 800–424–8802 (in Washington, D.C. metropolitan area, 426–2675). If direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or EPA predesignated OSC for the geographic area where the discharge occurs, or to the nearest Coast Guard unit.

Note.—Geographical jurisdiction of Coast Guard and EPA OSC's are specified in the applicable Regional Contingency Plan. Regional Contingency Plans are available at Coast Guard District Offices and EPA Regional Offices as indicated in Table 2. Addresses and telephone numbers for these offices are listed in Table 1.

6. In § 153.305, paragraph (d) is revised as follows:

§ 153.305 Methods and procedures for the removal of discharged oil.

* * * * *

(d) Use chemical agents only in accordance with the provisions of Subpart H of the National Contingency Plan and with prior approval of the Federal OSC; and

* * * * *

7. Table 1 of Subpart B is revised as follows:

TABLE 1.—ADDRESSES AND TELEPHONE NUMBERS OF COAST GUARD DISTRICT OFFICES AND EPA REGIONAL OFFICES

	Address	Telephone
EPA Regional Offices		
Region:		
I	John F. Kennedy Federal Bldg., Boston, MA 02203.	617-861-6700
II	26 Federal Plaza, New York, NY 10007.	201-548-8730
III	Curtis Bldg., 6th and Walnut Sts., Philadelphia, PA 19106.	215-597-9898
IV	345 Courtland Street, NE, Atlanta, GA 30365.	404-881-4062
V	230 S. Dearborn Street, 13th Floor, Chicago, IL 60604.	312-353-2316
VI	First International Building, 1201 Elm Street, Dallas, TX 75270.	214-767-2666
VII	324 East 11th Street, Kansas City, MO 64106.	816-236-3778
VIII	1860 Lincoln Street, Denver, CO 80095.	303-236-5060
IX	215 Fremont Street, San Francisco, CA 94105.	415-781-0822
X	1200 6th Avenue, Seattle, WA 98101.	206-442-1263
Coast Guard District Offices		
District:		
1st	150 Causeway St., Boston, MA 02114.	617-223-6915
2nd	430 Olive St., St. Louis, MO 63103.	314-425-4655
3rd	Governors Island, New York, NY 10004.	212-668-7152
5th	Federal Bldg., 431 Crawford St., Portsmouth, VA 23705.	804-398-6638
7th	Federal Bldg., Room 1221, 51 S.W. 1st Ave., Miami, FL 33130.	305-350-5276
8th	Hale Bogga Federal Bldg, 500 Camp St., New Orleans, LA 70130.	504-589-6296
9th	1240 East 9th St., Cleveland, OH 44199.	216-522-3919
11th	Union Bank Bldg., 400 Oceangate, Long Beach, CA 90822.	213-590-2301
12th	Government Island, Alameda, CA 94501.	415-437-3465
13th	Federal Bldg., 915 Second Ave., Seattle, WA 98174.	206-442-5650
14th	Prince Kalanianacle Federal Bldg., 300 Ala Moana Blvd., 9th Floor Honolulu, HI 96850.	808-546-7510
17th	P.O. Box 3-5000, Juneau, AK 99802.	907-586-7195

8. In § 153.407, paragraphs (a) introductory text and (b) are revised as follows:

§ 153.407 Payments or reimbursements from the pollution fund.

(a) The following costs incurred during performance of a Phase III activity as defined in Subpart E of the National Contingency Plan, or a removal action as defined in Subpart F of the National Contingency Plan, are reimbursable to Federal and State agencies when authorized by the appropriate OSC under the authority of section 311(c) of the Act, and are reimbursable to Federal agencies when authorized by the appropriate Coast Guard or EPA official in the case of the summary removal or destruction of a vessel, other "intervention" (as defined in section 153.105(e) of this Part), or any other action under the authority of section 311(d) of the Act or the Intervention on the High Seas Act (33 U.S.C. 1471 et seq.):

* * * * *

(b) The District Commander may authorize the direct payment of the costs found to be reasonable under paragraph (a)(3) of this section. Direct payment may only be made to Federal or State agencies, or to Federal contractors or suppliers. Direct payments to State or local agency contractors or suppliers will not be authorized.

* * * * *

9. In § 153.415, the section heading and introductory paragraph are revised as follows:

§ 153.415 Cost summary reports.

As soon as practicable after completion of an action authorized under section 311 (c) or (d) of the Act or the Intervention on the High Seas Act, the OSC submits a cost summary report to the cognizant district commander that includes:

* * * * *

10. In § 153.417, paragraph (b) is revised as follows:

§ 153.417 Reimbursement for actions under section 311(c) of the Act.

* * * * *

(b) Requests for reimbursement submitted by Federal and State agencies are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized as Phase III removal actions for oil discharges, or removal actions as defined in Subpart F for hazardous substance discharges, and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are proper for payment from the Pollution Fund.

(OSC Signature) _____
(Incident title) _____
(Pollution incident project number) _____

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as [(Phase III oil removal actions) or (hazardous substance removal actions)], and reasonable costs related thereto are

proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund.

(OSC Signature) _____
(Incident title) _____
(Pollution incident project number)_____

11. Section § 153.419 is revised to read as follows:

§ 153.419 Reimbursement for actions under section 311(d) of the act or the Intervention on the High Seas Act.

(a) Each Federal agency requesting reimbursement for an action authorized under section 311(d) of the Act or under the Intervention on the High Seas Act must, within 60 days after completion of the action, submit to the cognizant district commander, through the OSC for review and certification required in paragraph (b) of this section, lists, accompanied by supporting accounting data, itemizing actual costs incurred.

(b) Requests for reimbursement submitted by Federal agencies are reviewed by the OSC to ensure that the costs for which reimbursement is being sought were authorized under section 311(d) of the Act or the Intervention on the High Seas Act, and must have one of the following certifications by the OSC, as appropriate:

(1) I certify that the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act or the Intervention on the High Seas Act, and reasonable costs related thereto are proper for payment from the Pollution Fund.

(OSC Signature) _____
(Incident title) _____
(Pollution incident project number)_____

(2) I certify that, except as noted below, the actions for which reimbursement is being requested in the attached statements were authorized by me as removal actions under section 311(d) of the Act or the Intervention on the High Seas Act, and reasonable costs related thereto are proper for payment from the Pollution Fund. The following actions were not authorized by me and are not subject to reimbursement from the Pollution Fund.

(OSC Signature) _____
(Incident title) _____
(Pollution incident project number)_____

Dated: April 4, 1985.

J.W. Kime,

Commodore, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 85-22461 Filed 9-19-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

43 CFR Part 17

Enforcement of Nondiscrimination on the Basis of Handicap in Department of the Interior Programs

Correction

In FR Doc. 85-21667, beginning on page 37006 in the issue of Wednesday, September 11, 1985, make the following corrections:

1. On page 37007:

a. In the second column, third complete paragraph, sixth line, "constituency" should read "consistency".

b. In the third column, first complete paragraph, nineteenth line, "rules" should read "ruled".

2. On page 37009, second column, twelfth line from the bottom of the page, "povision" should read "provision".

3. On page 37011:

a. In the first column, second complete paragraph, third line, "invovled" should read "involved".

b. In the second column, fifth paragraph, sixth line, add "not" between "may" and "be".

4. On page 37012, third column, § 17.510(a), eighth line, add "or" between "not" and "may".

5. On page 37014, second column, § 17.560, remove the asterisks directly beneath the section heading.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. 1

[CC Docket No. 80-53; FCC 85-496]

Bell System Procurement Practices

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The Commission terminated its inquiry into Bell System procurement practices. In light of divestiture and other significant developments in the telecommunications industry since this docket was initiated, further proceedings are no longer warranted.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gene E. Dougherty (202) 632-7500.

SUPPLEMENTARY INFORMATION: The original Notice of Inquiry was published in the **Federal Register**, Volume 46, No. 156, August 13, 1981, pp. 40902-40904.

Federal Communications Commission

In the matter of Bell System Procurement Practices, Report and Order.

Adopted: September 9, 1985.

Released: September 13, 1985.

By the Commission: Commissioner Rivera not participating.

I. Background

1. By *Report and Order and Notice of Inquiry* (NOI) (FCC 80-699, released July 28, 1981), the Commission initiated an inquiry into the procurement practices of the Bell Operating Companies (BOCs). The purpose of the inquiry was to determine how the Commission could best ensure that the BOCs comply with the directives contained in *Phase II Final Decision and Order*, 64 FCC 2d 1 (1977), *reconsideration*, 67 FCC 2d 1429 (1978). In that decision, the Commission stated that rapid, efficient service at the lowest possible cost could best be provided by establishing a more competitive telecommunications equipment market and by encouraging the BOCs to exert more autonomy in their procurement decisions. The principal issues raised in the NOI concerned the appropriate means to: (1) Encourage the BOCs to buy telecommunications equipment on a more competitive basis; and (2) promote autonomy in their purchasing practices. Our objective was to obtain sufficient information so as to form a policy that would work toward the ratepayer obtaining efficient service in terms of both price and quality (NOI at 14). Accordingly, we called for comments on a broad range of questions, such as the role of Bell Labs and AT&T Long Lines in our procurement policy, certain functions of Western Electric which might be inconsistent with a competitive environment, the negotiating process within the Bell System, and publication of information.

2. Following the receipt of the comments and reply comments in this docket, but before the staff analysis of them was completed, the Government settled its antitrust suit against AT&T. This major development had a significant impact on the proceeding herein. Largely for that reason, therefore, we are terminating our inquiry into this matter.

II. The Modification of Final Judgment

3. On January 8, 1982, the Department of Justice and AT&T reached agreement on a proposed Consent Decree to settle the antitrust suit brought by the Justice Department against AT&T in 1974. On August 11, 1982, the Court issued a Modification of Final Judgment (MFJ)

approving the proposed decree.[1] The MFJ mandated the largest corporate reorganization in U.S. history by requiring the divestiture of AT&T. The MFJ addressed its concerns *inter alia*, in the area of telecommunications equipment procurement. Specifically, Section I (A) (3), called for the termination of the standard supply contract between Western Electric and the operating companies. Additionally, Section II (B) (1) stated that:

> No BOC shall discriminate between AT&T and its affiliates and their products and services and other persons and their products and services in the: . . . procurement of products and services.

To ensure compliance with Section II (B) (1), Section II (C) of the MFJ required that within six months of the reorganization of AT&T, each BOC was to submit to the Department of Justice procedures explaining how it planned to carry out its procurement obligations.

III. The AT&T Consolidated 214 (Divestiture) Proceeding

4. On March 1, 1983, AT&T and the BOCs filed a consolidated application for various transfers of facilities in order to implement the provisions of the MFJ. On December 2, 1983, the Commission adopted a *Memorandum Opinion, Order and Authorization* in response to the above application.[2] In paras. 92–94 of the Order, the Commission found that the two sections of the MFJ addressing equipment procurement procedures contained provisions that would likely increase competition in the telecommunications equipment market. The Commission reasoned that the divested BOCs would no longer have a structural incentive to buy Western products when the products of other manufacturers were superior or identical in quality, but offered at lower prices. The Commission concluded that telecommunication users should benefit from increased competition in equipment procurement by the BOCs through a wider choice of equipment and services in terms of quality and cost to meet their telecommunications needs. Moreover, the Commission found that increased competition in equipment markets brought about by the MFJ should help satisfy the goals of Section 1 of the Communications Act of ensuring rapid, efficient service with adequate facilities at reasonable cost, and that such competition is consistent with long-standing Commission policy.

5. The Commission held that even if there were a lingering prejudice by the BOCs' personnel in favor of Western Electric products, it was likely that this problem would be transitory, and the provision of the MFJ's prohibition against discriminatory practices among equipment suppliers would keep such problems to a minimum. The Commission further stated that it recognized the importance of monitoring developments in this area, and ordered the BOCs to file their procurement plans with the Commission at the same time they filed the plans with the Department of Justice. Subsequently, all of these plans were filed by July 2, 1984.

IV. Discussion

6. In light of the divestiture of AT&T and other significant developments in the telecommunications industry during the past two years, the concerns which led the Commission to open the inquiry herein have since been substantially diminished, if not eliminated.[3] We have no reason to believe that it is necessary for the Commission to address the BOC procurement practices, and in fact, there have been no post divestiture complaints or other allegations indicating that further proceedings are warranted.[4] Thus, we find there is no longer a need to continue this proceeding.

V. Conclusion and Ordering Clause

7. Accordingly, IT IS ORDERED, that Stromberg-Carlson Corporation's Petition for Expedited Consideration is dismissed.

8. It is further ordered, that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–22588 Filed 9–19–85; 8:45 am]

BILLING CODE 6712-01-M

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[1] United States v. American Telephone and Telegraph Co., 552 F.Supp. 131 (D.D.C. 1982), *aff'd sub. nom.* Maryland v. United States, 460 U.S. 1001 (1983).

[2] 96 FCC 2d 18 (1983), *reconsideration*, 98 FCC 2d 141 (1984), *appeal pending sub nom.* US West v. FCC, No. 84–148 (D.C. Cir. filed August 29, 1984).

[3] While it was proposed in the NOI that Long Lines be included in any of the final rules which may be adopted, comments were sought on this point. NOI at 19–20. The Commission acknowledged that "different considerations" apply to Long Lines in this regard because the BOCs, unlike Long Lines, might have incentives distinct from those of AT&T. When the BOCs were separated from AT&T as a result of diverstiture, Long Lines (now AT&T Communications) was not, of course, divested. We now believe that any earlier concerns about the procurement practices of Long Lines have since been substantially diminished by competition in the telecommunications interexchange market. Thus, there is no need to continue this proceeding to review the procurement practices of Long Lines.

[4] On December 15, 1982, Stromberg-Carlson Corporation (Stromberg) filed a "Petition for Expedited Consideration" in this proceeding asking that the Commission adopt procedures to open the BOC equipment market to competition and to limit Western Electric equipment sales to independent telephone companies for a transitional period following divestiture. This petition was not acted upon pending final action by the court on the MFJ. As discussed herein, we now believe that divestiture and other developments in the telecommunications industry have opened the BOC equipment market to competition. Moreover, we do not believe the public interest would be served by imposing restrictive policies on Western's sales to independent telephone companies because such policies would deny the independents, and thus their customers, the benefits of having access to a full range of telecommunications equipment, and would impose unrealistic regulations on Western Electric at a time when the telecommunications market is now open to competition. For these reasons, we are herein dismissing Stromberg's petition.

DEPARTMENT OF DEFENSE

48 CFR Parts 227 and 252

Federal Acquisition Regulation Supplement; Technical Data

AGENCY: Department of Defense (DoD).

ACTION: Notice of public meeting with representatives of the Defense Acquisition Regulatory Council.

SUMMARY: Preliminary industry comments in response to the proposed rule published on September 10, 1985 (50 FR 36887), have indicated that, due to the length, complexity and importance of the technical data coverage, the time provided for receipt and evaluation of public comments is insufficient. It was also suggested that an alternate iterim rule be issued. The DAR Council is considering publishing an interim rule before the statutory implementation date and the concurrent extension of the public comment period. The DAR Council will therefore conduct a public meeting to obtain comments on this approach. The Council also solicits suggestions as to specific changes to the proposed rule that will allow it to be issued as an interim rule.

DATE: The public meeting will be held from 9:00 a.m. until 12 noon on Tuesday, October 1, 1985.

ADDRESS: The meeting will be held in Room 3S11, National Center #3, 2531 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT: Charles W. Lloyd, Executive Secretary, DAR Council, DASD(P)DARS, c/o OUSDRE(M&RS), Room 3D139, Pentagon, Washington, D.C. 20301–3062, telephone (202) 697–7268.

Owen L. Green,

Acting Executive Secretary, Defense Acquisition Regulatory Council.

[FR Doc. 85–22482 Filed 9–19–85; 8:45 am]

BILLING CODE 3810-01-M

Notices

Federal Register
Vol. 50, No. 183
Friday, September 20, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Designation Renewal of Los Angeles Grain Inspection Service, Inc. (CA) and Peoria Grain Inspection Service, Inc. (IL)

AGENCY: Federal Grain Inspection (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Los Angeles Grain Inspection Service, Inc. (Los Angeles), and Peoria Grain Inspection Service, Inc. (Peoria), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: November 1, 1985.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Los Angeles' and Peoria's designations terminate on October 31, 1985, and requested applications for official agency designation to provide official services within specified geographic areas in the May 1, 1985, **Federal Register** (50 FR 18542). Applications were to be postmarked by May 31, 1985. Los Angeles and Peoria were the only applicants for their respective designations and each applied for designation renewal.

FGIS announced the applicant names and requested comments on same in the July 1, 1985, **Federal Register** (50 FR 27033). Comments were to be postmarked by August 15, 1985; no comments were received.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Los Angeles and Peoria are able to provide official services in the geographic area for which FGIS is renewing their designation. Effective November 1, 1985, and terminating October 31, 1988, Los Angeles and Peoria will provide official inspection services in their specified geographic areas, which are the entire areas previously described in the May 1 **Federal Register.**

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may contact the Review Branch, specified in the address section of this notice, to obtain a list of an agency's specified service points. Interested persons also may obtain a list of the specified service points by contacting the agency at the following address:

Los Angeles Grain Inspection Service, Inc., 1625 Bluff Road, Montebello, CA 90640

Peoria Grain Inspection Service, Inc., 330 S.W. Washington Street, 2nd Floor, Peoria, IL 61602.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: September 17, 1985.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 85–22581 Filed 9–19–85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Areas Currently Assigned to Lima Grain Inspection Service, Inc. (OH) and Virginia Department of Agriculture and Consumer Services (VA)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic areas currently assigned to Lima Grain Inspection Service, Inc. (Lima) and the Virginia Department of Agriculture and Consumer Services (Virginia).

DATE: Comments to be postmarked on or before November 4, 1985.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services within specified geographic areas in the August 1, 1985, **Federal Register** (50 FR 31208). Applications were to be postmarked by September 3, 1985. Lima and Virginia were the only applicants, and each applied for designation renewal in the areas currently assigned to those agencies.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants. All comments must be submitted to the Information Resources

Management Branch, Resources Management Division, specified in the address section of this notice.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: September 17, 1985.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 85–22580 Filed 9–19–85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants to Provide Official Services in the Geographic Areas Currently Assigned to Ohio Valley Grain Inspection (IN) and Quincy Grain Inspection & Weighing Service (IL)

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to each specified agency. The official agencies are Ohio Valley Grain Inspection, and Quincy Grain Inspection & Weighing Service.

DATE: Applications to be postmarked on or before October 21, 1985.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Ohio Valley Grain Inspection (Ohio Valley), P.O. Box 601, Newburgh, IN 47630, and Quincy Grain Inspection & Weighing Service (Quincy), 902 South 6th Street, P.O. Box 755, Quincy, IL 62301, were each designated under the Act as an official agency to provide inspection functions on April 1, 1983.

Each official agency's designation terminates on March 31, 1986. Section 7(g)(1) of the Act states, generally, that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic are presently assigned to Ohio Valley, in the States of Indiana, Kentucky, and Tennessee, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

In Indiana: Daviess, Dubois, Gibson, Knox (except the area west of U.S. Route 41 (150) from Sullivan County south to U.S. Route 50), Pike, Posey, Vanderburgh, and Warrick Counties;

In Kentucky: Caldwell, Christian, Crittenden, Henderson, Hopkins (west of State Route 109 south of the Western Kentucky Parkway), Logan, Todd, Union, and Webster (west of Alternate U.S. Route 41 and State Route 814) Counties; and

In Tennessee: Cheatham, Davidson, and Robertson Counties.

Exceptions to the described geographic area are the following locations situated inside Ohio Valley's are which have been and will continue to be serviced by Cairo Grain Inspection Agency: Hopkinsville Elevator Company, Inc., Hopkinsville; and the L&N Railroad Siding on Alternate U.S. Route 41, 5 miles south of Hopkinsville, both in Christian County, Kentucky.

The geographic area presently assigned to Quincy, in the State of Illinois, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Adams, Brown, Greene, Macoupin (southwest of a straight line from the junction of State Route 111 and the northern Macoupin County line southeast to the junction of Interstate 55 and State Route 16), and Pike Counties.

Exceptions to the described geographic area are the following locations situated inside Quincy's area which have been and will continue to be serviced by the following official agencies:

1. Keokuk Grain Inspection Service, Inc., will service Ursa Farmers Coop, Meyer and Ursa, Adams County; and

2. Springfield Grain Inspection Department will service Pillsbury Co., Florence, Pike County.

Interested parties, including Ohio Valley and Quincy are hereby given opportunity to apply for offical agency designation to provide the official services in the geographic areas, as specified above, under the provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning April 1, 1986, and ending March 31, 1989. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 17, 1985.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 85–22579 Filed 9–19–85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in Northwest Texas

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the northwestern portion of the State of Texas.

DATE: Comments to be postmarked on or before October 21, 1985.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Management Branch, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250. All comments

received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services in the northwestern portion of the State of Texas in the August 1, 1985, **Federal Register** (50 FR 31209). Applications were to be postmarked by September 3, 1985. There were two applicants: Amarillo Grain Exchange, Inc., Amarillo, Texas, and Plainview Grain Inspection and Weighing Service, Inc., Plainview, Texas. The agency currently designated, Mr. Raymond Anthis, doing business as Lubbock Grain Inspection and Weighing, will continue to provide official inspection service in the area until a replacement agency can be designated.

This notice provides interested persons the opportunity to present their comments concerning the designation applicants. All comments must be submitted to the Information Resources Management Branch, Resources Management Division, specified in the address section of this notice.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the Federal Register, and the applicants will be informed of the decision in writing.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 17, 1985.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 85-22578 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants to Provide Official Services in a Portion of Iroquois County, IL

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Notice.

SUMMARY: This notice announces that Schneider Inspection Service, Inc., requested amendment of its designation, effective September 1, 1985, to delete a portion of its assigned geographic area. Champaign-Danvile Grain Inspection Departments, Inc., will provide official inspection services on an interim basis, in the geographic area specified below, starting September 1, until a decision can be made in this matter. A request for designation applicants is also included in this notice.

DATE: Applications to be postmarked on or before October 21, 1985.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 1512-1; therefore, the Executive Order and Department Regulation and Departmental Regulation do not apply to this action.

This notice announces that Schneider Inspection Service, Inc., requested amendment of its designation, effective September 1, 1985, to delete a portion of its assigned geographic area. Champaign-Danville Grain Inspection Departments, Inc., will provide official inspection services on an interim basis, in the geographic area specified below, starting September 1, until a decision can be made in this matter.

The Administrator of FGIS has determined that interim assignment of this geographic area to Champaign-Danville is consistent with the provisions and objectives of the U.S. Grain Standards Act, as amended (Act) and that this action will facilitate providing official inspection services in the specified geographic area.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

The geographic area, in Illinois, to be provided service by Champaign-Danville, on an interim basis, and which is available for assignment to the applicant selected for designation, is as follows: the northeast portion of Iroquois County, bounded by Illinois State Route 1 and U.S. Route 24.

The following locations are outside of the foregoing contiguous geographic area but also are part of this geographic area asssignment: Cargill Grain Company, Ford Iroquois Supply and Service, and Summer Elevator, all in Sheldon, Iroquois County.

An exception to the geographic area available for assignment is the following location inside the contiguous northeast portion of Iroquois County, which has been and will continue to be serviced by Champaign-Danville Grain Inspection Departments, Inc.: Pittwood Grain Company, Pittwood, Iroquois County.

Interested parties, including Champaign-Danville, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area will not exceed a 3-year period. Parties wishing to apply for designation should contact the Regulatory Branch, Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considerd in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: September 17, 1985.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 85-22404 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Inyo National Forest, Mono Basin National Forest Scenic Area Advisory Board; Meeting

The Mono Basin National Forest Scenic Area Advisory Board will meet at 8:30 a.m. on October 9, 1985, at the Lee Vining Presbyterian Church, Lee Vining, California. The agenda of the meeting will include: Minor Boundary Revisions, Interim Management Plan, and Update by the District Ranger.

The meeting will be open to the public. Persons who wish to attend and make oral presentations should notify Eugene E. Murphy, Forest Supervisor, Inyo National Forest, 873 N. Main Street, Bishop, California, 93514. Telephone: (619) 873-5841. Written statements may

be filed with the Committee before or after the meeting.

The Committee has established the following rules for public participation: After the Board has completed discussion of each topic, the public will be allowed time for questions or comments.

Dated: September 9, 1985.

Eugene E. Murphy,

Forest Supervisor and Chairman.

[FR Doc. 85-22472 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-11-M

New Meadows Draft Supplement EIS, Payette National Forest, Adams County, Idaho; Supplement Draft Environmental Impact Statement; Cancellation Notice

The draft supplment EIS to the New Meadows Land Use Plan, which was approved April 29, 1976, considering a change to existing management direction within a small portion of Unit 3.3 within the Goose Creek drainage has been withdrawn due to the release of the draft Forest Plan and EIS for the Payette National Forest.

The request for comments on the supplement, published in the Federal Register of March 8, 1985, is hereby rescinded.

For further information contact: Pete Walker, District Ranger, New Meadows Ranger District, P.O. Box J, New Meadwos, ID 83654; telephone 208-347-2141.

Dated: September 12, 1985.

Kenneth D. Weyers,

Forest Supervisor

[FR Doc. 85-22494 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Basin Electric Power Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the provisions of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact with respect to the Charlie Creek to Williston 230 kV transmission line and related substation facilities in western North Dakota. Basin will jointly construct the project with Montana-Dakota Utilities, an investor-owned utility headquartered in Bismarck, North Dakota.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment, and Basin's Environmental Analysis and Macro-Corridor Study and Alternative Evaluation may be reviewed and copies obtained from the Office of the Director, North Central Area-Electric, REA, Room 0230, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-1400, or the offices of Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, North Dakota 58501, telephone (701) 223-0441, during normal business hours.

SUPPLEMENTARY INFORMATION: REA reviewed the Environmental Analysis and Macro-Corridor Study and Alternative Evaluation submitted by Basin and determined that it represents an accurate assessment of the environmental impacts of the 116 kilometer (72 mile) 230 kV transmission line and related substation facilities known as the Charlie Creek to Williston transmission line.

Based upon the Environmental Analysis, the Macro-Corridor Study and Alternative Evaluation, and information gathered at the interagency and public scoping meetings, REA prepared an Environmental Assessment. REA independently concluded that the proposed financing assistance would not result in a major Federal action significantly affecting the quality of the human environment.

The Environmental Analysis, Macro-Corridor and Alternative Evaluation, and Environmental Assessment adequately consider potential impacts of the proposed transmission project on prime farmlands, wetlands, floodplains, cultural resources, Federally listed threatened or endangered species or those proposed for listing or their critical habitat, scenic rivers, air quality, water quality, and aesthetics.

Various alternatives to the proposed 230 kV transmission line were considered, including no action, alternative voltage, direct current transmission, alternate sources, local generation, upgrading existing facilities, load management, and alternate transmission corridors. Basin evaluated two alternate transmission corridors in its corridor analysis. Although both corridors are similar and contain viable transmission routes, the corridor which minimizes potential environmental impacts because of its shorter length has been suggested as the proposed corridor. REA determined that the proposed project is an acceptable alternative that meets Basin's needs with a minimum of adverse environmental impact.

(This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.)

Dated: September 16, 1985.

Harold V. Hunter,

Administrator.

[FR Doc. 85-22582 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-15-M

Oglethorpe Power Corp.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500-1508) and REA's Environmental Policies and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact with respect to a proposed project by Oglethorpe Power Corporation (OPC). The project consists of construction of 26 miles of 115 kV transmission line from Burnswick Paper in Randolph County, Georgia, through a new 115/46 kV Substation at Lumpkin, in Stewart County, Georgia, to Louvale Substation, also in Stewart County, Georgia.

FOR INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and OPC's Borrower's Environmental Report (BER) may be reviewed in the Office of the Chief, Distribution and Transmission Engineering Branch, Southeast Area-Electric, Room 0262, South Agriculture Building, REA, Washington, D.C. 20250, telephone (202) 382-8436, or at the Office of OPC (Mr. F.F. Stacy, Jr., Manager), 2100 East Exchange Place, Tucker, Georgia 30085-1349, telephone (404) 496-7600.

SUPPLEMENTAL INFORMATION: REA has reviewed OPC's BER and has determined that it represents an accurate assessment of the environmental impacts of the proposed project. The proposed project will consist of approximately 42 kilometers (27 miles) of 115 kV line, a 115/46 kV in-line substation on approximately 3 acres of land at Lumpkin, and modification of the Brunswick Paper and Louvale substations to accommodate this line. REA determined that the proposed project is not likely to affect any threatened or endangered species or

critical habitat; it is not a critical action facility and it will not occur in a 100-year floodplain; it will have no effect upon any river section in the Nationwide Inventory of Wild and Scenic Rivers; it will not occur in a coastal barrier and will not directly affect the coastal zone. The proposed transmission line will cross a small amount of wetlands. The right-of-way will be constructed on an abandoned road right-of-way which spans the wetland. There is no practicable alternative to locating in the wetland and all practicable means to minimize harm will be taken. The proposed line will be single, wood pole construction and all maintenance activities will use the abandoned roadway.

The proposed transmission line will cross approximately 4,380 meters (14,600 feet) of prime farmland and 3,120 meters (10,400 feet) of prime forestland. Almost all of the prime farmland can be crossed adjacent to a road or railroad right-of-way. Forestland in the right-of-way will be taken out of production for the life of the project. The proposed project will convert prime forestland and a small amount of prime farmland to other uses, but there is a demonstrated significant need for and no practicable alternative to the proposed action.

The proposed transmission line will cross three sites which are eligible for listing on the National Register of Historic Places. One site is the remains of a chimney anf the other two are subsurface archaeological sites. The chimney site and one archeological site will be spanned. Three poles will be placed in the remaining site. A mitigation and data recovery plan has been prepared for these three sites. Based on this plan, REA, the State Historic Preservation Office and the Advisory Council on Historic Preservation have reached a determination that there will be no adverse effect upon properties listed or eligible for listing on the National Register of Historic Places.

Alternatives to the proposed 115 kV transmission line and substation were considered, such as no action, electrical alternatives, alternative sites and alternative routes.

Based upon OPC's BER and supporting documents, REA prepared an EA concerning the proposed project and its impacts. In accordance with REA's 7 CFR Part 1794, OPC advertised and requested comments on the environmental aspects of the proposed project. No comments were received. REA concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the human environment.

An environmental impact statement is not necessary. This program is listed in the Catalog of Federal Domestic Assistance as 18.850-Rural Electrification Loans and Loan Guarantees.

Dated: September 16, 1985.

Harold V. Hunter,

Administrator.

[FR Doc. 85-22583 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Coast Guard Park Critical Area Treatment RC&D Measure, Michigan

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Coast Guard Park RC&D Measure, Alger County, Michigan.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include adding topsoil, mulch, fertilizer, seeding adapted grasses and installing barrier posts to limit access from vehicles. Total construction cost is estimated to be $9,500, $6,000 RC&D funds and $3,500 local funds.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials)

Dated: August 26, 1985.

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 85-22568 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-16-M

Lower Sand Creek Watershed, Idaho; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Sand Creek Watershed, Bonneville County, Idaho.

FOR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, 304 North Eighth Street, Room 345, Boise, Idaho 83702, telephone (208) 334-1601.

SUPPLEMENTARY INFORMATION: The environmental assessment of this

federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for land treatment to protect the quality of the land resource, reduce severe erosion both on irrigated and non-irrigated cropland and reduce sediment damages. The planned works of improvement include conservation practices such as conservation tillage systems, no-till farming, permanent vegetation and terraces.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the address on the previous page. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Stanley N. Hobson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: September 11, 1985.

Michael Somerville,

Acting State Conservationist.

[FR Doc. 85-22491 Filed 9-19-85; 8:45 am]

BILLING CODE 3410-17-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-010]

Carbon Steel Wire Rod From Brazil; Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On June 14, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on carbon steel wire rod from Brazil and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received comments from Atlantic Steel Co., Continental Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., the petitioners. After our analysis of those comments, we determine that domestic interested parties are no longer interested in continuation of the order. Therefore, we are revoking the order. In accordance with petitioners' notification the revocation will apply to all carbon steel wire rod exported on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or G. Leon McNeill, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 24923-24) the preliminary results of its changed circumstances administrative review of the antidumping duty order on carbon steel wire rod from Brazil (48 FR 52110-11, November 16, 1983). 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 carbon steel wire rod. Such merchandise is currently classifiable under item 607.1700 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received written comments from Atlantic Steel Co., Continental Steel Corp., North Star Steel Texas, Inc., and Raritan River Steel Co., the petitioners in this proceeding.

Comment 1: The petitioners claim that our notice of preliminary results does not adequately describe the conditions of their support for the revocation of the antidumping duty order. In that notice, we stated that the petitioners had advised the Department that they (the petitioners) were "no longer interested in" the antidumping duty order. However, petitioners maintain they have no objection to the initiation of proceedings to review and revoke the antidumping duty order only so long as the conditions in their May 9, 1985, letter are satisfied.

Department's Position: Our understanding is that the petitioners are no longer interested i.e., have no objection to our review and revocation of the antidumping duty order as long as the conditions of their letter are met. We are meeting the conditions of the letter.

Comment 2: The petitioners claim that there is a discrepancy in the wording between our notice of preliminary results and the Arrangement Concerning Trade in Steel Products between Brazil and the United States ("the Arrangement"). The Arrangement provides that *shipments* of Brazilian carbon steel wire rod on or after October 1, 1984, will be subject to export ceilings. Our notice provided that "the revocation will apply to all carbon steel wire rod *entered, or withdrawn from warehouse,* for consumption on or after October 1, 1984."

The petitioners argue that we should adhere to the Arrangement by making the revocation applicable only to shipments made on or after October 1, 1984.

Department's Position: Since the petitioners' lack of interest in continuation of the antidumping duty order is the basis of the revocation, and since the petitioners have unambiguously stated that their lack of interest in continuation applies only to shipments made on or after October 1, 1984, we are revoking this order with respect to shipments of Brazilian wire rod exported on or after October 1, 1984. Exports prior to October 1, 1984, that are entered, or withdrawn from warehouse, for consumption after that date continue to be subject to the antidumping duty order.

If any interested party chooses to request, in accordance with the Interim Final/Final Rule (50 FR 32556, August 13, 1985), an administrative review for the period immediately preceding October 1, 1984, we will consider arguments that the revocation should affect exports (shipments) prior to October 1 that were entered after October 1.

Final Results of the Review and Revocation

After review of the comments received, we determine that the domestic interested parties are no longer

interested in continuation of the antidumping duty order on carbon steel wire rod from Brazil and that the order should be revoked on this basis.

Therefore, we are revoking the order on carbon steel wire rod from Brazil effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise exported prior on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of carbon steel wire rod from Brazil which were exported prior to October 1, 1984. The Department will cover any entries for merchandise exported to October 1, 1984, not covered in a prior administrative review, in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751(b) and (c) of the Tariff Act (19 U.S.C. 1675(b), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: September 12, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-22480 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-003]

Stainless Clad Steel Plate From Japan; Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Changed Circumstances Administrative Review and Revocation of Antidumping Duty Order.

SUMMARY: On July 30, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on stainless clad steel plate from Japan and announced its tentative determination to revoke the order. The review covers the period from October 1, 1984.

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments. We therefore determine that domestic interested parties are no longer interested in continuation of the order and we are revoking the order. In accordance with the petitioner's notification, the revocation will apply to all stainless clad steel plate entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

EFFECTIVE DATE: October 1, 1984.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or G. Leon McNeill, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On July 20, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 30867) the preliminary results of its changed circumstances administrative review of the antidumping duty order on stainless clad steel plate from Japan (47 FR 34178-79, August 6, 1982). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of stainless clad steel plate. Such merchandise is currently classifiable under item 607.9400 of the Tariff Schedules of the United States Annotated. The review covers the period from October 1, 1984.

Final Results of the Review and Revocation

We gave interested parties an opportunity to comment on the preliminary results and tentative determination to revoke. We received no comments.

As a result of this review, we determine that the domestic interested parties are no longer interested in continuation of the antidumping duty order on stainless clad steel plate from Japan and that the order should be revoked on this basis.

Therefore, we are revoking the order on stainless clad steel plate from Japan effective October 1, 1984. We will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984, without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries.

This notice does not cover unliquidated entries of stainless clad steel plate from Japan which were entered, or withdrawn from warehouse, for consumption prior to October 1, 1984. The Department will cover any entries not covered in a prior administrative review and entered, or withdrawn from warehouse, for consumption prior to October 1, 1984, in a separate review, if one is requested.

This administrative review, revocation and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b), (c)) and §§ 353.53 and 353.45 of the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: September 12, 1985.

Gilbert B. Kaplan,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-22481 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-DS-M

President's Export Council; Change of Time for Full Council Meeting

On September 18, 1985 a notice dated September 16, 1985 was published in the **Federal Register** (50 FR 37892), announcing a full Council Meeting of the President's Export Council on September 23, 1985 at 10:00 a.m. in Room 4830 of the Department of Commerce, Herbert C. Hoover Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The purpose of this notice is to announce that the time for the meeting has been rescheduled for 2:30 p.m.-3:30 p.m. in the same location.

For further information, contact Laureen Daly at (202) 377-1125.

Dated: September 18, 1985.

Henry P. Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 85-22702 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Gulf of Mexico/South Atlantic Fishery Management Councils; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico and South Atlantic Fishery Management Councils will convene a joint public meeting of their Coastal Migratory Pelagic (Mackerel) Advisory Panels at the Ramada Inn, 5303 West Kennedy Boulevard, Tampa, FL, October 2, 1985, from 8:30 a.m. to approximately 3:30 p.m., to review the report of the Council's Stock Assessment Group with respect to king and Spanish mackerel and make recommendations to the Councils. For further information

contact the Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, FL 33609; telephone: (813) 228-2815.

Dated: September 17, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation National Marine Fisheries Service.

[FR Doc. 85-22603 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting, September 24, 1985, at 9 a.m., and will adjourn September 25, at approximately noon at the Ocean Gate Motor Inn, Southport, ME, to discuss reports of the scallop, foreign fishing, surf clam, gear conflict, and ad hoc priorities committees; to discuss Atlantic salmon plan development, and other fishery management and administrative matters. For further information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, MA 01906; telephone: (617) 231-0422.

Dated: September 17, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-22602 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

A subcommittee of the North Pacific Fishery Management Council will convene a public meeting to begin revision of the Gulf of Alaska Fishery Management Plan on October 3-4, 1985, at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way, Room 2079, Seattle, WA. For further information contact Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.

Dated: September 17, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation National Marine Fisheries Service.

[FR Doc. 85-22601 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China Concening Categories 369pt. (Luggage), 605pt. (Thread), and 651 (Pajamas)

September 17, 1985.

The Chairman of the Committee for the Inplementation to Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on September 23, 1985. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

On August 15, 1985, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Governments of the United States requested consultations concerning imports into the United States of cotton and man-made fiber textile products in Categories 369pt (only T.S.U.S.A. numbers 706.3200, 706.3650, and 706.4111), 605pt. (only T.S.U.S.A. number 310.9140) and 651, produced or manufactured in China and exported to the United States.

Summary market statements concerning each of these categories follow this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

Anyone wishing to comment or provide data or information regarding the treatment of these categories under the agreement with the People's Republic of China, or on any other aspect thereof, or the comment on domestic production or availability of textile products included in the categories, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation ot Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The People's Republic of China is obligated under the consultation provision of the bilateral agreement, to limit its exports to the United States of these products during the ninety-day period which began on August 15, 1985 and extends through November 12, 1985 to the following levels:

Category	90 Day level
369 pt.	1,034,257 pounds.
605 pt.	106,461 pounds.
651	106,455 dozen.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period to the following:

Category	12 mon levels [1]
369 pt.	3,320,320 pounds.
605 pt.	248,117 pounds.
651	324,449 dozen.

[1] Nov. 13, 1985 to Nov. 2, 1986.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Categories 369 pt. 605 pt. and 651, exported during the ninety-day period at the levels described above.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limits established for the ninety-day period are exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the levels (described above), defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 28, 1984 a letter to the Commissioner of Customs was published in the **Federal Register** (49 FR 50432) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1985. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Categories 369 pt., 605 pt., and 651, which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Categories 369 pt., 605 pt., and 651, manufactured in the People's Republic of China and exported during the indicated ninety-day period, in excess of the designated levels.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 1985.

China—Market Statement

Category 369—Luggage, Cotton

Summary and Conclusions

U.S. imports of Category 369-Luggage (TSUSA Numbers 706.3200, 706.3650 and 706.4111) from China were 1.48 million pounds during January-June 1985, a 53 percent increase over the 968,000 pounds imported a year earlier. China was the largest supplier of Category 369-L during the first 6 months of 1985 and accounted for 43 percent of the total imports in that category. Imports from China reached 2.4 million pounds in 1984 an increase of 30 percent over the 1.9 million pounds imported in 1983.

The market for Category 369-Luggage is disrupted by imports and the high volume imports from China have contributed to the disruption.

Production and Imports

U.S. consumption of cotton fabric in luggage declined from 6.9 million pounds in 1981 to 5.2 million in 1984. Contrasting this 26 percent reduction was an increase in imports of 173 percent from 1.1 million pounds of fabric in 1981 to 2.9 million in 1984. Imports continued the sharp increase in 1985, reaching 2.2 million pounds of fabric during the first six months.

Import Penetration and Market Share

The ratio of imports to domestic production in 1984 was 56.6 percent compared with 15.4 percent in 1981. The domestic producers share of the market for domestically produced and imported cotton luggage declined from 87 percent in 1981 to 64 percent in 1984.

Wholesale Prices, Chinese and U.S. Producers

Imports of cotton luggage from China entered at low duty-paid values, resulting in wholesale prices well below those of comparable U.S. produced luggage.

August 1985.

China—Market Statement

Category 605 Pt.—Man-Made Fiber Sewing Thread

Summary and Conclusions

U.S. imports of man-made fiber sewing thread, TSUSA No. 310.9140 from China amounted to 259,313 pounds during the first six months of 1985. This was equal to four times the total imports from China during the full year of 1984. China, duing January-June 1985, was the third largest supplier of TSUSA No. 310.9140, accounting for 13 percent of the total imports.

The U.S. market for man-made fiber sewing thread is being disrupted by imports and China is contributing to that disruption.

U.S. Market Share

The U.S. producers' share of the market for domestically produced and imported man-made fiber thread declined from 95 percent in 1981 to 82 percent in 1984.

Imports and Import Penetration

U.S imports of thread under TSUSA No. 310.9140 during January-June 1985 at 1,999,000 pounds were 14 percent higher than the imports during the same period a year earlier. Import growth was especially sharp in April-June 1985 when two-thirds of the first half's total was imported. Imports for the year ending June 1985 were 3,537,000 pounds, up 25 percent from the 2,822,000 imported a year earlier.

The ratio of imports to domestic production increased from 5.1 percent in 1981 to 22.4 percent in 1984. Although there was a decline in the ratio during the first quarter of 1985 due to the smaller imports, imports by the end of June had exceeded the 1984 level and the 1985 ratio will resume the upward trend.

Import Values and Domestic Prices

The man-made fiber thread imports from China are landed in the U.S. at duty-paid values well below the U.S. producer prices for such thread.

August 1985.

China—Market Statement

Category 651—Man-made Fiber Pajamas and Other Nightwear

Summary and Conclusions

United States imports of Category 651 from China totaled 304,156 dozens during the year ending June 1985, up 92 percent from the 158,438 dozens imported a year earlier. Imports from China nearly doubled from 1983 to 1984, increasing from 121,000 dozens to 234,000 dozens. China is the largest supplier of Category 651; it accounted for 24 percent of the year ending June 1985 total imports.

This increase is sharp and substantial and creates a real risk of market disruption.

U.S. Production and Imports

U.S. production of Category 651 declined from 19,055,000 dozens in 1983 to 17,980,000 dozens in 1984. The market for domestically produced and imported Category 651 declined from 18,737,000 dozens in 1983 to 19,006,000 dozens in 1984. In spite of the downturn in the market, imports continued their upward trend, increasing by 50 percent from 682,000 dozens in 1983 to 1,026,000 dozens in 1984. The ratio of imports to domestic production doubled from 1981 to 1983 and increased by 58 percent from 1983 to 1984.

September 17, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1985, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 23, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 369 pt.[1], 605 pt.[2], and 651, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on August 15, 1985 and extends through November 12, 1985, in excess of the following levels of restraint:

Category	90-Day Level [3]
369 pt.[1]	1,034,257 pounds.
605 pt.[2]	106,461 pounds.
651	106,455 dozen.

[1] In Category 369, only T.S.U.S.A. numbers 706.3200, 706.3650 and 706.4111.
[2] In Category 605, only T.S.U.S.A. number 310.9140.
[3] The levels have not been adjusted to reflect any imports exported after August 14, 1985.

Textile products in Categories 369 pt.[1], 605 pt.[2] and 651 which have been exported to the United States prior to the first day of the indicated ninety-day period shall not be subject to this directive.

Textile products in Categories 369 pt.[1], 605 pt.[2] and 651 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 12, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 18, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-22478 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of Thailand To Review Trade in Categories 301 Pt. and 434

September 17, 1985.

On August 30, 1985, the Government of the United States requested consultations with the Government of Thailand with respect to Categories 301 pt. (cotton/polyester yarns in T.S.U.S.A. numbers 300.6026 and 300.6028) and 434 (men's and boys' other wool coats). This request was made on the basis of the bilateral agreement of July 27 and August 8, 1983 between the Governments of the United States and Thailand relating to trade in cotton, wool and man-made fiber textiles and textile products. The agreement provides for consultations when the orderly development of trade between the two countries may be impeded by market disruption, or the threat thereof, due to imports.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations, the Committee for the Implementation of Textile Agreements, pursuant to the terms of the bilateral agreement, may establish prorated specific limits of 1,531,279 pounds (Category 301 pt.) and 2,546 dozen (Category 434) for the entry and withdrawal from warehouse for consumption of textile products in Categories 301 pt. and 434, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on August 30, 1985 and extends through December 31, 1985.

Summary market statements concerning these categories follow this notice.

The Government of the United States, pending agreement in consultations on a mutually satisfactory solution, has decided to control imports in these categories during the ninety-day consultation period which began on August 30, 1985 and extends through November 27, 1985 at 1,314,657 pounds (Category 301 pt.) and 2,475 dozen (Category 434). In the event the levels established for the ninety-day periods are exceeded, such excess amounts, if they are allowed to enter, shall be charged to the prorated twelve-month period described above.

The United States remains committed to finding a solution concerning these categories. Should such a solution be reached in consultations with the Government of Thailand, further notice will be published in the **Federal Register.**

Anyone wishing to comment or provide data or information regarding the treatment of these categories under the bilateral agreement with the Government of Thailand, or on any aspect thereof, or to comment on domestic production or availability of textile products in these categories is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

August 1985.

Thailand—Market Statement

Category 301 Pt.—Cotton/Ployester Sales Yarn

Summary and Conclusions

U.S. imports of cotton/polyester sales yarn, TSUSA Nos. 300.6026 and 300.6028 from Thailand increased sharply in 1984, rising from 123,000 pounds in 1983 to 2.5 million in 1984. During the first of 1985 imports of these yarns totalled 2.3 million pounds 140 percent more than was imported a year earlier. Thailand supplied 47 percent of the total imports of these yarns during the year ending June 1985. The cotton/polyester sales yarn market has been severely disrupted by imports and imports from Thailand have contributed to the market disruption.

U.S. Production and Market Share

U.S. production of cotton/polyester sales yarn, TSUSA Nos. 300.6026 and 300.6028 declined from 30,975,000 pounds in 1983 to 25,831,000 in 1984. There was a further sharp reduction in early 1985 when January-April production dropped to 5,596,000 pounds, 59.5 percent below that of a year earlier. Production had slowed appreciably during the last half of 1984.

The U.S. producer's share of the market for domestically produced and imported cotton/polyester sales yarn declined drom 91 percent in 1983 to 68 percent during the first four months of 1985.

U.S. Imports and Import Penetration

Imports of this yarn from all sources were not commercially important prior to 1983. Imports in 1984 were 8.8 million pounds from all sources, up 174 percent from 1983. There was sharp decline during early 1985 of imports due to a reduction in imports from Korea because of import restraints. The January-June 1985 imports from all sources were 4,789,000 pounds, down 1,108,000 pounds from the 5,897,000 pounds imported a year earlier. Imports from Korea were down 2,325,000 pounds. Imports during May and June 1985 were 2,143,000 pounds compared with 692,000 pounds a year earlier. This resurgance in imports, if continued, will soon bring 1985 above the 1984 level.

The ratio of imports to domestic production for cotton/polyester blend sales yarn, 31's and finer, was 10.4 percent in 1983 and 34.1 percent in 1984. The ratio for the first four months of 1985 was 44.4 percent.

Duty-Paid Values and U.S. Producers Price

All of the imports of cotton/polyester sales yarn during the first half of 1985 was entered under TSUSA No. 300.6026—singles. The cotton/polyester yarn imported from Thailand is landed at a duty-paid value well below the U.S. producer price for comparable yarn.

August 1985.

Thailand—Market Statement

Category 4343—Men's and Boys' (MB) Other Wool Coats

Summary and Conclusions

Category 434 improts from Thailand were 9,335 dozens during the year ending June 1985 thirty-one times greater than the imports a year earlier. In 1984, Category 434 coat imports from Thailand were 5,868 dozens There were no imports in 1983.

The U.S. Category 434 market has been disrupted by imports. Imports from Thailand have contributed to this disruption and additional increases would add to a real risk of further disruption.

U.S. Production and Market Share

U.S production in 1984 continued the prevailing downward trend, declining to 292,000 dozens in 1984 from 314,000 dozens in 1983. Production in 1980 was 421,000 dozens. Imports almost tripled from 1980 to 1984 and the U.S. producer's share of the market for domestically produced and imported Category 434 dropped from 91 percent to 71 percent over the period.

U.S. Imports and Imports Penetration

In just one year, U.S. imports of Category 434 doubled from 59,502 dozens in 1983 to 119,309 dozens in 1984. Imports for the first six months of 1985 were up 74 percent from January-June 1984. The ratio of imports to domestic production increased from 9.7 percent in 1981 to 19.1 percent in 1983 to 40.8 percent in 1984. The sharp increase in imports into a soft market indicates a higher import penetration in 1985.

Duty-Paid Values and U.S. Producer's Prices

Approximately 85 percent of the year ending June 1985 imports from Thailand entered under TSUSA No. 379.8318—woven other coats over 4 dollars per pound. Thailand was the major foreign supplier of these coats, accounting for 24 percent of the total imports from all sources. The imports from Thailand are entered at duty-paid values below the U.S. producer prices for comparable coats.

September 17, 1985

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 21, 1984, by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Thailand.

Effective on September 23, 1985, the directive of December 21, 1984 is hereby amended to include the following levels for textile products in Categories 301 pt.[1] and 434, produced or manufactured in Thailand and exported during the ninety-day period which began on August 30, 1985 and extends through November 27, 1985.

Category	90-Day level [2]
301 pt.[1]	1,314,657 pounds.
434	2,475 dozen.

[2] The levels have not been adjusted to reflect any imports exported after August 29, 1985.

Textile products in Categories 301 pt.[1] and 434 which have been exported to the United States prior to August 30, 1985 shall not be subject to this directive.

Textile products in Categories 301 pt.[1] and 434 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry or consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-22479 Filed 9-19-85; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD-University Forum Advisory Committee; Meeting

SUMMARY: The DOD-University Forum will meet in open session on October 7, 1985, from 9:00 a.m. until noon at the Sheration Grand Hotel, 525 New Jersey Avenue NW., Washington, DC 20001-1527.

The meeting is one of two formal meetings held annually as called for by the the charter. Agenda items will include the DOD's proposed University Research Initiative, and reports from the Forum Working Groups on Export Control and Foreign Languages and Area Studies.

Public attendees are requested to telephone Edward Blake in the DOD Office of Research and Laboratory Management, (202) 694-0205, before COB October 2, 1985, to be advised of the meeting room number and seating accomodations.

Dated: September 16, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 85-22517 Filed 9-19-85; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) anounces a closed session meeting.

DATE: Thursday, October 3, 1985.

ADDRESS: The meeting wil be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs with the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Laser. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Pub. L. 92-463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been detemined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: September 17, 1985.

Patricia H. Means,

OSD Federal REgister Liaison Officer, Department of Defense.

[FR Doc. 85-22518 Filed 9-19-85; 8:45 am]

BILLING CODE 3810-01-M

[1] In Category 301 only T.S.U.S.A. numbers 300.6026 and 300.6028.

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group B (Microelectronics) of the DOD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Tuesday, October 8, 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2001 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Becky Terry, AGED Secretariat, 2011 Crystal Drive, Arlington,VA 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Microelectronics area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended, (5 U.S.C. App. II section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: September 17, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–22519 Filed 9–19–85; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900 Wednesday and 0830 Thursday, October 16 & 17, 1985.

ADDRESS: The meeting will be held at Palisades Institute for Research Services, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York, NY 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. 92–463, as amended (5 U.S.C. App. II, section 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Dated: September 17, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–22520 Filed 9–19–85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board will meet in closed session on October 30–31, 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Board will discuss interim findings and tentative recommendations resulting from ongoing Task Force activities associated with Strategic, Tactical, Intelligence/Command, Control and Communications, and Technology Issues. The Board will also discuss plans for future consideration of scientific and technical aspects of specific strategies, tactics, and policies as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Dated: September 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–22521 Filed 9–19–85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on On-Site Inspection

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on On-Site Inspection will meet in closed session on October 15, 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will continue to examine concepts for on-site inspection technical sensor systems which could verify possible arms control limits.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: September 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–22522 Filed 9–19–85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Small ICBMs; Meetings.

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Follow-on Forces Attack will meet in closed session on October 10–11, November 14–15, and December 16–17, 1985 in the Pentagon, Arlington, Virgina.

This mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will continue its examination of the technical and programmatic aspects as well as conceptual applications of the capabilities and systems to accomplish attacking follow-on forces.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly this meeting will be closed to the public.

Dated: September 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-22523 Filed 9-19-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Small ICBMs; Change in Dates of Advisory Committee Meeting.

The meeting of the Defense Science Board Task Force on Small ICBMs scheduled for September 20, 1985 in the Pentagon, Washington, D.C. as published in the **Federal Register** (Vol. 50, No. 146, Tuesday, July 30, 1985, FR Doc. 85-17994) has been cancelled. The Task Force will now meet in the Pentagon on the following dates: October 14, 1985, October 28, 1985, and November 18, 1985. In all other respects the original notice remains the same.

Dated: September 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-22524 Filed 9-19-85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on FOFA (Defensive Systems Subgroup); Meetings

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on FOFA (Defensive Systems Subgroup) will meet in closed session on October 22-23, 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At the meeting on October 22-23, 1985 the Subgroup will discuss the application of technology to systems designed to improve future U.S. air defense capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly this meeting will be closed to the public.

Dated: September 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-22525 Filed 9-19-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 13, 1985.

The USAF Scientific Advisory Board's Airspace Medical Division Advisory Group will meet at Brooks Air Force Base, Texas on November 20 and 21, 1985. The meeting will convene from 8:00 a.m. to 5:00 p.m. on November 20 and from 8:00 to 3:00 p.m. on November 21.

The purpose of the meeting will be to discuss long range plans and selected projects/programs relating to the missions of the Aerospace Medical Division.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-22569 Filed 9-19-85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; 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:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday & Wednesday, Thursday, 8-10 Oct 1985.

Times of meeting: 0800-1500 hours.

Places: Huntsville BMD Command, AL (8-9 Oct); Lincoln Lab, M.I.T. Boston, MA. (10 Oct).

Agenda: A special panel of the Army Science Board Ad Hoc Subgroup on Ballistic Missile Defense Follow-On will meet to discuss KMR Instrumentation Requirements. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) therefore, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB 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. 85-22562 Filed 9-19-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; 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:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday & Thursday, 16-17 October 1985.

Times of meeting: 0830-1630 hours.

Places: US Army Air Defense Center, Fort Bliss, TX (16 Oct); US Army TRADOC Systems Analysis Activity, White Sands Missile Range, NM (17 Oct).

Agenda: The Army Science Board Ad Hoc Subgroup on TRADOC Operations Research Activity (TORA) will meet for briefings by analytic agencies. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) therefore, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB 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. 85-22563 Filed 9-19-85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Certification for Unrestricted Use of the Sodium Reactor Experiment (SRE) Complex and the Hot Cave Facility (Bldg. 003)

AGENCY: San Francisco Operations Office, DOE.

ACTION: Notice of Certification of Decommissioned Facilities for Unrestricted Use.

SUMMARY: The Department of Energy has completed the radiological surveys and has taken remedial actions to decontaminate and decommission DOE contaminated areas that were found in the SRE complex and Bldg. 003. The Department, through the San Francisco Operations Office, has issued the following statement:

Statement of Certification for Unrestricted Use of the SRE Complex and Bldg. 003 at Rockwell International's Santa Susana Field Laboratory, Chatsworth, California

The Department of Energy, Office of Nuclear Energy, Office of Terminal Waste and Remedial Action, Division of Remedial Action Projects and the Department of Energy San Francisco Operations Office have reviewed the remedial actions and the radiological survey reports of the SRE complex and Bldg. 003. Based on this review, DOE certifies that there is no evidence the facilities pose a radiological threat to either personnel or the environment. Therefore, the SRE complex and Bldg. 003 are removed from the DOE radiologically contaminated Surplus Facilities Program and are suitable for unrestricted use.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard Lanni, Project Manager, Magnetic Fusion and Nuclear Division, U.S. Department of Energy, 1333 Broadway, Oakland, California 94612. Telephone: (415) 273–6444 or FTS: 536–6444.

SUPPLEMENTARY INFORMATION: The Department of Energy has established a program to characterize and when necessary, correct the radiological conditions of DOE contaminated surplus facilities. The objective of the program is to insure that these surplus facilities and any associated properties in their vicinity are within or below the radiological guidelines established by the ANSI Standard N13.12 and the NRC Regulatory Guide 1.86.

The SRE Complex, located at the Rockwell's Santa Susana Field Laboratory, Chatsworth, California, consists of a series of buildings used to support the Department of Energy (formerly Atomic Energy Commission) activities to demonstrate the feasibility of a high temperature sodium-cooled graphite-moderated reactor as the heat source for a central power station.

The Hot Cave Facility, Bldg. 003, located at the Rockwell's Santa Susana Field Laboratory, was used to analyze fuel burn-up samples for the System for Nuclear Auxillary Power (SNAP) Program and the evaluation of various irradiation experiments.

Radiological surveys conducted before the decontamination and decommissioning activities for the SRE complex and Bldg. 003 showed gross contamination of mixed fission products and beta-gamma emitters.

The remedial actions, including decontamination and decommissioning for both the SRE and Bldg. 003 were completed in 1982.

Based on the review of the final remedial action project report, the San Francisco Operations Office has concluded that the SRE complex and Bldg. 003 are radiologically acceptable and suitable for release for unrestricted use and are therefore removed from the Surplus Facilities Program.

These findings are supported by the Department of Energy's Certification Dockets for the SRE complex and Bldg. 003. The dockets are available for review between the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday (except Federal holidays) at the following locations:

1. U.S. Department of Energy, San Francisco Operations Office, Technical Information Center, 1333 Broadway, Oakland, California 94612.

2. U.S. Department of Energy, Public Document Room, Forrestal Bldg. Room 1E–190, Washington, D.C. 20545.

Dated: July 23, 1985.

William R. Voigt, Jr.,

Acting Director, Office of Terminal Waste Disposal and Remedial Action, DOE/HQ.

[FR Doc. 85–22543 Filed 9–19–85; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Long-Term Power Sales Contracts Environmental Impact Statement Notice of Scoping Meetings

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Scoping Meetings and Request for Comment on the Long-Term Power Sales Contracts Environmental Impact Statement (EIS) *BPA File No:* PSC–1

SUMMARY: BPA hereby gives public notice of its intent to hold scoping meetings on the EIS for the Long-Term Power Sales Contracts offered under 5(g) of the Pacific Northwest Electric Power Planning and Conservation Act 16 U.S.C 839–839h (1982).

BPA was required by the Pacific Northwest Power Act to offer new long-term power sales contracts to its customers in August 1981. BPA prepared an Environmental Report to accompany the initial offer of contracts but did not prepare an EIS. BPA has been ordered by the United States Court of Appeals for the Ninth Circuit to prepare an EIS at this time. *Forelaws on Board v. Johnson*, 743 F. 2d 677, 21 ERC 1850, NO. 82–7319 (9th Cir. Sept. 25, 1984), petition for rehearing denied January 21, 1985.

The EIS will analyze major policy choices made for the initial contracts, particularly for terms affecting energy conservation, renewable resources, and the protection of fish and wildlife. Alternatives to contract terms adopted by BPA that were proposed in the initial negotiations and analyzed in the Environmental Report will be considered. Additional alternative contract terms may be developed in the scoping process. The EIS will provide information on the environmental consequences of contract terms as they now exist and of alternative contract terms as they are developed in the scoping process.

Earlier, BPA published in the **Federal Register** (50 FR 9116) its formal Notice of Intent to prepare the EIS on March 5, 1985. By the close of the comment period on April 5, 1985, BPA had received comments from 16 parties.

Consistent with the requirements of the National Environmental Policy Act, BPA is soliciting additional suggestions and comments to identify the actions, alternatives, and impacts to be considered in the preparation of the EIS.

BPA will hold five scoping meetings to invite suggestions to assist in defining the scope of the EIS. At each meeting a short presentation on potential environmental implications of the long-term power sales contracts will be given by BPA. This will be followed by an opportunity to voice your opinion in a group session. DATES: All meetings will begin at 7:30 p.m., except the Burley, Idaho, meeting which begins at 1:30 p.m. Dates and locations are:

October 2, 1985: 7:30 p.m., Mercer Forum, Seattle Center, Mercer Street at approximately 3rd Avenue North, Seattle, Washington.

October 3, 1985: 7:30 p.m., Jantzen Beach, Thunderbird Motor Inn, 1401 North Hayden Island Drive, Portland, Oregon.

October 7, 1985: 1:30 p.m., Burley Inn, Burley, Idaho.

Ocober 7, 1985: 7:30 p.m., Hanford House, Thunderbird Motor Inn, 802 George Washington Way, Richland, Washington.

October 8, 1985: 7:30 p.m., Varsity Room, Quality Inn, Highway 10 West-East Mullin Road, Missoula, Montana.

Responsible Official: Mr. Roy B. Fox, Environmental Coordinator for the Office of Power and Resources Management, is the official responsible

for the development of the EIS on long-term power contracts.

ADDRESS: Written recommendations and comments should be submitted to Mr. Fox at P.O. Box 12999, Portland, Oregon 97212.

DATE: Comments must be submitted by November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Questions regarding the EIS should be directed to Mr. Fox at 503-230-4261 in Portland, or Ms. Lynn Baker, Public Involvement Office, 503-230-3478 in Portland. Toll-free lines: Oregon callers outside of Portland may use 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may use 800-547-6048.

Information may also be obtained from:

Mr. Reginald Kaiser, Puget Sound Area Manager, Room 250, 415 First Avenue North, Seattle, Washington, 98109; 206-442-4130.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-6226.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Issued in Portland, Oregon, on September 6, 1985.

Peter T. Johnson,

Administrator.

[FR Doc. 85-22605 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-85-025]
[OFP Case No. 61050-9254-22-22]

Acceptance of Petition for Exemption and Availability of Certification From the Alaska Electric Generation and Transmission Cooperative, Inc., for an Exemption From the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On July 31, 1985, Alaska Electric General and Transmission Cooperative, Inc. (AEG&T), Palmer, Alaska, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent reliability of service exemption for a proposed new electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"). Title II of FUA prohibits the use of petroleum and natural gas as a primary energy source in any electric powerplant and the construction of such a powerplant without the capability to use an alternate fuel as a primary energy source. Final rules setting forth the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Part 500, 501, and 503. The final rules governing the reliability of service exemption, 10 CFR 503.40, were published at 46 FR 59872 (December 7, 1981).

The unit for which AEG&T seeks an exemption is a natural gas-fired combustion turbine with a nameplate rating of 39 MW that will operate as a single-cycle combustion turbine unit to produce electrical power at AEG&T's plant at Soldotna, Alaska. The new unit, identified as Soldotna powerplant Unit No. 2 is expected to commence operation to meet load forecast electrical demands commencing in the winter 1987-88.

After receipt of information from AEG&T, ERA has now determined that the petition includes sufficient evidence to support a determination on the exemption request, and it is, therefore, accepted pursuant to 10 CFR 501.3. ERA retains the right, however, to request additional relevant information from AEG&T at any time during the proceeding should circumstances or procedural requirements so require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in Sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a pubic hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials relating to the proceeding, is available upon request through DOF, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of the reasons therefore, will be published in the **Federal Register.**

DATES: Written comments are due on or before November 4, 1985. A request for a public hearing must be within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585. Docket No. ERA-FC-85-025 should be printed on the outside of the envelope and the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-045, Washington, D.C. 20585. Telephone (202) 252-8233.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: AEG&T proposes to install a new combustion turbine powerplant unit at Soldotna, Alaska. The new unit will operate as a baseload integrated system producing electricity to meet forecast demands commencing with the winter of 1987-88.

Section 212(f) of FUA and 10 CFR 503.40 provide for a permanent exemption for powerplants necessary to maintain reliability of service. In addition, Section 317 of Pub. L. 97-394 (42 U.S.C. 8322) provides that:

> In the case of any new electric powerplant located in Alaska for which a petition is accepted after the date of enactment of this Act, but before December 31, 1985, pursuant to Section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978, to use natural gas . . . the petitioner shall be deemed to have made the demonstrations required by clauses (1) and (2) of such section and such exemption, subject to the other applicable provisions of such Act, shall be granted . . . Nothing in this section shall apply to any new electric powerplant using natural gas produced from the Prudhoe Bay unit of Alaska.

In accordance with the requirements of 10 CFR 503.40(a) and (c), AEG&T's petition for a permanent exemption for Soldotna powerplant unit No. 2 includes evidence and supporting information demonstrating that Soldotna powerplant unit No. 2 is a qualifying powerplant under Section 317 of Pub. L. 97-394; that

no alternate power supply exists; and that the use of mixtures in the unit is not feasible. In addition, AEG&T submitted an environmetal impact analysis, as required by 10 CFR 503.13.

NEPA Compliance

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at FR 45 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

Pursuant to 10 CFR 501.3, ERA hereby accepts AEG&T's petition for a permanent Reliability of Service exemption for the proposed new electric powerplant. The acceptance of the petition by ERA does not constitute a determination that AEG&T is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., September 11, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-22506 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-024]
[OFP Case No. 61055-9285-20-24]

Acceptance of Petition for Exemption and Availability of Certification From ARCO Petroleum Products Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On July 30, 1985, ARCO Petroleum Products Company, a division of the Atlantic Richfield Company (ARCO), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed cogeneration project to be constructed within the property boundaries of the ARCO Watson Refinery located at 1801 Sepulveda Boulevard, Carson, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as primary energy sources in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

The proposed cogeneration project would use a combined cycle process consisting of four parallel General Electric combustion gas turbine driven power generator (GT-G)/heat recovery steam generator (HRSG) trains, two parallel steam turbine driven power generator (ST-G) trains, associated auxiliaries and utilities, a control room, electrical substations, a power transmission line, and a natural gas fuel line. Steam produced in the cogeneration facility is required for the refinery's steam needs. Normal requirements are 820,000 lb/hr ±200,000 lb/hr with a maximum rate of 1,200,000 lb/hr.

Oil and gas consumed by the facility will be less than that which would otherwise be consumed in the absence of the cogeneration project. It is expected that more than 50 percent of the net annual electrical power produced by the facility will be sold to Southern California Edison Company (SCE), causing the new cogeneration facility to be classified as a powerplant under FUA.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in §§ 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding are available upon request at: Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefore, would be published in the **Federal Register**.

DATES: Written comments are due on or before November 4, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Docket No. ERA-FC-85-024 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-045, Washington, D.C. 20585.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-111, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone: (202) 52-6947.

SUPPLEMENTARY INFORMATION: ARCO proposes to construct and operate a cogeneration facility within the property boundaries of its Watson Refinery at 1801 Sepulveda Boulevard, Carson, California. The facility will be wholly owned by the ARCO Petroleum Products Company, a division of the Atlantic Richfield Company. The facility will generate electrical power for sale to SCE and generate steam to satisfy the refinery's steam needs. The cogeneration project will use a combined cycle process and will consist of four parallel combustion gas turbine driven power generator (GT-S)/heat recovery steam generator trains and associated equipment.

The cogeneration facility is classified as an electric power-plant under FUA

because more than 50 percent of its net annual electric generation will be sold.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent congeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), ARCO has certified to ERA that:

1. The oil or gas to be consumed by this congeneration project would be less than that which would be otherwise consumed in the absence of the project.

2. It is not technically feasible to use mixtures of natural gas and coal (or oil and coal) in the General Electric turbines, the fuel burning unit of the cogeneration project.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certification discussed above) ARCO has included as part of the petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that ARCO is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., September 11, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-22507 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-85-027]
[OFP Case No. 55338-9288-20-24]

Acceptance of Petition for Exemption and Availability of Certification by Willamette Industries, Inc.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: On August 2, 1985, Willamette Industries, Inc. (Willamette), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for their proposed Port Hueneme cogeneration facility located in Oxnard, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1985 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination, and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The hearing file containing a copy of this Notice of Acceptance and Availability of Certification, as well as other documents and supporting materials on this proceeding, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such periods. Notice of any extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before November 4, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Office of Fuels Programs, Room GA-073, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585 (Attn: Frank Duchaine).

Docket No. ERA-FC-85-012 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-045, Washington, D.C. 20585. Telephone (202) 252-8233.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW. Washington, D.C. 20585 Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: The proposed cogeneration project for the Port Hueneme site will supply 100% of the steam required for the paper machine and the other mill systems. It will also supply all of the mill's electrical needs with surplus electrical generation being sold to the utility grid.

The Port Hueneme paper mill located in Oxnard, California, is one of four mills in Willamette that produce paper.

The project site will be within the confines of the Port Hueneme mill plant site which is located at the southwest edge of the city along the ocean coast.

The installation proposed will be a simple topping cycle cogeneration facility, incorporating a fuel pressure waste heat boiler to gain maximum heat recovery efficiency. The flu gasses will be treated with ammonia gas in a selective catalytic reduction unit to remove NO_x generated in the turbine. The waste heat boiler exhaust gases are then further utilized to heat process water and displace the need for the hot air generated in the present vapor absorption system, thereby eliminating the need for natural gas in these areas.

Power will be produced in a simple topping cycle facility with a gas turbine directly driving the electrical generator. No secondary generation through a combined cycle steam turbine is planned at this time. The permit to operate is based on the gas turbine being operated at is full ISO load rating of 21.8 MW. However, the project will be orignially operated at a lessor rate to

be in balance with the mill's current steam and electrical constraints.

The gas turbine is designed for a duel fuel capability (natural gas and No. 2 distillate). However, for air qulaity and economic reasons the special fuel burning nozzles and other equipment required to burn distillate fuel were not purchased and the system will burn only natural gas. At full ISO rating the amount of gas consumed will be 230.1 MMBtu/hr. At the initial startup load of 18.0 MW the turbine will consume 190.9 MMBtu/hr.

Section 212(c) of the Act and 10 CFR § 503.37 provide for a permanent congeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), Willamette has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the congeneration facility, where the calculation of savings is in accordance with 10 CFR § 503.37(b); and

2. The use of a mixture of oil or natural gas and an alternate fuel form the cogeneration facility, for which an exemption under 10 CFR § 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), Willamette has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR § 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as possible. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that Willamette is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C., on September 11, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-22509 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-84-014; OFP Case No. 67047-9250-21-24]

Order Granting to Sunlaw Energy Corp. Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Sunlaw Energy Corporation (Sunlaw or "the petitioner"). The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a proposed 52.5 MW (net, approximate) combined cycle cogeneration facility at the Sunlaw/U.S. Growers II Cold Storage (USG II) facility located in Vernon, California. The final exemption order and detailed information on the proceeding are provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: The order shall take effect on November 19, 1985.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Frank Duchaine, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-045, Washington, D.C. 20585. Telephone (202) 252-6233.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone (202) 252-6947.

SUPPLEMENTARY INFORMATION: On June 4, 1984, Sunlaw petitioned ERA under section 212(c) of FUA and 10 CFR 503.37 for a permanent cogeneration exemption to permit the use of natural gas in a proposed 54.6 MW (net, approximate) combined cycle cogeneration facility consisting of (1) two aircraft derivative gas turbines, (2) two unfired heat recovery steam generators (HRSG), an extraction steam turbine, an ammonia absortion chiller, and ancillary equipment.

On May 22, 1985, Sunlaw modified their original petition to use a single industrial gas turbine, instead of two aircraft derivative gas turbines as the system's prime mover. Also, a single, unfired three-pressure HRSG will be used instead of the two, two-pressure HRSG's originally proposed. This modification changed the size of the overall facility electric output from 54.6 MW to 52.5 MW (net, approximate). The process steam load for the cogeneration project will be 35,000 pounds per hour to produce 1,000 tons of −40°F ammonia for the USG II storage warehouse No. 5.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including Sunlaw's certification to ERA, in accordance with 10 CFR 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on July 13, 1984 (49 FR 28599), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by Section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on August 27, 1984. Comments were

received from the U.S. Environmental Protection Agency (EPA) on August 27, 1984 and Sunlaw has since satisfied the objections to their project set forth in the letter from the EPA.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(c)(C) of the National Environmental Policy Act.

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that Sunlaw has satisified the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to Sunlaw to permit the use of natural gas as the primary energy source for its cogeneration facility in Vernon, California.

Pursuant to section 702(c) of the Act and 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, D.C., on September 11, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-22508 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Tuesday, October 8, 1985, 9:00 am-6:00 pm; Wednesday, October 9, 1985, 9:00 am-4:00 pm.

Place: Brookhaven National Laboratory, Berkner Hall, Room B, Upton, NY 11973.

Contact: Dr. P. K. Williams, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER-221, Washington, DC 20545, Telephone: 301/353-4829.

Purpose of Panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda

Tuesday, October 8, 1985

—Discussion of Department of Energy/High Energy Physics and National Science Foundation/Elementary Particle Physics FY 1986 Budgets
—Status of and discussion on superconducting Super Collider (SSC) R&D activities
—Discussion on status of the HEPAP Subpanel on Non-Accelerator Physics (SNAP) and the Subpanel on Advanced Accelerator R&D and the SSC
—Discussion of initiation of a new Subpanel on SSC Detector R&D
—HEPAP Review of the Brookhaven National Laboratory (BNL) High Energy Physics Program
—Public Comment (10 minute rule)

Wednesday, October 9, 1985

—Status of Stanford Linear Collider (SLC) construction and Positron-Electron Project (PEP) upgrade plans at Stanford Linear Accelerator Center
—Status of Tevatron I construction and Tevatron II construction and operations at Fermi National Accelerator Laboratory
—Status of the Cornell Electron Storage Ring (CESR) upgrade
—Report on activities of the International Committee on Future Accelerators (ICFA)
—Public Comment (10 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the panel 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 make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes

Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on September 17, 1985.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 85-22604 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER84-705-004, et al.]

Boston Edison Company, et al.; Electric Rate and Corporate Regulation Filings

September 13, 1985.

Take notice that the following filings have been made with the Commission:

1. Boston Edison Company

[Docket No. ER84-705-004]

Take notice that on September 4, 1985, Boston Edison Company tendered for filing, pursuant to Commission letter order dated July 22, 1985, a report of its refund to the Town of Reading, Massachusetts. The refund, delivered to the Town on August 19th, covers the period from November 28, 1984 through May 31, 1985.

Comment date: September 25, 1985, in accordance with Standard Paragraph H at the end of this notice.

2. Florida Power Corporation

[Docket No. ER85-723-000]

Take notice that on August 30, 1985, Florida Power Corporation (Florida Power) tendered for filing a Contract for Interchange Service dated August 20, 1985 providing for interchange service between Florida Power and the City of Starke, Florida. Florida Power states that Florida Power and the City of Starke did not have a previous contract for interchange service.

Florida Power requests that the Contract for Interchange Service be permitted to become effective September 1, 1985 and therefore, requests waiver of the sixty day notice requirement. Copies of this filing have been served upon the City of Starke, Florida and the Florida Public Service Commission.

Comment date: September 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Connecticut Power and Light Company

[Docket No. ER85-749-000]

Take notice that on September 6, 1985, Connecticut Power and Light Company (CL&P) tendered for filing for itself and as successor by merger with the Hartford Electric Company (HELCO) and on behalf of Western Massachusetts Electric Company (WMECO) notices of termination of the following rate schedules:

CL&P's Rate Schedule:
FERC No. 327
FPC No. 48

FERC No. 158
FPC No. 136
FPC No. 49
FPC No. 125
FPC No. 124
FERC No. 149
FPC No. 115
FPC No. 45
FPC No. 145
FPC No. 127
FERC No. 160
HELCO's Rate Schedule FPC No. 101
WMECO's Rate Schedule:
FERC No. 144
FERC No. 203
FPC No. 211
FERC No. 163
FERC No. 167

Comment date: September 24, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Connecticut Power and Light Company

[Docket No. ER85-750-000]

Take notice that on September 6, 1985, Connecticut Power and Light Company tendered for filing for itself and as successor by merger with the Hartford Electric Light Company (HELCO) and on behalf of Western Massachusetts Electric Company (WMECO) notices of termination of the following rate schedules:

CL&P's Rate Schedule:
FPC No. 119
FPC No. 149
FPC No. 135
FPC No. 118
FPC No. 144
FERC No. 169
FERC No. 184
FPC No. 47
FERC No. 199
FPC No. 102
FERC No. 157
FPC No. 100
FPC No. 138
FPC No. 137
FPC No. 134
FPC No. 95
FPC No. 100
FPC No. 92
FPC No. 99
HELCO's Rate Schedule:
FPC No. 99
FPC No. 119

Comment date: September 24, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Gulf States Utilities Company

[Docket No. ER85-753-000]

Take notice that Gulf States Utilities Company (Gulf States), on September 10, 1985, tendered for filing an Amendment, executed as of August 19, 1985, to the Agreement for Wholesale Electric Service dated January 15, 1975, between Gulf States and the City of Caldwell (Caldwell). The Amendment does not provide for a rate increase.

The Amendment permits Caldwell to cease to take service under Rate Schedule WSD (Wholesale Power at Distribution Voltage) and start to take service under Rate Schedule WST (Wholesale Power at Transmission Voltage). To qualify for the WST rate, Caldwell agreed to pay a facilities charge of 2 percent per month of the allocated cost of the existing Gulf States substation and associated equipment. With such change, Caldwell will pay less for electric service.

The Amendment also provides that a portion of Caldwell's load that would otherwise be supplied by purchases of wholesale electric service from Gulf States shall instead be served by power purchased from others and delivered to Caldwell by transmission service provided by Gulf States. The power Caldwell will purchase from others will be power Gulf States has contracted for or will contract for with other utilities and will share, by assignment, with Caldwell.

The Amendment would remain in effect for ten years unless terminated earlier pursuant to rights reserved in the Amendment.

Gulf States requests that any necessary waivers be granted so that the change from WSD to WST can become effective on September 1, 1985, and so the purchased power provisions can become effective on January 15, 1986.

Copies of the filing have been served upon Caldwell, and upon the Louisiana Public Service Commission and the Public Utility Commission of Texas.

Comment date: September 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Northern States Power Company

[Docket No. ER85-751-000]

Take notice that Northern States Power Company, on September 9, 1985, tendered for filing a Notice of Cancellation, dated September 6, 1985, terminating the Equivalent Seasonal Participation Power Transaction, effective November 19, 1970, with Montana-Dakota Utilities Company.

Comment date: September 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Northern States Power Company

[Docket No. ER85-752-000]

Take notice that Northern States Power Company (NSP), on September 9, 1985, tendered for filing Supplement No. 1 to the Firm Power Service Resale Agreement Between Northern States Power Company and City of Anoka (Supplement).

The Supplement, dated June 24, 1985, recognizes changes due to retirement and new construction of interconnection facilities between NSP and the City of Anoka described in Exhibit 1 of the Firm Power Service Resale Agreement dated August 29, 1983. The Firm Power Service Resale Agreement is on file with the Commission and is designated as Rate Schedule FERC No. 420.

NSP requests an effective date of June 24, 1985, and therefore requests waiver of the Commission's notice requirements.

Comment date: September 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Pennsylvania Power and Light Company

[Docket No. ER85-719-000]

Take notice that on September 4, 1984, Pennsylvania Power and Light Company tendered for filing notice, pursuant to section 205(d) of the Federal Power Act, 16 U.S.C. 824(d), and § 35.13 of the Commission's Regulations under the Federal Power Act, of a proposed change in the rate and levels of certain electric resale schedules presently on file with the Commission. The proposed changes would increase from jurisdictional sales and service by $5,690,728 or 19.8%, based on the 12-month period ending April 30, 1986.

PP&L tenders herewith six (6) copies of the proposed changes for filing and respectfully requests an effective date of October 30, 1985 for the following:

FERC rate schedule No.	Applicable to
26	Watsontown.
32	Duncannon.
45	Blakely.
50	Weatherly.
51	Schuylkill Haven.
54	Perkasie.
56	St. Clair.
57	Catawissa.
58	Ephrata.
61	Citizens' Electric Co.
63	Lehighton.
69	Hatfield.

Comment date: September 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

9. Southern California Edison Company

[Docket Nos. ER82-427-004 and ER84-075-005]

Take notice that on September 9, 1985, Southern California Edison Company (Edison) pursuant to the Commission's Order of July 9, 1985 tendered for filing a report of refunds made to its resale customers amounting to $3,551,238.57, including interest.

Appendices I and II show billing periods, revenue receipt dates, revenues under the prior, present, and settlement rates, amount of revenue refunded, interest, and total refund for Step I and Step II rates, respectively, in Docket No. ER82-427-000. Appendix III shows similar information for rates in Docket No. ER84-075-000.

Appendix IV includes refund notification letters from Edison to the individual resale customers transmitting the refund checks. Refund checks were hand-delivered to each customer on August 8, 1985.

Appendix V contains new settlement rate schedules applicable to the locked-in period in Docket No. ER82-427-000, which reflect the effect of the settlement agreement of April 19, 1985. These rate schedules are accompanied by cost of service work papers which support the revised rates.

Appendix VI contains rate schedules for Arizona Public Service Company (APS), Rate Schedule FERC No. 180, which were filed with the Commission by letter dated June 29, 1984, and included a service agreement providing for the sale of electric energy to APS at three new delivery points. The Commission accepted this rate schedule for filing with the provision that inasmuch as this filing contains rates which were subject to refund in Docket No. ER84-075-000, revenues collected under this filing were subject to refund and subject to the outcome of the proceedings in that docket. Therefore, rate schedules are being provided at this time to reflect rates approved in the July 9, 1985, Commission Order. Refunds for this rate schedule have been made in conjunction with the Settlement refunds and all Commission—requested information regarding these refunds is included in the aforementioned Appendix III.

Comment date: September 26, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. South Carolina Electric & Gas Company

[Docket No. ER85-721-000]

Take notice that South Carolina Electric & Gas Company on August 30, 1985 tendered for filing a proposed change in its August 13, 1973 service agreement with Little River Electric Cooperative, Inc.

Under the proposed change, South Carolina Electric and Gas Company proposes to add an additional Exhibit A for a second point of delivery to Little River near Plum Branch, South Carolina. This is in addition to the existing delivery point for Little River near McCormick, South Carolina. The purpose of the new delivery point is to provide the capacity necessary to meet the Customer's expanding requirements.

Copies of this filing were served upon Little River Electric Cooperative, Inc.

Comment date: September 23, 1985, in accordance with Standard Paragraph E at the end of this notice.

11. Portland General Electric Company

[Docket No. ER85-743-000]

Take notice that Portland General Electric Company (PGE) on September 4, 1985 tendered for filing a Sales Agreement with the Southern California Edison Company which provides for the sale of 100 MW of firm energy surplus to PGE for a time period of 5 months. The contract rate for energy to be sold is based upon its incremental cost of production plus an additional amount for fixed charges (not exceeding fully distributed fixed charges) plus the costs of transmission.

PGE states the reason for the proposed Sales Agreement is to allow it to recover a portion of its fixed charges applicable to certain of its thermal generating resources during a short period of time when such thermal resources are not required for its systems loads.

PGE requests an effective date of August 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon the Southern California Edison Company, and the Oregon Public Utility Commissioner.

Comment date: September 24, 1985, in accordance with Standard Paragraph E at the end of this notice.

12. John J. Byrne, Petitioner

[Docket No. EL85-47-000]

Take notice that on September 3, 1985, John J. Byrne (Petitioner) submitted for filing its petition for a declaratory order pursuant to Rules 207(a)(2), 212 and 2009 of the Commission's Rules of Pactice and Procedure.

Petitioner requests that the Commission issue a declaratory order declaring that he may hold the positions of Director of Potomac Electric Power Company (PEPCO) and Chairman and Chief Executive Officer of Fireman's Fund Corporation (FFC) without becoming subject to the Commission's jurisdiction under section 305(b) of the Federal Power Act ("Act"), 16 U.S.C. 828(b) (1982).

In the event the Commission denies the petition for disclaimer of jurisdiction, Petitioner requests a forty-five day extension of time from the date of the Commission's order in this matter, to file an application to hold interlocking positions under section 305(b) of the Federal Power Act.

Comment date: September 25, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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.

H. 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 the comment date. 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. 85-22591 Filed 9-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-824-000, et al.]

Colorado Interstate Gas Company, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Co.

[Docket No. CP85-824-000]

September 13, 1985.

Take notice that on August 26, 1985, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-824-000 an application purusant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas for the City of Colorado Springs (CCS), and for

permission and approval to abandon such transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, CIG seeks authorization to transport up to 27,000 Mcf of natural gas per day for CCS for its general system supply. It is stated that the transportation service would be provided on an interruptible basis and would use existing facilities. The proposed transportation volumes would be delivered to CIG for CCS's account by Williston Basin Interstate Pipeline Company at an existing interconnections in Park and Fremont Counties, Wyoming. CIG states that it would redeliver thermally equivalent volumes, less fuel gas and unaccounted-for volumes, at two of its existing delivery points with CCS, the North City Gate and South City Gate meter stations in El Paso County, Colorado.

CIG proposes to charge CCS 57.54 cents per Mcf of gas transported and redelivered. CIG states that the proposed transportation rate is equivalent to the non-gas component of CIG's Rate Schedule G–1 and P–1 commodity sales rate as settled upon in Docket No. RP82–54 (56.29 cents per Mcf of gas) plus 1.25 cents per Mcf of gas for the Gas Research Institute Funding Fee.

CIG further requests authority to physically add and delete delivery poits to the from its system and to file on or about January 31 of each year tariff revisions as necessary to keep the Commission informed on any delivery point changes. Also, CIG seeks authorization to abandon this transportation at the conclusion of the 15-month term of its agreement with CCS.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corp.

Columbia Gulf Transmission Co.

[Docket No. CP85–832–000]

September 13, 1985.

Take notice that on August 28, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85–832–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas on behalf of Sharp Canning Company (Sharp) under the certificates issued in Docket Nos. CP83–76–000 and CP83–496–000, respectively, 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.

Applicants propose to transport up to 500 million Btu of natural gas per day on behalf of Sharp. Applicants state that Sharp has entered into a gas sales agreement to purchase natural gas from Entrade Corporation (Entrade) and that such gas was not committed or dedicated to interstate commerce on November 8, 1978. It is stated that gas purchased from Entrade would be transported by United Gas Pipe Line Company and delivered to Columbia Gulf at Erath, Lafayette Parish, Louisiana, and Olla, Rapides Parish, Louisiana. It is further stated that Columbia Gulf would redeliver the gas to Columbia Gas which would redeliver to West Ohio Gas Company (West Ohio) for ultimate delivery to Sharp. Applicants state that should they add receipt points for additional sources of gas, as provided for in the gas transportation agreement, such additional sources of gas would only be obtained to constitute the quantities to be transported hereunder and not to increase those quantities.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T–2 for its transportation service offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt and 1.50 percent retainage; Rayne, Louisiana, to Kentucky—12.76 cents per dt and 1.50 percent retainage; and Corinith, Mississippi, to Kentucky—6.38 cents per dt and 0.75 percent retainage.

Columbia Gas states that it would charge one of the rates set forth in its Rate Schedule TS–1. It is stated that current rates for TS–1, within West Ohio's total daily entitlement, are as follows: received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent; and received from points other than current rates for TS–1, in excess of West Ohio's total daily entitlement, are as follows: received from Columbia Gulf at Leach, Kentucky—32.50 cents per dt equivalent and received from points other than Leach 41.27 cents per dt. Columbia Gas states that it would retain 2.43 percent of the total quantity delivered for company-use and unaccounted-for gas. It is further stated that Columbia Gas would charge the General R&D Funding Unit of the Gas Research Institute for all quantities transported.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. National Fuel Gas Supply Corp.

[Docket No. CP85–826–000]

September 13, 1985.

Take notice that on August 26, 1985, National Fuel Gas Supply Corporation (Applicant), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP85–826–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Elizabethtown Gas Company (Elizabethtown) and New Jersey Natural Gas Company (New Jersey Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 10,000 Mcf per day of natural gas on behalf of Elizabethtown and New Jersey Natural. It is stated that this transportation service would be for volumes of gas delivered to Applicant at various points of interconnection between Applicant and Consolidated Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Texas Eastern Transmission Corporation, and/or Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and that redelivery of said volumes of gas would be at various points of interconnection between those pipelines and Elizabethtown and New Jersey Natural and/or redelivery of said volumes would be to Penn-York Energy Corporation for the account of Elizabethtown.

Applicant also requests authority to add and/or delete points of delivery and receipt so long as the total volume of natural gas transported does not exceed the requested amount and provided that facilities are not required. Applicant proposes to provide the transportation service through use of existing facilities. Applicant proposes to charge its Rate Schedule T–1 rate which it states is on file with and approved by the Commission.

The proposed service is for an initial term ending January 22, 1995.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Northwest Pipeline Corp.

[Docket No. CP85–843–000]

September 13, 1985.

Take notice that on August 30, 1985, Northwest Pipeline Corporation

(Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP85-843-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northwest to add a delivery point and to reallocate natural gas service to the new delivery point for a sale to Cascade Natural Gas Corporation (Cascade) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is explained that the proposed delivery point would be located in Umatilla County, Oregon, and would be for the sale of natural gas to Cascade for resale to Kosmos Farms, an essential agricultural gas user. Northwest proposes to reallocate a portion of its service to Cascade under Northwest's Rate Schedule ODL-1 from the Portland Cement, Lime, Oregon, delivery point to the proposed delivery point. Northwest indicates that maximum daily demand for the new delivery point would be 3,000 therms and that deliveries to the Portland Cement delivery point would be reduced accordingly.

Northwest states that Pacific Gas Transmission Company (PGT) would deliver gas to the new delivery point for Northwest. PGT has filed in Docket No. CP85-844-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing PGT to construct and operate facilities for the new delivery point and to reallocate natural gas service to the new delivery point.

To effect this service, Northwest seeks permission to add a sales tap and a metering and regulating station with appurtenances. PGT would construct the facilities at an estimated total cost of $55,000. Northwest states it would reimburse PGT for the total cost incurred by PGT and that Cascade would reimburse Northwest for all out-of-pocket costs incurred by Northwest and would install any additional downstream facilities necessary to effect the service.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Pacific Gas Transmission Co.

[Docket No. CP85-844-000]

September 13, 1985.

Take notice that on August 28, 1985, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed in Docket No. CP85-844-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing PGT to construct and operate facilities for a new delivery point and to reallocate natural gas service to the new delivery point deliveries to Northwest Pipeline Corporation (Northwest) for sale to Cascade Natural Gas Corporation (Cascade) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

PGT states that the requested authorization would revise Exhibit A of its service agreement with Northwest under PGT's Rate Schedule T-1. PGT proposes to construct and operate facilities for a new delivery point near Hermiston in Umatilla County, Oregon, and to reallocate a portion of the volumes of natural gas currently delivered to Northwest at the Spokane, Washington, delivery point to the new delivery point. The new delivery point would be used for the sale of natural gas by Northwest to Cascade for resale by Cascade to Kosmos Farms, an essential argicultural gas user, it is explained. Northwest has filed in Docket No. CP85-843-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northwest to add the new delivery point and to reallocate natural gas service to the new delivery point for the sale to Cascade for resale to Kosmos Farms.

In order to effect this service, PGT proposes to install a new mainline tap and meter station at an estimated total cost of $55,000. PGT states that Northwest would reimburse PGT for the total cost.

PGT states that the maximum daily demand for the new delivery point would be 300 Mcf of gas and that deliveries to the Spokane delivery point would be reduced accordingly.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

6. Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

[Docket No. CP85-835-000]

September 13, 1985.

Take notice that on August 28, 1985, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85-835-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) for authorization to transport up to 15,000 Mcf of natural gas per day for Northern Gas Marketing, Inc., (NGM), as agent on behalf of Bethlehem Steel Corporation (Bethlehem), under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the NGA, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that the gas to be transported is purchased by Bethlehem from NGM from reserves located in DeSoto and Natchitoches Parishes, Louisiana, and Panola County, Texas, where Tennessee would recive the gas at existing interconnections. Tennessee states that it would transport and redeliver a thermally equivalent quantity of gas to Columbia Gulf Transmission Company (Columbia Gulf) at an existing interconnection near Egan in Acadia Parish, Louisiana. Tennessee states that under separate agreements with Bethlehem, Columbia Gulf would transport and deliver the gas to Columbia Gas Transmission Corporation which would transport and deliver the gas either to Columbia Gas of Pennsylvania, Inc. (CPA), or to UGI Corporation (UGI), the local distribution companies serving Bethlehem's Hanover Quarry, Steelton and Bethlehem, Pennsylvania, plants. It is stated that the gas would be used for boilers, reheating furnaces and lime kilns.

Tennessee states that it would charge NGM 7.02 cents per Mcf for gas received in Desoto and Natchitoches Parishes and 17.14 cents per Mcf for gas received in Panola County in accordance with its Rate Schedule ITEU, less 1.2 percent of the gas received in Desoto Parish and Panola County and less 0.5 percent of the gas received in Natchitoches Parish for system fuel and lost and unaccounted-for gas.

Tennessee also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Tennessee will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Texas Gas Transmission Corp.

[Docket No. CP85-830-000]

September 13, 1985.

Take notice that on August 28, 1985, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No.

CP85–830–000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new measurement station in Morgan County, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to construct and operate a measurement station and appurtenant facilities on its 6-inch pipeline near Martinsville, Indiana, as a new interconnection and delivery point to Citizens Gas & Coke Utility (Citizens). Texas Gas states that the proposed facilities would cost $94,770.00 to construct and would be utilized for transportation services already being rendered under § 157.209(a) of the Commission's Regulations for two high-priority end-users, Diamond-Bathurst, Inc. (Diamond-Bathurst), and The Kroger Company (Kroger). Texas Gas states that the cost would be financed from funds on hand.

Texas Gas explained that deliveries to both end-users are currently accomplished through an existing interconnection between Texas Gas and Citizens near Worthington in Greene County, Indiana (Worthington Station). Citizens ultimately delivers these volumes to Diamond-Bathurst and Kroger in Indianapolis, Indiana. Texas Gas asserts that operational limitations near the Worthington Station would interrupt future deliveries for Diamond-Bathurst and Kroger during peak winter periods and peak summer storage-injection periods.

Texas Gas asserts that the proposed Worthington Station is already included as a delivery point in both of its transportation agreements with Diamond-Bathurst and Kroger. Texas Gas further states that the term of such agreements, both dated July 3, 1985, is five years from the date of initial deliveries.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

8. Transcontinental Gas Pipe Line Corp.

United Gas Pipe Line Co.

[Docket No. CP85–822–000

September 13, 1985.

Take notice that on August 23, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket CP85–822–000 a joint application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon an existing exchange service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that in 1980 they were involved in a dispute concerning the right to purchase certain quantities of natural gas from the Sunrise field, Terrebonne Parish, Louisiana, and on May 8, 1980, petitioned the Commission in Docket No. CI80–305 for the issuance of a declaratory order with regard to their respective rights to purchase such gas.

Further, in connection with such petition, Applicants state that they entered into a gas exchange agreement, dated April 7, 1980, to govern the purchase and exchange of the disputed production pending a resolution of the respective rights of the parties and that such agreement was certificated by the Commission in Docket No. CP80–338 by order issued September 29, 1980, 12 FERC ¶ 61,317. It is further stated that under the exchange, United receives into its Sunrise field lateral daily up to 50 billion Btu of gas from Transco and returns an equivalent quantity without charge at existing delivery points at Inez, Victorica County, Texas, Johnsons Bayou, Cameron Parish, Louisiana, and the Mobile Corporation Cameron plant, Cameron Parish, Louisiana.

It is averred that Applicants have now entered into an agreement of settlement, compromise and release dated effective as of December 31, 1984, which is being filed for approval of the Commission in Docket No. CI80–305 and that as a part of the overall settlement the Applicants have agreed that the exchange service authorized in Docket No. CP80–338 would be abandoned. Such service, it is stated, would be replaced by a new transportation service rendered by United for Transco.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

9. United Gas Pipe Line Co.

[Docket No. CP85–821–000]

September 13, 1985.

Take notice that on August 23, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85–821–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to transport, on an interruptible basis, on behalf of Transco, up to 5,000 Mcf of natural gas per day (Mcfd) under a gas transportation agreement (agreement) between Transco and United, dated August 15, 1985. United States that Transco would cause its transportation gas to be delivered to United through existing facilities located on United's Sunrise field lateral in Terrebonne Parish, Louisiana. United would then transport and redeliver equivalent quantities of natural gas received, up to 5,000 Mcfd, to Transco at the outlet side of Mobil Corporation's processing plant in Cameron Parish, Louisiana, and/or at an existing point of interconnection between Transco's and United's facilities located in Gibson, Terrebonne Parish, Louisiana.

For each Mcf of natural gas United redelivers to Transco, United would charge Transco the currently effective rate contined in United's Rate Schedule IT, Type I Rate, which excludes a charge for company-used gas. United states that effective July 1, 1985, such rate is 7.72 cents per Mcf as provided on First Revised Sheet No. 4–E of United's FERC Gas Tariff, First Revised Volume No. 1.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. United Gas Pipe Line Co.

[Docket No. CP85–823–000]

September 13, 1985.

Take notice that on August 26, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85–823–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas on behalf of International Permalite (Permalite), Verhoff Alfalfa Mills (Verhoff), Federal Mogul Corporation (Federal), and Sharp Canning Company (Sharp), through their agent, EnTrade Corporation (EnTrade), under the certificate issued in Docket No. CP82–430–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to transport up to 4,000 Mcf of natural gas per day on an interruptible basis for EnTrade on behalf of Permalite, Verhoff, Federal and Sharp. United would render the transportation service until the earlier date of the final rule by the Commission in Docket No. RM85–1–000 or October 31, 1985, or until terminated by either party. It is stated that United would receive from Davis Oil Company up to

4,000 Mcf on natural gas per day for the account of EnTrade at an interconnection of facilities in Lafayette Parish, Louisiana, and would transport and redeliver such gas to existing points of interconnection between United's and Columbia Gulf Transmission Company's (Columbia Gulf) facilities near (1) Barron, Rapides Parish, Louisiana, and/or (2) Erath, Vermilion Parish, Louisiana, at the interconnection of Columbia Gulf's and Sea Robin Pipeline Company's facilities. United further states that Columbia Gulf, under a separate agreement, would deliver such gas to Columbia Gas Company, Union Heat Power & Light Company, and/or West Ohio Gas Company for ultimate redelivery to Sharp, Verhoff, Permalite and Federal. It is explained that the gas would be used for fuel oil displacement at the end-user locations.

United further requests flexible authority to add or delete sources of supply or receipt/delivery points. United States that any changes made under the flexible authority would be on behalf of the same end-user at the same end-use location and would remain within the proposed maximum daily and annual volumes.

United states that the rate applicable to this service is an amount equal to United's Type I Rate (Rate Schedule IT) which includes a component for gas consumed in the operation of United's pipeline system. It is stated that currently such rate is 11.02 cents per Mcf.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. United Gas Pipe Line Co.

[Docket No. CP85-833-000

September 13, 1935.

Take notice that on August 28, 1985, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP51-833-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport fuel oil displacement gas on behalf of Jeannette Sheet Glass Corporation (Jeannette) under the certificate issued United in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request of filed with the Commission and open to public inspection.

It is stated that Jeannette, a low-priority end user, has purchased gas from The Resource Group. It is stated that United would receive from The Resource Group up to 4,000 Mcf of gas per day for the account of Jeannette at United's facilities in the Cotton Plant field, Caldwell Parish, Louisiana. It is explained that United would then transport and redeliver said gas on behalf of Jeannette to existing points of interconnection between United's and Columbia Gulf Transmission Company's (Columbia Gulf) facilities located near (i) Barron, Rapides Parish, Louisiana, and/or (ii) Erath, Vermilion Parish, Louisiana, at the interconnection of Columbia Gulf's and Sea Robin Pipeline Company's facilities. United further states that Columbia Gulf, under a separate agreement, would deliver the gas to Columbia Gas Transmission Corporation (Columbia Gas) and Columbia Gas of Pennsylvania, Inc. for future transportation to Jeannette, Pennsylvania. It is explained that the transported gas would be used for fuel oil displacement at the end-use location.

United states that the rate applicable to this transportation service is an amount equal the United's Type I Rate (Rate Schedule IT) which excludes a component for gas consumed in the operation of United's pipeline system. It is further stated that currently such rate is 7.72 cents per Mcf of gas.

It is explained that the transportation agreement would be effective of April 10, 1985, and would remain in full force and effect from the date of initial deliveries until the earlier date of the final rule by the Commission in Docket No. RM85-1-000 for low-priority end-use transportation on October 31, 1985, or the term set forth in the gas transportation agreement between the parties dated April 1, 1985.

Applicant also request flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicant will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

12. United Gas Pipe Line Co.

[Docket No. CP85-840-000]

September 16, 1985.

Take notice that on August 30, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-849-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport fuel oil displacement gas for an eligible end-user under the certificate issued in Docket No. CP85-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is stated that Newport Steel Corporation (Newport) has purchased gas from EnTrade Corporation (EnTrade) in Louisiana. It is explained that United would receive up to 2,000 Mcf of gas per day from EnTrade for the account of Newport at United's facilities in Lafayette Parish, Louisiana. It is explained the United would then transport and deliver said gas for the account of Newport, to an existing point of interconnection between the facilities of Columbia Gulf Transmission Company (Columbia Gulf) and Sea Robin Pipeline Company in Vermilion Parish, Louisiana. It is further explained that Columbia Gulf would transport and deliver the gas to Columbia Gas Transmission Corporation (Columbia Gas) which, in turn, would redeliver the gas to Union Heat, Light and Power Company for further transportation to Newport's Wilder, Kentucky, plant. It is stated that 23 percent of the gas would be used for boiler fuel, 15.2 percent for building heat and miscellaneous and 61.8 percent for processing steel.

United states that it would charge Newport, in accordance to its Rate Schedule IT, a transportation rate of 11.02 cent per Mcf, which includes the cost attributable to gas consumed in the operation of United's pipeline system. It is also stated that there is not added incentive charge for this service.

It is explained that the transportation agreement would be effective on June 17, 1985, and would remain in full force and effect from the date of initial deliveries until the earlier date of the final rule by the Commission in Docket No. RM85-1-000 for low-priority end-use transportation of October 31, 1985. In the event of an imbalance the transportation term would be extended for a period not to exceed 30 days.

In addition, it is stated that United requests flexible authority to add or delete sources of supply or receipt/delivery points, if such altered services are 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.

Comment date: October 31, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, and hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's may, within 456 days after the 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. 85-22592 Filed 9-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-665-000, et al.]

Charles Vail, et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Charles Vail

[Docket No. QF85-665-000]

September 13, 1985.

On August 26, 1985, Charles Vail, (Applicant), of 6227 North Twenty-sixth Road, Arlington, Virginia 22207, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Portsmouth, New Hampshire. The facility will consist of a circulating fluidized bed boiler, condensing steam turbine generator, and related auxiliary equipment. The primary energy source for the facility will be anthracite silt refuse. The net electric power production capacity of the facility will be 35,000 kilowatts.

2. Electrodyne Research Corp.—Gilberton, PA

[Docket No. QF83-425-004]

September 13, 1985.

On August 30, 1985, Electrodyne Research Corporation, (Applicant), of 1617 Sweetbriar Road, Gladwyne, Pennsylvania, 19035, submitted for filing an application for amendment of Commission certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The cogeneration facility will be located in Gilberton, Pennsylvania. The facility will consist of a fluidized bed boiler, extraction steam turbine generator, and related axuiliary equipment. The primary energy source for the facility will be anthracite culm. The useful thermal output, which will be in the form of process steam will be delivered through a pipeline to the Gilberton Coal Company. The Gilberton Coal Company will utilize the process steam in an anthracite culm drying process. The net electric power production capacity of the facility will be 79.5 megawatts. The facility was originally certified as a qualifying cogeneration facility on December 7, 1984, based on the thermal output attributed to the sale of dried anthracite culm to non-affiliated consumers. Applicant's application for amendment of Commission certification is requesting qualification of the thermal output attributed to the drying of anthracite culm for affiliated used.

3. Interpro International Inc.

[Docket No. QF85-667-000]

September 13, 1985.

On August 27, 1985, Interpro International Inc. (Applicant), of 3120 So. 1300 East, Salt Lake City, Utah 84106, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located at the manufacturing site of J. R. Wood Associates, 7916 West Belevue Road, Atwater, California, 95301. The facility is a combined cycle-topping cycle cogeneration plant. It will consist of a gas turbine, a refired heat recovery steam generator, a back pressure steam turbine generator and a condensing steam turbine generator. Steam from the back pressure turbine will be used to supply the J. R. Wood Associated Plant with process steam as a heat source for an Ammonia Absorption Refrigeration System. The power production capacity of the facility is 8,526 kilowatts. Operation of the facility is scheduled for the end of October 1986.

4. Northeastern Power Co.—Kline Township, PA

[Docket No. QF85-678-000]

September 13, 1985.

On September 3, 1985, Northeastern Power Company, (Applicant) of 1101 Market Street, Philadelphia, Pennsylvania 19107, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submital constitutes a complete filing.

The small power production facility will be located one mile south of the

Borough of McAdoo in Kline Township, Schuylkill County, Pennsylvania. The facility will consist of a circulating fluidized bed boiler, condensing steam turbine generator, and related auxiliary equipment. The primary energy source for the facility will be anthracite refuse and anthracite coal. The net electric power production capacity of the facility will be 45,400 kilowatts.

5. Mohasco Upholstered Furniture Corp.

[Docket No. QF85-663-000]

September 16, 1985.

On August 26, 1985, Mohasco Upholstered Furniture Corporation (Applicant), of 57 Lyon Street, Amsterdam, New York 12010, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located in Eupora, Mississippi and will consist of a boiler, a steam turbine/generator, a turbine by-pass pressure reducing station, piping, controls and appurtenances. The total electric power production capacity will be 275 kW. The primary source of energy will be wood, a by-product of the furniture manufacturing process.

Standard Paragraphs

E. 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 and 385.214). All such motions or protests should be filed on or before the comment date. 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. 85-22593 Filed 9-19-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-467-007, et al.]

Natural Gas Certificate Filings; ANR Pipeline Co., et al.

Tank notice that the following filings have been made with the Commission:

1. ANR Pipeline Company

[Docket No. CP79-467-007]

September 12, 1985.

Take notice that on August 30, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP79-467-007 a petition to amend the Commission's order, issued June 10, 1981 in Docket No. CP79-467-000, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize a modification in the transportation service provided by ANR for Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner requests authority to modify its level of transportation for TETCO pursuant to the third amendment, dated August 15, 1985, to the transportation agreement between the parties dated July 6, 1979, as amended January 15, 1981, and November 21, 1984.

The third amendment, it is stated, extends for an additional contract year (November 1, 1985, through November 1, 1986) the full transportation volumes of 75,000 McF of gas per day and is consistent with regulatory authority TETCO had obtained, regarding the importation of the natural gas subject to transportation herein, which TETCO is purchasing from ProGas Limited [National Energy Board of Canada License GL-56, as modified, Economic Regulatory Administration Docket No. 79-15-NG and Commission authority in Docket No. CP79-332.]

Petitioner requests authority to extend for an additional contract year, through November 1, 1986, the transportation of 75,000 McF per day of natural gas on behalf of TETCO. The volumes subject to transportation would be adjusted for the seventh through ninth contract years as set forth in the third amendment, it is explained.

Petitioner states that its transportation service is provided in conjunction with service provided by Great Lakes Gas Transmission Company (Great Lakes). Great Lakes, it is stated, has filed with the Commission in Docket No. CP79-462-005 a petition seeking companion authority to modify its level of transportation through November 1, 1986.

Comment date: October 4, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corporation

[Docket No. CP85-820-000]

September 11, 1985.

Take notice that on August 23, 1985, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP85-820-000 as request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authority to transport natural gas on behalf of Jackson Corporation, a subsidiary of Lancaster Colony Corporation (Jackson) under the certificate issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia proposes to transport up to 400 million Btu equivalent of natural gas per day for Jackson through October 31, 1985. Columbia states that the gas to be transported would be purchased from Yankee Resources, Inc. (Yankee), and would be used as boiler fuel in Jackson's Jackson, Ohio plant. It is indicated that Jackson has made arrangements to purchase this gas from Yankee. Columbia states that it would receive the gas from Yankee and redeliver the gas to Columbia Gas of Ohio, Inc. (COH), the distribution company serving Jackson, near Jackson, Ohio.

Columbia states that it would charge one of the rates in its Rate Schedule TS-1 for its transportation service: gas received from receipt points other than Leach, Kentucky—29.93 cents per Btu provided the volumes are within COH's total daily entitlements (TDE). However, Columbia states it would charge 41.27 cents per million Btu for gas received from receipt points other than Leach, Kentucky, if the volumes are in excess of COH's TDE. Columbia further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia states it would collect the General R&D Funding Unit of the Gas Research Institute for all quantities transported under the transportation arrangement.

Columbia also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested would apply only to points related to sources of gas supply, not to delivery points in the market area. Columbia would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities

herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

3. Kentucky West Virginia Gas Company

[Docket No. CP85-814-000]

September 12, 1985.

Take notice that on August 22, 1985, Kentucky West Virginia Gas Company (Kentucky West), 809 Plaza Building, Ashland, Kentucky 41101, filed in Docket No. CP85-814-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Kentucky West to reclassify certain of its facilities from production and gathering to transmission plant accounts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Kentucky West states that it has recently undergone a corporate realignment and that it no longer produces natural gas but functions as a purchaser, gather and transporter of natural gas in interstate commerce. As a result of this realignment, Kentucky requests the Commission authorize the reclassification of five of its compressor stations, with a total installed horsepower of 9,470, and approximately 79.8 miles of various sized pipelines, from production and gathering facilities to transmission facilities to reflect more properly their use in the new corporate structure. Kentucky West contends the proposed facilities transfer is proper as it alleges that no gas is delivered into the system from well lines downstream of any of the compressor stations.

Kentucky West states that the net book value of the subject facilities to be transferred is $2,413,453.82 as of December 31, 1984.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP85-767-000]

September 11, 1985.

Take notice that on August 9, 1985, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CO85-767-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Firestone Tire and Rubber Company (Firestone), an industrial end-user, under the certificate issued in Docket No. CP82-402-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to receive gas for the account of Firestone at two existing interconnections in Caddo County, Oklahoma, between Applicant and Reliance Pipeline Company (Reliance, a gathering company. Applicant states that redeliveries of gas would be made to the outlet flange of the meter station located at Applicant's existing interconnection with Illinois Power Company (Illionis Power), near Hammond in Piatt County, Illinois. It is explained that pursuant to the gas transportation agreement dated June 26, 1985, Applicant would transport, on a best-efforts basis, a maximum of 4 billion Btu's of natural gas and would redeliver thermally equivalent volumes, less 9.4 percent, initially, for fuel usage and unaccounted-for volumes. The volumes to be transported would average 3 billion Btu's per day and total 1.46 trillion annually, it is stated.

Applicant proposes to charge a transportation fee of 21.9 cents per million Btu's of gas received. Applicant states that this transportation rate is based on its currently effective cost of onshore transmission authorized in Docket No. RP83-68 and is consistent with its Rate Schedule EUT-1 on file with the Commission. It is stated that the construction of facilities is not required to provide the service requested.

Applicant advises that service commenced on June 28, 1985, and would continue until October 26, 1985, 120 days from the date of first deliveries. Applicant proposes to continue this service from October 26, 1985, until the earlier of (1) an effective date of a final rule in Docket No. RM85-1-000, or (2) until October 31, 1985, under the notice procedures authorization herein requested. The agreement provides for service through two years from June 28, 1985, the date of initial deliveries, until June 28, 1987, in the event that the Commission's Regulations are amended to allow service past October 31, 1985, it is stated.

Applicant also requests flexibile authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market are. Applicant would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. Northwest Central Pipeline Corporation

[Docket No. CP85-827-000]

September 13, 1985.

Take notice that on August 27, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-827-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization of add an additional point of delivery of natural gas to The Gas Service Company (Gas Service) under the certificate issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in request on file with the Commission and open to public inspection.

Northwest Central proposes to construct and operate a tap and other appurtenant facilities on its 8-inch pipeline in Harvey County, Kansas, for the purpose establishing a new delivery point to serve Gas Service. Northwest Central states that Gas Service requested this additional delivery point to serve existing customers and to make retail sales to a new asphalt plant to be operated by Rhodes Construction Company. Northwest Central states that the estimated peak day and annual gas deliveries for these facilities in the fifth year of operation would be 747 Mcf and 17,929 Mcf, respectively. Northwest Central estimated that the cost to construct the proposed facilities would be $30,120.00.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Northwest Central Pipeline Corporation

[Docket No. CP85-847-000]

September 13, 1985.

Take notice that on September 3, 1985, Northwest Central Pipeline Corporation (Northwest Central), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No CP85-847-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission to abandon, by reclaiming certain measuring facilities, and for authorization to construct and operate certain measuring facilities serving The Gas Service Company (Gas Service) under the authorizations issued in

Docket No. CP82–479–000 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.

Northwest Central states that Gas Service has requested that the capacity of an existing town border station be increased to deliver natural gas to Gas Service for resale through a distribution system to be installed by Gas Service to serve Seltzer School and new domestic customers in Sedgwick County, Kansas. The projected volumes through the proposed new measuring and regulating facilities is 11,674 Mcf of gas during the first year of operation increasing to 81,674 Mcf of gas by the fifth year. Northwest Central states the cost to reclaim the existing facilities is $535. Northwest Central estimates the cost of constructing the new facilities is $27,890, which would be paid from treasury cash.

Northwest Central states that the change-out of the measuring facilities is not prohibited by an existing tariff and that it has sufficient pipeline capacity to make the deliveries of gas proposed without detriment to existing customers.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company Division of InterNorth, Inc.

[Docket No. CP85–817–000]

September 11, 1985.

Take notice that on August 22, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85–817–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install and operate one small volume sales tap to accommodate natural gas deliveries to St. Mary's Catholic Church in Roseville, Iowa, through Peoples Natural Gas Company (Peoples), the local distributor, under the certificate issued in docket No. CP82–401–000 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 the tap would be located in Floyd County and volumes are estimated to be 1,050 Mcf for the fifth year. The end-use is space heating, it is explained. Northern also indicates that the volumes proposed to be delivered to Peoples would have no adverse impact on Northern's existing deliveries, as such volumes would be served from Peoples current firm entitlement under Northern's Rate Schedule CD–1. Cost to install the tap is estimated to be $2,424 and the cost would be paid for by Peoples, but Northern would retain ownership and operation thereof, it is explained.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Panhandle Eastern Pipe Line Company and Trunkline Gas Company

[Docket No. CP85–789–000]

September 11, 1985.

Take notice that on August 16, 1985, Panhandle Eastern Pipe Line Company and Trunkline Gas Company (Applicants), P.O. Box 1642, Houston, Texas, 77001, filed in Docket No. CP85–789–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Armour Dial, Inc. (Armour Dial), under their certificates issues in Docket Nos. CP83–83–000 and CP83–84–000, respectively, 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.

Applicants propose to transport up to 5,000 Mcf of natural gas per day, less a fuel reduction percentage, on an interruptible basis for Armour Dial. It is stated that the gas to be transported would be purchased from Northern Gas Marketing, Inc., and would be used as boiler fuel in Armour Dial's plant in Montgomery, Illinois. It is explained that the gas is not released by either Applicant. Panhandle would receive the gas from Northern Natural Gas Company, a Division of InterNorth, Inc., at existing receipt points in Moore County, Texas; Kiowa County, Kansas; and Beckham County, Oklahoma, and would redeliver such gas, less retainage for fuel, to Trunkline in Douglas County, Illinois. Trunkline would redeliver the gas to Midwestern Gas Transmission Company in Vermillion County, Illinois, which in turn would transport said gas for ultimate delivery to Armour Dial's Montgomery plant, it is asserted. Applicants have indicated that they would retain four and one-tenth percent reduction for fuel from volumes received from Moore County and three and one-tenth percent from Kiowa and Beckham Counties. Applicants state that the service would be until the earlier of 18 months from July 12, 1985, or the termination of authorization provided by Subpart F of Part 157 of the Commission's Regulations, or the termination of the transportation agreement by the parties thereto.

It is indicated that Applicants would charge amount based upon the rate currently effective in their respective IT Rate Schedules.

Applicants also requests flexible authority to ad or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicants will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Southern Natural Gas Company

[Docket No. CP85–769–001]

September 13, 1985.

Take notice that on August 9, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP85–769–000, as amended in Docket No. CP85–769–001 on August 30, 1985, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a new delivery point for the delivery of natural gas to Atlanta Gas Light Company (Atlanta), an existing customer, for resale under the certificate issued in Docket No. CP82–406–000 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 the proposed delivery point would be designated as Station No. 4 within the Savannah area delivery point and would be located at Mile Post 95.1(±) on Southern's Wrens-Savannah line in Effingham County, Georgia. Southern states that the gas would be delivered at line pressure (but not less than 400 psig) with a maximum daily delivery capability of 28,800 Mcf with Atlanta providing regulation as needed for its system. Southern also states that the new delivery point would enable Atlanta to sell gas to school and industrial customers which currently are not being supplied with natural gas. Southern asserts that there is no proposed change in Atlanta's demand under the service agreement as a result of adding said point of delivery. Further, Southern states that (1) it has sufficient capacity to accomplish deliveries

through the new facilities without detriment or disadvantage to its other customers' (2) the new delivery point would not impact Southern's peak day and annual deliveries; and (3) the addition is not prohibited by any existing tariff of Southern. Southern proposed to construct, own and operate the new delivery point with actual costs and expenses, estimated at $233,859, to be reimbursed by Atlanta.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

10. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-836-000]

September 11, 1985.

Take notice that on August 29, 1985, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP85-836-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Scott Paper Company (Scott Paper) under the certificate issued in Docket No. CP82-426-000 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 Scott Paper would purchase natural gas from Transco Energy Marketing Company. Applicant indicates that it would receive up to 10,500 dt equivalent of natural gas per day at the tailgate of the Katy Exxon Gas Plant in Waller County, Texas, and would redeliver on an interruptible basis, equivalent quantities, less volumes retained for compressor fuel and line loss make-up, to existing points of delivery with Philadelphia Electric Company (Philadelphia Electric). It is explained that Philadelphia Electric would redeliver such gas to Scott Paper's Chester, Pennsylvania, plant.

Applicant proposes to charge Scott Paper the effective rate in accordance with Rate Schedule T-II of Applicant's FERC Gas Tariff which is currently 44.81 cents per dt equivalent.

It is indicated that Applicant began transporting this gas pursuant to § 157.209(e)(1) of the Commission's Regulations on June 28, 1985. Applicant proposes to transport such gas through October 31, 1985.

Applicant also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Applicant will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G the end of this notice.

11. United Gas Pipe Line Company

[Docket No. CP85-802-000]

September 12, 1985.

Take notice that on August 20, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-802-000, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Standard Products Company, Inc. (Standard), to Jackson County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it continues to experience an erosion of its markets, and the proposed transportation of sales volumes, on an interruptible basis, to Standard would alleviate this condition to some extent. It is stated that the deliveries to Standard would be 1,800 Mcf of gas on a peak day. It is indicated that the gas would be used by Standard in the operation of its fish meal and fish oil processing facility in Mass Point, Mississippi.

United states that the rate to be charged for such proposed gas deliveries is provided for in United's Rate Schedule No. IRS-85-47. It is stated that the price Standard would pay United for all gas delivered between April 6, 1985 and January 1, 1986 would be $4.00 per million Btu. The price Standard would pay United for all gas sold and delivered during any billing month in 1986 would be $4.00 per million Btu plus the difference between United's weighted average cost of gas and a base adjustment cost computed by dividing the sum of United's WACOG for every billing month during 1985 by 12, it is explained.

Comment date: October 4, 1985, in accordance with Standard Paragraph F at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP85-818-000]

September 9, 1985.

Take notice that on August 23, 1985, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP85-818-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Art Machin and Associates, Inc. (Machin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to receive for transportation, in the aggregate, a maximum daily quantity of natural gas up to 500 Mcf per day on behalf of Machin, under a gas transportation agreement (agreement) dated May 1, 1985. United states it would render the proposed transportation service for a primary term beginning on the date of first delivery and ending on May 1, 1987, and from year to year thereafter.

United indicates that Machin would cause its transportation volumes to be delivered to United through United's existing facilities located in the Carthage Field, Panola County, Texas. United further indicates that an equivalent quantity of natural gas would be redelivered by United to or for the account of Machin at the existing tailgate of Texas Gas Transmission Corporation's gas processing plant located in Panola County, Texas.

United states that for each Mcf of natural gas redelivered by United, it would charge Machin the currently effective rates as provided in United's Type I Rate (Rate Schedule IT), as set forth on Sheet 4-E of United's FERC Gas Tariff Revised Volume No. I. United further states that the transportation rate it proposes to charge would be either the Type I rate in Rate Schedule IT including the cost of company-used gas and the GRI surcharge, which rate is, effective July 1, 1985, 12.27 cents per Mcf, or if United elects, under the agreement to take gas in kind from Machin for company-used gas, the rate would be the Type I rate in Rate Schedule IT excluding the cost of company-used gas and including GRI, which rate is, effective July 1, 1985, 8.97 cents per Mcf.

Comment date: September 30, 1985, in accordance with Standard Paragraph F at the end of this notice.

13. United Gas Pipe Line Company

[Docket No. CP85-857-000]

September 13, 1985.

Take notice that on September 4, 1985, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77001, filed in Docket No. CP85-857-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas

Act (18 CFR 157.205) for authorization to transport fuel oil displacement gas on behalf of Babcock & Wilcox Company (B & W) under the certificate issued United in Docket No. CP82–430–000 pursuant to Section 7(c) 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 B & W, a low-priority end user, has purchased gas from The Resource Group. It is stated that United would receive from The Resource Group up to 3,500 Mcf of gas per day for the account of B & W at United's facilities in the Cotton Plant field, Caldwell Parish, Louisiana. It is explained that United would then transport and redeliver said gas on behalf of B & W to existing points of interconnection between United's and Columbia Gulf Transmission Company's (Columbia Gulf) facilities located near (i) Barron, Rapides Parish, Louisiana, and/or (ii) Erath, Vermilion Parish, Louisiana, at the interconnection of Columbia Gulf's and Sea Robin Pipeline Company's facilities. United further states that Columbia Gulf, under a separate agreement, would deliver the gas to Columbia Gas Transmission Corporation (Columbia Gas) and Columbia Gas of Pennsylvania, Inc., for transportation to Ambridge, Beaver Falls, and Koppel, Pennsylvania. It is explanied that the gas would be used for fuel oil displacement at the end-use locations herein described.

United states that the rate applicable to this transportation service is an amount equal to United's Type I Rate (Rate Schedule IT) which excludes a component for gas consumed in the operation of United's pipeline system. United states that currently such rate is 7.72 cents per Mcf and that this rate is in accordance with United's FERC Gas Tariff, First Revised Volume No. 1, effective July 1, 1985. There is no added incentive charge for this service, it is stated.

It is explained that the transportation agreement would be effective on May 1, 1985, and would remain in full force and effect from the date of initial deliveries until the earlier date of the final rule by the Commission in Docket No. RM85–1–000 for low-priority end-use transportation or October 31, 1985, or the term set forth in the gas transportation agreement between the parties dated March 31, 1985.

United also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. United will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: October 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the 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. 85–22564 Filed 9–19–85; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $30,000 obtained as a result of a consent order which the DOE entered into with Northeastern Oil Company, Inc., a reseller-retailer of motor gasoline located in Gillette, Wyoming. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF–0139.

FOR FURTHER INFORMATION CONTACT: Sharon Dennis, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 § 205.282(c), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $30,000 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Northeastern Oil Company, Inc. The funds were provided to the DOE by Northeastern to settle all

claims and disputes between the firm and the DOE regarding the manner in which the firm applied the federal price regulations with respect to its sales of motor gasoline during the period December 18, 1978, through April 30, 1980.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals who purchased motor gasoline from Northeastern. In order to obtain a refund, a claimant will be required to submit a schedule of its monthly purchases from Northeastern and to demonstrate that it was injured by Northeastern's pricing practices. Applicants must submit specific documentation regarding the date, place, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered. An applicant claiming $5,000 or less, however, will be required to document only its purchase volumes.

Application for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in these proceedings will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except federal holidays in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: September 12, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

September 12, 1985.

Name of Firm: Northeastern Oil Company, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0139.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Northeastern Oil Company, Inc. (NOCI).

I. Background

NOCI is a "reseller-retailer" of motor gasoline as that term was defined in 10 CFR 212.31 and is located in Gillette, Wyoming. A DOE audit of NOCI's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that during the period December 18, 1978, through April 30, 1980, the prices received for certain volumes of motor gasoline sold by NOCI were in excess of the allowable prices under 10 CFR 212.93.

In order to settle all claims and disputes between NOCI and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, NOCI and the DOE entered into a consent order on September 29, 1980. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that NOCI does not admit that it violated the regulations.

Under the terms of the consent order, NOCI was required to deposit $30,000.00 into an interest-bearing escrow account for ultimate distribution by the DOE. NOCI remitted this sum on March 16, 1981.[1]

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), *and Office of Enforcement*, 8 DOE ¶ 82, 597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from identifiable purchasers of refined petroleum products who may have been injured by NOCI's pricing practices during the period December 18, 1978, through April 30, 1980. If any funds remain after al meritorious first-stage claims have been paid, they may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (Amoco).

A. *Refunds to Identifiable Purchasers.* In the first stage of the NOCI refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by NOCI's alleged overcharges. As we have done in many prior refund cases, we propose to adopt certain presumptions, which will be used to help determine the level of a purchaser's injury.

The use of presumptions in refund cases in specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations State that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficiently way possible in view of the limited resources available. First, we plan to adopt a presumption that the alleged overcharges were dispersed evently in all sales of products made during the consent order period. In the past, we have referred to a refund process that uses this presumption as a volumetric system. Second, we propose to adopt a presumption of injury with respect to small claims. Third, we plan to adopt a presumption that spot purchasers were not injured by the alleged overcharges.

[1] As of July 31, 1985, the NOCI escrow account contained $49,729.29, including accrued interest.

As a separate matter, we are making a proposed finding that end users of NOCI products were injured by NOCI's pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984), and cases cited therein at 88,164.

Under the volumetric system we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons purchased from NOCI times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $.014769 per gallon.[2] In addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we plan to use is that claimants seeking small refunds were injured by NOCI's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed the expected refund. Failure to allow simplified procedures could therefore deprive injured parties of the opportunity to receive a refund. This presumption eliminates the need for a claimant to submit and OHA to analyze detailed proof of what happened downstream of the initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Several factors determine the value of the threshold below which a claimant is not required to submit any further evidence of injury beyond volumes purchased. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.; Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.[3]

If a reseller or retailer made only spot purchases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. We believe the same rationale holds true in the present case. Therefore, we propose that firms which made only spot purchases from NOCI not receive refunds unless they present evidence which rebuts the spot purchaser presumption and establishes the extent to which they were injured as a result of their purchases of motor gasoline from NOCI during the consent order period.

As noted above, we are making a proposed finding that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (PVM); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein.[4]

In addition, we propose that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms *e.g.*, public utilities, any overcharges incurred as a result of NOCI's alleged violations of the DOE regulations would routinely be passed through to the firm's customers. Similarly, any reunds received by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we proposed adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See e.g., Office of Special Counsel*, 9 DOE ¶ 82,539 (1982) (*Tenneco*), and *Office of Special Counsel*, 9 DOE ¶ 82,545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers,

[2] This figure has been calculated from information contained in ERA's audit workpapers. The audit examined sales made between September 1, 1979, and November 30, 1979, which amounted to 389,301 gallons. From this number, we estimated that NOCI's sales for the entire consent order period were 2,031,155 gallons. We then divided the consent order funds ($30,000) by our estimate of NOCI's total sales (2,031,155 gallons) to obtain the volumetric factor of $.014769.

[3] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000 in order to avoid having to submit detailed proof of their injury. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,125 (1982) (Ada).

[4] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyond that required of other end users.

however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

B. *Applications for Refund.* Any purchaser claiming a portion of the consent order funds should file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases from NOCI. Applicants should also provide all relevant information necessary to support their claim in accordance with the presumptions stated above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying these proceedings. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private, § 210, actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any changes in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

C. *Distribution of remaining Consent Order Funds.* In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Northeastern Oil Company, Ltd. pursuant to the consent order executed on September 29, 1980, will be distributed in accordance with the foregoing decision.

[FR Doc. 85-22513 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $33,199.83 obtained as a result of a consent order which the DOE entered into with Peterson Petroleum, Inc., a reseller-retailer of petroleum products located in Hudson, New York. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of the Peterson consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register.** All applications should refer to Case Number HEF-0149 and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The decision relates to a consent order entered into by the DOE and Peterson Petroleum, Inc., which settled all claims and disputes betwen Peterson and the DOE regarding the manner in which Peterson applied the federal price and allocation regulations with respect to its sales of motor gasoline during the period May 1, 1979, through June 31, 1979. A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the Peterson consent order funds was issued on July 9, 1985. 50 FR 29257 (July 18, 1985).

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of an escrow account funded by Peterson pursuant to the consent order. The DOE has decided to accept Applications for Refund from firms and individuals who purchased motor gasoline from Peterson. In order to receive a refund, a claimant must furnish the DOE with evidence which demonstrates that it was injured by Peterson's pricing practices. Applicants must submit specific documentation regarding the date, place, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered. An applicant claiming $5,000 or less, however, will be required to document only its purchase volumes.

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers who purchased motor gasoline from Peterson during the consent order period. Applications will be accepted provided they are received no later than 90 days after publication of this Decision and Order in the **Federal Register.** The specific information required in an Application for Refund is set forth in the Decision and Order.

Dated: September 12, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order

Implementation of Special Refund Procedures

September 12, 1985.

Name of Firm: Peterson Petroleum, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0149.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the DOE Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of enforcement proceedings in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the extent of such persons' injuries. For a more detailed discussion of Subpart V, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981) (*Coline*), *and Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

I. Background

In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order which it entered into with Peterson Petroleum, Inc. (Peterson). Peterson is a "reseller-retailer" of "covered" products as those terms were defined in 10 CFR 212.31, and is located in Hudson, N.Y. A DOE audit of the firm's records revealed possible violations of the Mandatory Petroleum Price and Allocation Regulations with respect to sales of motor gasoline during the period May 1, 1979 through June 30, 1979 (audit period). In order to settle all claims and disputes between Peterson and the DOE regarding the firm's sales of motor gasoline during the audit period, Peterson and the DOE entered into a consent order on October 27, 1980. The consent order refers to ERA's allegations of overcharges, but notes that no findings of violation were made. Additionally, the consent order states that Peterson does not admit that it committed any such violations. Finally, according to the Peterson consent order, the firm agreed to deposit $32,816.16, plus interest, into an interest-bearing escrow account for ultimate distribution by DOE.[1]

On July 9, 1985, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties who were injured by Peterson's alleged violations in the sale of motor gasoline. 50 FR 29,257 (July 18, 1985). In the PD&O, we described a two-stage process for distributing the Peterson consent order funds. We proposed to disburse funds in the first stage to claimants who could demonstrate that they were adversely affected by Peterson's alleged overcharges in the sale of motor gasoline during the audit period. We also solicited comments regarding the disbursement of any funds remaining after all meritorious claimants had received appropriate refunds.

The purpose of this decision is the establishment of procedures to be used for filing claims in the first stage of the Peterson refund process. Since no comments were received concerning first-stage procedures, we will employ the procedures suggested in the PD&O. Since our determination concerning the final disposition of any remaining funds will necessarily depend on the amount of money remaining in the escrow account, it would be premature for us to address the issues raised by commenters concerning a second-stage proceeding.[2] *See Coline*, 9 DOE at 85,046.

[1] Due to the accumulated interest on late deposits, however, Peterson paid $33,199.83 into the escrow account. This amount represents the principal which will form the basis for refund calculations. The amount of money in the Peterson escrow account was $51,447.04 as of August 31, 1985.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *See Coline*, 9 DOE at 95,046–49, *and Vickers*, 8 DOE at 85,393–99.

The Petition consent order funds will be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by Peterson's alleged pricing violations. The information available to us at this time regarding the firm's operations provides the names and addresses of a few of Peterson's customers during the audit period. However, our information does not include sales figures for any of the firm's customers.[3] Our experience with Subpart V proceedings indicates that the likely claimants in this proceeding, when more fully identified, will fall into two categories: (1) Resellers (including retailers) of Peterson motor gasoline and (2) firms, individuals, or organizations that were consumers (end-users) of gasoline purchased from Peterson. The products purchased by these claimants were purchased either directly from Peterson or from other firms in a chain of distribution leading back to the firm.

As in many prior special refund cases, we are adopting certain presumptions in order to determine a purchaser's level of injury and thereby distribute the escrow account in this case. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we will adopt a presumption that the alleged overcharges were dispersed evenly in all sales of products made during the consent order period. In the past, we have referred to a refund process that uses this presumption as a volumetric system. Second, we will adopt a presumption of injury with respect to small claims. Third, we will adopt a presumption that spot purchasers were not injured by the alleged overcharges. As a separate matter, we find that end users of Peterson products were injured by Peterson's pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it incurred a disporportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.

Under the volumetric system we are adopting, a claimant will be eligible to receive a refund equal to the number of gallons purchased from Peterson times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $0.007235 per

[2] Comments concerning the second stage were filed on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, and West Virginia.

[3] The names and addresses of some customers who may have purchased gasoline from Peterson during the audit period appear in the Appendix to this Decision. In addition to publishing this Decision in the **Federal Register**, we will attempt to contact these customers directly. We will also accept information regarding the identity and present locations of other purchasers for a period of 90 days following publication of this Decision and Order.

gallon.[4] In addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we will use is that claimants seeking small refunds were injured by the Peterson's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed the expected refund. Failure to allow simplified procedures could therefore deprive injured parties of the opportunity to receive a refund. This presumption eliminates the need for claimant to submit and OHA to analyze detailed proof of what happened downstream of the initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Several factors determine the value of this threshold. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" or unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.[5]

If a reseller or retailer made only spot purchases, we believe that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of the [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. We believe the same rational holds true in the present case. Therefore, firms which made only spot purchases from Peterson will not receive refunds unless they present evidence with rebuts the spot purchaser presumption and establishes the extent to which they were injured as a result of their purchashes of motor gasoline from Peterson during the consent order period.

As noted above, we find that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein.[6]

In addition, firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement will not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of Peterson's alleged violations of the DOE regulations would routinely be passed through to the firms' customers. Similarly, any refunds received by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we will add such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,539 (1982) (*Tenneco*), *and Office of Special Counsel*, 9 DOE ¶ 82,244 (1982) (*Pennzoil*). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweights the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

III. Applications for Refund

We have determined that by using the procedures described above, we can distribute the Peterson consent order funds as equitably and efficiently as possible. Accordingly, we will now accept applications for refund from individuals and firms who purchased motor gasoline from Peterson between May 1, 1979, and June 31, 1979.

There is no specific application form which must be used. In order to receive a refund, each claimant must submit the following information:

(1) A schedule of monthly purchases from Peterson;

(2) whether the applicant has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding;

(3) whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement

[4] This figure is derived by dividing the $33,199.83 settlement amount by the 4,586,620 gallons of motor gasoline sold by Peterson during the consent order period.

[5] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See Vickers*, 8 DOE at 85,396. *See also Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (Ada).

[6] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyond that required of other end users.

from the other owners indicating that they do not claim a refund;

(4) whether the applicant is or has been involved as a party in DOE enforcement or private, section 210 actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d); and

(5) the name and telephone number of a person who may be contacted by this Office for additional information.

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001.

All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to Case No. HEF-0149 and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to Department of Energy for Peterson Petroleum, Inc. pursuant to the consent order executed on October 27, 1980, may not be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: September 12, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals

Appendix

Golub Service Stations, Inc., 501 Duanesburg Road, Schenectady, New York 12301
Stewarts Ice Cream, 210 Broadway, Saratoga Springs, New York 12866
Good Hope Industries, Post Office Box 3190, Springfield, Massachusetts 01101
Highway Oil Company, 12th Floor, First National Bank Tower, Topeka, Kansas 66603
Johnson Products, Post Office Box 851, Boston, Massachusetts 02130
Lehigh Oil Company, One Terminal Way, Norwich, Connecticut 06360
Midway Oil Company, Post Office Box 8, Rutland, Vermont 05701

[FR Doc. 85-22511 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $61,889.83 obtained as a result of a consent order which the DOE entered into with Malco Industries, Inc., a reseller-retailer of petroleum products located in Cleveland, Ohio. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585. All comments should conspicuously display a reference to case number HEF-0121.

FOR FURTHER INFORMATION CONTACT: Walter J. Marullo, Office of Hearings and Appeals, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $61,889.83 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Malco Industries, Inc. The funds were provided to the DOE by Malco to settle all claims and disputes between the firm and the DOE regarding the manner in which the firm applied the Federal price regulations with respect to its sales of motor gasoline during the period April 1, 1979, through January 31, 1980.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to 16 first purchasers who may have been overcharged. In order to obtain a refund, each claimant will be required either to submit a schedule of its monthly purchases from Malco or to submit a statement verifying that it purchased motor gasoline from Malco and is willing to rely on the data in the audit files. In addition, applications for refund will be accepted from purchasers not identified by the DOE audit. Unidentified customers who purchased directly from Malco will only be required to provide schedules of their monthly purchase volumes. However, an indirect purchaser will also be required to provide name of the firm from which the purchase was made as well as the reason why it believes the product was initially sold by Malco. Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in these proceedings will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except Federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW Washington, DC 20585.

Dated: September 11, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

September 11, 1985.

Name of Firm: Malco Industries, Inc.
Date of Filing: October 13, 1983.
Case Number: HEF-0121.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to

distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order entered into with Malco Industries, Inc., (Malco).

I. Background

Malco is a "reseller-retailer" of refined petroleum products as that term was defined in 10 CFR 212.31 and is located in Cleveland, Ohio. A DOE audit of Malco's records revealed possible violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F. The audit alleged that between April 1, 1979, and January 31, 1980, Malco committed possible pricing violations amounting to $162,867.97 with respect to its sales of motor gasoline.

In order to settle all claims and disputes between Malco and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Malco and the DOE entered into a consent order on November 10, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that Malco does not admit that it violated the regulations.

Under the terms of the consent order, Malco agreed to deposit $61,889.83 an interest-bearing escrow account for ultimate distribution by the DOE. Malco remitted this sum on November 24, 1981. This decision concerns the distribution of the funds in the escrow account, including accrued interest.[1]

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), *and Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will attempt to provide refunds to identifiable purchasers of refined petroleum products who may have been injured by Malco's pricing practices between April 1, 1979, and January 31, 1980. If any funds remain after all meritorious first-stage claims have been paid, they may be distributed in a second-stage proceeding. *See, e.g., Office of the Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. Refunds to Identified Purchasers

The basic purpose of a special refund proceeding is to recompense parties who were injured as a result of alleged or actual violations of the DOE regulations. In order to effect restitution in this proceeding, we have decided to rely in part on the information contained in the DOE's audit files. Our experience with similar cases supports the use of this approach in Subpart V cases where many of the purchasers of a firm's products are identified in the audit file. *See e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*). Under these circumstances, a reasonably precise determination can be made regarding the identity of the allegedly overcharged parties and the amount of alleged overcharges each party suffered.

During the DOE's audit of Malco, 21 first purchasers were identified as having been allegedly overcharged in the first instance. ERA also alleged overcharges to customers who were not identified. We recognize that the DOE audit files do not necessarily provide conclusive evidence regarding the identity of all possible refund recipients or the appropriate refund for a particular firm. However, the information contained in those audit files may reasonably be used for guidance. *See Armstrong and Associates/City of San Antonio*, 10 DOE ¶ 80,050 at 88,259 (1983). In *Marion*, we stated that "the information contained in the . . . audit file can be used for guidance in fashioning a refund plan which is likely to correspond more closely to the injuries probably experienced than would a distribution plan based solely on a volumetric approach." 12 DOE at 88,031. In previous cases of this type, we have proposed that the funds in the escrow account be apportioned among the customers identified by the audit, other customers who can show injury, and downstream customers of either type of firm. *See e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Richards Oil Company*, 12 DOE ¶ 85,150 (1984). The first purchasers identified by the audit, with the share of the settlement allotted to each by ERA, are listed in Appendices 1 and 2.

Identification of first purchasers is only the first step in the distribution process. We must also determine whether the first purchasers were injured or were able to pass through the alleged overcharges. Besides considering the information which the audit file provides, we also propose the adoption of presumptions to be used in determining the level of a purchaser's injury. We propose to use these two methods to distribute the funds in the escrow account. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [I]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. Therefore, as in previous special refund proceedings, we intend to adopt a presumption that claimants seeking small refunds were injured by the pricing practices of the company from which they purchased products. In addition, we plan to use a volumetric presumption for certain applicants. As a separate matter, we are making a proposed finding that end users suffered injury. The volumetric presumption and the end-user finding will be discussed below in Section B.

There are a variety of reasons for adopting the presumption that claimants seeking small refunds were injured. *See, e.g. Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at lease initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of

[1] As of July 31, 1985, the Malco escrow account contained $89,267.97, including accrued interest.

gathering the necessary information and the cost to OHA of analyzing it could exceed the expected refund. Failure to allow simplified procedures could therefore deprive injured parties of the opportunity to recieve a refund. This presumption eliminates the need for a claimant to submit and OHA to analyze detailed proof of what happened downstream of the initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Several factors determine the value of this threshold. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amounts of the refund to be gained. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.* 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein. The record in this proceeding indicates that all of the 21 identified customers made small purchases.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.[2]

As in previous cases, only claims for at least $15 plus interest will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for smaller amounts outweighs the benefits of restitution. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

On the basis of the information in the record at this time, we propose to distribute a portion of the escrow funds to eligible firms listed in Appendices 1 and 2. Refunds will be authorized for those firms in the amounts indicated, plus accrued interest to the date they receive refunds.[3] However, no addresses are available for the firms listed in Appendix 2 and we therefore are unable to contact these firms directly. In an attempt to locate these firms, we will provide Malco and various petroleum dealers associations with copies of this Proposed Decision and will publish a notice in the **Federal Register.** Information regarding the identity and location of each of these firms will be accepted for a period of 90 days following the date of publication of notice of a final Decision and Order in this proceeding in the **Federal Register.**[4]

B. Refunds to Other Purchasers

As noted above, this Decision concerns the distribution of the entire $61,889.83 that Malco deposited into the escrow account, plus accrued interest to date. Since the refunds tentatively allotted to identified purchasers total only $3,047.13, the remaining portion of the Malco consent order funds may be distributed among first purchasers other than those identified by the ERA audit, and downstream purchasers, who may have been injured by the alleged overcharges. To assist potential claimants in deciding whether to apply for refund, we propose to use the small-claims presumption discussed above. In addition, we will adopt a presumption that the alleged overcharges were dispersed equally among all sales of motor gasoline made by Malco during the consent order period. In the past, OHA has referred to a proceeding which uses this latter presumption as a volumetric system. In the absence of better information, this presumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser could have been greater, and any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g., Sid Richardson Carbon & Gasoline, Co., and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited herein.

Using a volumetric approach in this proceeding means that a portion of the Malco consent order amount would be allocated to each gallon of product which a successful claimant purchased from Malco. The average per gallon refund, or volumetric refund amount, in this proceeding is $0.001323 per gallon.[5] Potential applicants that were not identified by the ERA audit of Malco may use this volumetric figure to estimate the refund to which they may be entitled.

As noted above, we are making a proposed finding that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *See also Texas Oil & Gas Corp*, 12 DOE at 88,209, and cases cited therein. We therefore propose that end users of motor gasoline sold by Malco be required to document only their purchase volumes from Malco to make a sufficient showing that they were injured by the alleged overcharges.

In addition, we proposed that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of Malco's alleged violations of the DOE regulations would routinely be passed through to their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we propose adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from

[2] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See Vickers*, 8 DOE at 85,396. *See also Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (*Ada*).

[3] The share of the Malco escrow fund allocated to each firm listed in Appendices 1 and 2 represents 38 percent of the amount each was allegedly overcharged. This figure is consistent with the terms of the Malco consent order which settled for 38 percent of the total amount of alleged overcharges. However, purchasers identified in the ERA audit as having allegedly been overcharged may attempt to show that they should receive refunds larger than those indicated.

[4] If we are unable to locate any firm listed in Appendix 2, we will reserve any funds allocated to that firm for distribution in a subsequent proceeding.

[5] This per gallon factor is computed by dividing the $58,842.70 available for distribution to unidentified purchasers under the Malco consent order by the 44,468,071 gallons which Malco sold to those purchasers during the consent order period.

alleged overcharges. *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,539 (1982) (*Tenneco*), *and Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their applications a full explanation of the manner in which refunds would be passed through to their customers and of how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

C Applications for Refund

In order to receive a refund, each claimant identified by ERA will be required to submit either a schedule of its monthly purchases of motor gasoline from Malco or a statement verifying that it purchased motor gasoline from Malco and is willing to rely on the data in the audit file. A claimant must also indicate whether it has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying this proceeding. Purchasers not identified by the ERA audit will be required to provide schedules of their monthly purchases of motor gasoline from Malco. If they claim injury at a level greater than the volumetric level, they must document this injury. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private, § 210, actions. If these actions have been included the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its application for Refund is pending. *See* 10 CFR 205.9(d).

D. Distribution of Remaining Consent Order Funds

In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any funds remaining in the escrow account until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Malco Industries, Inc. pursuant to the consent order executed on November 10, 1981, will be distributed in accordance with the foregoing decision.

Appendix 1

First Purchasers

First purchaser	Share of settlements [1]
Adams Sewer, 18100 Lanken Avenue, Cleveland, Ohio 44113	$47.79
Bosell Cheese, 17212 Miles Avenue, Cleveland, Ohio 44128	26.23
Bumper & Auto, 1661 E. 61st Street, Cleveland, Ohio 44103	[2] 9.38
Campbell Oil and Supply, 5445 Dunham Road, Maple Heights, Ohio 44137	21.26
CSC, c/o D&F Associates, 8 Progress Parkway, Maryland Heights, Missouri 63042	2,116.63
Cuyahoga Valley Railroad, 315 Clark Avenue, Cleveland, Ohio 44113	21.15
Erie Distributors, 2020 Center Street, Cleveland, Ohio 44110	101.25
Empire Glass, 7230 Northfield Road, Bedford, Ohio 44146	[2] 8.65
Gillota Industries, 300 Central Viaduct, Cleveland, Ohio 44115	106.56
Honeywell-Morse, 6707 Carnegie Avenue, Cleveland, Ohio 44103	[2] 8.65
Klausner Barrel, 2816 E 51st Street, Cleveland, Ohio 44104	20.62
Morgan Linen, 2013 Columbus Street, Cleveland, Ohio 44146	135.76
O'Brien Cut Stone, 19100 Miles Avenue, Cleveland, Ohio 44128	141.34
Sachs Brothers Metal, 2696 E 48th Street, Cleveland, Ohio 44104	[2] 2.92
St. Clair Auto Body, 13608 St. Clair Street, Cleveland, Ohio 44110	28.23
A. Shaw Company, 940 E. 67th Street, Cleveland, Ohio 44103	79.48
State Fish, 1600 Merwin Avenue, Cleveland, Ohio 44113	52.13
Union Sheet Metal, 16722 Miles Avenue, Cleveland, Ohio 44128	19.38
Willoughby Iron & Waste, 3955 Church Street, Willoughby, Ohio 44094	[2] 10.62

[1] Not including accrued interest.
[2] As noted in the body of the Proposed Decision, we do not intend to process claims for less than $15.

Appendix 2

FIRST PURCHASERS, NO ADDRESS AVAILABLE

First purchaser	Share of settlement [1]
Adams Ale	$24.22
Midwest Marine	62.48

[1] Not including accrued interest.

[FR Doc. 85-22512 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of August 12 Through August 16, 1985

During the week of August 12 through August 16, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

Bale Oil Company, 8/16/85, *HEE-0140*

Bale Oil Company filed an Application for Exception from an Energy Information Administration reporting requirement. In its application, the firm sought to be relieved of the requirement to submit Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm had failed to demonstrate that it was unduly burdened by the reporting requirement. Accordingly, exception relief was denied.

Wakeland Oil Company, 8/16/85, *HEE-0115*

Wakeland Oil Company filed an Application for Exception from the Form EIA-782B reporting requirement in which the firm sought immediate relief from its obligation to file the report, which Wakeland considered to be unduly burdensome. In considering the request, the DOE found that the firm deserved partial exception relief to alleviate the burden of its spending 25 hours per month filing the report. Accordingly, partial relief was granted wherein the firm will be allowed to file its monthly reports using data from the months of April, June, October and December of 1984 to construct estimated data for the reports filed after April 1985 and through the remainder of the calendar year.

Motion for Evidentiary Hearing

Murphy Oil Corporation/Economic Regulatory Administration, 8/15/85, *BRH-0094; HRZ-0265; HRZ-0266; HRZ-0264*

Murphy Oil Corporation and the Economic Regulatory Administration filed a number of motions relating to a Proposed Order of Disallowance (POD) issued to Murphy by ERA on January 9, 1980. In the POD, ERA alleged that for certain months during the period October 1973 through May 1975, Murphy overstated its costs for imported crude oil that it purchased from its foreign affiliates. In connection with the POD proceeding, ERA filed a motion to dismiss Murphy's defenses which relate to ERA's alleged delay in issuing the POD, and in response, Murphy filed a motion to strike. Murphy also filed a motion to strike portions of ERA's response to Murphy's Supplemental Statement of Objections. Finally, Murphy filed a motion for evidentiary hearing. In

considering the motion to dismiss, the DOE determined that the motion should be denied because it attempted to engage the OHA in a piecemeal resolution of substantive challenges to the POD. It denied Murphy's motion to strike ERA's motion to dismiss and Murphy's motion to strike portions of ERA's response to Murphy's Supplemental Statement of Objections because Murphy failed to establish that it would be prejudiced by the retention of the materials in the record. With regard to Murphy's motion for evidentiary hearing, the OHA determined that it should be granted in part. The OHA found that a factural dispute existed regarding Murphy's claim that it adopted an "artificially low" interaffiliate transfer price for Venezuelan crude oil in 1975 and should be permitted to offset the proposed disallowance of landed costs by an amount representing lost profit opportunity attributable to its 1975 pricing decisions. The OHA therefore ordered the convening of an evidentiary hearing for the purpose of receiving testimony from Murphy's Assistant Controller concerning this issue.

Implementation of Special Refund Procedures

Appalachian Flying Service, Inc., 8/13/85, *HEF-0028*

On August 13, 1985, the Office of Hearings and Appeals of the Department of Energy issued a final Decision and Order establishing procedures for the disbursement of $82,900 (plus accured interest) obtained as a result of a Consent Order entered into by the DOE and Appalachian Flying Service, Inc. (Appalachian). The funds will be available to customers who purchased aviation gasoline or aviation jet fuel from Appalachian during the period November 1, 1973 through April 30, 1977. Successful applicants will receive refunds proportionate to the volume of aviation gasoline and/or aviation jet fuel they purchased from Appalachian during the consent order period.

Refund Applications

Adolph Coors Company/Action Supply Company, 8/14/85, *RF67-3*

The DOE issued a Decision and Order concerning an Application for Refund filed by Action Supply Company, a reseller of Coors NGLs. Although the firm's purchases of Coors NGLs during the consent order period exceeded the threshold level established in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984) (*TOGCO*), Action Supply elected to file its refund application in accordance with the presumption of injury and procedures for filing small claims outlined in the *TOGCO* decision. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Action Supply should receive a refund of $5,000 in principal and $2,666.07 of accrued interest for a total refund of $7,666.07.

Consolidated Gas Supply Corporation/ Pargas, Inc., 8/14/85, *RF77-1*

Pargas, Inc. filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Consolidated Gas Supply Corporation. The firm claimed a refund on the basis of its purchase of 4,724,000 gallons of propane from Consolidated Gas during the consent order period. The DOE determined that Pargas' claim was below the presumption of injury level of $5,000. The DOE therefore granted Pargas a refund of $529.09 plus accrued interest of $339.83, for a total refund of $868.92.

Gulf Oil Corporation/D'Amico's Fuel Oil Company et al., 8/13/85, *RF40-00604 et al.*

The DOE issued a Decision and Order concerning 36 Applications for Refund filed by retailers and resellers of Gulf petroleum products. The claimants applied for refunds based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. The applicants also indicated that they had purchased products directly from Gulf. After examining the evidence and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total of $112,618 ($99,560 principal plus $13,058 interest) based upon a total volume of 81,607,316 gallons of Gulf purchases.

Gulf Oil Corporation/Defense Logistics Agency, 8/13/85, RF40-1404

The Office of Hearings and Appeals granted a refund of $508,566 (including interest) to the Defense Logistics Agency (DLA) from the settlement fund obtained as a result of a 1978 consent order between Gulf Oil Corporation and DOE. After analyzing DLA's claim, OHA found that the agency qualified for a refund under the procedures for consumers set forth in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984).

The Hertz Corp./American Bar Association, 8/16/85, RF76-150

The DOE issued a Decision and Order concerning an Application for Refund filed by the American Bar Association (ABA) which claimed to represent ABA members in connection with their rentals of Hertz motor vehicles and subsequent refueling charges. In considering the Application, the DOE concluded that the submission was not appropriate for the first stage of the Hertz special refund proceeding since the ABA failed to provide information on the individuals who would receive restitution. Accordingly, the DOE dismissed the ABA's Application, but permitted the ABA to file an application in the second stage of the Hertz proceeding.

Ropet, Inc./Duquesne Light Company, 8/13/85, RF149-0001

Duquesne Light Company (Duquesne) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Ropet, Inc. (Ropet). The DOE determined that Duquesne's allocable share of the consent order funds was equal to $17,879. The DOE also determined that although the utility purchases on a spot basis from Ropet, it had submitted information sufficient to overcome the rebuttable presumption that, as a spot purchase, it was not injured. Accordingly, the DOE determined that as an end-user, the firm would receive principal equal to its allocable share of $17,879. In addition, Duquesne received $7,491 in interest accrued on that principal.

Standard Oil Company (Indiana)/ Duponty Brothers, 8/16/85, *RF21-12397*

Duponty Brothers, a retailer of Amoco motor gasoline, had duplicate Applications for Refund filed on its behalf and thus received duplicate refunds in the Amoco special refund proceeding. The DOE determined that $1,232, the sum of the first refund, plus accrued interest, should be immediately remitted to the DOE. The DOE also directed Duponty Brothers to explain its failure to notify the DOE of its receipt of two refunds. The DOE stated that failure to provide this information within 30 days of the issuance of the Decision and Order would result in the rescission of the second refund.

Standard Oil Co. (Indiana)/ Kansas, 8/13/85, *RQ21-204*

The Office of Hearings and Appeals (OHA) approved Kansas' revised restitutionary plan for the portion of its second-stage refund which was withheld in a prior decision. Kansas plans to use the $368,185 remaining in the Standard Oil Co. (Indiana) escrow account to provide low cost energy kits to low-income residents for home energy conservation improvements. The state also plans to establish and promote "comfort zones" within residences throughout the state and to conduct energy conservation audits of small businesses.

Standard Oil Co. (Indiana)/Montana et al., 8/13/85, *RQ21-203 et al.*

The Office of Hearings and Appeals issued a Decision and Order approving Montana's proposed restitutionary plan and partially approving Wisconsin's plan for using their allotted shares of the Standard Oil Co. (Indiana) (Amoco), Belridge Oil Co. (Belridge) and Palo Pinto Oil and Gas (Palo Pinto) second-stage refunds. Montana plans to use $134,052 from Amoco, $708 from Belridge and $291 from Palo Pinto to implement a statewide education program on fuel conservation for motor vehicles and to establish a resource of educational materials on energy efficient housing within the state's library system. Wisconsin was granted $499,603 of the Amoco and Palo Pinto refunds for implementation of the following programs: (1) A low-income oil furnace retrofit program; (2) a homeowners furnace adjustment and weatherization program; and (3) a meter measurement program for motor fuel and heating oil. The OHA denied Wisconsin's proposal to purchase a gas chromatograph and to perform conservation work within its schools. We requested additonal information from Wisconsin concerning a proposed demonstration weatherization program for apartment dwellers.

Stinnes Interoil, Inc./Exxon Company, U.S.A., Scallop Petroleum Company, 8/15/85, RF125-0006; *RF125-0007*

Exxon Company, U.S.A. and Scallop Petroleum Company filed Applications for

Refund in which they sought portions of the fund obtained by the DOE through a consent order entered into by the agency and Stinnes Interoil, Inc. The DOE determined that Exxon and Scallop had been spot purchasers of Stinnes' product. Neither firm attempted to prove that the spot purchases from Stinnes injured it. Instead, each firm argued that as a small claims applicant, the fact that it was a spot purchaser was irrelevant to a determination of the firm's eligibility for a refund. The DOE found that the spot purchaser presumption should not be subordinated to the small claims presumption. In addition, the DOE found that the fact that the consent order firm made a large number of spot sales was irrelevant to a determination of an applicant's eligibility for a refund. Accordingly, the firms' Applications were denied.

Union Texas Petroleum Corporation/ Campbell Oil Company et al., 8/13/85, RF140-27, et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by resellers of petroleum products purchased from Union Texas Petroleum Corporation (UTP). The applications were filed in the UTP special refund proceeding (Case No. HEF-0009) established by the Office of Hearings and Appeals pursuant to 10 CFR Part 205, Subpart V, in connection with a 1982 global consent order entered into by UTP and the DOE.

All of the applicants in this proceeding elected to apply under both the volumetric and threshold presumptions set forth in the Decision establishing the UTP special refund proceeding. *See Union Texas Petroleum Corp.*, 12 DOE ¶85,166 (1985). In considering the applications, the DOE concluded that the applicants should receive a refund based upon the total volume of their eligible UTP purchases. The refunds granted in this proceeding total $10,237.

Dismissals

The following submissions were dismissed.

Name and Case No.

ERA/DOMA, HRR-0111

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW, Washington DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: September 9, 1985.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

[FR Doc. 85-22510 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals; DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $39,114.54 obtained as a result of a consent order which the DOE entered into with Pacer Oil Company of Florida, Inc. (Pacer), a reseller-retailer of motor gasoline located in Ococee, Florida. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspiciously display a reference to case number HEF-0143.

FOR FURTHER INFORMATION CONTACT: Sharon Dennis, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth procedures and standards that the DOE has tentatively formulated to distribute to adversely affected parties $39,114.54 plus accrued interest obtained by the DOE under the terms of a consent order entered into with Pacer Oil Company of Florida, Inc. The funds were provided to the DOE by Pacer to settle all claims and disputes between the firm and the DOE regarding the manner in which the firms applied the federal price regulations with respect to its sales of motor gasoline during the period July 1, 1979, through December 31, 1979.

OHA proposes that a two-stage refund process be followed. In the first stage, OHA has tentatively determined that a portion of the consent order funds should be distributed to firms and individuals who purchased motor gasoline from Pacer. In order to obtain a refund, a claimant will be required to submit a schedule of its monthly purchases from Pacer and to demonstrate that it was injured by Pacer's pricing practices. Applicants must submit specific documentation regarding the date, place, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered. An applicant claiming $5,000 or less, however, will be required to document only its purchase volumes.

Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Some residual funds may remain after all meritorious first-stage claims have been satisfied. OHA invites interested parties to submit their views concerning alternative methods of distributing any remaining funds in a subsequent proceeding.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice. All comments received in these proceedings will be available for public inspection between 1:00 and 5:00 p.m., Monday through Friday, except federal holidays in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: September 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

September 10, 1985.

Name of Firm: Pacer Oil Company of Florida, Inc.

Date of Filing: October 13, 1983.

Case Number: HEF-0143.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent

order entered into with Pacer Oil Company of Florida, Inc. (Pacer).

I. Background

Pacer is a "reseller-retailer" of motor gasoline as that term was defined in 10 CFR 212.31 and is located in Ococee, Florida. A DOE audit of Pacer's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. The audit alleged that between July 1, 1979, and December 31, 1979, Pacer committed possible pricing violations amounting to $185,274.48 with respect to its sales of motor gasoline.

In order to settle all claims and disputes between Pacer and the DOE regarding the firm's sales of motor gasoline during the period covered by the audit, Pacer and the DOE entered into a consent order on October 7, 1981. The consent order refers to ERA's allegations of overcharges, but notes that there was no finding that violations occurred. Additionally, the consent order states that Pacer does not admit that it violated the regulations.

The consent order required that Pacer deposit $34,127 into an interest-bearing escrow account for ultimate distribution by the DOE. Pacer paid this amount, plus interest which had accrued on the unpaid portion, over a two-year period ending September 7, 1983. The firm paid a total of $39,114.54, including interest into the escrow account. We have treated this letter figure as the principal in this Proposed Decision.[1]

II. Proposed Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1981), *and Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

Our experience with Subpart V cases leads us to believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will accept claims from identifiable purchasers of refined petroleum products who may have been injured by Pacer's pricing practices during the period July 1, 1979, through December 31, 1979. If any funds remain after all metitorious first-stage claims have been paid, they may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. *Refunds to Identifiable Purchasers.* In the first stage of the Pacer refund proceeding, we propose to distribute the funds currently in escrow to claimants who demonstrate that they were injured by Pacer's alleged overcharges. As we have done in many prior refund cases, we propose to adopt certain presumptions, which will be used to help determine the level of a purchaser's injury.

The use of presumptions in refund cases is specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumption we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we propose adoption of a presumption that the alleged overcharges were dispersed evenly in all sales of products made during the consent order period. In the past, we have referred to a refund process that uses this presumption as a volumetric system. Second, we propose to adopt a presumption of injury with respect to small claims. Third, we plan to adopt a presumption that spot purchasers were not injured by the alleged overcharges. As a separate matter, we are making a proposed finding that end users of Pacer products were injured by Pacer's pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This presumption is rebuttable, however. A claimant which believes that it incurred a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a large refund. *See* e.g., *Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984), and cases cited therein at 88,164.

Under the volumetric system we plan to adopt, a claimant will be eligible to receive a refund equal to the number of gallons purchased from Pacer times the volumetric factor. The volumetric factor is the average per gallon refund and in this case equals $.003435 per gallons.[2] In addition, successful claimants will receive a proportionate share of the accrued interest.

The second presumption we plan to use is that claimants seeking small refunds were injured by Pacer's pricing practices. There are a variety of reasons for adopting this presumption. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chain of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed the expected refund. Failure to allow simplified procedures could therefore deprive injured parties of the opportunity to receive a refund. This presumption eliminates the need for a claimant to submit and OHA to analyze detailed proof of what happened downstream of the initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Several factors determined the value of this threshold. One of these factors determine the value of ths threshold. One of these factors is the concern that

[1] As of July 31, 1985, the Pacer escrow account contained $39,114.54 in principal (including installment interest), and $11,958.33 in accrued interest, bringing the total amount in the account to $51,072.87.

[2] This figure is derived by dividing the $39,114.54 principal amount by the 11,387,105 gallons of motor gasoline sold by Pacer during the consent order period.

the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the refund amount is fairly low and the early months of the consent order period are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.; Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.[3]

If a reseller or retailer made only spot purshases, we propose that it should not receive a refund since it is unlikely to have been injured. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. We believe the same rationale holds true in the present case. Therefore, we propose that firms which made only spot purchases from Pacer not receive refunds unless they present evidence which rebuts the spot purchaser presumption and establishes the extent to which they were injured as a result of their purchases of motor gasoline from Pacer during the consent order period.

As noted above, we are making a proposed finding that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,702 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein.[4]

In addition, we propose that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of Pacer's alleged violations of the DOE regulations would routinely be passed through to the firms' customers. Similarly, any refunds received by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we propose adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,539 (1982) (*Tenneco*); *and Office of Special Counsel*, 9 DOE ¶ 82.545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principle applies here.

B. *Applications for Refund.* Any purchaser claiming a portion of the consent order funds will be required to file an application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases from Pacer. Applicants should also provide all relevant information necessary to support their claim in accordance with the presumptions stated above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying these proceedings. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private, § 210, actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

C. *Distribution of Remaining Consent Order Funds.* In the event that money remains after all meritorious claims have been satisfied, residual funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the initial stage of this refund proceeding has been completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining funds.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Pacer Oil Company of Florida, Inc. pursuant to the consent order executed on October 7, 1981, will be distributed in accordance with the foregoing decision.

[FR Doc. 85–22514 Filed 9–19–85; 8:45 am]

BILLING CODE 6450–01–M

[3] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000 in order to avoid having to submit detailed proof of injury. *See* Vickers, 8 DOE at 85,398. *See also* Office of Enforcement, 10 COE P 85,029 at 88,125 (1982) (Ada).

[4] If a firm is both a spot purchaser and an end user, it will be treated as an end user and will not be required to make any showing of injury beyone that required of other end users.

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy

solicits comments concerning the appropriate procedures to be followed in refunding $12,386.57 in consent order funds to members of the public. This money is being held in escrow following the settlement of an enforcement proceeding involving Post Petroleum Company, a reseller-retailer of petroleum products located in Sacramento, California.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF–0154.

FOR FURTHER INFORMATION CONTACT: Walter Marullo, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision relates to a consent order entered into by Post Petroleum Company (Post). The Post consent order settled alleged pricing violations in the firm's sales of motor gasoline to customers during the period April 1, 1979 through September 30, 1979.

The Proposed Decision sets forth the procedures and standards that the DOE has tenatively formulated to distribute the contents of the escrow account funded by Post pursuant to the consent order. The DOE has tentatively decided that the consent order funds should be distributed in two stages. In the first stage, funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by Post's alleged pricing violations. The information available to us at this time regarding the firm's operations provides the names and addresses of some potential claimants. However, we will also accept additional information regarding the identity and present locations of purchasers for a period of 90 days following publication of a final Decision and Order in this proceeding. In the event that money remains in the Post escrow account after all first-stage claims have been disposed of, the DOE will determine an alternative plan for distributing these funds. Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: September 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

September 10, 1985.

Name of Firm: Post Petroleum Co.
Date of Filing: October 13, 1983.
Case Number: HEF–0154.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the DOE Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of enforcement proceedings in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where DOE is unable to readily identify those persons who likely were injured by alleged overcharges or to ascertain readily the extent of such persons' injuries. For a more detailed discussion of Subpart V, *see Office of Enforcement*, 9 DOE ¶ 82,508 (1982), *and Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

I. Background

In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order which it entered into with Post Petroleum Co. (Post). Post is a "reseller-retailer" of "covered" products as those terms were defined in 10 CFR 212.31, and is located in Sacramento, California. A DOE audit of the firm's records revealed possible violations of the Mandatory Petroleum Price and Allocation Regulations with respect to sales of motor gasoline during the period April 1, 1979 through September 30, 1979 (audit period). In order to settle all claims and disputes between Post and the DOE regarding the firm's sales of motor gasoline during the audit period, Post and the DOE entered into a consent order on September 29, 1981. The consent order refers to ERA's allegations of overcharges, but notes that no findings of violation were made. Additionally, the consent order states that Post does not admit that it committed any such violations. Finally, according to the Post consent order, the firm agreed to deposit $10,680.00, plus interest, into and interest-bearing escrow account for ultimate distribution by DOE.[1] This decision concerns the distribution of the consent order amount plus accrued interest to date.

II. Proposed Refund Procedures

We have considered ERA's Petition for the Implementation of Special Refund Procedures and have determined that it is appropriate to establish such a proceeding with respect to the Post consent order fund. Since the ERA indicated in its petition that it is unable to readily identify persons who were injured or to ascertain the degree of their injury, we find the use of Subpart V procedures appropriate. Therefore, we will grant ERA's petition and assume jurisdiction over the distribution of the Post consent order funds.

As we have stated in previous decisions, refunding moneys obtained through DOE enforcement proceedings is the focus of Subpart V proceedings. *See generally Office of Enforcement*, 8 DOE ¶ 82,597 (1981). Based upon our experience with Subpart V cases, we believe that the distribution of refunds in the present case should take place in two stages. The first stage will attempt to provide refunds to identifiable purchasers of motor gasoline who may have been injured by Post's pricing practices during the audit period. After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary if any funds remain. *See generally Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed).

[1] Due to the accumulated interest on late deposits, however, Post paid $12,486.57 into the escrow account. This amount represents the principal which will form the basis for refund calculations. The total value of the Post account stood at $16,104.26 as of July 31, 1985.

A. *Refunds to Injured Purchasers.* We propose that the Post consent order funds be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by Post's alleged pricing violations. The information available to us at this time regarding the firm's operations does provide some names of customers. However, we have no exact sales figures for these customers during the audit period.[2] Our experience with Subpart V proceedings indicates that the likely claimants in this proceeding, when more fully identified, will fall into two categories: (1) Resellers (including retailers) of Post motor gasoline and (2) firms, individuals, or organizations that were consumers (end-users) of gasoline purchased from Post. The products purchased by these claimants were purchased either directly from Post or from other firms in a chain of distribution leading back to the firm.

As in many prior special refund cases, we propose to adopt certain presumptions in order to determine a purchaser's level of injury and thereby distribute the escrow account in this case. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we propose to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. First, we propose to adopt a presumption that the alleged overcharges were dispersed equally in all sales of motor gasoline made by Post during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we propose to adopt a presumption of injury with respect to small claims. Third, we plan to adopt a presumption that spot purchasers were not injured by the alleged overcharges. Finally, we are making a proposed finding that end users of Post motor gasoline were injured by Post's pricing practices.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchaser may have been greater than the pro rata amount determined by the volumetric presumption. Certain purchasers may believe that they suffered disproportionate injury as a result of Post's pricing practices during the consent order period. Any purchaser may file a refund application for an amount greater than that calculated using the volumetric presumption, provided that the claimant documents the disproportionate impact of the alleged overcharges. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984), and cases cited therein.

Under the method we are proposing, a successful refund applicant will receive a refund amount which is calculated by dividing the settlement amount by the total gallonage of the products covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $.01753 per gallon ($12,486.57 received from Post divided by 727,934 gallons of motor gasoline estimated to have been sold by the firm during the audit period).[3]

Successful claimants will receive refunds based on their eligible purchase volumes multiplied by the volumetric refund amount, plus a proportionate share of the interest accrued on the escrowed funds. Consequently, a successful claimant who purchased, for example, 40,000 gallons of motor gasoline from Post during each of the months of the consent order period will be eligible to receive a refund of $4,116.72 (40,000 gallons times 6 months times $0.017153), plus interest.

The presumption that claimants seeking small refunds were injured by the pricing practices settled in the Post consent order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expense involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure can be time-consuming and expensive. In the case of small claims, the cost to the firm of gathering this factual information, and the cost to the OHA of analyzing it, may exceed the expected refund amount. Failure to allow simplified application procedures for small claims could therefore deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of routine refund claims quickly, and to use its limited resources more efficiently. Finally, these smaller claimants did purchase covered products from Post and were in the chain of distribution where the alleged overcharges occurred. Therefore, they were affected by the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit, and the OHA to analyze, detailed proof of what happened downstream of that initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer would not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain threshold. Several factors determine the threshold value below which a claimant is not required to submit any further evidence of injury beyond volumes purchased. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the consent order fund is small, and the time period of the consent order is many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel: In the Matter*

[2] We do have the names and locations of some customers who may have purchased gasoline from Post during the audit period. Their names appear in the three Appendices to this Decision. Appendix A lists customers for which we have complete addresses. Customers for which we have city or town locations but are lacking street addresses are contained in Appendix B. Finally, Appendix C lists customers for which we have no addresses at all. In addition to publishing this Proposed Decision in the **Federal Register**, we will attempt to contact these customers directly. We will also accept information regarding the identity and present locations of these purchasers for a period of 90 days following publication of a final Decision and Order in this proceeding.

[3] The estimated volume of motor gasoline sold by Post during the six month consent order period was extrapolated from the sales of the four months for which we have actual data.

of Conoco, Inc., 11 DOE ¶ 85,226 (1984), and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of methods by which a firm can make such a showing, a firm is generally required to demonstrate that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.[4]

If a reseller or retailer made only spot purchases from Post, however, we propose that it should not receive a refund because it presumably suffered no injury. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [The firm's] quoted selling price at the time of purchase to their own customers.

Vickers at 85,396–97. We believe the same rational holds true in the present case. Accordingly, a spot purchaser that files a claim should submit additional evidence to establish that it was unable to recover the increased prices it paid for Post motor gasoline. *See Amoco* at 88,200.

As noted above, we are making a proposed finding that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decisions on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We therefore propose that end users of motor gasoline sold by Post be required to document only their purchase volumes from Post to make a sufficient showing that they were injured by the alleged overcharges.

In addition, we propose that firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of Post's alleged violations of the DOE regulations would routinely be passed through to their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their members customers. Consequently, we propose adding such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,539 (1982) (*Tenneco*), *and Office of Special Counsel*, 9 DOE 82,545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their applications a full explanation of the manner in which refunds would be passed through to their customers and of how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 plus interest will be processed. This minimum has been adopted in prior refund cases because the cost of processing claims for smaller amounts outweigh the benefits of restitution. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* CFR 205.286(b). The same principle applies here.

If valid claims exceed the funds available in the escrow account, all refunds will be reduced proportionately. Actual refunds will be determined after analyzing all appropriate claims.

B. *Applications for Refund.* Any purchaser claiming a portion of the consent order funds should file an Application for Refund pursuant to 10 CFR 205.283. In its application, a claimant must include a schedule of its monthly purchases of motor gasoline from Post. Applicants should also provide all relevant information necessary to support their claim in accordance with the presumptions stated above. A claimant must also state whether it has previously received a refund, from any source, with respect to the alleged overcharges underlying these proceedings. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private, section 210 actions. If these actions have been concluded, the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

C. *Distribution of the Remainder of the Consent Order Funds.* In the event that money remains in the Post escrow account after all first stage claims have been disposed of, undistributed funds could be distributed in a number of ways in a subsequent proceeding. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed. We encourage the submission by interested parties of proposals which address alternative methods of distributing any remaining refunds.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Post Petroleum Company pursuant to the consent order executed on September 29, 1981, will be distributed in accordance with the foregoing decision.

Appendix A—Post Petroleum Company First Purchasers

Mr. Peter Amourso, 3460 Amourso Way Roseville, CA 956878
Mr. Lowell, Burnet & Sons, Post Office Box 1646, Sacramento, CA 95808
Mr. Ralph Martson, C&R News, Post Office Box 2401, Sacramento, CA 95811
Ms. Nancy Cox, Calvada Sales, Post Office Box 13159, 444 Richards Boulevard, Sacramento, CA 95813
Mr. Bill Christophel, 2400 Orchard Lane, Sacramento, CA 95833
Mr. S. R. Dewsnup, Route Box 2255, Davis, CA 95616
Mr. Michael Dutra, 8000 Pocket Road, Sacramento, CA 95831
Mr. Tony Dutra, 8000 Pocket Road, Sacramento, CA 95831
Mr. Austin Carroll, 6200 Green Back Lane, Citrus Heights, CA 95610

[4] Resellers who claim a refund in excess of $5,000, but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund for up to the $5,000 threshold without being required to submit evidence of injury. *See Vickers* at 85,396; *see also Office of Enforcement*, 10 DOE ¶ 85,029 at 88,122 (1982).

Mr. Jack Garrison, Garrison Apiaries, Post Office Box 839, Sacramento, CA 95826
Mr. John Gill, John Gill Livestock, 4315 Rand Lane, Sacramento, CA 95825
Mr. Roger Griess, 8022 Pocket Road, Sacramento, CA 95822
Mr. Charlie Haight, Haight Nursery, Route Box 990, Roseville, CA 95678
Ms. Lynn Admunson, Insulation Professionals, 1560 Juliesse Avenue Sacramento, CA 95815
Ms. Karon Gutierrez, La Fiesta Mexican Foods, 910 X Street, Sacramento, CA 95818
Mr. Munger, El Macero, Post Office Box 2005, El Macero, CA 95811
Mr. Gabe Machado, 2651 El Centro Road, Sacramento, CA 95833
Mr. Ben McIntyre, McIntyre Turkey Farm, 9150 Sierra College Boulevard, Roseville, CA 95895
Mr. C. R. Mortensen, 2390 Elverta Road, Elverta, CA 95626
Swallows Nest, 2245 Orchard Lane, Sacramento, CA 95833
Mr. Roger Mikalesky, Sunset Development, 8232 Joe Rodgers Road, Roseville, CA 95678
Mr. Joe Valine, Joe Valine—Farmer, 5985 Riverside Boulevard, Sacramento, CA 95831
Mr. Floyd Gentle, Wood Products, 2225 Evergreen, Sacramento, CA 95815
Howard & Son Automotive Repair, 1900 L Street, Sacramento, CA 95814
Coffee Break Service, 6316 27th Street, Sacramento, CA 95822
Rainbow Liquor Co., Inc., 3840 Pell Circle, Sacramento, CA 95838
Camellia Carpet Co., Inc., 6300 27th Street, Sacramento, CA 95824
Eastman Building Products, 8191 Elder Creek Road, Sacramento, CA 95824
Weatherite Insulation, 7364 LaTour Drive, Sacramento, CA 95842
O'Neal Plumbing, 1804 Eldridge Avenue, Sacramento, CA 95815
AAA Crane Inc., 2445 Harvard, Sacramento, CA 95815
Modern Construction, Inc., 1345 Silica Avenue, Sacramento, CA 95815
Warren Electric Company, 6390 Freeport B1, Sacramento, CA 95822
Labrie's Waterbeds, 1908 El Camino Avenue, Sacramento, CA 95815
BZ Service Station Maintanance, 1700 South River Road, West Sacramento, CA 95691
Capital City Automotive, 1770 36th Street, Sacramento, CA 95816
Backyard Pools of California, 5700 Garfield Avenue, Sacramento, CA 95841
Pete's Mobile Home Sales, 1101 El Camino Avenue, Sacramento, CA 95815
AAA Tile Contractors Inc., 2635 47th Avenue, Sacramento, CA 95822
Steve Anderson's Plumbing, 5930 Stanley Avenue, Carmichael, CA 95608
Curtis Roofing, 7475 14th Avenue, Sacramento, CA 95820
California Builders Supply, 1201 Blumenfeld Drive, Sacramento, CA 95815
O'Dell's Pump & Motor Service, 796 Del Paso Boulevard, Sacramento, CA 95815
Davison Iron Works, 7500 14th Avenue Sacramento, CA 95820
Zenith Construction, 4801 24th Street, Sacramento, CA 95822
Bob Frink Chevrolet, 4811 Madison Avenue, Sacramento, CA 95841
New Roma Bakery, 1800 E Street, Sacramento, CA 95814
Mario's Landscaping, 6140 Marysville Boulevard, Rio Linda,, CA 95673
Cultured Marble Products, 1630 Kathleen Avenue, Sacramento, CA 95815
Wing Lee Meats Inc., 3075 West Capitol Avenue, West Sacramento, CA 95691
Cahill Fiberglass Co., Inc., Post Office Box 20038 Sacramento, CA 95820
Golsong W. B. Plumbing & Heating, Post Office Box 947 Carmichael, CA 95608
Delta Pest Control, Post Office Box 22689, Sacramento, CA 95822
Sacramento Construction, 2635 47th Avenue, Sacramento, CA 95822
Allen's Drilling & Pump Service, 2329 Elkhorn Boulevard, Rio Linda, CA 95673
Best Pipe & Steel Inc. 4049 Channel Drive, West Sacramento, CA 95691
General Roofers, 2451 26th Avenue, Sacramento, CA 95822
G.B.C. Realtors, 6001 Folsom Boulevard, Sacramento, CA 95819
Ray Cook, 5800 Warehouse Way, Sacramento, CA 95826
Bill Rusher, 2200 Garden Highway, Sacramento, CA 95833
Lloyd Lee, 112 Q Street, Rio Linda, CA 95673
John F. Otto, 1717 2d Street, Sacramento, CA 95814
Glen Emmerton, 3100 Ozzie Court Carmichael, CA 95608

Appendix B—Post Petroleum Company First Purchasers, No Street Address Available

Firm and City

Anderson's Plumbing, Carmichael, CA
Golsong Plumbing, Carmichael, CA
Oleta Wendall, Citrus Heights, CA
Passmore & Arrister, Citrus Heights, CA
B. K. Howard Ranch, Davis, CA
Davis Rental Center, Davis, CA
S.R. Dewnup, Davis, CA
West-Pak, Inc., Emeryville, CA
Jack Matney Ranch, Elk Grove, CA
L & M Liquor, El Macero, CA
Jerrold Dairby, Elverta, CA
Naumann Construction, Fair Oaks, CA
Sierra View Chapel, Fair Oaks, CA
Agate Sales, Grass Valley, CA
Jum Nurmera, Latrobe, CA
Lloyd Hodge, Orangevale, CA
Art Lund, Orangevale, CA
J-Bar-A Ranch, Pleasant Grove, CA
Jake Hanford, Pleasant Grove, CA
Jerold Dailey, Pleasant Grove, CA
Joe Glover, Pleasant Grove, CA
R. W. Lutz, Pleasant Grove, CA
Arnold Varti, Rio Linda, CA
Bill Hackett, Rio Linda, CA
Comerine Concrete, Rio Linda, CA
Dick Hendrix, Rio Linda, CA
Ottis Happer, Rio Linda, CA
Parchal and Tanaka, Rio Linda, CA
Wayne McCammand, Rio Linda, CA
Gene Backhoe, Rocklin, CA
Sunset-Whitney, Rocklin, CA
Bill Harke, Roseville, CA
Crabtree Painting, Roseville, CA
Dan Riolo, Roseville, CA
Dennis Marling, Roseville, CA
Dorman's Backhoe, Roseville, CA
Frank Riolo, Roseville, CA
Jack Brezendine, Roseville, CA
Marling Window Treatments, Roseville, CA
Richard Riola, Roseville, CA
Ron Riolo, Roseville, CA
Shiloh Ranch, Roseville, CA
Terry Taylor, Roseville, CA
V. W. Zymalt, Roseville, CA
Virgil Zumwalt, Roseville, CA
Woody Wilson, Roseville, CA
California Concrete, Roseville, CA
Terry Taylor, Roseville, CA
ABC Service, Sacramento, CA
Amos J. Walker Electrical, Sacramento, CA
Arlin Damion, Sacramento, CA
Art Hatton, Sacramento, CA
B & D Industries, Sacramento, CA
Barberian Bros., Sacramento, CA
Belmont Bob's, Sacramento, CA
Beneto, Inc., Sacramento, CA
Betty Palmeroy, Sacramento, CA
Bob Fray, Sacramento, CA
Bob Ray, Sacramento, CA
Building Improvement, Sacramento, CA
Bunch, Johnson & Guilory, Sacramento, CA
Capital City Automotive, Sacramento, CA
Carmichael Honda, Sacramento, CA
D & L Enterprises, Sacramento, CA
Diamond Concrete, Sacramento, CA
Dynamic Research, Sacramento, CA
Ed Bianchi, Sacramento, CA
Ed Hada, Sacramento, CA
Ed Kozloski, Sacramento, CA
Elvin Christophle, Sacramento, CA
Farm Air Inc., Sacramento, CA
Flint Equipment, Sacramento, CA
Frank Machado, Sacramento, CA
George Farr, Sacramento, CA

George S. Enterprise, Sacramento, CA
Gocham Excavating, Sacramento, CA
Hapsco Company, Sacramento, CA
Harrison Mechanic, Sacramento, CA
Hickey & Sons, Sacramento, CA
Howard & Sons, Sacramento, CA
I.T.C. Thermadyne, Sacramento, CA
J. H. Phillips Company, Sacramento, CA
J L. Sharkley, Sacramento, CA
J. Morris & Son, Sacramento, CA
Jack Bary, Sacramento, CA
Jimmy Johnson, Sacramento, CA
Joe Eufrazia, Sacramento, CA
John Costello, Sacramento, CA
John Goodrun, Sacramento, CA
John Sing, Sacramento, CA
Land Park Kiddie Land, Sacramento, CA
Larry Raposa, Sacramento, CA
Lawrence Hickory & Son, Sacramento, CA
Lucchesi Enterprises, Sacramento, CA
M. D. Silva, Sacramento, CA
Manchei Firewood Sales, Sacramento, CA
Manual Ferreria, Sacramento, CA
Marrtler Firewood, Sacramento, CA
Marty Shiro Ranch, Sacramento, CA
Mary Cufrazia, Sacramento, CA
Nielsen Nickler, Sacramento, CA
Northwestern Glass, Sacramento, CA
P.E. O'Hair, Sacramento, CA
Pete's Trailers, Sacramento, CA
R. K. Service, Sacramento, CA
RJM Enterprises, Sacramento, CA
Raschal & Tarralia Inc., Sacramento, CA
Richard Pierce, Sacramento, CA
Rix Langley, Sacramento, CA
Robert Walker Mechanical, Sacramento, CA
Rodney Bovia, Sacramento, CA
Ron Kitcherside, Sacramento, CA
Roofer, Inc., Sacramento, CA
Sacramento Construction, Sacramento, CA
Sal Gomez, Sacramento, CA
Schroeder Refrigeration, Sacramento, CA
Sierra Landworks, Sacramento, CA
Taylor Manufacturing, Sacramento, CA
Ted Latuna, Sacramento, CA
Thomas F. Scollan Company, Sacramento, CA
Tortia, Inc., Sacramento, CA
Valley Automatic Sprinkler, Sacramento, CA
Village Auto Mart, Sacramento, CA
West Dwyer, Sacramento, CA
William F. Gormley & Sons, Sacramento, CA
Juarze Concrete, San Jose, CA
Fred Long, Shingle Springs, CA
Jim Nurmgore, Shingle Springs, CA
John Gill Ranch, Sloughouse, CA
Lawrence Hickey & Son, Tucson, Arizona
BZ Service Station Maintenance, West Sacramento, CA
Camellia Mechanical, West Sacramento, CA
Dan-Mar, West Sacramento, CA
Earl Handy, West Sacramento, CA
McLaughlin Drailine, West Sacramento, CA
Wing Lee, West Sacramento, CA
Roy Theep, Wilton, CA
Schaffer Ranch, Wilton, CA
John Perry, Woodland, CA

Appendix C—Post Petroleum Company First Purchasers, No Address Available

West Dwyer
John Goodwin
Rodnye Bovia
Nancy Cox
Chuck Mueller
Nancy Moran
Mitch Clark
Frank Bamchini
Sacramento Fireplace

[FR Doc. 85-22515 Filed 9-19-85; 8:45 am]
BILLING CODE 6450-01-M

Southeastern Power Administration

Proposed Short-term Rate Adjustment and Opportunity for Public Review and Comment

AGENCY: Southeastern Power Administration (Southeastern), DOE.

ACTION: Notice for Proposed Short-term rate adjustment for Duke Power Company for the sale of power from the Georgia-Alabama System of Projects, and opportunity for review and comment.

SUMMARY: Southeastern proposes to implement an additional schedule of the rates and charges applicable to the sale of power to Duke Power Company from the Georgia-Alabama System of Projects effective for a period not to exceed one year beginning October 1, 1985.

Opportunities will be made available for interested persons to submit written comments. Southeastern will evaluate all comments received in this process.

DATES: Written comments are due on or before October 25, 1985.

ADDRESSES: Five copies or written comments should be submitted to: Administrator, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635.

FOR FURTHER INFORMATION CONTACT: Leon Jourolmon, Jr., Director, Division of Fiscal Operations, Southeastern Power Administration, Department of Energy, Samuel Elbert Building, Elberton, Georgia 30635, (404) 283-3261.

Discussion

The need for the development of this additional rate schedule for power sold to Duke Power Company from the Georgia-Alabama System of Projects results from the temporary extension of prior contractual arrangements caused by the delay in operation of the generating units at the Richard B. Russell Projects. When all the generating units are in operation, contractual arrangements will be implemented which will market all power to preference customers as provided in the Georgia-Alabama Power Marketing Policy. In the interim, a rate schedule must be established for the power which existing contracts market to Duke Power Company.

Southeastern plans to establish a new Rate Schedule CAR-2-E which will provide a rate for the temporary sale of power for the intermin period before the units at the Richard B. Russell Project become operational. The Department of Energy Delegation Order Number 0204-108 delegates to the Administrator the authority to develop and place into effect on a final basis rates for short-term sales of capacity, energy or transmission service. Short-term sales are those sales that last no longer than one year. Unless there are persuasive comments to the contrary, Southeastern plans to use this authority to establish short-term Rate Schedule CAR-2-E.

If there are no substantive comments created by this notice of proposed short-term rate adjustment concerning the proposed rate schedule, there will be no further notification in the **Federal Register** when the rates are approved on a final basis.

A copy of Rate Schedule CAR-2-E is available for examination at the Samuel Elbert Building, Elberton, Georgia 30635.

Issued at Elberton, Georgia, September 11, 1985.

Harry C. Geisinger,
Administrator.

Proposed Wholesale Power Rate Schedule CAR-2-E

Availability: This rate schedule shall be available to Duke Power Company (hereinafter called the Company).

Applicability: This rate schedule shall be applicable to electric capacity generated at the Hartwell Project (hereinafter called the Project) and sold under contract between the Government and the Company.

Character of Service: Electric capacity delivered to the Company will be three-phase alternating current at a nominal frequency of 60 cycles per second and will be delivered at approximately 230,000 volts where the Company's transmission line is connected to the bus at Hartwell.

Monthly Rate: The monthly rate for capacity and energy sold under this rate schedule shall be:

Demand Charge: $1.59 per kilowatt per billing month for dependable capacity made available to the Company for its own use.

Billing Month: The billing month for power sold under this schedule shall end at 12:00 midnight on the 20th day of each calendar month.

Power Factor: The Company shall take capacity and energy from the Government at such power factor as will best serve the Company's system from time to time, provided that the Company shall not impose a power factor of less than .85 lagging on the Government's facilities which requires operation contrary to good operating practice or results in overload or impairment of such facilities or unreasonably interferes with the delivery of capacity and energy by the Government to the Company and to its other Customers.

Service Interruption: When delivery to the Company is interrupted or reduced due to conditions on the Government's system which have not been arranged for and agreed to in advance, the charge for dependable capacity will be reduced as the kilowatts of such capacity which have been interrupted or reduced in the proportion that the number of declaration hours during such period of interruption or reduction bears to the total number of declaration hours during the period covered by such charge.

[FR Doc. 85-22544 Filed 9-19-85; 8:45 am]

BILLING CODE 6450-01-M

October 1, 1985.

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59731; FRL-2897-6]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of NovemLer 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of five such PMNs and provides a summary of each.

DATES: Close of Review Period.

Y 85-145 and 85-146—September 17, 1985.

Y 85-147 and 85-148—September 24, 1985.

Y 85-149—September 25, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85-145

Manufacturer. C.J. Osborn Chemicals, Inc.

Chemical. Further clarification needed before information can be released to the public files.

Use/Production. (S) Clear and pigmented finishes. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 1½ hrs/da, up to 6 da/yr.

Environmental Release/Disposal. No release.

Y 85-146

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Acrylate-styrene modified oil.

Use/Production. (S) Industrial coasting vehicle. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. Less than 100 kg/yr released to air and water.

Y 85-147

Importer. Nuodex Inc.

Chemical. (G) Saturated polyester resin from dibasic acids and diols.

Use/Import. (S) Industrial coating and adhesives. Import range: Confidential.

Toxicity Data. Acute oral: Male/female—>10,000 mg/kg; Irritation: Skin-Non-irritant, Eye—Slight; Ames test: Non-mutagenic

Exposure. Processing: dermal.

Environmental Release/Disposal. No release.

Y 85-148

Importer. Nuodex Inc.

Chemical. (G) Aromatic-aliphatic ketone/formaldehyde resin modified with a cycloaliphatic diisocyanate.

Use/Import. (S) Industrial coatings and printing inks. Import range: 50,000-150,000 kg/yr.

Toxicity Data. Acute oral: Male/female—>10,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Ames test: Non-mutagenic.

Exposure. Processing: dermal.

Environmental Release/Disposal. No release.

Y 85-149

Manufacturer. Confidential.

Chemical. (G) Styrenated vegetable oil.

Use/Production. (S) Industrial and commercial air dry coatings for general metals. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: September 6, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-22086 Filed 9-19-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51588; FRL 2897-2]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a permanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of fifteen PMNs and provides a summary of each.

DATES: Close of Review Period:
P 85-1407, 85-1408, 85-1409, 85-1410, 85-1411 and 85-1412—November 27, 1985.
P 85-1413, 85-1414, 85-1415 and 85-1416—December 1, 1985.
P 85-1417, 85-1418, 85-1419 85-1420 and 85-1421—December 2, 1985.

Written comments by:
P 85-1407, 85-1408, 85-1409, 85-1410, 85-1411 and 85-1412—October 28, 1985.
P 85-1413, 85-1414, 85-1415 and 85-1416—November 1, 1985.
P 85-1417, 85-1418, 85-1419, 85-1420 and 85-1421—November 2, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51588]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW, Washington, DC. 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW, Washington, DC (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 85-1407

Manufacturer. Confidential.
Chemical. (G) Phosphorodithoic acid, di-alkyl ester, alkylammonium salt.
Use/Production. (S) Industrial gear oil additive. Prod. range: Confidential.
Toxicity Data. Acute oral: Males—4.57 g/kg, Females—3.77 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Slight to moderate; Ames test: Not mutagenic; Skin sensitization: Non-sensitizer.
Exposure. Manufacture and processing: dermal and inhalation, a total of 3 to 9 workers per day.
Environmental Release/Disposal. Disposal by approved offsite landfill.

PMN 85-1408

Manufacturer. Confidential.
Chemical. (G) Substituted alkyl, alkyl oxazolidine.
Use/Production. (G) Intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85-1409

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (S) Casting resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85-1410

Manufacturer. Reichhold Chemicals, Inc.
Chemical. Further clarification needed before information can be released to the public files.
Use/Production. (G) Dispersive use-as a component in various industrial coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 10 workers.
Environmental Release/Disposal. 20 kg/batch released.

PMN 85-1411

Manufacturer. Confidential.
Chemical. (G) Alkyl aluminoxanes.
Use/Production. (G) Catalyst, contained use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85-1412

Manufacturer. Boeheme Filatex Inc.
Chemical. (GP) N-(beta-substituted propyl) benzenesulfonamide.
Use/Production. (S) Industrial plasticizer for polyamides and polyurethanes and vehicles for liquid colours. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 3 da/yr.
Environmental Release/Disposal. 171.19 kg released to water. Disposal by publicly owned treatment works (POTW).

PMN 85-1413

Manufacturer. Confidential.
Chemical. Further clarification needed before information can be released to the public files.
Use/Production. (G) Industrial paint binder. Prod. range: 6,000-36,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 14 workers, up to 8 hrs/da, up to 12 da/yr.
Environmental Release/Disposal. 20 kg/batch released to land. Disposal by landfill.

PMN 85-1414

Manufacturer. Confidential.
Chemical. (G) Substituted aromatic polymer.
Use/Production. (G) Resin for non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 42 workers, up to 3 hrs/da, up to 140 da/yr.
Environmental Release/Disposal. 1.5 kg/batch released to land.

PMN 85-1415

Manufacturer. American Cyanamid Company.
Chemical. (G) Modified acrylic copolymer.
Use/Production. (G) Resin for non-dispersive use. Prod. range: Confidential.
Toxicity Data. Acute oral: >15.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Eye—Non-irritant; LC_{50} 95 hr (Bluegill sunfish): >1,000 mg/l; LC_{50} 96 hr (Rainbow trout): >1,000 mg/l; LC_{50} 48 hr (Daphnia magna): >1,000 mg/l; Ames test: Negative; BOD: <1 mg/l; COD: 161,000 mg/kg.
Exposure: Manufacture: dermal, a total of 17 workers, up to 3 hrs/da, up to 40 da/yr.
Environmental Release/Disposal. ~0.3 kg/da of operation released with ~2 kg/batch. Dispoal by POTW.

PMN 85-1416

Manufacturer. Dresser Industries, Inc.
Chemical. (G) Oligomeric hydroxy amido-ester resin.
Use/Production. (G) Oil well drilling fluid additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 2.0 hrs/da, up to 37 da/yr.
Environmental Release/Disposal. Confidential. Disposal by private sewage treatment facility.

PMN 85-1417

Importer. Ashland Chemical Company.
Chemical. (G) Phenolic polyester.
Use/Production. (G) Coating resin. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW and incineration.

PMN 85-1418

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (G) Coating resin. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 85–1419

Manufacturer. Confidential.
Chemical. (S) Polymer of glycerol, phthalic, anhydride, phenol-formaldehyde, resin CK–1634, roin; tall oil fatty acids and trimethylol propane.
Use/Production. (G) Polymeric binder for pigmented finishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 5 workers.
Environmental Release/Disposal. Confidential.

PMN 85–1420

Manufacturer. Confidential.
Chemical. (G) Substituted allyl aniline.
Use/Production. (G) Destructive end-use intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 5 workers.
Environmental Release/Disposal. 4 oz. of process sample released. Disposal by Resource Conservation and Recovery Act (RCRA) approved disposal site and private waste water treatment system.

PMN 85–1421

Importer. Confidential.
Chemical. (S) 1,4-benzenedipentanoic acid, 2,5-dihydroxy-d,d,d'd'-tetramethyl-, dihexyl ester.
Use/Import. (G) Stabilizer for photographic dyes. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Minimal; Eye—Non-irritant.
Exposure. Processing: dermal and inhalation, a total of 8 workers, up to 1–2 hrs/da, up to 200 da/yr.
Environmental Release/Disposal. Release to air. Disposal by POTW and incineration.

Dated: September 9, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85–22091 Filed 9–19–85; 8:45 am]
BILLING CODE 6560–50–M

[ER–FRL–2900–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 3, 1985 through September 6, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D–FHW–E40686–TN, Rating EC2, TN–20 Corridor Improvements, I–40 in Jackson to the West End of Dyersburg Bypass, TN. SUMMARY: EPA raised concerns regarding the potential for water quality, wetland, and noise impacts and requested that the FEIS contain a more detailed discussion in these areas. In addition, EPA requested that the FEIS include additional mitigation measures to reduce the impacts.

Final EISs

ERP No. F–COE–C32027–NY, Newtown Creek Federal Navigation Channel Maintenance Project, Dredging and Ocean Disposal, NY. SUMMARY: EPA is concerned that the preferred alternative may result in significant environmental impacts. EPA believes that the bioassay and bioaccumulation testing results show significant levels of toxicity in dredged sediments which could result in unacceptable levels of contamination at the Mud Dump site. EPA is not assured that the proposed mitigation of capping the sediments will be successful and has recommended that the COE give further consideration tot he subaqueous borrow pits alternative.

ERP No. F–COE–L36088–AK, Dillingham Smal Boat Harbor Improvement, Bristol Bay, AK. SUMMARY: EPA made no formal comments. EPA reviewed the FEIS and the project was found to be satisfactory.

ERP No. F–FHW–G40110–OK, OK–74 Expressway Construction, NW 63rd St. to Memorial Rd., Memorial Rd. to NW 178th St., Improvement, 404 Permit, OK. SUMMARY: EPA has no objection to the proposed action as described.

ERP No. FS–NOA–G91000–00, Coastal Migratory Pelagic Resources (Mackerel) Fishery Mgmt. Plan, Gulf of Mexico and S. Atlantic. SUMMARY: EPA expressed no objection to the proposed action as described.

ERP No. F–UAF–K11025–CA, 146th Tactical Airlift Wing of the Calif. Air Nat'l Guard, Relocation, Van Nuys Airport to Pt. Mugn Naval Air Station, Continued Operations, CA. SUMMARY: The FEIS adequately addressed EPA's concerns on the DEIS.

Dated: September 17, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–22484 Filed 9–19–85; 8:45 am]
BILLING CODE 6560–50–M

[ER–FRL–2900–7]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

Availability of Environmental Impact Statements filed September 9, 1985 Through September 13, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850383, Draft, SCS, OK, North Deer Creek Watershed Multipurpose Plan, Cleveland, Pottawatomie, and Oklahoma Cos., Due: November 5, 1985, Contact: Roland Willis (405) 624–4360.

EIS No. 850384, Draft, FHW, CA, Laguna Canyon Road/CA–133 Upgrading, between El Toro Road and Canyon Acres Drive, Orange County, Due: November 4, 1985, Contact: Glenn Clinton (916) 440–3578.

EIS No. 850385, Draft, FWS AK, Yukon Flats National Wildlife Refuge Comprehensive Conservation Plan and Wilderness Designation, Due: December 6, 1985, Contact: William Knauer (907) 786–3399.

EIS No. 850386, Final, EPA, FL, North Pinellas County Wastewater Management Facilities Development, Grant, North Pinellas County, Due: October 21, 1985, Contact: Robert Howard (404) 881–3776.

EIS No. 850387, Final, BLM, NM, White Sands Resource Management Plan, Otero and Sierra Cos., Due: October 21, 1985, Contact: Larry Nunez (505) 525–8228.

EIS No. 850388, Final, AFS, CA, North Fork Kern River, Wild and Scenic Rivers Study, Designation, Tulare and Kern Cos., Due: October 21, 1985, Contact: James Crates (209) 784–1500.

EIS No. 850389, Final, FHW, OR, Oakland-Shady Highway/OR–99/ Stephens Street Widening, NW Hooker Avenue to NE Alameda Avenue, Douglas County, Due: October 21, 1985, Contact: Campbell Gilmour (503) 378–8486.

EIS No. 850390, Draft, AFS, ID, Payette National Forest, Land and Resource Management Plan, Due: December 20, 1985, Contact: Kenneth Weyers (208) 634–8151.

EIS No. 850391, Draft, HUD, IL, Near Loop Residential Development,

Areawide Study, Cook County. Due: November 4, 1985, Contact: Harry Blus (312) 353–2977.

EIS No. 850392, Draft, IBR, CA, State Water and Federal Central Valley Projects, Coordinated Operation Agreement, Approval, Due: November 13, 1985, Contact: Bob Schoeder (916) 978–4923.

EIS No. 850393, Final, COE, NY, VT, Narrows of Lake Champlain Federal Channel, Maintenance Dredging, Whitehall, NY to Benson Landing, VT, Due: October 21, 1985, Contact: Karen Gustina (212) 264–4662.

EIS No. 850394, Draft, FHW, CA, D Street Extension, Myrtle Street/Soto Road to Second Street, Alameda County, Due: November 4, 1985, Contact: David Eyres (916) 440–3541.

Dated: September 17, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–22485 Filed 9–19–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59732; FRL–2900–9]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of seven such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 85–150—September 30, 1985.

Y 85–151—October 1, 1985.

Y 85–152, 85–153, 85–154, 85–155 and 85–156—October 2, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M St., SW., Washington, DC 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85–150

Manufacturer. Confidential.

Chemical. (G) Styrene maleimide.

Use/Production. (S) Industrial and intermediate in chemical process. Prod. range. Confidential.

Toxicity Data. Acute oral: 5 gms/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant; Eye—Slight.

Exposure. Manufacture: dermal, a total of 7 workers, up to 8 hrs/da, up to 200 ds/yr.

Environmental Release/Disposal. 1 liter/batch released to chemical waste. Disposal by certified waste remover.

Y 85–151

Manufacturer. Confidential.

Chemical. (G) Sulfonated polystyrene imide.

Use/Production. (S) Commercial dispersant—oil well drilling fluids and scale inhibitor in chemical/refining operations. Prod. range. 226,000–500,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Nonirritant; Eye—Non-irritant; Inhalation: Sister chromatid exchange test: Negative; CHO/HGPRT mutation assay test: Negative; Ames test: Non-mutagenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Y 85–152

Manufacturer. Confidential.

Chemical. (G) Oil free alkyd resin.

Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 85–153

Manufacturer. Confidential.

Chemical. (G) Oil free alkyd resin.

Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 85–154

Manufacturer. Confidential.

Chemical. (G) N–PMI styrenic terpolymer.

Use/Production. (S) Industrial injection molding processes. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Y 85–155

Manufacturer. Confidential.

Chemical. (G) Mixed alkyl phosphate ester.

Use/Production. (G) An additive used in the energy production industry. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 3–4 hrs/da.

Environmental Release/Disposal. 25 kg/day released to water.

Y 85–156

Manufacturer. Confidential.

Chemical. (G) Polyurethane dispersion.

Use/Production. (G) Polyurethane to be used in the plastic industry. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 3–4 hrs/da.

Environmental Release/Disposal. 25 kg/day released to water.

Dated: September 16, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85–22547 Filed 9–19–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51589; FRL–2900–8]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice .

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statement of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice

announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85-1422, P 85-1423 and 85-1424—December 4, 1985.

P 85-1425, 85-1426 and 85-1427—December 7, 1985.

P 85-1428, 85-1429, 85-1430, 85-1431, 85-1432, 85-1433 and 85-1434—December 8, 1985.

P 85-1435, 85-1436, 85-1437 and 85-1438—December 10, 1985.

Written comments by:

P 85-1422, 85-1423 and 85-1424—November 4, 1985.

P 85-1425, 85-1426 and 85-1427—November 7, 1985.

P 85-1428, 85-1429, 85-1430, 85-1431, 85-1432, 85-1433 and 85-1434—November 8, 1985.

P 85-1435, 85-1436, 85-1437 and 85-1438—November 10, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51588]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manfacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 85-1422

Manufacturer. Wilmington Chemical Corporation.

Chemical. (G) Aliphatic polyester reacted with aromatic diisocyanate and diol acid, amine salt.

Use/Production. (G) Coating open, non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to air. Disposal in accordance with Resource Conservation and Recovery Act (RCRA) regulations.

P 85-1423

Manufacturer. Wilmington Chemical Corporation.

Chemical. (G) Aliphatic polyester reacted with aromatic diisocyanate and diol acid, amine salt.

Use/Production. (G) Coating open, non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to air. Disposal in accordance with RCRA regulations.

P 85-1424

Manufacturer. Rohm and Haas Company.

Chemical. Further clarification needed before information can be released to the public files.

Use/Production. (G) Coating. Prod. range. Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 8 workers.

Environmental Release/Disposal. Release by process equipment.

P 85-1425

Manufacturer. Confidential.

Chemical. (G) Unsaturated acid and heterocyclic modified epoxy resin.

Use/Production. (G) Polymer having an open non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 32 workers, up to 8 hrs/da, up to 8 da/yr.

Environmental Release/Disposal. 8 to 95 kg/batch released to land. Disposal by incineration and landfill.

P 85-1426

Importer. Confidential.

Chemical. (G) Mixture of aliphatic alcohols.

Use/Production. (G) Highly dispersive use. Prod. range. Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

P 85-1427

Importer. Confidential.

Chemical. (G) Substituted naphthalene.

Use/Production. (G) Highly dispersive use. Prod. range. Confidential.

Toxicity Data. Acute oral—Male/female: 1581 mg/kg; Irritation: Skin—Very weak; Eye—Minimal/moderate; Phototoxicity test: Non-phototoxic; Ames test: Non-mutagenic; Skin sensitization: Non-allergenic.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

P 85-1428

Manufacturer. Confidential.

Chemical. (G) Oxime capped polyurethane.

Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 85-1429

Manufacturer. Confidential.

Chemical. (S) Polymer of soya fatty acid, pentaerythritol, benzoic acid, isophthalic acid, styrene, and methyl methacrylate.

Use/Production. (G) Substance will be used in an open system. Prod. range. 20,000-36,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. Minimal release to air. Disposal by licensed landfill and biological treatment lagoons.

P 85-1430

Manufacturer. Confidential.

Chemical. (G) Isocyanate-terminated polyester polyurethane.

Use/Production. (G) Adhesive. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. 5 kg/batch incinerated.

P 85-1431

Manufacturer. Confidential.

Chemical. (G) Isocyanate-terminated polyurethane.

Use/Production. (G) Site limited intermediate. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: 1 worker.

Environmental Release/Disposal. Confidential, 5 kg/batch incinerated.

P 85-1432

Manufacturer. Confidential.

Chemical. (G) Substituted N,N-dialkyl-m-anisidine.

Use/Production. (G) Site limited dye intermediate. Prod. range. Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 workers.

Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85-1433

Manufacturer. Confidential.
Chemical. (G) Alkoxylate coconut glyceride.
Use/Production. (G) Fiber lubricant, softening agent and emulsifier. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 85-1434

Manufacturer. Confidential.
Chemical. (G) Halogenated peroxide; organic peroxide.
Use/Production. (G) Contained use; reaction component. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture; dermal, a total of 2 workers.
Environmental Release/Disposal. No data submitted.

P 85-1435

Manufacturer. Confidential.
Chemical. (G) Polyester diol.
Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacturer: dermal, a total of 9 workers, up to 2 hrs/da, up to 18 da/yr.
Environmental Release/Disposal. 1 to 10 kg/batch released to control technology. Disposal by incineration and industrial acqueous waste treatment facility.

P 85-1436

Manufacturer. Ethyl Corporation.
Chemical. (G) Amine-boronhalide complex.
Use/Production. (G) Catalyst in a closed process. Prod. range. Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85-1437

Manufacturer. Confidential.
Chemical. (G) Ethylene-vinyl fatty ester copolymer.
Use/Production. (G) Consumptive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85-1438

Manufacturer. Confidential.
Chemical. (G) Modified acrylate terpolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range. Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: September 16, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-22548 Filed 9-19-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51587; FRL-2894-7]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 85-21437, beginning on page 36669 in the issue of Monday, September 9, 1985, make the following corrections:

1. On page 36670, first column, under **P 85-1392**, the eighth line should read as follows: "$>$5.0 g/kg, female-$<$5.0 g/kg; Skin:".

2. On page 36671, first column, third line from the bottom of the page, under P85-1406, "$<$100" should read "$>$100".

BILLING CODE 1505-01-M

[OPTS-42053A TSH-FRL 2884-3]

Alkyl Epoxides; Decision Not to Test

Correction

In FR Doc. 85-21304, beginning on page 36476 in the issue of Friday, September 6, 1985, make the following corrections:

On page 36478:

1. In the second column:

a. In the ninth line, "balancing" should read "blanching".

b. In the fourteenth line, "rates" should read "rats".

2. In the third column, seventh line, "1.08" should read "1.8".

BILLING CODE 1505-01-M

[OPTS-140059; TSH-FRL 2901-7]

Access to Confidential Business Information by Contractors and Subcontractors

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has authorized the contractors and subcontractors named in the notice for access to information which has been submitted to EPA under various sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

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: Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. New chemical substances, i.e., those not listed on the TSCA Inventory of Chemical Substances, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, 7, and 8 of TSCA. Section 12 requires a person to report his or her intent to export certain chemical substances to foreign countries.

EPA has selected the contractors and subcontractors named below to perform work under contract in support of the Agency's activities under TSCA. In accordance with 40 CFR 2.306(j), EPA has determined that those contractors and subcontractors will require access to CBI submitted to EPA under TSCA to perform work successfully under TSCA. EPA is issuing this notice to inform submitters of information under TSCA that EPA may provide access to TSCA CBI to these contractors on a need-to-know basis.

Under Contract No. 68-02-4215, Jellinek, Schwartz, Connolly & Freshman (JSCF), 1350 New York Ave. NW, Washington, D.C., is analyzing policy issues, formulating regulatory and non-regulatory options and strategies, providing support for negotiations, evaluating section 5 exemption application, reviewing and integrating technical, economic, and scientific documents, and analyzing international issues relating to the regulation of toxic chemicals. As previously announced in the **Federal Register** of June 13, 1985 (50 FR 24831), JSCF has been authorized under this contract for access to confidential data submitted under sections 4, 5, 6, and 8 of TSCA. The Agency has determined that JSCF will also require access to data submitted

under section 12 of TSCA to analyze issues relating to the export of chemical substances to foreign countries. JSCF personnel will review these confidential data at its facilities at the address given above. CBI access authorization under this contract is scheduled to expire on September 30, 1986.

Under Contract No. 68-02-4232, MITRE Corp., 1820 Dolley Madison Blvd., McLean, VA, will support the Office of Toxic Substances (OTS) Industrial Chemistry Branch by performing chemistry evaluations of new and existing chemicals, including their manufacture, processing, intended uses, and potential uses. Under this contract, MITRE will have access at its facilities at the address given above to CBI collected under all reporting provisions of TSCA. Contractor personnel will also have access to confidential chemical computer data bases on EPA premises.

This contract replaces Contract No. 68-01-6610, under which MITRE was previously authorized for access to TSCA CBI, as announced in the **Federal Register** of September 23, 1982 (47 FR 42024), for the same type of work. CBI access authorization under the new contract is scheduled to expire on September 30, 1987.

Under Contract No. 68-02-4235, ICF, Inc., 1850 K St. NW, Washington, D.C. and its subcontractors, Putnam, Hays & Bartlett (PHB), 1200 Eton Court NW, Washington, D.C., SRI International, 333 Ravenswood Ave, Menlo Park, CA, PEI Associates, Inc. (formerly PEDCO Environmental, Inc.), 11499 Chester Road, Cincinnati, OH, Sobotka & Company, Inc., 2501 M St. NW, Suite 550, Washington, D.C., and Muthtech, Inc., 511 Leesburg Pike, Suite 702, Falls Church, VA, will perform analyses of the costs, benefits, and economic impacts of EPA actions and proposed actions taken under TSCA. To perform such analyses, contractor and subcontractor personnel will develop such data as chemical intermediate and end uses, substitutes, and projected market growth. Under this contract, ICF, PHB, SRI, PEI, Sobotka, and Mathtech personnel will have access at the facilities given above to CBI collected under all reporting provisions of TSCA and will have access to confidential chemical data bases on EPA premises.

ICF, PHB, and Sobotka were previously authorized for access to TSCA CBI under Contract No. 68-02-4055, announced in the **Federal Register** of December 30, 1983 (48 FR 57620). PEI and SRI were previously authorized for access to TSCA CBI under Contract No. 68-02-3976, announced in the **Federal Register** on October 11, 1984 (49 FR 39912). Mathtech was previously authorized for access to TSCA CBI under Contract No. 68-01-6630, announced in the **Federal Register** of March 6, 1984 (49 FR 8282). The new contract continues the work performed under these previous contracts. CBI access authority under the new contract is scheduled to expire on September 30, 1987.

Under Contract No. 68-02-4242, Tracor Jitco, Inc., 1601 Research Blvd., Rockville, MD, will perform substructure searches of Premanufacture Notification (PMN) substances and will perform literature searches on PMN substances and analogs to identify health and environmental effects data. Tracor Jitco will have access at its facilities at the above address to CBI collected under sections 5 and 8 of TSCA.

This contract replaces Contract No. 68-01-6651, under which Tracor Jitco was previously authorized for access to section 5 TSCA CBI, as announced in the **Federal Register** of November 8, 1982 (47 FR 50555), for the same type of work. TSCA CBI access authorization under the new contract is scheduled to expire on September 30, 1986.

Under Contract No. 68-02-4236, Maxima Corp., 7315 Wisconsin Ave., Suite 900N, Bethesda, MD, will provide typing, editing, proofreading, and photocopying support to OTS. Maxima personnel will be authorized for access to CBI collected under all TSCA reporting provisions on EPA premises only. This contract replaces Contract No. 68-01-6466, under which Maxima was previously authorized for access to TSCA CBI, as announced in the **Federal Register** of February 18, 1982 (47 FR 7312), for the same type of work. CBI access authorization under the new contract will expire on September 30, 1985.

Under Contract No. 68-02-4240, contractor Mathtech and subcontractor PEI, SRI, and ICF of the addresses given above, will provide market, economic, and financial information to support EPA's regulatory activities under sections 4, 5, 6, and 8 of TSCA. The types of information to be supplied include possible substitutes for PMN substances, potential uses of PMN and existing substances, and conditions within markets associated with PMN substances. The contractor and subcontractors under this contract will have access at their facilities to CBI collected under all reporting provisions of TSCA. Mathtech was previously authorized for access to TSCA CBI under Contract No. 68-01-6630, announced in the **Federal Register** of March 6, 1984 (49 FR 8282). ICF, SRI, and PEI were previously authorized for access to TSCA CBI under Contract No. 68-02-3976, announced in the **Federal Register** of October 11, 1984 (49 FR 39912). The new contract continues the work performed under these previous contracts. CBI access authorization under the new contract is scheduled to expire on September 30, 1986.

All contractors and subcontractors named above have been authorized for access to TSCA CBI under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has approved contractors' and subcontractors' security plans and has performed the required inspections of their facilities and has found them to be in compliance with the requirements of the manual. Contractor and subcontractor personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI. Contractors and subcontractors that review confidential materials at their facilities under these contracts will return them to EPA upon completion of their review.

Dated: September 18, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-22726 Filed 9-19-85; 10:07 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 83-1145, Phase I]

Investigation of Access and Divestiture Related Tariffs; Allocation Plan Waivers and Tariffs; Memorandum Opinion and Order

Adopted: August 19, 1985.

Released: August 20, 1985.

By the Chief, Common Carrier Bureau:

I. Background

1. In its *Allocation Order*[1] the Commission found the routing of all default traffic [2] to the American Telephone and Telegraph Company (AT&T) to be an unreasonable and discriminatory practice and prescribed instead a uniform allocation plan

[1] Investigation of Access and Divestiture Related Tariffs CC Docket No. 83-1145, Memorandum Opinion and Order, FCC 85-293 (released June 12, 1985).

[2] Default traffic refers to the interexchange telephone calls of any customer who, by the time equal access is available, has failed to make a selection of an interexchange carrier (IXC). *See Allocation Order* at para. 1 n.3.

effective May 31, 1985. *Allocation Order* at paras. 18, 22. Local exchange carriers (LECs) required to implement the allocation plan include the Bell Operating Companies (BOCs), GTE Corporation (GTE), the Independent Telephone Companies and any local exchange company that provides equal access on a voluntary basis. *Id.* at para. 32. These carriers were ordered to file revisions to their interstate tariffs to reflect the allocation plan. *Id.* at para. 40. The Commission also directed that any carrier that found itself unable to comply with the plan or believed that a modified approach could achieve the goals of the Order must file a petition for waiver with the Commission. *Id.* at para. 31.

2. On June 27, 1985, the LECs filed the requisite tariff revisions. The Bell Atlantic telephone companies (Bell Atlantic),[3] the BellSouth Corporation (BellSouth), the NYNEX telephone companies (NYNEX), Pacific Bell, the Mountain States Telephone and Telegraph Company (Mountain Bell) and the Pacific Northwest Bell Telephone Company (PNB) also filed petitions for waiver of the *Allocation Order*. The Southwestern Bell Telephone Company (Southwestern) filed an attachment to its tariff revisions which, according to the company, "identifies any deviations" between its plan and the plan ordered by the Commission. We will treat Southwestern's "Attachment A" as a waiver petition. AT&T, the Ameritech Operating Companies (Ameritech),[4] and Southwestern filed Petitions for Clarification of certain sections of the *Allocation Order*.[5]

II. Petitions for Clarification

A. Ameritech's Petition

3. Ameritech asks that the Commission clarify two aspects of the prescribed allocation plan: (1) whether interexchange carriers (IXCs) should be permitted to participate in the allocation process if they decline to serve allocated customers who will not consent to minimum monthly charges; and (2) whether non-presubscribing customers should be allocated randomly on a per customer basis or on a per line basis.

4. No clarification should be required in regard to the service requirements imposed on IXCs by the Order. The Commission rejected proposals to permit interLATA carriers "to reject certain assigned customers for any reason." *Allocation Order* at para. 9. The Commission stated that:

> Limiting the IXC acceptance of allocated customers would allow some carriers to choose only attractive customers while other carriers would be allocated a greater proportion of less attractive customers. In addition, IXCs who have agreed to participate in the allocation process have an obligation as common carriers to serve all customers allocated to them.

Id. at para. 25.

5. In the face of this clear language, we are concerned by Ameritech's report that at least one interLATA carrier interprets the Order's prohibition against imposing "any fixed monthly or nonrecurring charges to assigned customers without their consent," [6] to permit the IXC to contact all the customers allocated to it, explain that it has a fixed monthly charge, and decline to serve any customers not willing to pay the monthly minimum.[7] As Ameritech aptly observes, this interpretation contradicts the Commission's explicit prohibition against carriers picking and choosing among customers allocated to them and its consequent intent that all IXCs participating in the plan provide at least one payment plan with no monthly minimum. IXCs which do not provide a plan with no monthly minimum may not participate in the allocation process.

6. In regard to its second request for clarification, Ameritech explains that its allocation process has two steps. Ameritech Petition at 5. Percentages are first calculated for the interLATA carriers based on ballot responses, and non-presubscribing customers are then distributed among the carriers participating in the allocation process. However, while Ameritech calculates interLATA carrier percentages on a per-line basis, it proposes to allocate non-presubscribing customers on a per-customer basis. The company argues that, because IXCs direct their marketing efforts to different markets which have different average numbers of lines per customers, the number of customers (as opposed to the number of lines) is a fairer measure of a carrier's market success. Ameritech argues that distributing non-presubscribed customers presents a different situation and that allocating such customers on a per-line basis might distribute multi-line customers to more than one carrier, causing confusion and expense.

7. We conclude that it is not unreasonable for Ameritech to allocate the traffic of non-presubscribing customers on a per customer basis. Allocating on a per line basis might result in assigning the lines of a single customer to two IXCs. The Commission did not contemplate distributing the traffic of multi-line end users to more than one carrier. Moreover, the Order provides that the LECs may contact major accounts, encourage such customers to select a carrier, and thus avoid the necessity of allocating their traffic. *Allocation Order*, Appendix B at para. 24. In addition, the identities of end users likely to have substantial numbers of lines are readily available to the IXCs. Permissible LEC contacts with major accounts and the IXCs' own marketing efforts should serve to reduce the number of multi-line customers assigned to the allocation pool and limit the potential for distortions in distribution.

B. AT&T's Petition

8. AT&T request interpretation:[8] (1) that a voice recording or other form of electronic signature can satisfy the requirement that IXCs maintain letters of agency signed by their customers;[9] (2) that multi-line customers may submit orders for service using billed telephone numbers of some other unambiguous description of the customer's designation of a primary IXC; and (3) that LECs can lawfully process presubscription orders placed by customers with authorization dates on or prior to June 12, 1985.

9. The Commission's requirement that IXCs maintain letters of agency is designed to facilitate dispute resolution, to minimize consumer confusion, and to protect the LECs from processing change orders for which no party is clearly responsible. The consumer who must sign a document can be presumed to have read its contents and to understand the nature and extent of the service relationshp with the IXC. The IXC which has such signed letters of agency is protected from the effects of customer misundrstanding and from

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[3] The Bell Atlantic companies include the Bell Telephone Company of Pennsylvania, the four Chesapeake and Potomac Telephone Companies, the Diamond State Telephone Company and the New Jersey Bell Telephone Company.

[4] The Ameritech Operating Companies include Illinois Bell Telephone Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company and Wisconsin Bell, Inc.

[5] US Telecom, Inc., GTE Sprint Communications Corporation, MCI Telecommunications Corporation, and Satellite Business Systems have filed Petitions for Partial Reconsideration of the *Allocation Order*. These petitions will be considered in a later Order. In addition, a number of parties filed comments in regard to both the waiver petitions and the tariffs. A list of parties filing comments and reply comments in this matter is provided at Appendix A.

[6] *Allocation Order*, Appendix B at par. 30.3.

[7] The Ameritech Operating Companies' Petition for Clarification (Ameritech Petition), filed July 5, 1985, at 3.

[8] AT&T Petition for Clarification (AT&T Petition) filed July 12, 1985.

[9] *Allocation Order*, Appendix B at para. 10.

potential responsibility for unauthorized changes. The LEC has available for review an easily authenticated document in resolving customer disputes. Any of the foregoing parties would bear a heavy burden it obliged to review electronic recordings to verify customer orders.[10] IXCs are free to continue their telemarketing efforts but should take steps designed to obtain signed letters of agency or confirmation of choice from their customer pursuant to the guidelines outlined in para. 21. below.

10. In regard to its second request for clarification, AT&T states that customers presently place presubscription orders on a billed telephone number (BTN) basis. AT&T states that a BTN may have associated with it one or more additional lines or numbers and thus may represent hundreds or even thouhsands of lines. AT&T Petition a 11. AT&T argues that it is cumbersome and unnecessary for customers to provide individual line detail. AT&T states that use of BTN ordering would be consistent with the practice of many LECs to accept notification of primary IXC selections from IXCs on a BTN basis. Further, AT&T asserts that customers may want to designate a single primary IXC for multiple BTNs at a given location, at multiple locations throughout the country, or to include their corporate subsidiaries in the designation and that such customer should be allowed to do so "with a minimum of complication." *Id.* at 13. AT&T argues that such customers should be enabled to list either billed telephone numbers or "other specific customer description which indicates unambiguously the scope of the customer's designation of a primary IXC." *Id.*

11. AT&T's request is limited to the detail which must be included in letters or agency authorizing an interexchange carrier to act as agent.[11] AT&T states that its clarification petition does not address the nature of the information that the IXCs must use in submitting presubscription orders to the LECs. The Commission did not intend to impose unreasonable burdens on multi-line customers in their selection of an interexchange carrier. We conclude that the requirements set out a para. 10.4 of Appendix B may be fulfilled either by provision of BTNs or by other unambiguous customer description indicating the scope of the customer's designation of a primary IXC.

12. We agree that AT&T's third interpretation, regarding the status of customer orders placed with an IXC with authorization dates of June 12, 1985 or earlier, is a reasonable one. LECs may, in compliance with our Order, process presubscription orders placed by IXCs between May 31 and June 12 1985.

C. Southwestern's Petition

13. Southwestern asks that the Commission "clarify" that the *Allocation Order* did not find a violation of the Communications Act in the BOCs' procedures prior to May 31, 1985 or "actions taken after that date consistent with the Order and necessary to the implementation of the ballot and allocation plan." Southwestern Petition for Clarification at 7. In its *Allocation Order*, the Commission found that the default of all non-presubscribed traffic to a single carrier was unreasonable and discriminatory under the Communications Act.[12] *Allocation Order* at para. 22. The Order was propective, effective May 31, 1985, and was not based upon findings of carrier liability for violations of the Act. BOCs which, prior to May 31, 1985, followed procedures conforming to previous Commission decisions and policies cannot be considered to have been in violation of the Act. Actions taken after the effective date of the Order must conform to the requirements of the Order.

III. Waiver Petitions

A. Procedures for Determining IXC Order on Equal Access Ballots

14. Bell Atlantic, BellSouth, and NYNEX request approval of their procedures for determining the order of IXCs on the the Equal Access Ballot. The LECs are required to devise methods to give IXCs an equal opportunity to appear first on the ballot. *Allocation Order*, Appendix B at para. 7. Bell Atlantic proposes to conduct a random drawing once every six months. Ballots for Bell Atlantic end offices converting during the the six-month period after each drawing would list IXCs in the order determined by the drawing. BellSouth and NYNEX propose to conduct a separate drawing to determine IXC sequence for each end office conversion. IXCs would be listed in the same order on all ballots for that end office throughout the presubscription process. The BellSouth and NYNEX procedures for determining IXC sequence are within the spirit of para. 7 and have, in general, received the support of the IXCs. *See, e.g.*, Comments of MCI, July 12, 1985 at 8. We therefore grant their waiver requests. Bell Atlantic's plan, however, does not provide sufficient opportunity for IXCs to appear first on the ballot, and is opposed by the parties. MCI agues that

> the consquence of Bell Atlantic's proposal—in light of the fact that a substantial majority of end offices will be converted to equal access in the next six months—is that ICXs would not, in fact, have an equal opportunity to appear first on Bell Atlantic ballots. *Id.*

GTE/Sprint asserts that Bell Atlantic's plan "would represent a significant departure from the Commission's goal of giving all carriers an equal opportunity to appear first on the ballot as each end office is converted." GTE/Sprint Reply Comments, July 19, 1985 at 15. Provision of more frequent opportunities to appear first on the ballot is not unduly burdensome, as the BellSouth and NYNEX procedures demonstrate. We therefore conclude that Bell Atlantic's proposal to conduct a random drawing every six months does not comply with the Commission's requirement that each LEC devise methods to give IXCs an equal opportunity to appear first on the ballot.

B. Customer Choice Discrepancy and Letters of Agency

15. Bell Atlantic, Pacific Bell, Mountain Bell Telephone and Telegraph Company (Mountain Bell) and NYNEX have requested waivers to permit implementation of modified approaches in disposing of disputes arising from an end user's identification of more than one primary IXC. Since the resolution of such disputes is closely related to the availability and use of letters of agency, we will discuss these aspects of the Order in tandem.

16. The Commission's Order provides that:

> when customers indicate more than one carrier choice per line on the ballot, or return an illegible ballot, the LEC must contact the customer for clarification. When both a ballot and Letter of Agency are received for one customer and the designated primary IXC does not match on both documents, the ballot takes precedence and the LEC must process the customer's choice shown on the ballot. In the event that two or more IXCs provide to the LEC a customer list indicating that a particular customer has designated them as the primary IXC, the customer in question must be allocated along with the non-respondents to the initial ballot. In this instance, the letter accompanying the second ballot for that particular customer must mention that the customer is involved in a

[10] Commission enforcement activities would also so hampered if staff were obliged to review electronic records rather than written ones.

[11] AT&T's petition refers only to para. 10 of Appendix B, which covers only the conditions which must be recognized in letters of agency designating a carrier as a customer's primary IXC.

[12] 47 U.S.C. 201(b) and 202(A).

conflict between two or more IXCs and that a selection must be made by the specified deadline unless the assigned carrier indicated on the ballot is the customer's choice. A list of these customers in conflict must be sent to the affected IXCs by the LEC. Those IXCs not involved in any customer conflicts should receive a zero conflict report from the LEC. *Allocation Order*, Appendix B at para. 23.

17. Bell Atlantic proposes to continue its current procedure, whereby IXCs indicate on their orders whether a presubscribed customer has been informed of the charge to change IXCs and has agreed to the change. If Bell Atlantic receives an order containing this notation from an IXC for a customer already presubscribed to another IXC, it processes the order and charges the customer for the change. If the notation is missing on the order, it is returned to the IXC, with a notice that the customer is already presubscribed. Bell Atlantic states that, consistent with the Order, the ballot controls if Bell Atlantic receives a presubscription order from one IXC and subsequently receives a ballot from the same customer designating a different IXC. Bell Atlantic argues that this procedure is preferable to the procedure prescribed in Appendix B because it allows IXCs to market freely their services.

18. NYNEX also asks to continue to use its current conflict resolution procedures. NYNEX gives all presubscription orders an equal weight and resolves conflicts on the basis of authorization dates: the order with the later date prevails. If two or more orders are received with the same authorization date, or order received first by the LEC prevails. NYNEX argues that its procedures recognize that a customer has the right to change his or her primary carrier selection at any time in the process and therefore is preferable both to giving automatic priority to the ballot and to allocating customers involved in a conflict.

19. Pacific Bell proposes similar treatment of conflicting orders. When both a ballot and letter of agency are received for one customer and the designated primary IXC does not match on both documents, or when two or more IXCs provide lists to the LEC indicating the customer has selected them, Pacific Bell proposes to process the order with the later authorization date. If the dates are the same on the ballot and the letter of agency, the ballot takes precedence. If the dates are the same on two or more IXC lists, the list processed first by Pacific Bell takes precedence. Pacific Bell argues that these procedures reflect affirmative customer choice more accurately than do those prescribed in the Order.

20. Mountain Bell requests a waiver to permit it, upon discovery that an end user appears in more than one IXC's customer list, to contact immediately the end user to resolve the discrepancy. Mountain Bell argues that its approach avoids allocation of customers who have made a positive choice of IXCs.

21. The concept of "authorization date" is either explicitly (NYNEX and Pacific Bell) or implicitly (Bell Atlantic) central to three of these proposed modifications to our prescribed customer choice discrepancy procedures. At least one commenting party has objected to the use of a "later authorization date" to identify a primary IXC, on the grounds that an IXC, through error or abuse might assign a later authorization date to a customer's order. *See e.g.*, Reply of Allnet Communications Services, Inc., filed July 19, 1985 at 5. The potential for such error or abuse is diminished when an IXC obtains letters of agency. Such documents, together with prompt notification to all affected parties, should facilitate dispute resolution. We recognize, however, that end users who make a verbal commitment to use a carrier's services may not return signed authorizations promptly. Therefore, we will grant the requested waivers (discussed in paras. 17–20, *supra*) of the plan prescribed in Appendix B of the *Allocation Order* subject to the following guidelines: [13]

(1) The IXCs are required to certify at the time they submit end user lists to the LECs that they have on file, or have instituted steps designed to obtain signed letters of agency or confirmations of choice from the end user. The IXCs are not required to submit letters of agency when submitting end user lists to the LECs, but should maintain the confirmations or letters on file for use in dispute resolution. IXCs should request written confirmations of choice from their customers no later than the date of submission of their first bill to the customer.

(2) When the LEC identifies a conflict between a ballot and an IXC list, or between lists submitted by two or more IXCs, the LEC must notify, within 10 days, all affected IXCs via a conflict report.

(3) If, upon receipt of a conflict report, the IXC certifies to the LEC that it has on file a signed letter of agency with a date subsequent to that on the ballot, that IXC becomes the primary IXC for that end user and no change charge is assessed to either the IXC or the end user.

(4) In a conflict, if the IXC is unable to obtain a letter of agency signed by the end user, the ballot controls.

22. The conflict reports and the regular reports mandated by the Order [14] are also essential elements in prompt, equitable dispute resolution. Several IXCs have complained that they have not received timely notice from the LECs regarding either customer conflicts of interconnection schedules. Carriers should direct additional attention to the reports to ensure that all required information is provided to the IXCs within the time frames specified in this Order and in the allocation plan.

23. We conclude that, subject to the institution of procedures conforming to the above guidelines, that the petitions filed by Bell Atlantic, NYNEX and Pacific Bell in regard to disposition of customer disputes should be granted.

24. Mountain Bell's waiver request can also be accommodated within the parameters of the guidelines detailed above at para. 21. Mountain Bell's proposal for immediate contact to resolve discrepancies renders timely assistance to consumers any may assist the carrier in identifying procedural or mechanical causes of duplicate listings. We therefore grant the requested waiver on condition that Mountain Bell also immediately notifies all IXCs involved in the selection dispute, using the sames means of notification for all parties.

C. Multi-line Accounts

25. The Order requires that on the initial Equal Access Ballot end users be furnished the option of selecting a different IXC for each of their lines. *Allocation Order*, Appendix B at para. 8.5. Bell Atlantic, Pacific Bell and PNB request waivers of this requirement. Bell Atlantic proposes to provide a special box on its ballot which multi-line customers can check if they wish to presubscribe lines within a single account to different IXCs. When customers indicate such an interest, Bell Atlantic will send end users with 20 lines or less a special ballot listing all lines on the account, permitting the end user to make a line-by-line designation of IXCs. If a customer has more than 20 lines, Bell Atlantic will call the customer to take its designation of IXCs. Pacific Bell will provide a similar box on its ballot, but proposes to contact all customers who indicate a wish to presubscribe lines to different primary IXCs. Both Bell Atlantic and Pacific

[13] This action is of course subject to Commission action on the pending petitions for reconsideration of the *Allocation Order*.

[14] See *Allocation Order*, Appendix B at paras. 23 and 28.

assert that their proposed procedures will reduce customer confusion and administrative burdens. PNB proposes to continue its current practice of listing only a customer's main billing number, with a ballot notation that customers who wish to split their service among different carriers should contact either the IXC or PNB. In addition to the preceding waiver requests, Southwestern in its tariff at Appendix A states that its residential customers are not allowed to select more than one IXC.

26. MCI, Allnet and GTE/Sprint oppose these proposals. They argue that the LECs may influence the customer's choice of a carrier if they are permitted to contact customers directly during the presubscription process.[15] Both Pacific Bell and Bell Atlantic deny any interest in influencing customer choice. Parties opposing the waivers fail to identify any interest that the LECs would serve by directing customers to one IXC in preference to another. While the *Allocation Order* requires that the ballot provide for the selection of different IXCs for each line, it did not require that each such line be listed on the ballot. In the case of end users with substantial numbers of lines, such listings would prove unduly burdensome on the LEC. Bell Atlantic's proposal in effect provides special handling for major accounts and represents a reasonable accommodation with the requirements of the Order and we therefore grant its waiver request. Pacific Bell's plans to combine ballot notification with follow-up calls also comports with the intent of the Order. PNB's proposal, however, to merely continue its present procedures, which require customers to initiate an additional contact with an IXC, does not comport with the Commission's intent to provide the end user with an efficient method of notifying the LEC of its choice. We therefore deny PNB's waiver request. Finally, Southwestern has filed no waiver request in regard to its plan to deny choice to residential multi-line users, in violation of the *Allocation Order*. We reject its allocation plan insofar as it fails to provide for that choice.

D. Additional Waiver Requests

27. *Processing IXC submitted customer lists.* LECs must process all customer ballots and carrier lists that are received 20 days prior to the date of conversion. *Allocation Order*, Appendix B at para. 16. Mountain Bell states that it does not accept customer lists between the deadline for the return of the first ballot and the equal access conversion date. Mountain Bell argues that its procedure greatly reduces the potential for confusion caused by conflicts between second ballots returned by end users and IXC/generated customer lists. MCI opposes Mountain Bell's request, challenging Mountain Bell's representation that no IXC has complained about its procedure.[16] MCI asserts that under Mountain Bell's proposal, customers who select a primary carrier and register their selection with an IXC between the intial ballot deadline and the date of end office conversion would be allocated solely because Mountain Bell refuses to process their presubscription orders. While reduction in confusion is a desirable goal, it should not be achieved at the expense of consumer choice. We therefore deny Mountain Bell's waiver request and direct it to comply with the Commission's Order to process all ballots and IXC lists received 20 days prior to conversion.

28. *Reports to IXCs.* LECs are required to provide the IXCs with a minimum of three reports during the balloting process. *Allocation Order*, Appendix B at para. 28.6. Mountain Bell seeks permission to eliminate the first report which "must be made available to the IXC halfway between the initial ballot mailing date and the initial ballot deadline." *Id.* Mountain Bell states that generating this report would cause additional expense and place a burden on its Customer Records Information System (CRIS), which is also used by Mountain Bell for normal service order activity and billing. The initial report assists the IXCs in identifying discrepancies between their records and those of the LEC. Early identification of such problems serves to facilitate dispute resolution and to reduce confusion. The IXC's have complained to the Bureau staff and to the Department of Justice [17] regarding their difficulties in obtaining timely information from the Bell Operating Companies. The orderly implementation of presubscription might be impeded by reducing the amount of information transmitted to the IXCs and we therefore deny Mountain Bell's waiver request.

29. *Reduction of period for ballot return.* The Commission's Order provides that "[c]ustomers should be asked to return the intial ballots within 30 days of their receipt." *Allocation Order*, Appendix B at para. 8. PNB seeks a waiver to require end users to return ballots within approximately three weeks.[18] PNB states, however, that its allocation process will take place approximately 30 days after the mailing date of the initial ballot and that end users who return their ballots later than 23 days therefore may have their ballot choices processed. The *Allocation Order* also requires that LECs process all ballots and IXC-submitted lists that are received 20 days prior to conversion. In view of this additional insurance that customer choices will be processed, we conclude that PNB may request end users to return their ballots within 23 days.

30. *IXC access order cutoff.* In order to be considered eligible for inclusion on an Equal Access Ballot, an IXC must order Feature Group D Switched Access Service (FGD) from the LEC. An IXC must place a firm order for this service no later than 120 days prior to the central office conversion date. *Allocation Order*, Appendix B at para. 29. Bell Atlantic seeks to extend this deadline to require IXCs to submit their orders 135 days prior to conversion. Bell Atlantic states that the extension is necessary to ensure completion of preconversion work, such as facilities installation and testing and programming switches. In addition, Pacific Bell and NYNEX each filed tariffs requiring IXCs to order FGD earlier than 120 days prior to conversion, though neither filed waiver requests. Pacific Bell requires orders to be placed 180 days prior to the plant test date, which may be several weeks in advance of an end office conversion date; NYNEX requires that FGD orders be placed 180 days prior to conversion. Pacific Bell states that early ordering is required to accommodate its procedure of clustering end offices by geographic areas. It interprets para. 29 of Appendix B to require that IXCs provide notice to the LECs 120 days prior to conversion that they wish to participate in allocation. Pacific Bell Reply Comments, July 19, 1985 at 8. NYNEX argues that the Commission permitted exchange carriers to retain existing ordering guidelines and that the IXCs must abide by them. NYNEX Reply Comments, July 19, 1985 at 7. US Telecom objects to the foregoing ordering provisions, and asserts that they do not conform to the

[15] MCI Comments, July 12, 1985 at 6; GTE/Sprint Comments, July 12, 1985 at 17; Allnet Reply Comments, July 19, 1985 at 6.

[16] Opposition of MCI to Petitions for Waiver of the Commission's Allocation Order (MCI Opposition), filed July 17, 1985 at 6.

[17] *See* letters to the Bell System Holding Companies from Acting Assistant Attorney General, dated June 25, 1985.

[18] PNB's waiver petition states that ballots are subject to the schedule provided in the following example: "July 1: Date on which PNB mails ballot; July 23: Date by which end users are asked to return ballot; July 31: Date that the allocation report is prepared." PNB Petition for Waiver at 3.

Commission's intent to allow the LEC sufficient time to plan facilities while giving the IXC the maximum time during which to market and accurately forecast its facility needs. US Telecom Opposition to Requests for Waiver, July 19, 1985 at 8.

31. Para. 29 of Appendix B prescribes the conditions for IXC participation in allocation. The Order does not permit the LECs to impose additional allocation requirements on the IXCs. By establishing the earlier ordering deadlines for FGD, Pacific Bell and NYNEX have, in effect, imposed such an additional condition. We recognize, however, that the LECs may require more than 120 days notice of FGD orders to complete preconversion work. The IXCs, however, also require sufficient time in which to market and forecast their facility needs. The LECs are required to give notice of end office conversions six months prior to the date of such conversions.[19] The prescription of a 120-day ordering deadline was predicated on that six-month notice requirement. In order to accommodate the needs of both the LECs and the IXCs, we will permit earlier ordering deadlines for FGD provided the LEC also increases its notice of end office conversions by an equivalent period. Thus, Bell Atlantic is granted a waiver to extend its ordering deadline to 135 days, but must give notice to the IXCs 195 days prior to end office conversions. We will also treat the NYNEX and Pacific Bell tariff provisions in this matter as waiver requests. Each of these LECs may extend the deadline for FGD orders to 180 days provided they give IXCs 240 days' notice of end office conversions.

32. *Inclusion of certain IXCs in BellSouth Allocation.* IXCs choosing to participate in the allocation process must appear on the initial ballot. *Allocation Order,* Appendix B at para. 30.1. BellSouth states that BellSouth had implemented, prior to June 1, 1985, a three-ballot procedure for end offices converting to equal access during and after September 1985. BellSouth reports that some IXCs had already responded to the BellSouth companies concerning September and October conversions. The companies are concerned that some IXCs which did not elect to participate in some or all of the September and October conversions would have done so if they had known when they made their decisions that allocation would take place. BellSouth proposes to permit those IXCs, which do not appear on the first ballot for the September and October conversions only, a chance to appear on the second ballot and participate in allocation. We agree that such a procedure would increase the number of IXCs presented for public choice, and that, since the waiver is limited in time and effect, it does not appear to result in any unfair treatment of other IXCs. BellSouth's waiver request in this matter is therefore granted.

IV. Tariff Revisions

33. The Commission directed that LECs required to implement the allocation plan [20] file revised interstate access tariffs to reflect the prescribed allocation plan within 15 days of the release date of the Order. *Allocation Order* at para. 40. The Commission directed that the revisions include language providing for (1) end user notification and non-exclusive balloting procedure, (2) allocation process, (3) interexchange carrier customer lists, (4) customer choice discrepancy, (5) retroactive balloting procedure, and (6) presubscription charge application.

34. On June 27, 1985, the requisite tariff revisions were filed by the BOCs, GTE, the National Exchange Carriers Association (NECA), and Central Telephone (Centel) of Nevada. Rochester Telephone Corporation (Rochester), pursuant to special permission, filed revisions on July 10, 1985. In general, the revised tariffs provide for presubscription and allocation procedures in compliance with the prescribed plan. In those instances where procedures required clarification, the Bureau staff has worked with the carriers to develop revisions which comport with the Order. A number of the objections raised by the parties in comments on these tariffs (*e.g.*, treatment of customer choice discrepancies, calculation of the allocation percentages, letters of agency) have been disposed of in our treatment of waiver petitions, *supra.* For the most part, therefore, this Order will not discuss each of these tariffs in detail. They will be permitted to become effective August 20, 1985.[21] Several commenters have objected that the LECs' tariffs do not contain sufficient detail regarding their allocation plans.[22] The LECs were not required by the Order to provide extensive detail in their tariffs regarding their procedures. We are requiring, however, that they file revisions concerning their arrangements for assessing change charges. Those revisions, and major objections raised by the parties, are discussed below.

A. Retroactive Allocation

35. The Commission Order directed LECs to provide another opportunity for non-presubscribed customers to select a primary IXC where end offices were converted to equal access prior to May 31, 1985. *Allocation Order,* Appendix B at para. 25. No second balloting or allocation was required, however, for such customers. *Id.* Southwestern's tariff provides for retroactive allocation for customers served by an end office converted prior to May 31, 1985.[23] AT&T argues that Southwestern's retroactive plan "contravenes the express and mandatory provisions set forth in Appendix B of the Order" [24] and requests that the Commission direct Southwestern to delete this provision from its tariff revisions. Southwestern asserts that its retroactive allocation plan "is consistent with the principles enunciated in the Commission's Order" and, in this instance, "exceed the Commission's requirement that customer choice is fully effectuated."[25]

36. The language of the Order in respect to retroactive allocation, alleged by AT&T to forbid such allocation, is permissive, not mandatory. The Commission states that "retroactive allocation *will not be ordered* for coversions prior to the effective date of this Order. . . . *[O]rdering* retroactive allocation would be unfair and disruptive." *Allocation Order* at para. 28 (emphasis added). Para. 25 of Appendix B reflects the same permissive approach: "no second balloting or allocation *is required* for those customers that were subject to equal access conversion dates prior to May 31, 1985. . . ." (emphasis added).

37. We concur in Southwestern's conclusion that its plan for retroactive allocation is consistent with the principles expressed in the *Allocation Order* and we deny AT&T's request to reject Southwestern's tariff insofar as it

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[19] *See* MTS and WATS Market Structure, CC Docket No. 78-72, Phase I, Second Reconsideration Order, 97 FCC 2d 834, 860; § 69.205(a) of the Commission's Rules, 47 CFR 69.205(a) (1984).

[20] *See* para. 1, *supra.*

[21] The tariffs were filed with an original effective date of July 27, 1985. In order to allow the Commission staff sufficient time to analyze the complex issues raised by the filings and the various waiver requests and related comments, the effective date of the tariffs was deferred to August 20, 1985.

[22] *See, e.g.*, U.S. Telecom Inc. (U.S. Telecom) Opposition to Requests for Waiver; Comments of GTE Sprint Communications Corporation (GTE/Sprint), filed July 12, 1985.

[23] Southwestern Bell Telephone Company, Tariff F.C.C. No. 68, section 13.3.3(c)(5).

[24] Comments of the American Telephone and Telegraph Company, filed July 12, 1985 at 2. AT&T raised no objections to any of the other tariff revisions.

[25] Reply Comments of the Southwestern Bell Telephone Company filed July 19, 1985 at 2, 3.

provides for such allocation. We wish to clarify, however, that Southwestern's retroactive allocation procedures must include sending allocated end users a second ballot providing the customer with another opportunity to make a carrier selection.[26]

B. "No PIC" Option

38. Satellite Business Systems (SBS) requests rejection of Bell Atlantic's and Southwestern's tariffs insofar as they provide a "No PIC" option.[27] "No PIC", an acronym for "no primary interexchange carrier," would indicate that the customer is opting to make all long distance calls by using a 10XXX access code. The Commission rejected as too burdensome a proposal that such an option be provided on the ballot. *Allocation Order* at para. 25 n.37. SBS interprets that decision to prohibit a customer from ever selecting such an option. The Commission did not intend such a result. Tariffs filed by the Bell Atlantic companies and Southwestern provide that a customer can request the "No PIC" option only by contacting the local exchange carrier's business office. Such a provision comports with the Commission's Order and we therefore deny SBS's request that we reject the applicable tariff subsections.[28]

C. Balloting Procedures for New Customers

39. MCI requests that the Commission suspend and investigate the provisions regarding new customer presubscription orders in the LECs' tariffs.[29] MCI asserts that the *Allocation Order* requires that LECs obtain new customers' signatures on presubscription ballots, but that the LECs' allocation tariffs are ambiguous with respect to obtaining signed ballots or orders from new customers. MCI argues that LECs should not be permitted to accept orders under less stringent procedures than IXCs.

40. The Order provides that new customers are to be handled by the Business Office according to the LEC's new customer presubscription procedures. *Allocation Order* at para. 22. Such procedures should provide new customers with an opportunity to obtain a ballot. *Id.* We recognize that the LECs' service order processing procedures might be unnecessarily delayed if they were obligated to await the return of the ballot before processing a new interconnection order. We conclude that the requirements of para. 22 are met when the LEC takes a verbal order for service and subsequently sends a confirmation notice to the customer. LEC personnel taking the verbal order should provide new customers with the names and, if requested, the telephone numbers of the IXCs and should devise procedures to ensure that the names of IXCs are provided in random order. New end users who return confirmation notices identifying an IXC different from that given verbally to the LEC should have such selections processed without a change charge.

D. Change Charge Provisions

41. Each of the allocation tariffs filed by the LECs contains subsections describing the LEC's proposals for billing for the charge to change IXCs. These sections, in general, fail to provide the public with sufficient information regarding billing for such charges. The tariffs typically state that responsibility for change charges is "as set forth in the Commission's Allocation Plan." *See, e.g.*, Southern Bell, Transmittal Nos. 1319, 1322 and 1323, section 13.4(c). Such cross-references fail to provide adequate notice to the public regarding responsibility for change charges. The LECs are therefore directed to file revisions to their allocation tariffs containing the following provisions: (1) The amount of the change charge; (2) no change charge will apply to end users who select a primary IXC as part of the retroactive balloting process; (3) new end users will be asked to select a primary IXC at the time they place an order for service; new end users will be sent a confirmation notice and will not be charged for this initial selection; (4) after the conversion date, end users will be charged for any change; (5) if an IXC elects to discontinue Feature Group D service in the converting end office prior to the conversion date or within two years after the introduction of Feature Group D in the converting end office, the IXC is obligated to contact in writing all end users who have selected, or been allocated to, the cancelling IXC as their designated IXC, inform these end users of the cancellation, request the end users to select a new IXC and state that the cancelling IXC will pay for the change charge; and (6) for a period of two years from the discontinuance of FGD service the LEC will bill a cancelling IXC the change charge for each end user that this IXC currently has designated to it.

V. Conclusion and Ordering Clauses

42. We find the tariffs filed by the affected LECs to be, in general, responsive to the allocation plan prescribed in the Commission's Order. We believe that implementation of this plan enables consumers better to understand and exercise their rights in selection of a primary interexchange carrier. We will not delay the effective dates of those tariffs but will require the LECs to file modifications to their tariffs to comport with this Order within 10 days of the release date of this Order, to be effective on not less than seven days notice.

43. Accordingly, it is ordered pursuant to § 0.291 of the Commission's Rules, 47 CFR 0.291, that all local exchange carriers as defined herein put into effect immediately the modifications described herein to the allocation plan prescribed in the *Allocation Order. Investigation of Access and Divestiture Related Tariffs.* CC Docket No. 83-1145, Phase I, Memorandum Opinion and Order, FCC 85-293 (released June 12, 1985).

44. It is further ordered that the waiver petitions filed in this matter, are granted to the extent described herein and are otherwise denied.

45. It is further ordered that to the extent that denial of a waiver to a local exchange carrier affects provisions appearing in that carrier's tariff, those provisions are rejected and the affected carriers must revise their tariffs in accordance with this Order.

46. It is further ordered that the petitions to reject filed by Satellite Business Systems and MCI Telecommunications Corporation are denied.

47. It is further ordered that the interstate access tariffs of all local exchange carriers be revised to reflect the guidelines set out in this Order regarding the responsibility for change charges.

48. It is further ordered that §§ 61.58, 61.59 and 61.74 of the Commission's rules, 47 CFR 61.58, 61.59, 61.74, are waived for the purposes of implementing this Order.

49. It is further ordered that this Order is effective upon adoption.

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[26] *See* Allocation Order, Appendix B at para. 14.

[27] Satellite Business Systems Petition to Reject and Opposition to Petitions for Waiver, filed July 12, 1985 at 2. The NYNEX companies also provide this option to consumers.

[28] C&P Telephone Companies, Tariff F.C.C. No. 3, section 13.3.3(B)(5)(a); Bell Telephone Company of Pennsylvania, Tariff F.C.C. No. 41, section 13.3.3(B)(5)(a); New Jersey Bell Telephone Company, Tariff F.C.C. No. 38, section 13.3.3(B)(5); Southwestern Bell Telephone Company, Tariff F.C.C. No. 68, section 13.3.3(E).

[29] MCI Petition to Suspend and Investigate, or Alternatively for Clarification, and for Partial Rejection, Petition filed July 15, 1985 at 8.

Federal Communications Commission.

Albert Halprin,

Chief, Common Carrier Bureau.

Appendix A

Petitions for Waiver

Bell Atlantic Telephone Companies, June 27, 1985
NYNEX Telephone Companies, June 27, 1985 and July 19, 1985
Pacific Bell, June 27, 1985 and July 29, 1985
United Telephone Systems, Inc., June 20, 1985
Rochester Telephone Corporation, June 24, 1985
Mountain States Telephone and Telegraph Company, July 7, 1985
Pacific Northwest Bell Telephone Company, July 7, 1985

Petitions for Clarification

Ameritech Operating Companies, July 5, 1985
American Telephone and Telegraph Company, July 12, 1985
Southwestern Bell Corporation, July 25, 1985

Comments

American Telephone and Telegraph Company, July 12, 1985
U.S. Telecom, Inc., July 29, 1985
Allnet Communications Services, Inc., July 12 and July 15, 1985
United States Transmission Systems, Inc., July 13, 1985

Reply Comments

Allnet Communications Services, Inc., July 19, 1985
BellSouth Corporation, July 19, 1985
MCI Telecommunications Corporation, July 19, 1985
NYNEX Telephone Companies, July 19, 1985
Pacific Bell, July 19, 1985
Bell Atlantic Companies, July 22, 1985
Southwestern Bell Telephone Company, July 24, 1985
U S West Telephone Companies, August 2, 1985

Additional Filings

Petition to Reject and Opposition to Petitions for Waiver, Satellite Business Systems, July 12, 1985
Petition to Suspend and Investigate, or Alternatively for Clarification, and for Partial Rejection, MCI Telecommunications Corporation, July 15, 1985
Opposition of MCI to Petitions for Waiver, MCI Telecommunications Corporation, July 17, 1985
Opposition to Petition for Clarification and Petition for Partial Reconsideration, Teltec Saving Communications Co., July 25, 1985
Letter from H. Richard Schumacher, June 25, 1985

[FR Doc. 85-22495 Filed 9-19-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1536]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

September 13, 1985.

The following listings of petitions for reconsideration and clarification filed in Commision rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Revision and Update of Part 22 of the Public Mobile Radio Service Rules. (CC Docket No. 80-57)
Filed by:
Harold Mordkofsky, Ellen S. Mandell & John A. Prendergast, Attorneys for Blooston and Mordkofsky on 9-6-85.
R. Michael Senkowski & David E. Hilliard, Attorneys for The Radio Common Carrier Division of Telocator Network of America on 9-9-85.

Subject: Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcast Assignments. (MM Docket No. 84-231)
Filed by: George R. Borsari, Jr., Attorney for Marion County Broadcasting Service, Inc., on 8-30-85.

Subject: Amendment of Part 62 of the Commission's Rules. (CC Docket No. 84-1330)
Filed by:
Thomas J. Dougherty & Gene P. Belardi, Attorneys for Metromedia, Inc., on 8-28-85.
Thomas J. Reiman & John Gibson Mullan, Attorneys for American Information Technologies Corporation on 9-3-85.
Jonathan D. Blake & Jonathan L. Wiener, Attorneys for Cellular Telecommunications Division of Telocator Network of America, Inc., on 9-3-85.
Richard E. Wiley, R. Michael Senkowski & Howard D. Polsky, Attorneys for Radio Common Carrier Division of Telocator Network of America on 9-3-85.
Dennis J. Helfman & Alfred Winchell Whittaker, Attorneys for General Motors Corporation on 9-3-85.

Subject: Amendment of § 73.606(b), Table of Assignments, TV Stations (Tuscumbia and Selma, Alabama; and Fayetteville, Tennessee. (MM Docket No. 85-46, RM-4891)
Filed by: William J. Potts, Jr., Attorney for TV Muscle Shoals, Inc., on 8-26-85.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-22609 Filed 9-19-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

September 16, 1985.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

OMB Number: 3060-0173
Title: Section 73.1207, Rebroadcasts
Action: Revision
Respondents: Broadcast stations
Estimated Annual Burden: 100 Recordkeepers; 50 Hours

Federal Communications Commission.

William J. Tricarico

Secretary.

[FR Doc. 85-22599 Filed 9-19-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

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 15 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.: 202–010829.

Title: Eurocorde Discussion Agreement.

Parties:

North Europe-U.S. Atlantic Conference

U.S. Atlantic-North Europe Conference

Evergreen Marine Corp. (Taiwan) Ltd.

SYNOPSIS: The proposed agreement would permit the parties to discuss and agree upon rates, rules, tariffs, service contracts and service items in the trade between U.S. Atlantic Ports and inland and coastal points via such ports, and ports and points in the United Kingdom, the Republic of Ireland, Denmark, Sweden, Norway, Finland, Poland, West Germany, East Germany, Belgium, France (in the Bayonne-Dunkirk Range) and U.S.S.R. Baltic ports and inland European Ports via such ports.

By Order of the Federal Maritime Commission.

Dated: September 17, 1985.

Bruce A. Dombrowski,

Acting Secretary.

FR Doc. 85–22590 Filed 9–19–85; 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.: 224–003695–001.

Title: Port Everglades Terminal Agreement.

Parties:

Port Everglades Authority (Port)

Sea-Land Service, Inc. (Sea-Land)

Synopsis: Agreement No. 224–003695–001 amends the basic agreement which provides for a preferential berthing and crane agreement at Port Everglades, Florida. The amendment provides for the renegotiation of the tonnage levels required for wharfage reduction. The parties have agreed upon the schedule of rates and tonnage levels provided for in the agreement. The amendment also provides for scheduled rental rates applicable to the use of the container crane by Sea-Land at the Port's docks. The tonnage levels, wharfage charges and crane rentals are effective for one year from October 9, 1985 through October 9, 1986. Thereafter, they will be modified for successive periods during the term of the agreement, subject to the negotiations of the parties. The parties have requested a shortened review period for the agreement.

Agreement No.: 202–006400–022.

Title: Pacific Coast River Plate Brazil Conference.

Parties:

Companhia de Navegacao Lloyd Brasilerio

Empresa Lineas Maritimas Argentinas Sociedad Anonima.

Synopsis: The proposed amendment would restate the agreement to conform to the Commission's regulations conerning form and format. The amendment would also change the agreeement's name to the Inter-American Freight Conference Pacific Coast Area, reorganize the conference's existing sections into new sections A through D, increase the admission fee from $5,000 to $25,000 and bring its provisions into conformity with those of other conferences in the trades to and from the South American countries served by the agreement.

Agreement No.: 213–010494–001.

Title: SITRAM/BWAL Westbound Space Charter Agreement.

Parties:

Barber West Africa Line.

Societe Ivoirienne de Transport Maritime.

Synopsis: The proposed amendment would restate the agreesment to conform with the Commission's format, organization and content requirements. It would also make certain nonsubstantive changes to the language of the agreement.

Agreement No.: 224–010644–001.

Title: Los Angeles Terminal Agreement.

Parties:

The City of Los Angeles (City)

Indies Terminal Company (ITC)

Synopsis: This amendment modifies the basic agreement in which the City granted to ITC the use of the container terminal located at Berths 216–225 in the Port of Los Angeles. The basic agreement requires ITC to submit documentation to the Port showing all tariff charges accrued within fifteen days from the date of departure from the Port. The Port of Los Angeles Tariff No. 3 requires that documentation in such a situation be submitted within twenty-one days. In order to maintain consistency between the tariff and the agreement, this amendment will modify the basic agreement by revising the time period to submit documentation to the Port so that the agreement provides the same number of days as the Port's tariff.

Agreement No.: 217–010830.

Title: Canadian Transport Company/Convoy Intercontinental Container Transport Space Charter Agreement.

Parties:

Canadian Transport Company (CTCO)

Convoy Intercontinental Container Transport GmbH & Co. KG. (Convoy)

Synopsis: The proposed agreement would permit CTCO to charter vessel space to Convoy for the carriage of containers in the trade between ports in the United Kingdom and North Europe (Bordeaux-Hamburg range) on the one hand and ports on the West Coast of the United States and Canada on the other.

Agreement No.: 224–010831.

Title: Oakland Terminal Agreement.

Parties:

Matson Terminals, Inc. (Matson)

South Seas Steamship Company (South Seas)

Synopsis: Agreement No. 224–010831 provides that Matson will provide terminal services at the Port of Oakland to vessels owned, chartered or operated by South Seas. The agreement will become effective on the date determined by the Commission. The agreement contains the rates under which Matson will perform the terminal services.

By Order of the Federal Maritime Commission.

Dated: September 17, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–22589 Filed 9–19–85; 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, DC 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.: 217–010420–002
Title: American-Flag Common Carrier Charter Agreement
Parties:
American President Lines, Ltd.
Lykes Bros. Steamship Co., Inc.
Sea-Land Service, Inc.
United States Lines, Inc.
Waterman Steamship Corporation

Synopsis: The proposed amendment would restate the agreement to conform with the Commission's format, organization and content requirements. It would also make certain nonsubstantive changes to the language of the agreement.

Agreement No.: 207–010602–001
Title: Westwood Transpacific Service Agreement
Parties:
Partrederiet Hoegh Minerva
Partrederiet Hoegh Miranda
Westwood Shipping Lines, Inc.

Synopsis: The proposed amendment would modify the agreement to provide that the parties may charter into the service up to two additional vessels at any one time. The parties have requested a shortened review period.

Agreement No.: 217–010823–001
Title: Canadian Transport Company/ C.M.B. n.v. Space Charter Agreement
Parties:
Canadian Transport Company (CTCO)
C.M.B. n.v. (CMB)

Synopsis: The proposed amendment would modify the agreement to add a sentence to Article 5.6 to allow the parties to agree on lump sum or percentage fees to be paid to CMB from revenues from container carriage, and to treat such fees as costs of the Container Service. The parties have requested a shortened review period.

Agreement No.: 224–010824
Title: Los Angeles Terminal Agreement
Parties:
The City of Los Angeles (City)
Marine Terminals Corporation (MTC)

Synopsis: Agreement No. 224–010824 provides that MTC will sell the remaining term of its permit to lease Berths 230–231 within the Port of Los Angeles back to the City. The agreement provides that the City will pay $2,318,000 to MTC for the buy-back. The City has agreed to pay the purchase price primarily in the form of a credit which MTC would be entitled to take against the charges which will accrue at its relocated facilities at Berths 153–155. The additional space acquired will be leased by the City to Evergreen Marine Corporation, Ltd.

Agreement No.: 224–010825
Title: Los Angeles Terminal Agreement
Parties:
The City of Los Angeles (City)
Evergreen Marine Corporation, (Taiwan) Ltd. (Evergreen)

Synopsis: Agreement No. 224–010825 provides for the granting by the City to Evergreen premises within Berths 231 and 236, 44.57 acres of backlands adjacent ot the berths and 4.9 acres of land for container storage at an area noncontiguous to the berths, all located within the Port of Los Angeles. The City agrees to increase the area of the backlands to 51 acres following completion of certain improvements at the adjacent Overseas Terminal and ultimately increase the area to 60 acres. The term of the agreement is for 18 years. The premises shall be used for the docking and mooring of Evergreen's vessels and for various terminal activities. The City will share revenue with Evergreen depending on the amount of tonnage generated at the premises.

Agreement No.: 224–010826
Title: Los Angeles Terminal Agreement
Parties:
The City of Los Angeles (City)
Yang Ming Marine Transport, Ltd. (Yang Ming)

Synopsis: Agreement No. 224–010826 permits Yang Ming to use an area within the Overseas Terminal premises located at Berths 228 to 236 within the Port of Los Angeles. The area will be large enough to allow Yang Ming to handle 60,000 containers moves annually. The term of the agreement will be for three years. Yang Ming will pay to the City a minimum annual guarantee of one million dollars and will share revenue with the City on a 50/50 basis when tariff charges accruing are $1,200,000.

Agreement No.: 224–010827
Title: Los Angeles Terminal Agreement
Parties:
The City of Los Angeles (City)
Marine Terminals Corporation (MTC)

Synopsis: Agreement No. 224–010827 provides for the nonexclusive berth assignment by the City to MTC of pemises at Berths 153–155 within the Port of Los Angeles. The premises will be used for the docking and mooring of vessels owned, operated, serviced, or represented by MTC, and for various terminal activities. The agreement will become effective on the first day after the Commission has determined its effective dae, and it will teminate on March 31, 1995. The agreement contains a revenue sharing provision, and a provision that MTC will guarantee the City a minimum annual payment of $500,000.

Agreement No.: 224–010828
Title: Los Angeles Terminal Agreement
Parties:
The City of Los Angeles (City)
Overseas Terminal Company, Inc. (Overseas)

Synopsis: Overseas is presently a tenant a the Port of Los Angeles at Berths 225 through 230 pursuant to FMC Agreement No. T–3450. Agreement No. 224–010828 will supercede Agreement No. T–3450 when it becomes effective. Overseas is provided the use of various berths between Berths 228 and 232 as the schedule of construction required by the agreement allows. The premises initially will comprise 47.4 acres of land and eventually 104.23 acres of which 15.74 will be deleted and given to Evergreen Marine Corporation, Ltd. The premises shall be used for the docking and mooring of vessels owned, serviced or represented by Overseas, and for terminal activities relative thereto. Also in the agreement, Overseas recognizes that for three years Yang Ming Marine Transport, Ltd., will be operating within the Overseas terminal boundaries until the City can develop a separate area for Yang Ming. The term of the agreement is for nine years. The compensation, as set forth in the agreement, provides for a minimum annual guarantee to be met by Overseas. Overseas will share revenues obtained from tariff charges on a sliding scale, as provided in the agreement.

Dated: September 16, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–22470 Filed 9–19–85; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Community Bankshares, Inc., et al.

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 immeidate 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 October 11, 1985.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Community Bankshares, Inc.*, Concord, New Hampshire; to become a bank holding company by acquiring 100 percent of the voting shares of Concord Savings Bank, Concord, New Hampshire.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Virginia Banks, Inc.*, Falls Church, Virginia; to acquire 100 percent of the voting shares of The Bank of Middlesex, Urbanna, Virginia. Comments on this application must be received not later than October 14, 1985.

2. *NCNB Corporation*, Charlotte, North Carolina; to acquire 100 percent of the voting shares of Bankers Trust of South Carolina, Columbia, South Carolina.

3. *NCNB Corporation*, Charlotte, North Carolina; to acquire up to 100 percent of the voting shares of Pan American Banks, Inc., Miami, Florida, thereby indirectly acquiring Pan American Bank, N.A., Miami; Pan American Bank of Miami, N.A., Miami; Pan American Bank of Dade County, N.A., Hialeah; Pan American Bank of Miami Shores, N.A., Miami Shores; Pan American Bank of Jacksonville, Jacksonville; Pan American Bank of Orlando, N.A., Orlando; Pan American Bank of Tampa, N.A., Tampa; and 14.39 percent of the voting shares of Eastern National Bank, Hialeah, all located in Florida.

4. *NCNB Corporation*, Charlotte, North Carolina; to acquire up to 100 percent of the voting shares of Southern National Bankshares, Inc., Atlanta, Georgia, thereby indirectly acquiring Southern National Bank, Atlanta, Georgia.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta Georgia 30303:

1. *SunTrust Banks, Inc.*, Atlanta, Georgia; to acquire 100 percent of the voting shares of Bank of Worth County, Sylvester, Georgia.

D. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Mid-Illinois Bancshares, Inc.*, Mattoon, Illinois; to acquire 100 percent of the voting shares of Cumberland County National Bank in Neoga, Neoga, Illinois.

2. *Knisley Financial Corp.*, Butler, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of The Knisely National Bank of Butler, Butler, Indiana.

E. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *First Interstate Hawaii, Inc.*, Honolulu, Hawaii; to become a bank holding company by acquiring 99.77 percent of the voting shares of First Interstate Bank of Hawaii, Honolulu, Hawaii.

F. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Attica Financial Corporation*, Wichita, Kansas; to become a bank holding company by acquiring 96.7 percent of the voting shares of First National Bank of Attica, Attica, Kansas. Comments on this application must be received not later than October 14, 1985.

Board of Governors of the Federal Reserve System, September 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-22573 Filed 9-19-85; 8:45 am]

BILLING CODE 6210-01-M

Middlebury National Corp.; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 85-20176), published at page 34195 of the issue of Friday, August 23, 1985. The name of the Applicant should be changed to Middlebury National Corporation.

Board of Governors of the Federal Reserve System, September 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-22574 Filed 9-19-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 13, 1985.

Public Health Service

National Institutes of Health

Subject: International Research Fellowship Application—Extension (0925-0010)

Respondents: Individuals or households, state/local governments, non-profit institutions

OMB Desk Officer: Bruce Artim

Health Care Financing Administration

Subject: Information Collection Requirements Contained in 442.307, 442.308, 442.309, 442.313, 442.314, 442.318, 442.319, 442.320, and 442.311—Conditions of Participation for Intermediate Care Facilities—HCFA-R-45—Extension (0938-0370)

Respondents: Businesses or other for profit institutions, small businesses or organizations

Subject: Claims Processing Assessment Review Schedule—HCFA-331—New

Respondents: State/local governments

Subject: BERC-260F, Final Rules to Correct and Conform Medicare and Medicaid Regulations—HCFA-R-5—Existing Collection

Respondents: Individuals or households, state/local governments, businesses or other for-profit institutions

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Statement for Determining Continuing Eligibility for Supplemental Security Income Payments—SSA 8203—New

Respondents: Individuals

Subject: Medical Report—Individual with a Childhood Impairment—SSA 3827—Extension (0960–0102)
Respondents: Physicians
Subject: Quarterly Report of Expenditures and Prior Quarter Expenditures Adjustments—OCSE–41—Extension (0960–0235)
Respondents: States
OMB Desk Officer: Judy A. McIntosh

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503, Attn: (name of OMB Desk Officer).

Dated: September 16, 1985.

K. Jacqueline Holz,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85–22500 Filed 9–19–85; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control

Neurotoxicity From Exposure to Heavy Metals; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: September 30, 1985.
Time: 9:30 a.m.–4:00 p.m.
Place: Room B–85, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss research directed toward field neurotoxicity evaluations of workers exposed to selected heavy metals. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: W. Kent Anger, Ph.D., Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226. Telephones: FTS: 684–8383; Commercial: 513/533–8383.

Dated: September 12, 1985.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 85–22567 Filed 9–19–85; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 80N–0120]

Guideline for the Uniform Labeling of Blood and Blood Components; Availability of Guideline; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that announced the availability of a revised guideline for the uniform labeling of blood and blood components. This document corrects the address of the American Blood Commission.

FOR FURTHER INFORMATION CONTACT: Steven F. Falter, Center for Drugs and Biologics (HFN–364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In FR Doc. 85–20734 appearing on page 35472 in the issue for Friday, August 30, 1985, the following correction is made: In the third column, second full paragraph, the address of the American Blood Commission is corrected to read "1117 North 19th St., Suite 501, Arlington, VA 22209."

Dated: September 16, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–22475 Filed 9–19–85; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Application Announcement for Special Initiative Grants for Area Health Education Center Programs

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1986 Special Initiative Grants for Area Health Education Center Programs are being accepted under the authority of section 781(a)(2) of the Public Health Service Act, as amended by Pub. L. 97–414 dated January 4, 1983.

Applicants should be advised that this application announcement is a contingency action being taken to ensure that should funds become available for this purpose, they can be awarded in a timely fashion consistent wtih the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year. The Administration's budget request for Fiscal Year 1986 does not include funding for this program. This notice regarding applications does not reflect any change in this policy.

In addition, programmatic changes may result from currently pending legislative action. Should such changes be necessary, all applicants will be notified at a later date.

Section 781(a)(2) authorizes Federal assistance to medical and osteopathic schools which have previously received Federal financial assistance for the area health education centers (AHEC) program under either Section 802 of Pub. L. 94–484 in 1979 or under Section 781. In addition, legislation is pending in Congress which would authorize medical and osteopathic schools currently receiving Federal support for an AHEC program to apply for project aid on behalf of an area health education center that is not longer federally funded as a part of that program. (The Orphan Drug Amendments of 1985 (Pub. L. 99–91) made such entities eligible for Fiscal Year 1985.) Applications are being invited from both currently eligible and potentially eligible entities.

Section 781(a)(2) applications will be for the purposes of improving the distribution, supply, quality, utilization and efficiency of health personnel in the health services delivery system; to encourage regionalization of responsibility of the health professions schools; or to prepare, through preceptorships and other programs, individuals subject to a service obligation under the National Health Service Corps scholarship program to provide effective health services in health manpower shortage areas.

To be eligible to receive support for a special initiative area health education center program grant, the applicant must be a public or nonprofit private accredited school of medicine or osteopathy, or consortium of such schools, or the parent institution on behalf of such school(s).

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR Part 57, Subpart MM.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (U–76), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C–22, Rockville, Maryland 20857, Telephone: (301) 443–6857.

Questions regarding programmatic information should be directed to: Division of Medicine, Area Health Education Center Branch, Bureau of Health Professions, Health Resources and Services Administration, 5600

Fishers Lane, Room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6950.

The application deadline date is October 18, 1985. Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is listed at 13.824 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: September 16, 1985.

John H. Kelso,

Acting Administrator.

[FR Doc. 85–22473 Filed 9–19–85; 8:45 am]

BILLING CODE 4160–16–M

Public Health Service

Privacy Act of 1974; System of Records

AGENCY: Public Health Service, HHS.

ACTION: Notification of establishment of a new Privacy Act system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Office of the Assistant Secretary for Health (OASH) is publishing a notice of intent to establish a new Privacy Act system of records, 09–37–0018, "Disaster Health Services Information System, HHS/OASH/OEP." This system will be used to identify, mobilize, and allocate health care professionals to serve the national needs when State resources have been overwhelmed by a disaster or other emergencies and requests have been made for Federal assistance, or in the event of a conventional military conflict outside the United States. We are also proposing routine uses for this new system of records.

DATES: PHS invites persons to submit comments on the proposed routine uses on or before October 21, 1985. PHS has sent a report of new system of records to the Congress and to the Office of Management and Budget (OMB) on September 11, 1985. The system of records will become effective 60 days from the date submitted to OMB unless PHS receives comments on the routine uses which would result in a contrary determination.

ADDRESS: Comments should be addressed to the National Disaster Medical System (NDMS) Privacy Act Coordinator at the address listed below. Comments received will be available for inspection from 9:30 a.m. to 3:00 p.m., Monday through Friday, except for Federal holidays, in Room 4–81, Parklawn Building, at that address.

FOR FURTHER INFORMATION CONTACT: Charles A. Wells, Ph.D., NDMS Privacy Act Coordinator, Parklawn Building, Room 17A–55, 5600 Fishers Lane, Rockville, Maryland 20857, or call (301) 443–4273. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The OASH proposes to establish a new system of records: 09–37–0018, "Disaster Health Services Information System, HHS/OASH/OEP." The purpose of this proposed system of records is to provide NDMS with an organized and systematic computerized resources file of health care personnel who have agreed to serve in an emergency. During any disaster, short of a declared national emergency, the responsibility for implementing restorative actions will rest with local authorities. These authorities will have access to certain classes of resources for the provision of essential health services, including local and State health facilities and personnel, paramedical units of these agencies, volunteers, and others. Depending upon the magnitude of the disaster, these resources available may not be sufficient. In such instances, local authorities may require extra jurisdictional support, and more importantly, the ability to identify the location of that support. Therefore, this new information system will offer invaluable assistance by: (1) Providing geographically-based inventories of health professionals, health facilities, health equipment and supplies; (2) identifying the contiguous geo-political areas most able to offer assistance; and (3) providing precise and timely information concerning health resources. Currently, this information exists neither at the local nor at the Federal level in any organized or computerized form. No Federal agency currently has the ability to identify, mobilize, and allocate health care personnel to treat casualties of a national security emergency or major peacetime national disaster.

The proposed system will contain: (1) A comprehensive index of NDMS volunteers in the private sector which can be sorted by name, Social Security Number (SSN), expertise, geographic location, and experience in emergency health services; (2) an index of PHS civilian and commissioned personnel who are NDMS volunteers; (3) a directory of DHHS officials who serve as contact points for NDMS; and (4) a directory of State and local government and private organization officials who will either serve in NDMS or serve as contact points. The collection of SSNs is mandatory because NDMS will reimburse volunteers for expenses incurred during a period of disaster service.

NDMS may disclose information from this system to the Office of Refugee Health/PHS to identify health and medical resources to provide services for a mass influx of undocumented aliens.

The computerized system of records will be maintained in a secure manner to minimize the risk of unauthorized disclosures from the system of records. Individually identifiable records will be kept in locked file cabinets or rooms under the direct control of the system manager and other NDMS officials at local sites. Hard copy directories will be kept in secured areas and in locked file cabinets.

Employees who maintained these records will be instructed to grant regular access only to authorized personnel whose duties require the use of such information. All employees with access to the records will be required, as a condition of employment, to sign an affidavit binding them to non-disclosure of identifiable individual information. All computer terminals will be in secured areas. Electronic safeguards to block unauthorized access to these records will also be implemented.

Information stored in computers will be accessed through the use of keywords/passwords known only to the authorized personnel. These secret codes will be changed frequently.

The routine uses proposed for this system are compatible with the stated purpose of the system of identifying, mobilizing, and allocating health care professionals when States request Federal assistance in an emergency or disaster, as follows:

Routine use #1 permits NDMS to disclose information to a congressional office when an individual who is the subject of the record request congressional assistance. Such disclosure would be made only pursuant to a request of the individual.

Routine use #2 permits NDMS to disclose information to the Department of Justice to defend the Federal Government, the Department, or

employees of the Department in the case of a lawsuit in which an individual claims to have been harmed mentally, physically, or financially by activities supported by this system of records. NDMS needs this routine use, because the very nature of the NDMS activities carry the potential for injury to members of the NDMS teams as well as to those individuals to whom they provide assistance.

Routine use #3 permits NDMS to carry out its function of nationwide disaster assistance by making available its information resoiurces to other Federal agencies, State and local governments, and private organizations who are involved in emergency/disaster management to assist them in their efforts.

OASH has submitted Standard Form 115 for approval to the National Archives and Records Administration to obtain authority to schedule the disposal of the records as stated in the system notice.

The proposed system will not become effective until 60 days after the date it was reported to OMB, as discussed above. However, the following notice is written in the present rather than future tense, to avoid the unnecessary expenditure of public funds to republish the notice after the system has become effective.

Dated: September 13, 1985.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations, and Director, Office of Management.

09-37-0018

SYSTEM NAME:

Disaster Health Services Information System. HHS/OASH/OEP.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Room 4-81, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Records may also be located at local, designated disaster medical assistance team sites. Locations of sites are available upon request from the System Manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Volunteer health care personnel in the private sector who have agreed to contribute their expertise in emergency health services; Public Health Service (PHS) civilian employees and commissioned officers who have volunteered their services; the Department of Health and Human Services (DHHS) officials who serve as contact points for the National Disaster Medical System (NDMS); State and local government and private organization officials who will either serve in the NDMS or who will serve as contact points for the mobilization of NDMS.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, business and home addresses, and business and home telephone numbers of all individuals covered by the system; personal qualifications data of those individuals who provide services for NDMS, including date and place of birth, position and organization, education and professional and technical training, type of license or certificate, military status, professional and/or technical experience, references; SSN; payment vouchers and financial documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Health Service Act, Section 311(c)(1), 42 U.S.C. 243(c)(1), authorizing the development and implementation of a plan to meet health emergencies resulting from disasters; Executive Order 11490, Assigning Emergency Preparedness to Federal Departments and Agencies; and Executive Order 9397, Numbering System for Federal Accounts Relating to Individuals.

PURPOSE(S)

The purposes are:

1. To create a comprehensive index which will allow NDMS to identify, mobilize, and allocate health care personnel in the private sector to provide emergency services for NDMS when a disaster has depleted State resources and a request has been made for Federal assistance or in the event of a conventional military conflict outside of the United States or a mass immigration emergency.

2. To identify, mobilize, and allocate PHS civilian and commissioned personnel who are NDMS volunteers.

3. To identify DHHS officials who are NDMS volunteers.

4. To identify State and local government and private organization officials to serve as NDMS contact points.

5. To prepare financial reimbursement documents.

6. To assist the Office of Refugee Health with data to identify health and medical resources to provide services for a mass influx of undocumented aliens.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

2. In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, for example in defending against a claim based upon an individual's mental or physical condition and alleged to have arisen because of activities of the Public Health Service in connection with such individual, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided that such disclosure is compatible with the purpose for which the records were collected.

3. Disclosure may be made to Federal agencies, such as the Federal Emergency Management Agency, the Veterans Administration, the Department of Defense, State and local governments, and private organizations such as the American Red Cross and professional organizations, in the event of a national emergency to assist in the identification and/or mobilization and allocation of NDMS personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper records and hard copy directories are maintained in secured areas and locked file cabinets; automated records in electronic storage are maintained on magnetic tapes or a magnetic disk unit.

RETRIEVABILITY:

Information is retrieved by name, address, expertise, Social Security number or other characteristics as needed.

SAFEGUARDS:

1. *Authorized users:* System manager, NDMS project officer, designated NDMS officials who administer the program at disaster medical assistance team sites,

NDMS officials from the American Red Cross, American Hospital Association, American Medical Association, American Nurses Association.

2. *Physical Safeguards:* Paper records and directories are stored in locked files in a limited access area and are accessible only to NDMS authorized personnel. All computer terminals are in secured areas. The building is patrolled by 24-hour security guards.

3. *Procedural Safeguards:* Employees who maintain records in this system are instructed to grant regular access only to authorized personnel whose duties require the use of such information. All employees with access to the hard copy directories and automated records are required, as a condition of employment, to sign an affidavit binding them to non-disclosure of identifiable individual information. One time and special access to the information is controlled by the System Manager and NDMS Project Officer. Information stored in computers is accessed through the use of keywords/passwords known only to the authorized personnel. Computer access is via dedicated data circuits which prevent access from standard dial-up telephone. These secret codes are changed frequently.

Computerized records maintained at designated disaster medical assistance team sites are subject to the safeguards listed above.

The particular safeguards described are implemented in accordance with the requirements of chapter 45–13, "Safeguarding Records Contained in Systems of Records," of the HHS General Administration Manual, supplementary chapter PHS hf. 45–13; and with Part 6, "ADP Systems Security," of the HHS ADP Systems Manual.

RETENTION AND DISPOSAL:

Information on individuals who desire to be removed from the program is deleted from both hard copy and computer files upon request. Records will be destroyed five (5) years after discontinuation of the NDMS inventory or when the system manager determines that they are no longer needed. Disposal methods include burning or shredding hard copy and erasing computer tapes and disks.

SYSTEM MANAGER AND ADDRESS:

Director, National Disaster Medical System, Room 4–81, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURE:

To determine if a record exists, write to the System Manager at the above address and provide your name and address.

RECORD ACCESS PROCEDURE:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought. Positive identification (SSN) is required from anyone seeking access. Requestors may also request an accounting of disclosures that have been made of their record, if any.

CONTESTING RECORD PROCEDURES:

Write to the official at the address specified under notification procedures above, and reasonably identify the record and specify the information being contested, the corrective action sought, and your reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from (1) the individual's themselves; (2) professional organizations and associations; (3) mailing lists of health professionals; (4) State Board of Examiners; (5) author information in books and journals; (6) National Registers of Health Professionals; (7) individual employers; and (8) other Federal agencies such as Federal Emergency Management Agency, the Veterans Administration, and the Department of Defense.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 85–22477 Filed 9–19–85; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Alaska AA–48228–AN]

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (P.L. 97–451), a petition for reinstatement of oil and gas lease AA–48228–AN has been received covering the following lands:

Fairbanks Meridian, Alaska

T. 18 S., R. 2 W.,
Sec. 36, N½SW¼.
(80 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16 ⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from November 1, 1984, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48228–AN, as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective November 1, 1984, subject to the terms and conditions cited above.

Dated: September 12, 1985.

Robert E. Sorenson,

Chief, Branch of Mineral Adjudication.

[FR Doc. 85–22540 Filed 9–19–85; 8:45 am]

BILLING CODE 4310-JA-M

[A–18968]

Public Lands Exchange; Mohave County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action Exchange, Public Lands Mohave County, Arizona.

SUMMARY: The following described lands and interests therein have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Gila and Salt River Meridian

T. 20 N., R. 21. W.,
Sec. 20, NE¼NW¼SW¼, S½N½NW¼NW¼SW¼, S½NW¼NW¼SW¼, S½NW¼SW¼, SW¼SW¼,E¼SW¼, and SE¼;
Sec. 32. N½.
T. 19 N., R. 21 W.,
Sec. 31, lots 2, 4, 7, and 9.
Containing 741.30 acres, more or less.

In exchange for these lands, the United States will acquire the following described lands from R. Gordon Bell of Scottsdale, Arizona.

Gila and Salt River Meridian

T. 16½ N., R. 11 W.,
Sec. 33, E½, S½NW¼, and SW¼.
T. 16 N. R 11 W.,
Sec. 1, lots 1–4,inclusive, S½N½, and S½;
Sec. 3, lots 1–4, inclusive, S½N½, and S½;
Sec. 4, lots 1 and 2, S½NE¼, and SE¼;
Secs. 9 thru 14, inclusive;
Sec. 17, N½, N½SW¼, and SE¼;
Sec. 21, N½NE¼, W½, and SE¼;
Sec. 24, All;
Sec. 25, All;
Sec. 29, All;
Sec. 31, lots 1–4, inclusive, E½W½, and E½.
T. 16 N., R. 12 W.,

Sec. 21, W½NE¼, W½, and SE¼;
Sec. 23, N½, NW¼SW¼, E½SW¼, and SE¼;
Sec. 25, E½, E½NW¼; and SW¼;
Sec. 27, NE¼, NE¼NW¼, and S½NW¼;
Sec. 29, SW¼NE¼, W½SE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 33, NE¼NE¼, S½NE¼, N½S½, and SE¼SE¼.

Containing 12,393.0 acres, more or less.

The public lands to be transferred are subject to the following terms and conditions:

1. Reservations to the United States—(a) right-of-way for ditches and canals pursuant to the Act of August 30, 1890; (b) all the oil and gas and with it, the right to prospect for, mine and remove same; (c) electric transmission rights-of-way A–1876, A–14908, PHX–085193, and A–8891.

2. Subject to—(a) prior valid rights existing as of the date of this action; (b) any restrictions that may be imposed by the Mohave County Board of Supervisors in accordance with county floodplain regulations established under Resolution No. 84–10 of July 16, 1984; (c) road rights-of-way A–10781, AR–01868, A–14908, and A–20912; (d) flood control dike right-of-way A–18889; and (e) all minerals to the Santa Fe Pacific Railroad Company within section 31, T. 19 N., R. 21 W.

Private lands to be acquired by the United States will be subject to the following reservations:

1. All minerals in the subject are reserved to the Santa Fe Pacific Railroad Company as set forth in Book 72 of Deeds, page 480, and in Book 104 of Deeds, page 381, Mohave County, Arizona.

2. Subject to a road easement as recorded in Book 686 of Official Records, page 500.

Publication of this Notice will segregate the subject lands from all appropriations under the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon publication of a Notice of Termination.

Detailed information concerning this exchange can be obtained from the Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401. For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action, and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

Dated: September 13, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85–22538 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–32–M

[A–17600, A–20347]

Realty Action; Designation of Public Lands To Be Included in State Exchange in Cochise, Graham, Greenlee, Pima and Pinal Counties, AZ and Cancellation of Public Land Sale

AGENCY: Bureau of Land Management, Interior.

ACTION: Designation of public lands for transfer out of Federal ownership in exchange for lands owned by the State of Arizona and cancellation of a public land sale.

SUMMARY: BLM proposes to exchange public land with the State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

All of the public land in the following described sections and subdivisions is being considered for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian

T. 5 S., R. 15 E.
Sec. 25.
T. 6 S., R. 15 E.
Sec. 25, 31.
T. 6 S., R. 16 E.
Secs. 13, 23, 24 South of the San Carlos Indian Reservation boundary;
Secs. 18–21, 28–31, 25, 36;
Sec. 17: W½NW¼;
Sec. 25: E½.
T. 7 S., R. 16 E.
Secs. 1, 15, 23–26;
Sec. 12: SE¼;
Sec. 13: E½, SW¼;
Sec. 14: W½SW¼, SE¼SW¼, S½SE¼, E½NE¼SE¼.
T. 8 S., R. 16 E.
Secs. 12–14, 24;
Sec. 23: N½.
T. 11 S., R. 16 E.
Sec. 13.
T. 6 S., R. 17 E.
Secs. 7, 8 South of the San Carlos Indian Reservation boundary;
Secs. 31, 33;
Sec. 34: NW¼SW¼.
T. 7 S., R. 17 E.
Secs. 4–8, 17–21, 28–30.
T. 8 S., R. 17 E.
Secs. 5, 7, 31;
Sec. 29: SW¼.
T. 9 S., R. 17 E.
Secs. 3, 10, 11, 12.
T. 12 S., R. 17 E.
Secs. 1, 12.
T. 8 S., R. 18 E.
Sec. 25.
T. 9 S., R. 18 E.
Secs. 1, 3–15, 21–28, 33–35;
Sec. 17: E½, NW¼;
Sec. 20: Lots 6, 7, N½SE¼;
Sec. 29: Lots 1, 2, 7, 8, SE¼.
T. 10 S., R. 18 E.
Secs. 22, 24.
T. 12 S., R. 18 E.
Secs. 4, 5.
T. 7 S., R. 19 E.
Sec. 13.
T. 10 S., R. 19 E.
Secs. 19–22.
T. 12 S., R. 19 E.
Secs. 1, 12–14, 20, 21, 23–25, 28, 29.
T. 13 S., R. 19 E.
Sec. 25.
T. 14 S., R. 19 E.
Secs. 3, 10, 13, 24, 25, 29, 30, 33.
T. 15 S., R. 19 E.
Secs. 21, 23, 24, 26, 28, 33, 35.
T. 17 S., R. 19 E.
Sec. 5.
T. 20 S., R. 19 E.
Sec. 29.
T. 6 S., R. 20 E.
Secs. 5–7;
Sec. 29: Lots 2, 3.
T. 7 S., R. 20 E.
Secs. 3, 6, 10–15, 19, 29–31.
T. 12 S., R. 20 E.
Secs. 5, 7–9.
T. 13 S., R. 20 E.
Secs. 3, 10, 11, 34, 35.
T. 14 S., R. 20 E.
Secs. 6, 7, 19, 20, 30.
T. 15 S., R. 20 E.
Sec. 22.
T. 16 S., R. 20 E.
Secs. 1, 3–5, 8, 9, 11–15, 22, 24, 25, 27, 30.
T. 17 S., R. 20 E.
Sec. 7.
T. 18 S., R. 20 E.
Sec. 2.
T. 15 S., R. 21 E.
Secs. 21, 28.
T. 16 S., R. 21 E.
Secs. 7, 8, 12, 17–21, 29–31, 33.
T. 15 S., R. 22 E.
Sec. 15, 30, 31.
T. 16 S., R. 22 E.
Secs. 5, 7;
Sec. 6: Lots 1, 2, S½NE¼, SE¼.
T. 13 S., R. 23 E.
Sec. 18.
T. 15 S., R. 23 E.
Sec. 29.
T. 21 S., R. 23 E.
Sec. 28–30, 33;
Secs. 23: W½SE¼.
T. 22 S., R. 23 E.
Secs. 4–6.
T. 23 S., R. 23 E.
Secs. 4, 8, 9, 15, 18, 19, 22, 28.
T. 19 S., R. 24 E.
Sec. 4.
T. 21 S., R. 25 E.
Sec. 33: NE¼SW¼.
T. 9 S., R. 26 E.
Secs. 22, 25–27, 35.

T. 10 S., R. 26 E.
Secs. 1, 3, 4, 9–12.
T. 11 S., R. 27 E.
Secs. 24–29.
T. 11 S., R. 28 E.
Sec. 30: Lots 1–4, E½W½;
Sec. 31: Lots 1, 2, E½NW¼.
T. 20 S., R. 28 E.
Sec. 30: NE¼NW¼.
T. 6 S., R. 30 E.
Sec. 1: Lots 1, 13, 15–17, 20, 21, 23–25, S½NE¼, SE¼NW¼.
T. 4 S., R. 31 E.
Secs. 27, 28, 32, 33, 35.
T. 5 S., R. 31 E.
Secs. 4, 6, 7, 10, 11, 14, 15, 24, 27, 28, 31, 33, 34.
T. 6 S., R. 31 E.
Secs. 3–6, 8, 20–26.
T. 7 S., R. 31 E.
Secs. 10, 15, 26, 27;
Sec. 22: NW¼NW¼;
Sec. 34: Lots 5–7, W½NE¼SE¼, SE¼NE¼;
Sec. 35: N½, NE¼SW¼, NE¼NW¼SW¼, S½NW¼SW¼, S½SW¼, SE¼.
T. 8 S., R. 31 E.
Secs. 2, 12, 13, 23, 25;
Sec. 14: SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 15: SE¼SE¼;
Sec. 22: E½, E½W½
Sec. 27: E½W½, SE¼;
Sec. 33: E½SE¼, SW¼SE¼;
Sec. 34: NE¼,E½W½, W½SW¼.
T. 9 S., R. 31 E.
Sec. 8, 12, 13, 17
Sec. 7: E½, E½W½;
Sec. 18: E½;
Sec. 19: E½NE¼, NE¼SE¼;
Sec. 20: N½, N½S½.
T. 10 S., R. 31 E.
Sec. 1, 12–14, 24, 25, 36;
Sec. 2: S½SE¼;
Sec. 11: E½SE¼SW¼;
Sec. 23: E½;
Sec. 26: E½E½, SW¼SE¼;
Sec. 35: NE¼, N½SE¼.
T. 16 S., R. 31 E.
Sec. 1: S½N½;
Sec. 30: Lots 5,7,8.
T. 6 S., R. 32 E.
Secs. 18–20, 30;
Sec. 29: W½.
T. 7 S., R. 32 E.
Secs. 7, 8, 17–22, 27–31, 33, 34;
Sec. 9: W½NW¼, SW¼.
T. 8 S., R. 32 E.
Secs. 3–8,17;
Sec. 9: NE¼, E½W½.
T. 9 S., R. 32 E.
Secs., 3–10, 15, 17, 18, 28, 33, 34.
T. 10 S., R. 32 E.
Secs. 5–8, 17–21, 28–33.
T. 11 S., R. 32 E.
Sec. 4: Lots 1–4, S½NW¼;
Sec. 5: Lots 1–4, S½NE¼;
Sec. 6: Lots 1–4.
T. 15 S., R. 32 E.
Sec. 9: SE¼NE¼.

The lands described above comprise 143,197.66 acres, more or less.

The above described lands will be segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this notice in the **Federal Register**. The segregative effect will terminate upon issuance of patent to the State of Arizona or upon expiration of two years from the effective date, or by publication of a Notice of Termination by the Authorized Officer, whichever comes first.

Publication of this notice will cancel Public Sale A–17600 published in the **Federal Register** January 11, 1983.

Final determination of disposal will await completion of environmental analyses.

DATE: For a period of 45 days from date of publication in the **Federal Register** interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546.

SUPPLEMENTAL INFORMATION: Detailed information concerning the exchange is available at the Safford District Office.

Dated: September 12, 1985.

Lester K. Rosenkrance,

District Manager.

[FR DOC. 85–22537 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–32–M

[I–21548, I–21549, I–21550]

Sale of Public Lands; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Noncompetitive Sale of Public Lands in Blaine County, Idaho.

SUMMARY: The following described land has been examined, and through the development of land use decisions based on public input, it has been determined that the sale of these parcels is consistent with section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale for no less than the appraised value.

Boise Meridian

Serial No. I–21548, T. 2 N., R. 18 E., Section 35: Lot 16, 1.99 acres
Serial No. I–21549, T. 2 N., R. 18 E., Section 35: Lot 15, 1.31 acres
Serial No. I–21550, T. 2 N., R. 18 E., Section 35: Lot 14, 0.92 acres

The land will be offered for direct sale as follows:

I–21548
John Taylor Borton and Jaimie Boline Borton, P.O. Box 1275, Hailey, Idaho 83333
I–21549
Dianne E. Huxford and Alex Keisch, 12012 Sunrise Road, Richmond, Virginia 23233
I–21550
Cal-Pacifico of California, Route 1, Box 40, Bellevue, Idaho 83313

The determination to offer the land under the direct sale procedures is based on historic use and value of added improvements.

Failure or refusal of the above named parties to submit the required amount by November 22, 1985 will result in cancellation of the sale. The lands will then be offered for competitive sale on December 13, 1985.

All lots will be subject to the following reservations, when patented;

1. Ditches and canals.
2. All minerals.
3. Road right-of-way I–22080.

The lands are hereby segregated from appropriation under the public land laws, including the mining laws are provided by 43 CFR 2711.1–2(d).

DATES: The land will be offered for sale on November 22, 1985. Bids must be received in this office no later than 1:00 p.m. on November 22, 1985. Bids for less than the appraised fair market value will not be accepted. The appraised fair market value information will be available about November 1, 1985. Acceptable payment at time of bid must be no less than thirty (30) percent of the total appraised fair market value.

ADDRESS: The sale offering will be held at the Shoshone District Office, 400 West F. Street, P.O. Box 2–B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Ervin Cowley, Monument Resource Area Manager, at the above address or by calling (208) 886–2206.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Dated: September 11, 1985.

Charles J. Haszier,

District Manager.

[FR Doc. 85–22541 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–GG

[NM–52398]

Proposed Continuation of Withdrawal, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice..

SUMMARY: The Department of the Interior proposes that a 6.5-acre withdrawal for the Bureau of Reclamation continue for an additional 20 years. The lands will remain closed to surface entry and mining and will remain open to mineral leasing.

DATE: Comments should be received by December 19, 1985.

FOR FURTHER INFORMATION CONTACT: Pauline T. Brown, BLM, New Mexico State Office, P. O. Box 1449, Sante Fe, New Mexico 87504–1449, 505–988–6326.

SUPPLEMENTARY INFORMATION: The Department of the Interior proposes that the existing land withdrawal made by Secretary's Order of August 11, 1944, be continued for a period of 20 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat 2751, 43 U.S.C. 1714. The land is described as follows:

New Mexico Principal Meridian

T. 12 N., R. 29 E.,
A 300' strip across Lot 2 in Section 22 more particularly described as follows:

One hundred and seventy five (175) feet left (northerly side) and one hundred and twenty-five (125) feet right (southerly side) of the centerline of the Conchas Canal;

Beginning at a point eight hundred and seventy nine (879.4) and four tenths feet N. 74°57" E. of the east quarter corner of Sec. 21, T. 12 N., R. 29 E., N.M.P.M., at Conchas Canal Station 2058 + 50.4, a point on the county line between San Miguel and Quay County. The centerline described as follows:

Backing upstream along the Conchas Canal from the above-described point, S. 56°42'00" E. to the PI Station 2056 + 24.7 of a six hundred (600) foot radius curve of 2°31'30" L. with curve length of 26.4 feet, then S. 54°10'30" E. of the tangent to the PI Station 2051 + 13.0 of a two hundred (200) foot radius curve of 51°30'00" L. with a curve length of 179.8 feet then N. 77°26'00" E. of the tangent to the PI Station 2049 + 27.0 of a two hundred (200) foot radius curve of 48°23'30" R. to the section line between sections 21 and 22, consisting of 6.5 acres more or less.

The purpose of the withdrawal is for use in connection with the Tucumcari Project, Conchas Canal right-of-way.

The withdrawal segregates the land from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, in the New Mexico State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: September 11, 1985.

Monte G. Jordan,

Associate State Director.

[FR Doc. 85–22542 Filed 9–19–85; 8:45 am]

BILLING CODE 4310-FB-M

Rock Springs District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Field Tour and Meeting of the Rock Springs District Advisory Council.

DATE: October 16, 17, 1985.

ADDRESS: Rock Springs District Office, Bureau of Land Management, U.S. Highway 191 North, Rock Springs, Wyoming.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, U.S. Highway 191 North, Rock Springs, Wyoming 82902–1869, (307–382–5350).

SUPPLEMENTARY INFORMATION: There will be a field tour of the Riley Ridge area on October 16. The tour will leave the USFS Big Piney Ranger District Office in Big Piney at 9:00 A.M. and return about 5:00 P.M. the same day. The tour and meeting is open to the public, but transportation will not be provided, four wheel drive may be needed, lunch and sturdy clothing is necessary.

The meeting on October 17 will begin at 8:30 A.M. in the conference room at the BLM Pinedale Resource Area.

The Agenda will include:

Review of Field Tour
Review of Wilderness Study Area Status
Review of Oregon-Mormon-Pioneer Trail Plan
Review of Pinedale and Kemmerer Resource Management Plans
District Reorganization
Update on Land Exchanges
Public Comment Period
Arrangements for the Next Meeting

Donald H. Sweep,

District Manager.

[FR Doc. 85–22539 Filed 9–19–85; 8:45 am]

BILLING CODE 4310-22-M

[CA 7783 WR]

California; Proposed Continuation of Withdrawal

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that a land withdrawal aggregating 1,662.58 acres of public land and 124.83 acres of mineral estate for Camp Pendleton Training Base, continue for an additional 25 years. The lands will remain closed to surface entry and mining but would be opened to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lnads and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E–2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978–4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that the existing land withdrawal made by Public Land Order No. 293 of August 8, 1945, be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The withdrawal is described as follows:

San Bernardino Meridian

T. 9 S., R. 4 W.,
Sec. 5, W½SW¼;
Sec. 6, Lots 2, 3, 4, and 5, S½SE¼;
Sec. 7, Lot 2, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 8, SE¼NE¼, W½NE¼NW¼, NW¼NW¼.
T. 9 S., R. 5 W.,
Sec. 1, lots 1 thru 4 inclusive, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 2, lots 1 thru 9 inclusive, SE¼NW¼, NW¼SE¼;
Sec. 11, lot 1;
Sec. 12, lot 4;
Sec. 13, lot 2.

Mineral Estate Only

T. 9 N., R. 4 W.,
Sec. 5, lot 1, SE¼NE¼, and NE¼SE¼.

The areas described aggregate 1,787.41 acres in San Diego County.

The purpose of the withdrawal is to protect the lands in support of various military training functions. The withdrawal segregates the lands from operation of the public land laws generally, including the mining and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal except that the lands will be opened to mineral leasing subject to the provisions of section 6 of the Defense Withdrawals Act of February 28, 1958 (72 Stat. 30; 43 U.S.C. 158), which provides that consultation shall be made with the Secretary of Defense regarding the disposition of or exploration for any minerals in the land.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necesary to determine the existing and potential demand for the land and its resouces. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22527 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7778 WR]

California; Proposed Continuation of Withdrawal

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that two land withdrawals aggregating approximately 9,537 acres affecting San Miguel and Prince Islands continue for an additional 25 years for military testing purposes. The land will remain closed to surface entry and mining. The islands are part of the Channel Islands National Park and, therefore, are closed to mineral leasing.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that the two existing land withdrawals made by Executive Order No. 1066 of April 23, 1909, and Executive Order No. 2750 of November 5, 1917, as modified by Executive Order No. 6896 of November 7, 1934, continue for a period of 25 years, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

San Miguel and Prince Islands, aggregating about 9,537 acres, are located approximately 25 miles south of Point Conception off the southern coast of California in Santa Barbara County, affecting the following unsurveyed townships and ranges:

Mount Diablo Meridian

Twps. 1 and 2 S., R. 33 W.;
Twps. 1 and 2 S., R. 34 W.

The purpose of the withdrawals is to provide protection for weaponry testing functions around the islands. The withdrawals segregate the land from operation of the public land laws generally, including the mining but not the mineral leasing laws. The islands are part of the Channel Islands National Park established by the Act of March 5, 1980, 94 Stat. 67. The lands, therefore, are not subject to lease under the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as ar enecessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in **Federal Register**. The existing withdrawal will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22528 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7777 WR]

California; Proposed Continuation of Withdrawal

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that two land withdrawals aggregating approximately 36,206 acres affecting San Clemente Island and the rocky island at the west entrance, continue for an additional 25 years for military support functions. The land will remain closed to surface entry and mining, but has been and will remain open to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that the existing land withdrawal made by Executive Order of September 11, 1854, as modified by Executive Order No. 6897 of November 7, 1934, continue for a period of 25 years, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

San Clemente Island and the rocky island at the west entrance, aggregating about 36,206 acres, are located approximately 64 miles west-northwest of San Diego and 50 miles south-southwest of San Pedro off the southern coast of California in Los Angeles County, affecting the following unsurveyed townships and ranges:

San Bernardion Meridian

Twps. 15 and 16 S., R. 14 W.;
Twps. 14, 15, and 16 S., R. 15 W.;
Twps. 13, 14, and 15 S., R. 16 W.;
Twps. 13 and 14 S., R. 17 W.

The purpose of the withdrawal is to provide protection for various research,

development, testing, evaluation and fleet support functions on the island. The withdrawal segregates the land from operation of the public land laws generally, including the mining, but not the mineral leasing laws. No change is proposed in the purpose of segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as ar enecessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in **Federal Register**. The existing withdrawal will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22529k Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7776 WR]

California; Proposed Continuation of Withdrawal

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that the land withdrawal containing approximately 14,513 acres affecting San Nicholas Island continues for an additional 25 years for military testing purposes. The land will remain closed to surface entry and mining, but has been and will remain open to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that the existing land withdrawal made by Executive Order No. 6009 of January 31, 1933, continue for a period of 25 years, pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714.

San Nicholas Island, containing about 14,513 acres, is located approximately 65 statute miles south-southwest of Point Mugu off the southern coast of California in Ventura County, affecting the following unsurveyed townships and ranges:

San Bernardino Meridian

Twps. 10 and 11 S., R. 25 W.;
Twps. 10 and 11 S., R. 26 W.

The purpose of the withdrawal is to provide protection for various military testing facilities on the island. The withdrawal segregates the land from operation of the public land laws generally, including the mining but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22530 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7779 WR and R 06454 WR]

California; Proposed Continuation of Withdrawals

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that two land withdrawals affecting 1,714.86 acres at the Naval Air Station, Miramar continue for an additional 25 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that two existing land withdrawals be continued for periods of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The withdrawals are described as follows:

San Bernardino Meridian

CA 7779 WR

Executive Order No. 8791 of June 14, 1941

T. 15 S., R. 2 W.,
Sec. 11, NE¼SW¼.

The area described contains 40 acres in San Diego County.

R 06454 WR

Executive Order Nos. 8790 and 8791 of June 14, 1941, as modified by Public Land Order (PLO) No. 2748 of August 8, 1962, PLO No. 3749 of July 26, 1965, and PLO No. 5341 of March 16, 1973

T. 14 S., R. 1 W.,
Sec. 31, N½NE¼;
Sec. 32, NW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 33, W½W½.
T. 15 S., R. 1 W.,
Sec. 4, lots 4, 5, and 10;
Sec. 5, lots 1, 2, 3, and 5, S½NE¼, SE¼NW¼, E½SW¼, NE¼SE¼, and W½SE¼;
Sec. 6, lots 1, 6, and 7, E½SW¼, and W½SE¼;
Sec. 7, lot 1, NW¼NE¼, and SE¼NE¼.
T. 15 S., R. 2 W.,
Sec. 11, lot 1;
Sec. 12, N½NE¼ and NE¼NW¼.

The areas described aggregate 1,674.86 acres in San Diego County.

The purpose of the withdrawals is to protect the lands in support of the Navy's carrier-base mission. The withdrawals segregate the lands from operation of the public land laws generally, including the mining but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22531 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[LA 0135132 WR]

California; Proposed Continuation of Withdrawal

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that a land withdrawal containing 80.87 acres of public land for Camp Pendelton Training Base be continued for an additional 25 years. The land will remain closed to surface entry and mining but would be opened to mineral leasing and disposal of materials subject to consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that the existing land withdrawal made by Public Land Order No. 1914 of July 22, 1959, be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The withdrawal is described as follows:

San Bernardino Meridian

T. 9 S., R. 5 W.,
Sec. 3, lots 1, 2, and 3.

The area described contains 80.87 acres in San Diego County.

The purpose of the withdrawal is to protect the land in support of various military training functions. The withdrawal segregates the land from operation of the public land laws generally, including the mining, mineral leasing and disposal of materials laws. No change is proposed in the purpose or segregation effect of the withdrawal except that the land would be opened to mineral leasing and disposal of materials subject to the provisions of section 6 of the Defense Withdrawals Act of February 28, 1985 (72 Stat. 30; 43 U.S.C. 158), which provides that consultation shall be made with the Secretary of Defense regarding the disposition of or exploration for any minerals in the land.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit commentsin connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branck of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determinatin is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22532 Filed 9-9-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7045 WR, R 05240 WR]

California; Proposed Continuation of Withdrawals

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that two land withdrawals affecting 610 acres at the Marine Corps Logistics Base at Barstow continue for an additional period of 25 years. The lands will remain closed to surface entry and mining but have been and will remain open to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that two existing land withdrawals be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The withdrawals are described as follows:

San Bernardino Meridian

CA 7045 WR

Public Land Order No. 14 of July 21, 1942

T. 9 N., R. 1 W.,
Sec. 11, SE¼SW¼;
Sec. 14, N½.

The area described contains 360 acres in San Bernardino County.

R 05240 WR

Public Land Order No. 4478 of July 2, 1968

T. 9 N., R. 1 W.,
Sec. 22, E½E½ and E½E½W½E½;
Sec. 27, NE¼NE¼ and E½E½NW¼NE¼.

The area described contains 250 acres in San Bernardino County.

The purpose of the withdrawals is to protect the lands for naval supply depot and rifle range purposes. The withdrawals segregate the lands from operation of the public land laws generally, including the mining laws but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential

demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22533 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[CA 7040 WR, CA 7041 WR, CA 7043 WR, LA 0119534 WR, R 03517 WR]

California; Proposed Continuation of Withdrawals

September 12, 1985.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Navy proposes that five land withdrawals affecting approximately 3,073 acres at the Marine Corps Logistics Base at Barstow continue for an additional period of 25 years. The lands will remain closed to surface entry and mining but would be opened to mineral leasing subject to the consent of the Department of the Navy.

DATE: Comments should be received by December 19, 1985.

ADDRESS: Comments should be sent to: Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, California State Office, 2800 Cottage Way (Room E-2841), Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Sonia Santillan, California State Office, (916) 978-4815.

SUPPLEMENTARY INFORMATION: The Department of the Navy proposes that five existing land withdrawals be continued for a period of 25 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The withdrawals are described as follows:

San Bernardino Meridian

CA 7040 WR

Public Land Order No. 99 of March 17, 1963

T. 9 N., R. 1 W.,
Sec. 14, 2½;
Sec. 15, E½NE¼NE¼.

The areas described aggregate 340 acres in San Bernardino County.

CA 7041 WR

Public Land Order No. 706 of March 15, 1951

T. 9 N., R. 1 W.,
Sec. 15, S¼NE¼ excepting therefrom an irregular portion described in metes and bounds revoked by Public Land Order No. 2762 of August 28, 1962, and SE¼.

The area described contains 229.984 acres in San Bernardino County.

CA 7043 WR

Public Land Order No. 1064 of February 3, 1955

T. 9 N., R. 1 E.,
Sec. 10, that part of the S½ lying north and west of the Union Pacific Railroad right-of-way;
Sec. 15, that part of the NW¼ lying north and west of the Union Pacific Railroad right-of-way.

The area described contains 315 acres in San Bernardino County.

LA 0119534 WR

Public Land Order No. 1090 of March 10, 1955

T. 9 N., R. 1 E.,
Sec. 19, lots 1 and 2 of SW¼, and SE¼;
Sec. 30, lots 1 and 2 of NW¼, and NE¼.

The area described contains 642.72 acres in San Bernardino County.

LA 03517 WR

Public Land Order No. 3368 of April 7, 1964

T. 9 N., R. 1 E.,
Sec. 19, S½S½ of lot 1 in NW¼, S½ of lot 2 in NW¼, S½SW¼NE¼, SW¼NW¼SW¼NE¼, S½S½SW¼NE¼, and NW¼SW¼SE¼NE¼.
T. 9 N., R. 1 W.,
Secs. 23 and 24;
Sec. 26, N½N½.

The areas described aggregate 1,535.49 acres in the San Bernardino County. Public Land Order No. 3446 of September 23, 1964.

T. 9 N., R. 1 E.,
Sec. 19, S½N½S½ of lot 1 in NW¼, that portion of the W½W½N½N½S½ of lot 1 in NW¼ lying south of the southerly right-of-way line of the frontage road adjacent to Highway No. 66.

The area described contains approximately 10 acres in San Bernardino County.

The purpose of the withdrawals is to protect the lands for various naval supply, storage, and repair depots and rifle range purposes. The withdrawals segregate the lands from operation of the public land laws generally, including the mining and mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals except that the lands would be opened to mineral leasing subject to the provisions of section 6 of the Defense Withdrawals Act of February 28, 1958 (72 Stat. 30; 43 U.S.C. 158), which provides that consultation shall be made with the Secretary of Defense regarding the disposition of or exploration for minerals in the land.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawals continuation may present their views in writing to the Chief, Branch of Lands and Minerals Operations, California State Office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued and, if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Sharon N. Janis,

Chief, Branch of Lands & Minerals Operations.

[FR Doc. 85-22534 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-40-M

[M 66461(ND)]

Notice of Invitation; Coal Exploration License Application; North Dakota; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: On August 30, 1985, the Bureau of Land Management published notice FR Doc. 85-20779, Vol. 50, page 35332, in which the legal description was incorrectly stated. The correct description is as follows:

T. 146 N., R. 83 W., 5th P.M.
Sec. 24: SE¼
160 acres.

Dated: September 12, 1985.

Dean E. Stepanek,

State Director.

[FR Doc. 85-22471 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-84-M

[A 20633]

Attachment "A" Classification Decision

Pinal County Board of Supervisors proposes to develop a county regional park on public land in the Santan

Mountains area of Pinal county. The land being considered is legally described as;

Gila and Salt River Meridian, Arizona

Township 3 S., Range 7 E.,
Sec. 4, S½SW¼, W½SW¼SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, W½NE¼, W½;
Sec. 16, N½;
Sec. 17, E½, E½NW¼;
Sec. 18, SE¼SE¼;
Sec. 19, Lots 2, 3, 4, E½, SE¼NW¼, E½SW¼;
Sec. 20, E½E½, S½SW¼;
Sec. 21, All;
Sec. 22, SW¼, W½SE¼;
Sec. 27, W½NW¼;
Sec. 28, All;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, N½NE¼, NW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 34, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 35, All;
Sec. 36, Lots 7–12, SW¼.
Aggregating 6878.98 acres, more or less.

The land has been examined and found suitable for recreation and public purposes under the provisions of the Recreation and Public Purposes (R&PP) Act of June 14, 1926, as amended (44 Stat. 741; 43 U.S.C. 869; 869–4) and the regulations contained in 43 CFR 2740 and 43 CFR 2912. The land is properly classified for lease or patent for these purposes under the R&PP Act as stated in 43 CFR 2430.4(a)(c).

This classification is consistent with the criteria of 43 CFR 2410.1 (a–d) which requires that (a) the lands are physically suitable for the purposes for which they are classified; (b) all present and potential uses and users of the land were taken into consideration in the classification; (c) the land classification is consistent with state and local government programs; and (d) the land classification is consistent with current federal programs and policies.

Classification of this land under the provisions of the above cited Recreation and Public Purposes Act segregates them from appropriations under the public lands laws, including location under the mining laws, but not from applications under the mineral leasing laws or the Recreation and Public Purposes Act from March 22, 1985, the date the proposed classification was published in the **Federal Register** (43 CFR 2462.4).

This classification decision relates only to land classification. The merits of Pinal County's proposed plans for a county regional park and any other R&PP applications will be evaluated and a determination to approve or disapprove the applications will be made at a later date.

Dated: September 9, 1985.

Beaumont C. McClure,

Acting Associate State Director.

[FR Doc. 85–22535 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–32–M

Salt Wells Planning Unit, Notice of Intent, Sweetwater County, WY; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The **Federal Register** notice of February 28, 1985 (FR Vol. 50, No. 31; FR Doc. 85–4849), on page 8198 provides a Notice of Intent to amend the land use plan for the Salt Wells planning unit and to prepare an environmental assessment. Several parcels of land were identified for sale. Public comment was sought on the preliminary issues and planning criteria

Upon further review of the Salt Wells Management Framework Plan (MFP), we have determined that the lands identified in the notice are within the boundaries of a "fringe area" identified in the Salt Wells MFP. The disposal of lands within this area would be in conformance with the MFP and, therefore, no plan amendment is needed. For this reason, the Notice of Intent to initiate a plan amendment is rescinded.

FOR FURTHER INFORMATION CONTACT: Renee Dana, Planning Coordinator, Rock Springs District Office, BLM, P.O. Box 1869, Rock Springs, Wyoming 82902–1869.

Donald H. Sweep,

District Manager.

[FR Doc. 85–22536 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–22–M

[N–29840]

Nevada; Proposed Continuation of Withdrawal; Correction

September 11, 1985.

In FR Doc. 85–18306 appearing on page 31256 in the issue of Thursday, August 1, 1985, the following corrections are made:

1. In the first line under Mount Diablo Meridian the word "unsurveyed" should be deleted.

2. In the third column of the page, in the seventh line the word "Esmeralda" should be "Nye".

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 85–22570 Filed 9–19–85; 8:45 am]

BILLING CODE 4310–HC–M

Minerals Management Service

Development Operations Coordination Document; Southland Royalty 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 Southland Royalty Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 6670, Block 172, 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 11, 1985. 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 Director, 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 sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. 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 Louisana 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 12, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-22490 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Advisory Board; Gulf of Mexico Regional Technical Working Group; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463. A meeting of the Outer Continental Shelf Advisory Board's Gulf of Mexico Regional Technical Working Group will be held on October 21-24, 1985, in New Orleans, Louisiana. The agenda of the meeting is as follows:

Agenda

October 21

1:30 p.m.-5:00 p.m.: Regional Technical Working Group Business Meeting
- A. Environmental Studies Program Reports
- B. Ocean Incineration Proposals in the Gulf of Mexico
- C. Gulf of Mexico Regional Issues

October 22

8:00 a.m.-4:30 p.m.: Gulf of Mexico Information Transfer Meeting

October 23

8:30 a.m.-4:30 p.m.: Continuation of the Information Transfer Meeting

October 24

8:30 a.m.-11:30 a.m.: Closing Plenary Session of the Information Transfer Meeting

The meeting will be held in the International Hotel, 300 Canal Street, New Orleans, Louisiana. All sessions are open to the public, and interested persons may make oral or written presentations at the Business Meeting upon request. Such requests, or general questions about the meeting, should be made not later than October 16, 1985, to Mr. Sydney H. Verinder, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Boulevard, P.O. Box 7944, Metairie, Louisiana 70010, or telephone (504) 838-0627.

A taped cassette transcript and complete summary minutes of the Business Meeting will be available for public inspection in the Office of the Regional Director at the above address not later than 60 days after the meeting.

Dated: September 13, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region, Minerals Management Service.

[FR Doc. 85-22493 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (p.s.t.) on Thursday, September 26, 1985 at Building 201, Fort Mason, San Francisco, California.

The Advisory Commission was established by Pub. L. 92-589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin, San Francisco and San Mateo Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Mr. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Mr. Charles Gould
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Mitchell
Ms. Gimmy Park Li
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The main agenda items are a report from the Marin Committee on the Coast Guard's proposed move to East Fort Baker and a status report on the feral pigs problem.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact General Superintendent John H. Davis, Golden Gate National Recreation Area, Building 201, Fort Mason, San Francisco, CA 94123.

Minutes for the meeting will be available for public inspection by October 25, 1985, in the office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA 94123.

Dated: August 26, 1985.

John D. Cherry,

Acting Regional Director, Western Region.

[FR Doc. 85-22483 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

[INT-FES 85-36]

Lake Andes-Wagner Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program, South Dakota; Availability Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a planning report/final environmental statement on the development of the Lake Andes-Wagner Unit. This unit includes irrigation development of 45,000 acres and a fish rearing pond for enhancement of the fishery in Lake Francis Case. Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7425, Bureau of Reclamation, Washington, D.C. 20240. Telephone: (202) 343-4991.

Bureau of Reclamation Library, Code 962, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225. Telephone: (303) 236-6963.

Regional Director, Bureau of Reclamation, Upper Missouri Region, P.O. Box 2553, Billings, Montana 59103. Telephone: (406) 657-6214.

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, or the

Regional Director, at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

Dated: September 17, 1985.

Clifford I. Barrett,

Acting Commissioner.

[FR Doc. 85-22575 Filed 9-19-85; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701-TA-240 (Final)]

Oil Country Tubular Goods From Austria

AGENCY: International Trade Commission.

ACTION: Scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby announces that a public hearing in connection with the subject investigation will be held beginning at 10:00 a.m. on November 4, 1985.

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and part 201, Subparts A through E (19 CFR part 201).

EFFECTIVE DATE: September 13, 1985.

FOR FURTHER INFORMATION CONTACT: Judith Zeck (202-523-0339), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

SUPPLEMENTARY INFORMATION:

Background

On June 3, 1985, the Commission instituted the subject investigation and announced that the time and place of the hearing to be held in connection with the investigation would be announced at a later date (50 FR 27499, July 3, 1985). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from August 7, 1985, to October 21, 1985 (50 FR 29457, July 19, 1985). The Commission therefore is setting its schedule for the conduct of this investigation to conform with Commerce's new schedule. As provided in section 705(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(2)(B), the Commission will make its final determination in countervailing duty investigations within 45 days of Commerce's final determination, or in this case by December 4, 1985.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on October 18, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on November 4, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. 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 October 17, 1985. 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 9:30 a.m. on October 22, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is October 29, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony 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. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

The hearing in connection with this investigation will be held concurrently with the hearing to be held in connection with the Commission's final antidumping investigation No. 731-TA-249 (Final) concerning oil country tubular goods from Austria.

Written Submission

All legal arguments, economic analyses, and factual materials revelvant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 8, 1985. 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 November 8, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rules (19 CFR 201.8). All written submission 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 must be submitted separately. The envelope and all pages of such submissions must be clearly labled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: September 17, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-22486 Filed 9-19-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-249 (Final)]

Oil Country Tubular Goods From Austria

AGENCY: International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-249 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Austria of oil country tubular goods,[1] provided for in

[1] For purposes of this investigation, "oil country tubular goods" includes drill pipe, casing, and tubing for drilling oil or gas wells, of carbon or alloy steel, whether such articles are welded or seamless.

Continued

items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before October 21, 1985, and the Commission will make its final injury determination by December 4, 1985 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 14, 1985.

FOR FURTHER INFORMATION CONTACT: Judith Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of oil country tubular goods from Austria are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on February 28, 1985, by the United States Steel Corp., Pittsburgh, Pa. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 16173, April 24, 1985).

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 (19 CFR 201.11), not later than twenty-one (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 will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the 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.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on October 18, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on November 4, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. 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 October 17, 1985. 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 9:30 a.m. on October 22, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is October 29, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony 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. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

The hearing in connection with this investigation will be held concurrently with the hearing to be held in connection with the Commission's final countervailing duty investigation No. 701–TA–240 (Final) concerning oil country tubular goods from Austria.

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 8, 1985. 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 November 8, 1985.

A signed original and fourteen (14) 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 must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: September 17, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–22487 Filed 9–19–85; 8:45 am]

BILLING CODE 7020-02-M

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whether finished or unfinished, and whether or not meeting American Petroleum Institute (API) specifications.

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Denny's Inc., 16700 Valley View Ave., P.O. Box 605, La Mirada, CA 90637

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Proficient Food Company, 17872 Cartwright Road, Irvine, CA 92714, A California Corporation

(b) DFC Trucking Co., 17872 Cartwright Road, Irvine, CA 92714, A Texas Corporation

(c) Portion Trol Foods, Inc., 812 S. 5th Avenue, Mansfield, TX 76063, A Texas Corporation

3. Divisions:

Winchell's Donut House, 16424 Valley View, La Mirada, CA 90637

El Pollo Loco, 14111 Freeway Drive, Suite 101, Santa Fe Springs, CA 90670

1. Parent corporation and address of principal office: Halliburton Company, 2600 Southland Center, 400 N. Olive, L.B. 263, Dallas, TX 75201-9990.

2. Wholly-owned subsidiaries and divisions which will participate in the operations, and state(s) of incorporation:

A. Divisions of Halliburton Company:

a. Halliburton Services Division.

b. Halliburton Resource Management Division.

c. IMCO Services Division.

d. FreightMaster Division.

e. Welex Division.

f. Horn Construction Division.

B. Wholly-owned subsidiaries of Halliburton Company:

a. Alaska Constructors, Inc.—Alaska.

b. Brown & Root, Inc.—Texas.

i. Allied Industries, Inc.—Texas.

ii. Brown & Root Development, Inc.—Texas.

iii. Brown & Root Engineering and Construction Corporation—Texas.

iv. Brown & Root Middle East, Inc.—Texas.

v. Brown & Root Overseas, Inc.—Texas.

vi. Brown & Root, U.S.A., Inc.—Texas.

(y) Southwestern Contracting Company—Texas.

vii. Fargo Engineering Company—Michigan.

viii. Flo-Tronics, Inc.—Texas.

ix. Houston Executive Air Service, Inc.—Texas.

x. Mid-Valley, Inc.—Delaware.

xi. Missouri Resource Services, Inc.—Missouri.

xii. Petrochemicals Procurement, Inc.—Texas.

xiii. Raintree Resource Recovery, Inc.—Texas.

(z) Raintree Energy Corporation—California.

c. Chemtronics, Inc.—North Carolina.

d. Concourse Property Corporation—Texas.

e. DHS Corporation—Texas.

f. Halliburton Delaware Corporation—Delaware.

g. Halliburton Domestic International Sales Company—Delaware.

h. Halliburton International, Inc.—Texas.

i. Tecnicos-Palitos, Inc.—Texas.

i. Halliburton Industrial Services, Inc.—Delaware.

j. Halliburton Telecommunications, Inc.—Delaware.

k. Nova Pressure Services, Inc.—Delaware.

l. Highlands Insurance Company—Texas.

i. Aberdeen Insurance Company—Texas.

ii. Highlands Casualty Company—Texas.

iii. Highlands Underwriters Insurance Company—Texas.

m. GLM Mechanical Associates, Inc.—New York.

n. Howard Smith Screen Company—Texas.

o. Avon Services, Inc.—Delaware.

p. Federal Ore & Chemicals, Inc.—Delaware.

q. Jet Research Center, Inc.—Texas.

r. Joe D. Hughes, Inc.—Texas.

i. Greens Bayou Terminal, Inc.—Texas.

s. Life Insurance Company of the Southwest—Texas.

i. Cybek, Inc.—Texas.

t. Otis Engineering Corporation—Delaware.

i. Otis Latin-American, Inc.—Delaware.

u. Southern California Bonding Service, Inc.—California.

v. Taylor Diving and Salvage Co., Inc.—Louisiana.

i. Taylor Diving International Company, Inc.—Texas.

w. Underwriters Special Risks, Inc.—Texas.

i. Highlands Claims and Safety Services, Inc.—Texas.

ii. Highlands Lloyds—Texas.

iii. Transportation Recovery Services, Inc.—New York.

x. Vernon Graphics, Inc.—Delaware.

y. Wm. A. Smith Construction Co., Inc.—Texas.

i. Sharp & Fellows Construction Co., Inc.—California.

ii. Longwill-Scott, Inc.—Missouri.

1. *Parent Corporation and Address of Principal Office:*

Leviton Manufacturing Co., Inc., 59-25 Little Neck Parkway, Little Neck, New York 11362.

2. *Wholly-Owned Subsidiaries Which Will Participate in the Operations and State(s) of Incorporation.*

(i) American Insulated Wire Corp. (a Rhode Island corporation).

(ii) Pacific Electricord Co., Inc. (a California corporation).

(iii) Cable Electric Products (a Rhode Island corporation).

(iv) Northeast Cable (a Rhode Island corporation).

(v) Rhode Island Insulated Wire Co. (a Rhode Island corporation).

(vi) Southern Devices Co. (a North Carolina corporation).

(vii) Leviton of Canada, Ltd. (a Quebec, Canada corporation).

(viii) Electric Porcelain (an Ontaria, Canada corporation).

(ix) B.H.J. Trucking (a New York corporation).

1. Parent corporation and address of principal office: Verna Corporation, One 1800 Bering Drive, Suite 300, Houston, Texas 77057. State of Incorporation—Delaware.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

i. T.T. Carriers, Inc. (ICC Permit #MC177204), State of Incorporation—Texas.

ii. Permian Speciality Services, Inc. State of Incorporation—Texas.

iii. Verna Petroleum Company, State of Incorporation—Texas.

Kathleen M. King,

Acting Secretary.

[FR Doc. 85-22498 Filed 9-19-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30684]

Illinois Central Gulf Railroad Co.; Exemption From 49 U.S.C. 11342

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Illinois Central Gulf Railroad Company from the prior approval requirements of 49 U.S.C. 11342 for its pooling arrangement with the

Missouri Pacific Railroad Company in Franklin and Williamson Counties, IL.

DATES: This exemption will be effective on October 18, 1985. Petitions for reconsideration must be filed by October 8, 1985. Petitions for stay must be filed by September 30, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30684 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: John H. Doeringer, 233 N. Michigan Ave., Chicago, IL 60601

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 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: September 5, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Sterrett did not participate in the disposition of this proceeding. Chairman Taylor was absent and did not participate in this proceeding.

Kathleen M. King,

Acting Secretary.

[FR Doc. 85-22499 Filed 9-19-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: October 8, 1985, 9:30 a.m., Rm. S4215 A&B Frances Perkins, Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION, CONTACT: Fernand Lavallee, Executive Secretary, Labor Advisory Committee. Phone: (202) 523-6565.

Signed at Washington, D.C., this 12 day of September.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 85-22806 Filed 9-19-85; 8:45 am]

BILLING CODE 4510-28-M

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extension, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identiification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small business or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments And Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-1301, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Nancy Wentzler, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, Washington, D.C. 20503.

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Departmental Management
Supplemental Experience Statement
DL 1-2034
On occasion
Individuals or households; Federal agencies or employees 15,525 responses; 1.5 hours; 1 form

The form is a supplement to the basic Federal employment application form (SF-171) to elicit specific job-related information from applicants to assure that their qualifications are accurately, completely, and efficiently evaluated.

Revision

Employment and Training Administration
National Longitudinal Survey of Work Experience of Youth
Questionnaire
1205-0044; ETA RC 84
Annually
Individuals or households
10,700 respondents; 10,700 hours; no forms

The information provided in this survey will be used by the Department of Labor and other government agencies to help develop programs and policies to ease the employment, unemployment and related problems faced by young men and women in this age group.

Extension

Mine Safety and Health Administration
Examinations and Tests of Electrical Equipment
1219-0067
Weekly; monthly, and semi-annually
Businesses and other for profit; small businesses or organizations
4,925 respondents; 1,815,605 hours

Requires coal mine operators to frequently examine, test, and properly maintain all electric equipment and to keep a record of the tests, examinations, and maintenance.

State Transmittal for Application for Alien Employment Certification 1205–0182; ETA 7147
On Occasion
State or local governments
50,000; 10,000 hours; 1 form

The ETA 7147 is a description of recruitment efforts of the State agency. This form is the method for transmitting the application and supporting documentation to the Regional Certifying Officers.

Reinstatement

Employment and Training Administration
Targeted Jobs Tax Credit (TJTC) Report Forms
1205–0058; ETA 8468, 8469, 8471, 8472, 8473, 8588
On occasion; Quarterly
State or local governments; Businesses or other for profit;
Federal agencies or employees; Non-profit institutions;
Small businesses or organizations
1,552; 523,335; 6 forms

Provides data on vouchers, wage rates, target group membership, certification and eligibility verification activities as mandated by the Tax Equity and Fiscal Responsibility Act of 1982 (PL 87–248)

Collection of information in current rules

Mine Safety and Health Administration
Torque Tests of Roof Bolts (Underground Coal Mines) Daily
Businesses and other for profit; small businesses or organizations
2,100 respondents; 124,950 hours

Requires underground coal mine operators to spot-check, on a daily basis, torques on at least 10 percent of the roof bolts from the last outby corner of the last open crosscut to the face and to keep a record of the results of the tests.

Signed at Washington, D.C. this 17th day of September, 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85–22598 Filed 9–19–85; 8:45 am]

BILLING CODE 4510–30–M; 4510–43–M

Employment and Training Administration

Federal-State Unemployment Compensation Program: Unemployment Insurance Program Letter No. 36–85

Unemployment Insurance Program Letter No. 35–85 establishes September 30, 1985 as the due date for the payment of interest due on interest-bearing Title XII advances at the end of FY 85. It also provides references and interpretive guidelines relating to sections 303(c)(3), 1202(b)(3)(A), 1202(b)(5), and 1202(b)(9) of the Social Security Act, and Section 3304(a)(17) of the Federal Unemployment Tax Act on this subject.

These interpretations clarify the establishment of due dates for any interest owed, current or future, in accordance with the amendment made by Public Law 98–21 to Section 1202(b)(3)(A) of the Act. When such due date falls on either a weekend or Federal holiday any interest due and payable must be paid on or before the next *preceding* business day.

UIPL No. 36–85 is published below.

Dated: September 13, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

Date: September 12, 1985.

Directive: Unemployment Insurance Program Letter No. 36–85.

To: All State Employment Security Agencies.

From: Barbara Ann Farmer, *Acting Administrator for Regional Management.*

Subject: Payment of Interest on Title XII Loans.

1. *Purpose.* To advise States of the 1985 due date for the payment of interest on Title XII advances, and to transmit instructions for use by SESAs to calculate interest amounts due and reduction of interest due through September 30, 1985.

2. *References.* Social Security Act, section 1202(b)(3)(A), UIPL 31–83 and UIPL 30–84.

3. *Background.* Public Law 98–21 amended section 1202(b)(3)(A) of the Social Security Act to require that the payment of interest due on Title XII advances must be made before the first day of the next fiscal year. The due date for deferred interest on May through September loans remains unchanged (before December 31 of the following year) as does the date for interest due by reason of a later advance; i.e., cash flow loans repaid in full by September 30, followed by subsequent borrowings during the calendar year. All interest payment due dates (including 1202(b)(9)) are either prior to or on or before a given date, so that if interest cannot be paid on the last day it is due because that day falls on a weekend or a Federal holiday, the interest must be paid on the next preceding business day. This rule is applicable at all times, to all interest payment due dates.

The Department of Labor and the Trust/Funds Branch in the U.S. Treasury have determined and agreed that since the last day of Fiscal year 1985 falls on a Monday, any interest due and payable prior to October 1, *must be paid on or before* September 30, 1985. The rate of interest to be charged on Title XII advances during Calendar Year 1985 is 10 percent; the rate of interest for Calendar Year 1984 is 9.78 percent.

4. *Procedure.* To expedite the interest calculation and billing process at Treasury and to provide SESAs with more time at the end to transmit interest amounts due, the following procedure was initiated last year and is continued this year:

a. *Treasury Calculation and Billing of Interest Due.* September 20, 1985, has been designated as the cut-off date for the calculation of interest due. Interest will be calculated by Treasury on the outstanding balance of interest-bearing Title XII advances as of the close of business on that day and projected through September 30, 1985. This amount will be billed to the States as the amount of interest due and payable on or before September 30, 1985. Projection of interest at this point assumes no further advances or repayments after the cut-off date and through September 30, 1985. If a State receives additional advances or makes any voluntary repayments after the September 20 cut-off date, the amount billed by the Treasury must be adjusted by the SESA in accordance with the procedure in (b) and (c) below.

b. *Increased Interest Due to Advances Received After September 20, 1985.* The formula SESAs are to follow to calculate the daily interest accrual on Title XII advances received during the period September 23 through September 30, 1985, is as follows:

Interest Rate (10 percent) times 1 day divided by 365 times the advance amounts received from September 23 through September 30, 1985, and outstanding on that day equals the amount of interest due for that day (rounded to the nearest cent). This procedure must be repeated for each day such advance amounts are outstanding *from the day of receipt until and including September 30, 1985.*

The increased amount of interest due will be the sum of the daily interest

accruals resulting from the above calculations and is to be added by the SESA to the amount billed by Treasury.

c. *Reduction of Interest Amount Billed Due to Voluntary Repayments Made After September 20, 1985.* To determine the amount of interest to be *subtracted* from the amount billed by Treasury in the event a repayment(s) is made subsequent to September 20, and on or before September 30, 1985, the following procedure should be used: Perform the calculation as explained in (b) above to determine the daily interest accrual for *each repayment from the date made until and including September 30, 1985* (rounded to the nearest cent). The amount to be *subtracted* from the amount billed by Treasury will be the sum of the daily interest accruals from each day's repayment(s) as explained above. Any adjustment to the amount billed by Treasury must be documented and substantiated in a letter to the Trust/Funds Branch which must follow the interest payment immediately. Treasury will verify the transactions and adjustments and advise the State if further action is required. Accuracy in the calculation of adjustments by SESAs is essential.

d. *Important Notice.* If a discrepancy occurs which results in a late payment, the sanctions provided in section 3304(a)(17) of the Federal Unemployment Tax Act and sections 303(c)(3) and 1202(b)(5) of the Social Security Act would apply.

5 *Treasury Contacts.*

a. The billing notice to the States will include the name and telephone number of a contact person in the Trust/Funds Branch in the U.S. Treasury. Exact detailed instructions for SESAs to follow to pay the interest amount due and payable on or before September 30, 1985, will also be included in the billing letters prepared by Treasury.

b. Treasury Staff are available for consultation with SESAs at any time to verify loans, repayments, and interest charges. Correspondence to the Treasury should be mailed to: Mr. Ron Iroff, Acting Manager, Trust/Funds Branch, U.S. Treasury Department, Treasury Annex #1 Room 326, Washington, D.C. 20226.

6. *Action Required.* Agency Administrators should assure that the responsible individuals are advised of this directive; and assure that any interest due and payable on or before September 30, 1985, (or at any later time) is paid timely and in accordance with instructions provided by the U.S. Treasury Department and Federal law requirements.

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

[FR Doc. 85-22008 Filed 9-19-85; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program: Certification of Interest Relief: Certification of States Qualifying for Partial Relief of Interest Due on Advances Under Title XII of the Social Security Act

Title XII of the Social Security Act provides for several forms of deferral of interest and a discounted rate of interest payable by States on advances received by them from the Federal unemployment account in the Unemployment Trust Fund if the States meet criteria set forth in the statute. The certification to the Secretary of the Treasury of specified States that meet the respective criteria with respect to interest due prior to October 1, 1985, is published below.

Dated: September 13, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

September 10, 1985

The Honorable James A. Baker III
Secretary of the Treasury
Washington, D.C. 20220

Dear Secretary Baker: The Department of Labor has reviewed States' applications for relief from interest payments which are due prior to October 1, 1985. The interest relief options available to States are:

(1) *High Unemployment Deferral:* Section 1202(b)(3)(C) of the Social Security Act (SSA) allows a State to defer 75 percent of interest otherwise due if the rate of insured unemployment under the State law for the period consisting of the first six months of the preceding calendar year equaled or exceeded 7.5 percent. The State must pay 75 percent of interest otherwise due in three annual installments of at least 25 percent beginning with the year after the year in which it was due. The interest deferred does not accrue interest.

(2) *Legislative-Action Deferral:* Section 1202(b)(6) of the SSA allows a State to defer 80 percent of interest otherwise due if the State has taken no action since October 1, 1982, to reduce the State's tax effort or unemployment fund solvency and has taken action after March 31, 1982, which increases revenues to the State's unemployment fund and decreases benefits by at least 25 percent in the calendar year for which the first deferral is requested; deferrals for the second and third years immediately following the year in which the first year change is effective are available if the State produces a solvency effort of at least 35 and 50 percent, respectively. The State must pay 60 percent of interest otherwise due in four annual installments of at least 20 percent beginning with the year after the year in which it was due. Interest does not accrue on deferred interest. Once a legislative-action deferral is approved, a State must continue to maintain its solvency effort. Failure to do so will result in the State being required to make immediate payment of all deferred interest. This type of deferral remains available for 1985 payments only.

(3) *Average Tax Rate Deferral:* Section 1202(b)(6) of the SSA allows a State to defer 80 percent of interest otherwise due if the State has taken no action since October 1, 1982, to reduce the State's tax effort or unemployment fund solvency and for taxable year 1982, total State unemployment compensation revenues to the unemployment fund equaled at least two percent of total wages paid by employers covered under the State unemployment compensation law. The State must pay 80 percent of interest otherwise due in four annual installments of at least 20 percent beginning with the year after the year in which it was due. Interest does not accrue on deferred interest. This type of deferral remains available for 1985 payments only.

(4) *High Unemployment Delay of Payment Due:* Section 1202(b)(9) of the SSA allows a State to delay up to nine months the payment of interest due September 30 of any calendar year after 1982 during which the average total unemployment rate (TUR) in the State was 13.5 percent or higher for the most recent 12-month period for which data are available. The State must meet the 13.5 percent TUR requirement each succeeding year in order to delay payments nine months in such succeeding years.

(5) *Discounted Interest Rate:* Section 1202(b)(8)(D) of the SSA allows a State to receive a discounted interest rate that would be one percentage point below the interest rate that would otherwise apply. The discounted rate for interest due prior to October 1, 1985, would be 8.78 percent for interest accrued October through December 1984 and 9.00 percent for interest accrued January through September 1985. This discounted interest rate is available to a State which has taken no action since October 1, 1982, to reduce the State's tax effort or unemployment fund solvency and has taken action since March 31, 1982, which produces a solvency effort of at least 50, 80, and 90 percent rather than 25, 35, and 50 percent, respectively, as specified under the legislative-action deferral. A discounted interest rate remains available for 1985 payments only.

Regarding 1985 interest payment relief, I hereby certify that the States shown on the accompanying table meet all the criteria specified by law to qualify for the interest relief shown.

Colorado and Kentucky have qualified for deferral of interest in previous years, have taken no action to reduce solvency, and thus meet the requirements to continue the installment payment of interest. The District of Columbia and North Dakota have failed to maintain their respective levels of solvency effort and accordingly, all deferred interest payments are due prior to October 1, 1985.

Sincerely,
Carolyn M. Golding,
Director, Unemployment Insurance Service.

State	Interest relief
Illinois	Legislative-Action Deferral.
Michigan	Legislative-Action Deferral, Discounted Rate.
Montana	Discounted Rate.
Ohio	Legislative-Action Deferral.
Pennsylvania	Legislative-Action Deferral.
West Virginia	Average Tax Rate Deferral, High Unemployment Delay.
Wisconsin	Legislative-Action Deferral, Discounted Rate.

[FR Doc. 85-22607 Filed 9-19-85; 8:45 am]
BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Conformity/Compliance Notice of Hearing and Rules of Procedure—California

Letters have been sent by the Secretary of Labor to the Governor and the head of the employment security agency of the State of California announcing the commencement of conformity and compliance proceedings under the Federal Unemployment Tax Act (Chapter 23 of the Internal Revenue Code of 1954) and Title III of the Social Security Act. The notice of hearing to California, and the rules of procedure to govern those conformity/compliance proceedings, are published below.

Dated: September 16, 1985.

Roberts T. Jones,

Acting Deputy Assistant Secretary of Labor.

DEPARTMENT OF LABOR

Office of the Secretary

State of California Department of Employment Development

Notice of Hearing

This notice announces an opportunity for a hearing for the State of California Department of Employment Development pursuant to section 303(b) of the Social Security Act, 42 U.S.C. 503(b), sections 3303(b) and 3304(c) of the Internal revenue Code of 1954, 26 U.S.C. 3303(b), 3304(c), and 20 CFR 601.5, to be held at 9:00 o'clock on the morning of October 2, 1985, in Courtroom A in the Vanguard Building, 1111 20th Street, NW., Washington, DC. The State agency will have an opportunity to make a record.

Issues

The hearing will be on the following issues:

Issue 1: Whether, with respect to certification of State laws on October 31, 1985, under section 3303(b) of the Internal Revenue Code of 1954, 26 U.S.C. 3303(b), the law of the State of California has been amended so that it no longer contains the provisions specified in section 3303(a) of the Internal Revenue Code of 1954, 26 U.S.C. 3303(a), or the State has, with respect to the 12-month period ending on such October 31, failed to comply substantially with any such provision.

Basis of Issue: Section 3303(a)(1) of the Internal Revenue Code of 1954 provides:

(a) STATE STANDARDS.—A taxpayer shall be allowed respect to any reduced rate of contributions permitted by a State law, only if the Secretary of Labor finds that under such law—

(1) no reduced rate of contributions to a pooled fund or to a partially pooled account is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to unemployment or other factors bearing a direct relation to unemployment risk during not less than the 3 consecutive years immediately preceding the computation date . . . .

This provision has been consistently interpreted to require that a State law must rate all employers entitled to reduced rates on the basis of their experience during the same specified period with the same single factor (or combination of factors which taken together constitute a single factor) bearing a direct relation to unemployment risk.

Section 978.1 of the California Unemployment Insurance Code provides:

In lieu of contributions required by Section 977 or 978, an employer, except an employer as defined by Sections 676, 684, or 685, whose average base payroll has increased on a computation date 25 percent or more above the employer's average base payroll on the preceding computation date, shall pay into the Unemployment Fund contributions with respect to wages paid for employment at the next lower rate than the rate applicable to other employers for the calendar year but not less than the lowest rate on the applicable schedule in subdivision (a) of Section 977. This section does not apply to any employer who has a negative reserve account balance on the computation date.

Under section 978.1, a reduction in rates for some employers would be based on a factor (an increase in payroll) different from the factor otherwise used in California to measure an employer's experience with the risk of unemployment. An increase in payroll is not a factor bearing a direct relation to unemployment risk in the context of California's reserve ratio experience rating system which uses a ratio between an employer's reserve (the difference between contributions paid and benefits charged) and the employer's payroll. Since the same factor (or combination of factors constituting a single factor) would not be used to rate all employers during the same period, it would be possible for two employers with identical reserve ratios to be assessed two different rates due simply to one employer having had a 25 percent expansion in payroll in the past year.

Issue 2: Whether, with respect to certification of States on October 31, 1985, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c) the law of the State of California has been amended so that it no longer contains the provisions specified in section 3304(a)(6)(A) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(6)(A), or the State has, with respect to the 12-month period ending on such October 31, failed to comply substantially with any such provision.

Basis of issue: Section 3304(a)(6)(A) of the Internal Revenue Code of 1954 requires State laws to provide, in pertinent part, that individuals performing services in a non-professional capacity for a State, local government or non-profit educational institution, or performing such services in such an educational institution while in the employ of an educational service agency, are to be denied unemployment compensation for weeks commencing during any period between two successive academic years or terms or during any established and customary vacation period or holiday recess, if there is a reasonable assurance that the individuals will perform such services in the second of those academic years or terms or immediately following that vacation period or holiday recess.

Section 1253.4(i) [prior to January 1, 1985, section 1253.4(g)] of the California Unemployment Insurance Code provides:

Subdivisions (b), (c), (d), and (f) [which incorporate in the California law the within and between terms disqualifications for benefits required by section 3304(a)(6)(A) of the Federal statute] do not apply to nonprofessional workers employed by the Fremont or Riverside campus of the California School for the Deaf, the Fremont campus of the California School for the Blind, or the diagnostic schools for the neurologically handicapped located in Los Angeles, San Francisco, and Fresno. These nonprofessional workers are not defined as school employees.

Therefore, the California law fails to apply fully the disqualifications for benefits required by section 3304(a)(6)(A), since the schools mentioned in the California provision are clearly "educational institutions" within the meaning of the Federal law.

Issue 3: Whether, with respect to certification for payment of grant moneys under section 302(a) of the Social Security Act, 42 U.S.C. 502(a), and with respect to certification of States on October 31, 1985, under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), the law of the State of California has been amended so that it no longer includes the provisions specified in section 303(a)(5) of the Social Security Act, 42 U.S.C. 503(a)(5), and section 3304(a)(4) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(4), or the State has failed to comply substantially with any such provision.

Basis of issue: Section 303(a)(5) of the Social Security Act requires State laws to provide, in pertinent part, for "[e]xpenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation. . . ." Similarly, section 3304(a)(4) of the Internal Revenue Code of 1954 requires State laws to provide, in pertinent part, that "all money withdrawn from the unemployment fund of the State shall be used solely in the payment of unemployment compensation. . . ." The term "compensation" is defined in section 3306(h) of the latter statute as "cash benefits payable to individuals with respect to their unemployment." The legislative history of the

Social Security Act and the interpretation of these provisions since their enactment make it clear that they require the unemployment compensation to be paid only to individuals who are available for work and are unemployed due to lack of work.

However, section 1253.9 of the California Unemployment Insurance Code provides:

An unemployed individual otherwise eligible for unemployment compensation benefits under this part shall not be denied these benefits in any week because of the application of any provisions of the law of this state relating to availability for work, active search for work, or refusal to accept suitable work, if the director finds that the individual is actively participating in a good-faith effort to form an employee-owned corporation as defined in Section 91502.1 of the Government Code, in order to return to his or her most recent employment. The individual shall be eligible pursuant to this section until the individual returns to work in the employee-owned corporation which has begun operation, or the good-faith effort fails, or until 26 weeks of benefits have been paid, whichever occurs first.

This provision appears to permit the payment of unemployment compensation to individuals even if they fail to apply for suitable work or refuse such work, and thus permits benefits to be paid to those who are not available for work or unemployed due to lack of work.

These Proceedings

Following the hearing a decision will made which will have a bearing on whether California and the California law are certifiable on October 31, 1985, with respect to normal and additional tax credits allowable to the State's employers pursuant to subsections (a) and (b) of section 3302 of the Internal Revenue Code of 1954, 26 U.S.C. 3302 (a) and (b), for the taxable year 1985, and will also have a bearing on whether further payments of grants funds may be made to the State under section 302(a) of the Social Security Act, 42 U.S.C. 502(a), and section 5(b) of the Wagner-Peyser Act, 29 U.S.C. 49d(b).

The proceedings in this matter shall be in accordance with the Rules of Procedure accompanying this notice.

For purposes of this hearing, all motions, briefs, and other papers shall be filed, pursuant to the above-referenced Rules of Procedure, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, NW., Washington, DC 20036, who will be designated in accordance with the Rules of Procedure.

Counsel for the California Department of Employment Development shall enter an appearance with the presiding Administrative Law Judge not later than September 17, 1985; a copy shall be provided to William H. DuRoss III, Associate Solicitor for Employment and Training, 200 Constitution Avenue, NW., Washington, DC 20210, as expeditiously as possible.

Counsel for the U.S. Department of Labor shall enter an appearance with the presiding Administrative Law Judge no later than September 17, 1985; a copy shall be provided to the California Department of Employment Development as expeditiously as possible.

Signed at Washington, DC, on September 10, 1985.

William E. Brock,

Secretary of Labor.

DEPARTMENT OF LABOR

Office of the Secretary

Federal-State Unemployment Compensation Program

Rules of Procedure for Conformity/ Compliance Proceedings

1. An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these Rules.

2. The parties of record shall be the State agency (or agencies) (as defined in 26 U.S.C. 3306(e)) named in the Notice of Hearing and the U.S. Department of Labor.

3. Any non-party State agency, individual worker, employer, or organization, association of workers or employers, or member of the public, asserting an interest in the proceedings, may be permitted by the presiding Administrative Law Judge, upon motion granted, to participate in the hearing as amicus curiae only. Participation by any amicus curiae shall be limited to the submittal of such briefs as may be directed by the presiding Administrative Law Judge. All motions contemplated by this Rule shall be filed with the presiding Administrative Law Judge no later than two (2) days prior to the scheduled hearing, and shall be served upon and received by each party prior to the hearing. The presiding Administrative Law Judge shall rule on all such motions and inform the applicants and the parties of the rulings prior to the hearing or at the beginning of the hearing.

4. The presiding Administrative Law Judge may issue an appropriate prehearing order governing all issues to be raised in the proceedings, and designation of evidence to be offered at the hearing.

5. The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings, and may grant extensions of time regarding the submission of briefs and other papers, and may reschedule the hearing for another time or date for good cause shown.

6. Upon the commencement of the hearing, the U.S. Department of Labor will be offered an opportunity to make an opening statement as to the nature of the hearing and the matter(s) in issue. The State agency shall then be offered a similar opportunity to make an opening statement.

7. The order of the presentation of evidence will be as follows:

(a) The U.S. Department of Labor will proceed first by presenting any evidence it may wish to offer which is relevant to the issue(s) specified in the Notice of Hearing.

(b) The State agency will proceed next to present any evidence it may wish to offer which is relevant to the issue(s) referred to in Rule 7(a) above, followed by any evidence relevant to any additional issue, except that evidence regarding any issue other than the issue(s) referred to in the Notice of Hearing may be admitted only if the party offering such evidence has provided notice of such issue and a summary of such evidence, including a copy of any document to be offered, to each opposing party of record, at least three business days prior to the hearing.

(c) The U.S. Department of Labor may next present relevant evidence in rebuttal on any issue, and the trial record shall thereafter be closed, except as provided for by Rule 9 below.

8. Technical rules of evidence shall not apply to the hearing. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and may exclude irrelevant, immaterial, or unduly repetitious evidence or any other evidence excludable under these Rules, and may examine witnesses. All writings, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a satisfactory showing of their authenticity, relevancy, materiality,and admissibility under these Rules, be received in evidence.

9. During the hearing, the presiding Administrative Law Judge may require the production and introduction of further evidence upon any relevant matter, and may provide for the later receipt of such evidence or any other evidence for the record.

10. The proceedings at the hearing shall be recorded verbatim. The original and one copy of the transcript of the record of the hearing shall be furnished to the presiding Administrative Law Judge. The parties of record and any amicus curiae shall be entitled to secure a copy of the transcript from the reporter upon such terms as the party or amicus may arrange.

11. When any document is offered in evidence, one additional copy thereof shall be furnished to the presiding Administrative Law Judge and, unless previously provided, a copy shall be furnished to each opposing party of record.

12. (a) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral arguments presented by the parties of record.

(b) Oral arguments shall be in the following order: Opening argument for the U.S. Department of Labor, unless waived; argument for the State agency, unless waived; and closing argument for the U.S. Department of Labor, unless waived.

13. The parties of record and any amicus curiae authorized to participate in the proceedings shall be permitted to file briefs. The parties of record may also file reply briefs and proposed findings of fact and conclusions of law on the matters in issue. All such briefs and other papers shall be filed with the presiding Administrative Law Judge, with proof of service, within such time periods as are established by the presiding Administrative Law Judge.

14. As soon as possible, but in no event later than October 11, 1985 (unless the hearing is rescheduled or the proceedigs are otherwise delayed pursuant to Rule 5 above), the presiding Administrative Law Judge shall: (1) Prepare a recommended decision on the

basis of the record containing recommended findings of fact and conclusions of law on all issues raised by the parties; (2) certify to the Secretary of Labor such recommended decision and the entire record of the proceedings; and (3) forward a copy of the recommended decision to each party of record and amicus curiae. No conclusions of law regarding either the constitutionality of any Federal or State statute or the constitutionality of interpretation thereof shall be made.

15. The parties of record may file with the Secretary of Labor a Statement of Exceptions, with proof of service, setting forth any exceptions they may have to the recommended decision, within seven (7) days after service by mail of the recommended decision. In the absence of timely filing and sufficient proof of service on other parties, a Statement of Exceptions filed by a party shall not be considered by the Secretary of Labor in making his decision.

16. (a) Any briefs or other papers intended to be filed of record in the proceedings shall be mailed or otherwise delivered to the presiding Administrative Law Judge or the Secretary of Labor, as specified in their Rules. Unless otherwise ordered, such documents shall be deemed to be filed on the date they are post-marked if transmitted by the United States Postal Service, and shall be deemed to be filed on the date received if transmitted by any other means.

(b) An original and one copy of any brief or other paper shall be filed with the presiding Administrative Law Judge and shall be accepted subject to timely filing with proof of sufficient service upon the opposing parties.

(c) If the last day of a time limit prescribed by these Rules or established by the presiding Administrative Law Judge falls on a Saturday, Sunday, or a federal holiday, the time limit shall be extended to the next official business day.

17. Following the certification in accordance with Rule 14 above, and consideration of any Statement of Exceptions filed and served in accordance with Rules 15 and 16, the Secretary of Labor shall render a decision in the matter, in writing, and shall forward the decision together with the record to the Chief Administrative Law Judge, and shall forward copies of his decision to the Governor of the State, to each party of record, and to any amicus curiae authorized to participate in the proceedings.

[FR Doc. 85-22600 Filed 9-19-85; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Ethics and Values in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ethics and Values in Science and Technology.

Date and time: October 10-11, 1985, Room 628—National Science Foundation. October 10: 2 p.m.–5 p.m. October 11: 8:30 a.m.–4 p.m.

Type of meeting: Open.

Summary minutes: Contact Rachelle Hollander, Ethics and Values Program, National Science Foundation, Washington, D.C. 20550.

Purpose of meeting: To provide advice and recommendations concerning research and related activities in this field.

Agenda: Discussion of current status and future plans to encourage research on ethical or value issues in science or technology.

M. Rebecca Winkler,

Committee Management Officer.

September 17, 1985.

[FR Doc. 85-22556 Filed 9-19-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Metabolic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.

Date and time: October 10, 11 and 12, 1985 9:00 am–5:00 pm.

Place: Marine Biological Laboratories, Wood Hole, MA.

Type of meeting: Closed.

Contact person: Dr. William van B. Robertson, Metabolic Biology Program, Room 325, National Science Foundation, Wash., DC 20050, Telephone (202) 357-7987.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to closed meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

September 17, 1985.

[FR Doc. 85-22557 Filed 9-19-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Population Biology and Physiological Ecology.

Date and time: October 10 and 11, 1985—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James P. Collins, Program Director, Population Biology and Physiological Ecology (202) 357-9728, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process of awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Governmnet in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

September 17, 1985.

[FR Doc. 85-22558 Filed 9-19-85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Regulatory Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Regulatory Biology.

Date and time: October 9, 10, and 11, 1985 8:30 a.m. to 6:00 p.m.

Place: National Science Foundation, Room 1242B.

Type of meeting: Closed.

Contact person: Dr. Lewis Greenwald, Program Director, Regulatory Biology Program, Room 332, National Science Foundation, Washington, D.C. 20550. Telephone 202/357-7975.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

September 17, 1985.

[FR Doc. 85–22559 Filed 9–19–85; 8:45 am]

BILLING CODE 7555-0-M

Advisory Panel for Systematic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Systematic Biology.

Date and time: October 7 & 8, 1985–8:30 a.m. to 5:00 p.m. each day.

Place: Room 1141, National Science Foundation, 1800 G St., NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James E. Rodman, Program Director, Systematic Biology (202) 357–9588, Room 1140, National Science Foundation, Washington, D.C. 20550.

Purpose of panel: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: Review and evaluation of research proposals and projects as part of the selection process or awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

September 17, 1985.

[FR Doc. 85–22560 Filed 9–19–85; 8:45 am]

BILLING CODE 7555-01-M

Cell Biology Program; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cell Biology.

Date and time: October 9, 10, 11, 1985, starting at 8:30 A.M.

Place: Room 523, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Arnold Kaplan, Program Director, Cell Biology Program, Room 332–G, National Science Foundation, Washington, D.C., 20550, telephone 202/357–7474.

Purpose of advisory panel: To provide advice and recommendations concerning suport of research in cell biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government is the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

September 17, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85–22555 Filed 9–19–85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–528 and 50–529]

Arizona Public Service Co., et al. (Palo Verde Nuclear Generating Station, Units 1 and 2); Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied a Petition filed under 10 CFR 2.206 by Myron L. Scott on behalf of the Coalition for Responsible Energy Education regarding the Palo Verde Nuclear Generating Station (PVNGS), Units 1 and 2. The Petitioner requested that (1) an order be issued to the Arizona Public Service Company to show why the Operating License for PVNGS Unit 1 and the Construction Permit for PVNGS Unit 2 should not be suspended and (2) future licensing activities for PVNGS Units 1 and 2 be deferred, pending completion of certain actions relating to spray pond piping corrosion at PVNGS Units 1 and 2. As a basis for the Petition, the Petitioner alleged that the corrosion will reduce the margin of safety for the spray pond system to below acceptable levels and may have adversely affected other safety-related systems.

The Staff has considered the Petitioner's allegations and has determined that they do not provide an adequate basis for the relief requested. The reasons are fully described in a "Director's Decision Under 10 CFR 2.206," (DD–85–15), which is available for public inspection at the Commission's Public Document Room located at 1717 H street, N.W., Washington, DC 20555, and at the Phoenix Public Library, Business, Science and Technology Department, 12 East McDowell Road, Phoenix, Arizona 85004.

A copy of the decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c)

Dated at Bethesda, Maryland, this 16th day of September 1985.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–22565 Filed 9–19–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–440 OL & 50–441 OL]

Cleveland Electric Illuminating Co., et al. (Perry Nuclear Power Plant, Units 1 & 2); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this operating license proceeding will consist of the following members:

Alan S. Rosenthal, Chairman,
Dr. W. Reed Johnson,
Howard A. Wilber

Dated: September 16, 1985.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 85-22594 Filed 9-19-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos.: STN 50-491, STN 50-492 and STN 50-493

Duke Power Co. (Cherokee Nuclear Station, Units 1, 2 & 3); Order Revoking Construction Permits and Terminating Proceedings

I

On December 30, 1977, The United States Nuclear Regulatory Commission (Commission) issued Construction Permits Nos. CPPR-167, CPPR-168 and CPPR-169 to Duke Power Company, authorizing construction of three nuclear power reactors at a site in eastern Cherokee County, South Carolina. A Limited Work Authorization had been issued by the Commission on July 28, 1977.

II

On September 21, 1983, Duke Power Company surrendered the construction permits and requested that the dockets be deleted. The letter indicated that Cherokee 2 and 3 were cancelled November 2, 1982, and Duke Power Company's Board of Directors announced cancellation of Cherokee Unit 1 on April 29, 1983. A stabilization plan was also transmitted by the September 21 letter. Duke Power Company also filed a motion to the Atomic Safety and Licensing Appeal Board on October 4, 1983, requesting termination of its appellate jurisdiction.

III

Duke Power Company stated that the site stabilization plan transmitted by its September 21, 1983 letter "provided for stabilization of the site for the short term and control of unauthorized access and prevention of unauthorized use. The plan will remain in effect until the most appropriate long-term use of the site is determined, at which time it will be incorporated into that use." Based on its review of the site stabilization plan, responses to a request by the staff for additional information, staff inspection of the site, and a commitment by Duke Power Company to regrade and reseed two areas along the transmission corridor right-of-way, the staff concludes that there will be no significant detrimental environmental impact to offsite areas. For further details concerning the staff's review, see the report of the review of the Site Stabilization Plan attached to the letter to Duke Power Company dated September 12, 1985.

By Memorandum and Order dated October 12, 1983 (ALAB-745), the Atomic Safety and Licensing Appeal Board granted the motion by Duke Power Company.

IV

For the reasons set forth above, it is hereby ordered that Construction Permits Nos. CPPR-167, CPPR-168 and CPPR-169 are revoked.

This Order is effective upon issuance.

Dated at Bethesda, Mayland, this 12th day of September, 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing.

[FR Doc. 85-22566 Filed 9-19-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

General Public Utilities Nuclear Corp., Environmental Assessment and Notice of Finding of No Significant Environmental Impact

The U.S. Nuclear Regulatory Commission (the Commission) is planning to issue an Exemption from certain regulations relative to the Facility Operating License No. DPR-73, issued to General Public Utilities Nuclear Corporation (the licensee), for operation of the Three Mile Island Nuclear Station, Unit 2 (TMI-2), located in Londonderry Township, Dauphin County, Pennsylvania.

Environmental Assessment

Identification of Proposed Action: The action being considered by the Commission is the granting of exemptions from the inventory, record keeping and reporting requirements of 10 CFR 30.51, 40.61, 70.51(d), and 70.53 for core special nuclear, source and byproduct materials. Specifically, 10 CFR 30.51 and 40.61 require the maintenance of records showing the receipt, transfer and disposal of source or byproduct material. 10 CFR 70.51(d) specifies the requirements for the periodic conduct of a physical inventory of all special nuclear material in a licensee's possession. 10 CFR 70.53 specifies the requirements for the periodic submittal of a Material Balance Report and a Physical Inventory Listing for special nuclear material (SNM).

The Need for the Action: Given the severely damaged condition of the TMI-2 core fuel, the dislocation of fuel material from its original location in the reactor pressure vessel, and the nonhomogeneity of the dislocated material which has settled into plies of rubble at the bottom of the containment vessel, the licensee is unable to determine the bulk quantity of material in the vessel or the obtain representative samples for determination of source, byproduct, and SNM content in compliance with the core accountability requirements of 10 CFR 30.51, 40.61, 70.51(d) and 70.53. Accordingly, some relief from the Commission's regulatory requirements related to core accountability is warranted.

Environmental Impacts of the Proposed Actions: The staff has evaluated the exemptions and concluded that, as the exemptions are related to record keeping and reporting requirements, there are no significant radiological or nonradiological impacts to the environment as a result of this action.

Alternate of This Action: Since we have concluded that there is no significant environmental impact associated with the exemptions, any alternatives will have either no significant environmental impact or greater environmental impact. Alternatives to the exemptions would not reduce present environmental impacts of plant operations and would result in the application of overly restrictive regulatory requirements when considering the unique conditions of TMI-2.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Alternate Use of Resources: This action does not involve the use of resources not previously considered in connection with the Final Programmatic Impact Statement for TMI-2 dated March 1981.

Finding of No Significant Impact: The Commission has determined not to prepare an environmental impact statement for the subject Exemption. Based upon the foregoing environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action see: (1) Letter from F.R. Standerfer, GPUNC, to B.J. Snyder, USNRC, Core Accountability Exemption Request, dated April 18, 1985.

The above documents are available for inspection at the Commission's Local Public Document Room, 1717 H Street, NW., Washington, DC, and the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building.

Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 85-22595 Filed 9-19-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-14721; File No. 811-4046]

Federated Mortgage Securities Income Fund; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

September 13, 1985.

Notice is hereby given that Federated Mortgage Securities Income Fund ("Applicant"), 421 Seventh Avenue, Pittsburgh, PA 15219, registered as an open/end, diversified, management investment company under the Investment Company Act of 1940 (the "Act"), filed an application on August 29, 1985, requesting an order of the Commission, pursuant to section 8(f) of the Act, declaring that it has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below, and to the Act for the applicable provisions thereof.

According to the application, Applicant was organized on May 10, 1984, and registered under the Act by filing a Form N-8A Notification of Registration on June 6, 1984. Applicant states that it filed a registration statement pursuant to section 8(b) of the Act of June 7, 1984, but that it has never made a public offering, has no securityholders and has retained no assets. Applicant further represents that it is not a party to any litigation or administrative proceeding and does not intend to engage in any business activities other than those necessary to effectuate the winding up of its business and affairs. Applicant states that, pursuant to the approval of its Trustees, and in accordance with the laws of the Commonwealth of Massachusetts, it was dissolved and ceased to exist on June 14, 1985.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 8, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-22501 Filed 9-19-85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-5731]

Issuer Delisting; Application To Withdraw From Listing and Registration; Willcox & Gibbs, Inc.

September 13, 1985.

The above name issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the Common Stock, $1.00 Par Value, of Willcox & Gibbs, Inc. ("Company") from listing and registration on the American Stock Exchange, Inc.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the New York Stock Exchange and the American Stock Exchange. Willcox & Gibbs, Inc. does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before September 27, 1985 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-22502 Filed 9-19-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22404; File Nos. SR-NASD-85-5, 85-10 and 85-21]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Changes and Granting Accelerated Approval to Proposed Rule Change Relating to Index Options

I. Background

On June 28 and December 1, 1982, the National Association of Securities Dealers, Inc. ("NASD") submitted to the Commission copies of Amendments Nos. 1 and 2 to a proposed rule change (File No. SR-NASD-80-10) [1] pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 [2] and Rule 19b-4 thereunder [3] to trade standardized put and call options on certain indexes composed of OTC stocks.[4] On March 19, 1985, the NASD submitted to the Commission copies of Amendment No. 3 to File No. SR-NASD-80-10 to adopt various rules that would govern the trading in NASDAQ of stock index options.[5] On March 20, 1985, the NASD submitted to the Commission a new proposed rule change (File No. SR-NASD-85-5) pursuant to section 19(b)(2) of the Act and Rule 19b-4 thereunder to trade through NASDAQ facilities options on the "NASDAQ 100-Index," [6] an index composed of the 100 largest non-financial National Market System ("NMS") Securities.[7]

[1] The original proposed rule change, contained in File No. SR-NASD-80-10, related to options on individual over-the-counter ("OTC") stocks. The original filing was noticed in Securities Exchange Act Release No. 16979 (July 15, 1980), 45 FR 53295.

[2] 15 U.S.C. 78s(b)(1)(1982).

[3] 17 CFR 240.19b-4 (1985).

[4] Amendments Nos. 1 and 2 were noticed in Securities Exchange Act Release Nos. 19817 and 19330, (July 28 and December 31, 1982), 47 FR 33575 and 57812.

[5] Amendment No. 3 was noticed in Securities Exchange Act Release No. 21891 (March 25, 1985), 50 FR 12673. Prior to filing Amendment No. 3 the NASD also had indicated its intent to make certain changes to its index option filing. *See* letter from Gordon S. Macklin, President, NASD, to George A. Fitzsimmons, Secretary, SEC, dated June 15, 1984.

[6] File No. SR-NASD-85-5, noticed in Securities Exchange Act Release No. 21890 (March 25, 1985), 50 FR 12672.

[7] *See* Rule 11Aa2-1 under the Act, 17 CFR 240.11Aa2-1 (1984) regarding the designation of OTC stocks as NMS Securities.

On May 8, 1985, the Commission issued a release in which the Commission, among other things, indicated approval in concept of the NASD's index options proposal, including the NASDAQ–100 Index.[9] In the OTC Options Release, the Commission also indicated that the NASD would need to submit certain additional rules relating to index options as well as an adequate surveillance plan before the Commission could approve the NASD's index options proposal.[9]

On May 6, 1985, the NASD submitted to the Commission another proposed rule change (File No. SR–NASD–85–10) pursuant to section 19(b)(2) of the Act and Rule 19b–4 thereunder to trade through NASDAQ facilities options on the "NASDAQ Financial Index," and index composed of Securities of 100 of the largest operating NMS financial companies.[10] Finally, on August 2, 1985, the NASD submitted to the Commission pursuant to section 19(b)(2) of the Act and Rule 19b–4 thereunder a proposed rule change (File No. SR–NASD–85–21) incorporating the index options rules and procedures previously contained File No. SR–NASD–80–10 and making certain changes and additions to those rules and procedures.[11] The NASD requested accelerated approval of this filing in order to permit the NASD to commence trading the NASDAQ–100 and Financial Index options contracts by early September.

For the reasons discussed below, the Commission is approving the two specific contracts proposed in File Nos. SR–NASD–85–5 and 85–10 and granting accelerated approval to the proposal contained in File No. SR–NASD–85–21.[12]

II. Description of the Proposals

A. The Two Contracts

The NASDAQ 100-Index is composed of the 100 largest non-financial NMS Securities with an minimum market value of $100 million. The Index would be limited to one issue per company and would include both domestic and foreign NMS Securities. Any security included in the index which is deleted from NASDAQ or NMS status would be replaced by the next largest non-financial NMS security not in the index.

The index would be weighted by capitalization. Thus, the representation of each security in the index is proportional to its market capitalization (*i.e.*, last sale price times the total number of publicly held shares outstanding) in relation to the total market value of the index. Adjustments to the index for securities being added or deleted or for capitalization changes would be handled so that they will not, in and of themselves, alter the level of the Index. The Index's base value was calculated as of February 1, 1985, and was set at 250. A multiplier of $100 would be used for the index option [13] and the options would expire in three consecutive months.

The most highly capitalized stock in the index, as of March 29, 1985, accounted for 5.74% of the total capitalization of the index. The five most highly capitalized issues in the index together accounted for 17.18% of the total index capitalization.[14] In addition, more than 20 industry groups are represented in the index.[15]

The NASD Financial Index is composed of 100 securities of the largest domestic and foreign operating financial companies included in the NMS as of February 1, 1985. No more than one issue of a particular company will be included in the Index, and the minimum market value of the public float of the issue must be $100 million. The Index would be capitalization weighted, with adjustments to the Index value made in the same manner and circumstances as described above for the NASDAQ 100 Index. The Index's base value was calculated as of February 1, 1985, and was set at 250. A multiplier of 100 would be used, and options on the Index would trade in three consecutive months.

The most highly capitalized stock in the Index as of March 29, 1981, accounted for 4.56% of the total capitalization of Index. The five most highly capitalized issues in the Index together accounted for 15.9% of the total Index capitalization.[16]

B. Proposed Index Options Rules

Trading in NASDAQ Index options in general would be governed by the same rules and procedures as currently apply to OTC stock trading, with certain enhancements. Thus, these Index options will trade in a multiple market maker system, with quotations entered into NASDAQ by market makers, the best bid and offer publicly disseminated, and executions negotiated over the phone. Quotations would be firm for one contract.[17]

Trades in NASDAQ Index options, unlike those in OTC stocks, would be subject to reporting and clearing via the NASD's proposed Order Confirmation Transactions ("OCT") and Internalized Trade Transactions ("ITT") procedures. All NASDAQ Index options transactions will be required to be reported through these systems. Under the OCT procedures, after the trade is negotiated over the phone the order entry firm enters the trade detail into its NASDAQ terminal and the message is routed to the market makers. The market maker then has two minutes to confirm the trade. If it does so, the trade is reported automatically to the Options Price Reporting Authority ("OPRA"), and is locked-in for clearing purposes. If the market maker fails to confirm the trade within two minutes, the trade "times out," or is broken.[18] Whether the market maker confirms within two minutes or not, the system will capture the messages for surveillance purposes. The ITT procedures are used for internalized trades.

The NASD also proposes to require that there be at least five market makers in an index class before trading in the option can commence, and that no new series could be authorized unless there are at least three market makers. The NASD also would impose on index options market makers quote commitment rules which would require index options market makers to quote continuously all index options in which they make markets through the completion of all expiration cycles which are open for trading in such markets at the time the market maker's registration becomes effective. This

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[9] Securities Exchange Act Release No. 22026 (May 6, 1985), 50 FR 20310 ("OTC Options Release").

[9] *Id.*, 50 FR at 20328.

[10] File No. SR–NASD–85–10, noticed in Securities Exchange Release No. 22065 (May 22, 1985), 50 FR 21678.

[11] File No. SR–NASD–85–21, noticed in Securities Exchange Act Release No 22292 (August 6, 1985), 50 FR 32936 (August 15, 1985).

[12] While comments have been received regarding the NASD's index options proposal, as discussed below (*see* note 33, *infra*), the NASD has either addressed these comments or avoided raising the concern expressed by the commentators by seeking to trade options only on board-based indexes composed of NMS Securities .

[13] The multiplier is the amount by which the index value is multiplied to obtain the aggregate contract value; thus, if the index value is 250 and the multiplier is 100, the contract is worth $25,000.

[14] Telephone conversation between Peter Canada, NASD, and Alden Adkins, Attorney, Division of Market Regulation, August 9, 1985.

[15] Exhibit 2 to File No. SR–NASD–85–5. The Commission notes that the Chicago Board of Trade, pursuant to an agreement with the NASD, has applied for contract market designation for futures on this index and the Commission has commented favorably upon this application under the provisions of section 2(a)(1)(B) of the Commodity Exchange Act, 5 U.S.C. 2a(1)(B) (1982). That application is currently pending before the Commodity Futures Trading Commission.

[16] Telephone conversation between Peter Canada, NASD, and Alden Adkins, Attorney, Division of Market Regulation, August 9, 1985.

[17] Under the original NASD proposal, quotations would have been firm for three contracts.

[18] These systems also allow for cancellation of trades by mutual agreement in the event an incorrect message is inadvertently accepted.

obligation also would apply to any new series added in the expiration cycles during the term of the market maker's commitment.[19] If the market maker elects to commence quotations in options series in a subsequent expiration cycle, the market maker's commitment to quote index options continuously would extend through the expiration of such index options. Violation of these rules would result in revocation of the member's market maker registration and a bar against re-registration until the expiration of both the near term expiration month and the expiration month that follows.[20] The NASD also proposes to impose on NASDAQ index options market makers quote spread and price continuity parameters comparable to those of the options exchange.[21]

In all other respects, the rules applicable to NASDAQ index options will be substantially identical to the index options rules of the options exchanges. Thus, the NASD's margin and position and exercise limit rules are identical to those of the exchanges.[22] The NASD's proposed rules governing the introduction and addition of new series of index options would be identical to the rules of the options exchanges;[23] the NASD's existing customer protection requirements (*e.g.*, suitability and account approval rules) would apply; the NASD's generalized antifraud and manipulation rules will apply;[24] the NASD would apply its existing rule regarding the allocation of exercise notices to these index options contracts;[25] the NASD proposes special exercise notice procedures for these contracts similar to those of the options exchanges;[26] as well as "cabinet transaction" rule similar to those of the options exchanges.[27] The operating hours of NASDAQ Index Options Service would be 10:00 a.m. to 4:10 p.m., E.S.T.[28]

C. Surveillance

The NASD's Surveillance is based upon the data that will be automatically captured through the OTC and ITT procedures, as well as upon the NASD's equity data capture systems. The NASD will untertake to surveil for the same types of index options trading abuses as do the options exchanges, including mini-manipulation, capping, pegging, fictituous trading, marking the close and frontrunning.

III. Discussion

A. Index Options Rules

As described above, in the OTC Options Release, the Commission indicated that the NASD's index options proposal appeared to be consistent with the Act, but also indicated that the NASD's index options rules were incomplete and that the NASD needed to submit an adequate surveillance plan for trading in these options.[29]

While the NASD's revised proposal no longer contains certain of the rules and procedures the Commission considered in April, we do not believe that these changes render approval of the NASD's index options proposal inappropriate. The principal deletions defer implementation of the NASD's automatic execution system and reduce from three to one the number of contracts for which index options quotations must be firm. While both of these provisions are desirable, the Commission has concluded that neither is required by sections 15A(b)(6)[30] or 11A[31] of the Act to commence trading in the proposed index options contracts.

Furthermore, as described above, the NASD has now submitted additional rules which, for the most part, are identical to comparable rules of the options exchanges. The Commission finds that, with the addition of these rules, the NASD index options proposal as now contained in File No. SR–NASD–85–21 is consistent with the Act. In this regard, the NASD also has submitted a surveillance plan that is comparable to those of the options exchanges, and the Commission finds that this plan is adequate for the surveillance of trading in the two NASDAQ index options contracts the NASD proposes to commence trading. For these reasons, and for the reasons stated in the OTC Options Release,[32] the Commisison finds that the proposed rule change contained in File No. SR–NASD–85–21 is consistent with the Act and the rules and regulations thereunder applicable to a national securities association, and, in particular, sections 11A and 15A(b)(6).[33]

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[19] Thus, a member becoming a market maker in an index option at the expiration of the October options would be required to quote continuously all series then open for trading or subsequently added through the expiration of the November, December and January options.

[20] For example, a market maker withdrawing quotes prior to the expiration of a December option would have its market maker registration revoked and would not be permitted to register until the end of the expiration of the January options. The NASD also states that a market maker whose quotations are withdrawn during the fifteen days preceding an expiration could be found in violation of Article III, Section 1 of the NASD's Rules of Fair Practice, which obligates members to act in accordance with high standards of commercial honor and just and equitable principles of trade.

[21] *See, e.g.*, CBOE Rule 8.7 (CCH).

[22] Under these rules, margin for the two NASD broad-based index options contract would equal the current market value of the premium, plus 10% of the contract value minus amounts by which the contract is out of the money, with a minimum margin of current market value of the premium plus 2% of contract value. The NASD in conjunction with the five options exchanges has proposed to amend its rules to establish a uniform premium-based customer margin system for "short" options positions. Under the proposed system, initial and maintenance margin levels for index options would equal 100% of the current option premium value plus 5% of the product of the current index group value and the index multiple applicable to the contract, with a minimum margin requirement of 100% of the current market value of the option contract plus 2%. *See* File No. SR–NASD–85–15, noticed in Securities Exchange Act Release No. 22235 (July 12, 1985), 50 FR 29291 Position and exercise limits would be $300 million dollars.

[23] Proposed section 12(b)(2) of Part IV Schedule D. For exchange rules, *see* the American and Pacific Stock and the Chicago Board Options Exchanges' proposals approved in Securities Exchange Act Release No. 21929 (April 10, 1985), 50 FR 15258.

[24] In this connection, the Commission notes that while the NASD has not yet formally issued a frontrunning circular, the NASD always has taken the position that its rule against conduct inconsistent with just and equitable principles of trade (Article III, section 1 of NASD's Rules of Fair Practices) prohibits frontrunning to the same extent as do the frontrunning circulars of the options exchanges. The Intermarket Surveillance Group, which includes the NASD, recently has discussed amending the frontrunning circulars to make it clear that they apply to index options and the NASD has agreed to issue a frontrunning circular that adopts this approach. The NASD also has specific surveillance systems designed to detect frontrunning of its two index options contracts, *infra*.

[25] Proposed section 23(a)-(d), Appendix E to section 33 of NASD's Rules of Fair Practice.

[26] Proposed Rule 23(e), Appendix E to section 33 of NASD's Rules of Fair Practices.

[27] Proposed section 1(ss) Part IV of Schedule D. The Commission notes that the NASD proposes to define the term "security" in its rules by reference to the Securities Act of 1933. Proposed section 33 (d), Article III, Exhibit E, NASD Rules of Fair Practice. Because the NASD is a National Securities Association registered pursuant to section 15 of the Exchange Act, whose rules must comply section 15A of the Exchange Act, the Commission believes that this definition would more appropriately refer to the Exchange Act. The NASD staff has agreed to submit such an amended definition of the term "security" to its membership as soon as practicable.

[28] The Commission notes that, while the NASD proposal by its term provides the NASD discretion to change these hours (proposed section 7(d) Schedule D, Part IV of NASD By-Laws), if the NASD' desires to change these hours it will have to make a rule filing with the Commission pursuant to Rule 19b–4 under the Act

[29] OTC Options Release, *supra*, note 8, 50 FR 20328.

[30] 15 U.S.C. 78o–3(b)(6) (1982).

[31] 15 U.S.C. 78k–1 (1982).

[32] *See* OTC Option Release, *supra* note 8, 50 FR 20318–20, 20327–28 and 20333.

[33] The Commission notes that previous comments on the NASD's index options proposal either suggested that the proposal was incomplete (*see, e.g.*, letter from Robert Birnbaum, President, Amex, to George A. Fitzsimmons, Secretary, SEC, dated August 2, 1982) or focused on concerns raised either by the NASD's proposed industry index options or indexes that contained stocks for which last sale

Continued

The Commission finds good cause for approving the proposed rule change contained in File No. SR-NASD-85-21 prior to the thirtieth day after the date of publication of the notice of filing thereof in that the issues presented by index options trading in the NASDAQ market and most of the NASD's proposed rules, regulations, and procedures addressing those issues previously have been exposed for public comment and were the subject of careful deliberation by the Commission at a meeting on April 16, 1985 and in the OTC Options Release. In that release, the Commission approved, in concept, as being consistent with the Act, the index option elements of the NASDAQ Options Plan previously submitted to the Commission in File No. SR-NASD-80-10, subject to the NASD's completion of its rules and submission of an adequate surveillance plan. Moreover, the proposed rules added by File No. SR-NASD-85-21 to those previously proposed by the NASD are substantially the same as those approved by the Commission for other self-regulatory organizations presently trading options or are purely technical in nature. Furthermore, File No. SR-NASD-85-21 has been published for comment for over 21 days, and no comments were received. Finally, the NASD desires and has made operational preparations to commence trading in the NASDAQ-100 Index on September 27, 1985. Accelerated approval at this time is required to permit publication of these rule changes in the *NASD Manual* prior to the commencement of trading, and to allow the NASD to complete the steps necessary for trading to commerce.

B. The Two Specific Contracts

As indicated above, in the OTC Options Release, the Commission approved in concept the NASD's proposed NASDAQ-100 Index option contract, subject to the completion of the NASD's index options rules and the submission of an adequate surveillance plan. The Commission also indicated in the OTC Options Release that it appeared appropriate to deem the NASDAQ-100 Index to be a broad-based index.[34]

As discussed above, the NASD has now adequately completed its index options rules and submitted an adequate surveillance plan. For these reasons, and the reasons discussed in the OTC Options Release,[35] the Commission finds that the NASDAQ-100 Index option proposal, as contained in File No. SR-NASD-85-5, is consistent with the Act and the rules and regulations thereunder applicable to a national securities association, and, in particular, Sections 11A and 15A of the Act.

The NASD's proposed NASDAQ Financial Index Option contract does not differ in any material regulatory respect from the NASDAQ 100 Index. While the NASDAQ Financial Index contains stocks representing fewer industry groups than the NASDAQ 100-Index, the index is not dominated by one stock or a small group of stocks and its total capitalization is $41.9 billion. The Commission finds therefore, the NASDAQ Financial Index is a broad-based index.[36] For these reasons, the Commission finds the NASD's proposed NASDAQ Financial Index options contract, as contained in File No. SR-NASD-85-10, is consistent with the Act and the rules and regulations thereunder applicable to a national securities association, and, in particular, Sections 11A and 15(A)(b)(6).[37]

IV. Conclusions

For the reasons discussed above, it is ordered that the proposed rule changes contained in File Nos. SR-NASD-85-5, 10 and 21 are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[38]

Dated: September 13, 1985.

John Wheeler,

Secretary.

[FR Doc. 22503 Filed 9-19-85; 8:45 am]

BILLING CODE 8010-01-M

reports are unavailable. *Id.* As discussed above, the NASD rules are now complete, and the two specific contracts on which the NASD now seeks to trade options are broad-based and contain only stocks for which last sale reports are available.

[34] OTC Options Release, *supra* note 8, 50 FR at 20328.

[35] *Id.*

[36] *See* Securities Exchange Act Release No. 31032 (June 8, 1984), 49 FR 24964 (approving the designation of Pacific Stock Exchange's High Technology Index Option as broad-based).

[37] The Commission notes that it continues to monitor the market effects of certain arbitrage and related trading strategies that involve index options, and believes that remedial measures may be necessary to address these effects, such as reducing position and exercise limits as contracts approach expiration. The NASD's index options, as well as existing exchange traded index options will be a part of the Commission's continuing review of these concerns.

[38] On June 17, 1985, the NASD filed with the Commission a "Petition for Reconsideration and Statement of Comments" on the OTC Options Release ("Petition"). In this Petition, the NASD, among other things, requests that the Commission either rescind or clarify its policy allowing the multiple trading of index options. Because no one is currently seeking to trade an option on an index identical to either of the NASD's proposed indexes, it is not necessary at this time to address this comment. The Commission will address the NASD's Petition in its entirety in the near future.

[Release No. 34-22407; File No. SR-NASD-85-23]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to NASD Assessments and Fees

Pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 9, 1985, the National Association of Securities Dealers, Inc. ("NASD"), filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change to section 1(d) of Schedule A of the Corporation's By-Laws establishes a credit during fiscal year 1985-86 of forty (40) percent toward certain annual assessment fees set forth in sections 1(b) and 1 (c) of Schedule A the Corporation's By-Laws.

The proposed rule change to section 2(a) increases the branch office fee to fifty (50) dollars from thirty (30) dollars.

The proposed rule change to section 2(c) increases to fifty (50) dollars from thirty (30) dollars the examination fee for each individual who is required to take an examination for registration as a registered representative.

The proposed rule change to section 2(d) increases to one-hundred (100) dollars from eighty (80) dollars the examination fee for each individual taking the general securities sales supervisor examination.

The proposed rule change adding section 2(g)(i) establishes a fee of fifteen (15) dollars for each notice of termination of a registered representative or registered principal.

The proposed rule change to sections 2(g)(ii) and 2(g)(iii) restates existing Sections 8(a) and 8(c). Existing Section 8 is being deleted and subsequent sections renumbered accordingly.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any

comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule amendment to section 1(d) of Schedule A establishes a special credit during fiscal year 1985–86 of 40% toward certain annual assessment fees for each member firm. After preparing manpower projections to determine the number of persons required to perform the Corporation's regulatory functions during the coming fiscal year and forecasting required expenditures for operations and for new projects, the Board of Governors concluded that a fiscal year 1986 operating budget increase of approximately $10 million and a capital budget of $23.4 million were required. Since the current assessment rates, combined with the other changes in Schedule A discussed below, would yield greater income than necessary to fund such a budget, the Board of Governors believes it appropriate to permit a temporary, proportionate reduction for fiscal year 1985–86 in the rate of certain assessments previously approved by the Commission as being fair and equitable.

Several of the fee changes presented in the proposed rule change represent the transfer of the cost of providing certain services from general membership assessments to user fees charged members utilizing the specific service. The Board of Governors, therefore, eliminated the discount on the basic membership fee, increased the assessment on branch offices and instituted a new fee for filing a notice of termination of registration (Form U–5). These measures are expected to shift approximately $2.7 million in revenue from general assessments to specific charges.

The increase in the examination fee reflects anticipated increases in charges to the Corporation for administration of the PLATO System on which the examinations are operated.

For reasons stated above, these proposed fees are consistent with and in furtherance of section 15A(b)(5) of the Act which requires that the rules of the Corporation provide for the equitable allocation of reasonable dues, fees and other charges among members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Corporation does not anticipate that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received with respect to the proposed rule changes contained in this filing.

III. Date of Effectiveness of Proposed Rule Change and Timing for Commission Action

The proposed rule change is effective on filing pursuant to section 19(b)(3)(A)(ii) of the Act in that it affects assessments and fees imposed by the Corporation exclusively upon its members. Imposition of the fees will, however, be delayed until the start of the Corporation's fiscal year on October 1, 1985.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 522 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 11, 1985.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 13, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–22504 Filed 9–19–85; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

September 13, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following security:

Home Group, Inc.

Common Stock, $1.00 Par Value (File No. 7–8506)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 4, 1985, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–22505 Filed 9–19–85; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Agreements Filed With the Department of Transportation Under Sections 408, 409, 412 and 414 During the Week Ending September 13, 1985

Answers may be filed within 21 days from the date of filing.

Date filed	Docket No.	Parties	Subject	Proposed effective date
Sept. 9, 1985	43387, R-1	Members of International Air Transport Association	Add fares from Switzerland to Germany and between Switzerland and Austria, TC2 MV/P 0295(M.V. 952).	Nov. 1, 1985.
Sept. 12, 1985	43393, R-1	Members of International Air Transport Association	Adding SCR rate for item No. 9993 from Papeete to Los Angeles, COMP SCRB 0373, Status Report No. 1050.	Sept. 5, 1985

Phyllis T. Kaylor,
Chief, Documentary Service Division.
[FR Doc. 85-22554 Filed 9-19-85; 8:45 am]
BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.); Week Ended September 13, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. following the answer period dot may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Sept. 9, 1985	43385	Servicio Aereo Leo Lopez, S.A. De C.V., c/o Francisco Santos, 1820 American Drive, El Paso, Texas 79925. Application of Servicio Aereo Leo Lopez, S.A. De C.V. pursuant to Section 402 of the Act and Subpart Q of the Regulations for authority to perform non-scheduled, including charter flights between El Paso, Texas, U.S.A. and Chichuahua, Chihuahua, Mexico, to transport property and mail. Answers may be filed by October 7, 1985.
Sept. 13, 1985	43396	Pan American World Airways, Inc., c/o David M. O'Connor 1660 L Street, N.W.,—Suite 901, Washington, D.C. 20036 Application of Pan American World Airways, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations for renewal of authority granted by its certificates of public convenience and necessity for Routes 132 and 133 which is presently scheduled to expire on March 26, 1986, Conforming Applications, Motions to Modify Scope and Answers may be filed October 11, 1985.
Do.	43397	Southern International Airways, Inc., c/o Richard O. Wheeler, 1120 19th Street, N.W., #700, Washington, D.C. 20036. Application of Southern International Airways, Inc. pursuant to section 401(d)(1) of the Act and Subpart Q of the Regulations requests authority to engage in interstate and overseas scheduled/charter air transportation of persons property, and mail: Scheduled Service—Gulfport, Mississippi and Washington, D.C. Gulfport, Mississippi and Jackson, Mississippi. A. Charter Service between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States and any other point in any State of the United States or the District of Columbia, or any territory or possession of the United States. B. Any point of Mexico: D. C. Any point in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea; D. Any point in Central or South America. Conforming Applications, Motions to Modify Scope and Answers may be filed by October 11, 1985.

Phyllis T. Kaylor,
Chief, Documentary Service Division.
[FR Doc. 85-22553 Filed 9-19-85; 8:45 am]
BILLING CODE 4910-62-M

Federal Aviation Administration

Airway Science Grants; Solicitation for Proposals

Correction

In FR Doc. 85-22035 beginning on page 37612 in the issue of Monday, September 16, 1985, make the following correction:

On page 37615, second column, second paragraph, sixth line, the first "$1,000,000" should read "$100,000".

Federal Highway Administration

Environmental Impact Statement; Hennepin County, MN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public of their intent to prepare an environmental impact statement for proposed highway improvements on STH 77 and I-494 in Hennepin County, Minnesota.

FOR FURTHER INFORMATION CONTACT:
Mr. Stephen Bahler, Area Engineer, Federal Highway Administration, Suite 490, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101 (612) 349-5237;

or

Mr. Duane Brown, Assistant District Engineer, Minnesota Department of Transportation, District 5 Office, 2055 North Lilac Drive, Golden Valley, Minnesota 55422 (612) 593-8404.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the

Minnesota Department of Transportation, is planning to prepare an environmental impact statement (EIS) on a proposal to improve: (1) State Trunk Highway 77 (STH 77) from approximately 76th Street East in the City of Richfield to approximately 86th Street East in the City of Bloomington, including but not limited to the intersections of STH 77 and 76th Street, STH 77 and I–494, STH 77 and 79th Street, and STH 77 and 86th Street, and (2) interstate Highway 494 (I–494) from approximately 12th Avenue South to approximately 24th Avenue South, including but not limited to, the intersections of I–494 and 12th Avenue, I–494 and STH 77, and I–494 and 24th Avenue. All of these roadways are in Hennepin County, Minnesota.

The proposed roadway improvements will be more precisely defined by a transportation plan to be prepared in conjunction with this EIS.

Improvements to these roadways may be necessary to provide for the additional expected traffic demand resulting from the development in the Airport South Area of Bloomington, Minnesota, including the Mall of America and Fantasyworld, which is proposed to be built on a site east of STH 77, north of Killebrew Driveand Old Shakopee Road, and south of I–494 (the former Metropolitan Stadium site). Possible roadway improvements may include the following: widening 24th Avenue/I–494 to Killebrew Drive; modifying the design of the 24th Avenue/I–494 interchange; modifying the design of the intersection of STH 77/ Killebrew Drive to better accommodate the characteristics of the proposed Mall of America and Fantasyworld; adding through and turn lanes to the intersections and/or roadways serving the proposed land development as needed; modifying the design of the STH 77/I–494 interchange; and providing a half-diamond interchange at STH 77 and 76th Street with a connection to 24th Avenue. Improvements to I–494 and STH 77 between the stated termini may also be considered.

Alternatives under consideration include: (1) Taking no action; (2) improving the above-mentioned roodways and instituting certain traffic system management measures; (3) improving the above-mentioned roadways but not instituting any traffic system management measures; and (4) only instituting traffic system management measures.

A location/design public meeting will be held to receive comments on the issues to be addressed in the EIS and the proposed alternatives. That meeting will be held September 26 from 2:00 p.m. to approximately 4:00 p.m. and from 7:30 p.m. to approximately 9:30 p.m. The location of the meeting will be the Bloomington Armory, 3300 West 98th Street, Bloomington, Minnesota.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies and to private organizations and citizens who express an interest in this proposal. A public hearing will be held on the draft EIS in the first quarter of 1986. Public notice of the time and place of the hearing will be given. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions will be invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Minnesota state law requires that an EIS be prepared for the Mall of America/Fantasyworld development proposal. That EIS is being prepared separately from this EIS, but will be closely coordinated. That site specific EIS will be based on work previously completed in the Airport South Generic EIS approved by the Minnesota Environmental Quality Board on November 15, 1984. At this time, it is expected that an EIS will be required for certain roadway improvements to STH 77 and I–494. However, further analysis may indicate that an Environmental Assessment is the appropriate federal environmental document. If such a decision is made, this Notice of Intent will be formally withdrawn.

(Catalog of Federal Domestic Assistance Program Number 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: September 11, 1985.

Alan Friesen,

District Engineer.

[FR Doc. 85–22492 Filed 9–19–85; 8:45 am]

BILLING CODE 4910–22–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 183
Friday, September 20, 1985

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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CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, September 26, 1985.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:
Compliance Status Report.

The staff will brief the Commission on various Compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800.

September 17, 1985.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 85-22597 Filed 9-17-85; 4:38 pm]
BILLING CODE 6355-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:07 p.m. on Friday, September 13, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First Security Bank of Dickson, Dickson, Tennessee, which was closed by the Commissioner of Financial Institutions for the State of Tennessee on Thursday, September 12, 1985; (2) accept the bid for the transaction submitted by Peoples Bank, Vanleer, Tennessee, an insured State nonmember bank; (3) approve the application of Peoples Bank, Vanleer, Tennessee, for consent to purchase certain assets of and assume the liability to pay deposits made in First Security Bank of Dickson, Dickson, Tennessee, and for consent to establish the two offices of First Security Bank of Dickson as branches of Peoples Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board of Directors also adopted a resolution (1) making funds available for the payment of insured deposits in Peoples National Bank of Rockland County, Ramapo (P.O. Monsey), New York, which had been closed by the Deputy Comptroller of the Currency on Friday, September 13, 1985; and (2) accepting the bid of and appointing The First National Bank of Highland, Highland, New York, as the transfer agent for the Corporation for the payment of insured and fully secured deposits of the closed bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b)(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 16, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 85-22632 Filed 9-18-85; 11:28 am]
BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 16, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. John F. Downey, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Evansville Morris Plan Co., Inc., an operating noninsured industrial bank located at 222 Main Street, Evansville, Indiana, for Federal deposit insurance.

Application of Thrift, Incorporated, an operating noninsured industrial bank located at 4601 Lincoln Avenue, Evansville, Indiana, for Federal deposit insurance.

Application of Fidelity Investment, Inc., an operating noninsured industrial bank located at 714 North Michigan Street, South Bend, Indiana, for Federal deposit insurance.

The Board further determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. John F. Downey, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at this meeting, on less than seven days' notice to the public, of the following matters:

Memorandum regarding the buildout and furnishings requirements of the New York Regional Office.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,313—Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois

By the same majority vote, the Board further determined that no earlier notice

of these changes in the subject matter of the meeting was practicable.

Dated: September 17, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-22633 Filed 9-18-85; 11:26 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 16, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. John F. Downey, acting in the place and stead of Director H. Joe Selby (Acting Comptroller of the Currency,) that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the Corporation's assistance agreement with an insured bank pursuant to section 13 of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), and (c)(9)(A)(ii)).

Dated: September 17, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-22634 Filed 9-18-85; 11:26 am]

BILLING CODE 6714-01-M

5

FEDERAL RESERVE SYSTEM

(Board of Governors of the Federal Reserve System)

TIME AND DATE: 10:00 a.m., Wednesday, September 25, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. 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: September 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-22655 Filed 9-18-85; 8:45 am]

BILLING CODE 6210-01-M

6

MARINE MAMMAL COMMISSION

TIME AND DATE: The Marine Mammal Commission will meet in Executive Session from 8:30 a.m. to 10:00 a.m., Thursday, October 24 and from 8:00 p.m. to 10:00 p.m. on Friday, October 25. The public sessions of the 23rd meeting of the Marine Mammal Commission and the 19th meeting of the Committee of Scientific Advisors on Marine Mammals will commence at 10:00 a.m. on Thursday, October 24 and will adjourn at 6:00 p.m. Public sessions also will be held from 8:30 a.m. to 5:15 p.m. on Friday, October 25 and from 8:30 a.m. to 3:30 p.m. on Saturday, October 26.

PLACE: Auditorium, Douglas F. Manchester Executive Conference Center, University of San Diego, Alcala Park, San Diego, California 92110.

STATUS: The executive sessions will be closed. All other portions of the meeting will be open to public observation. Public participation will be allowed if time permits and it is determined to be desirable by the Chairman.

MATTERS TO BE CONSIDERED: October 24—Introduction and general matters; report on Alaskan marine mammals, marine mammal working groups, Federal and State plans; Hawaiian monk seal; permit procedures; marine mammal/fishery interactions in California.

October 25—Sea otters: population status, incidental take, translocation plan, effects on fishermen, oil spill risks, recovery plans, Alaskan sea otters.

October 26—Tuna-porpoise; net entanglement; North Pacific fur seals; report of the working group on endangered and threatened species; US/USSR Agreement; Antarctic matters; International Whaling Commission; Summary.

CONTACT PERSON FOR MORE INFORMATION: John R. Twiss, Jr., Executive Director, Marine Mammal Commission, 1625 I Street, NW Washington, DC 20006, 202/653-6237.

Dated: September 17, 1985.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 85-22614 Filed 9-18-85; 9:52 am]

BILLING CODE 6820-31-M

7

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 2:30 p.m. Monday, September 16, 1985.

PLACE: Hyatt Orlando, 6375 West Space Coast Parkway, Kissimmee, Florida 32741.

STATUS: Closed.

MATTERS CONSIDERED:

1. Conservatorship.
2. Purchase and Assumption.

The Board unanimously voted that the Agency business required that a meeting be held with less than the usual seven days advance notice.

The Board unanimously voted to close the meeting under exemptions (8) and (9)(A)(ii). The Acting General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, Telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 85-22654 Filed 9-18-85; 1:47 pm]

BILLING CODE 7535-01-M

8

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 23, 1985.

A closed meeting will be held on Tuesday, September 24, 1985, at 2:30 p.m. An open meeting will be held on Thursday, September 26, 1985, at 10:00 a.m., in Room 1C30

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain

staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioner Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 24, 1985, at 2:30 p.m., will be:

Settlement of administrative proceedings of and enforcement nature.

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive actions.

Consideration of *amicus* participation.

Regulatory matter regarding financial institution.

The subject matter of the open meeting scheduled for Thursday, September 26, 1985, at 10:00 a.m., will be:

1. Consideration of whether to issue a release announcing the adoption of revisions to Form BD and related technical changes and amendments to the broker-dealer successor rules, to remove duplicative information requirements of the disciplinary question on Form BD, to clarify the information requested in Rule 17a-3 under the Securities Exchange Act of 1934 to that required by the revised Form U-4, and to provide that in the event of a succession, an amendment to Form BD be filed rather than a new complete Form BD. For further information, please contact Lynne G. Masters at (202) 272-2848.

2. Consideration of whether to publish for comment proposals which would expand the number of issuers relieved from the registration and reporting requirements of the Securities Exchange Act of 1934 by increasing the total assets reporting threshold from $3 million to $5 million. For further information, please contact Mary M. Jackley or Michael T. Cronin at (202) 272-2644.

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: Kathryn Natale at (202) 272-3195.

John Wheeler,

Secretary.

September 17, 1985.

[FR Doc. 85-22576 Filed 9-17-85; 4:11 pm]

BILLING CODE 8010-01-M

9

SECURITIES AND EXCHANGE COMMISSION

AGENCY MEETINGS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [50 FR 37110 9/11/85].

STATUS: Closed/Open meetings.

PLACE: 450 Fifth Street, NW, Washington, DC.

DATES PREVIOUSLY ANNOUNCED: Friday, September 6, 1985.

CHANGE IN THE MEETING: Additional items.

The following additional item will be considered at a closed meeting scheduled for Tuesday, September 17, 1985, at 2:30 p.m.

Settlement of injunctive action.

The following additional item will be considered at an open meeting scheduled for Thursday, September 19, 1985, at 10:00 a.m.:

Consideration of whether to authorize issuance of a release approving the American Stock Exchange's ("AMEX") proposed rule change to establish an electronic linkage with the Toronto Stock Exchange ("TSE"). The proposed linkage would allow orders in securities dually listed on the Amex and TSE to be routed between the two exchanges and would be the first to link a primary market in the United States with a primary market in a foreign jurisdiction. For further information, please contact Judith Levy at (202) 272-7345.

Commissioners Cox, as duty officer, determined that Commission business required the above changes 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: David Powers at (202) 272-2091.

John Wheeler,

Secretary.

September 17, 1985.

[FR Doc. 85-22577 Filed 9-17-85; 4:11 pm]

BILLING CODE 8010-01-M

10

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of Meeting.

SUMMARY: Interested members of the public are advised that a meeting of the Board of Directors of the United States Synthetic Fuels Corporation will be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close the meeting pursuant to Article II, section 4 of the Corporation's By-laws, section 116(f) of the said Act and Section 4 and 5 of the said policy.

Open Session

I. Call to Order—Chairman's Opening Remarks
II. Approval of Board Minutes
III. Approval of Financial Assistance Award for the Forest Hill Project
IV. Seep Ridge Project
  A. Approval of Environmental Monitoring Plan Outline
  B. Approval of Financial Assistance Award
V. Approval of an Amendment to the Cool Water Contract
VI. Status Report on the Tar Sands Solicitation
VII. Status Report on the Eastern Coal Solicitation
VIII. Union Oil Parachute Creek Project
  A. Approval of Environmental Monitoring Plan Outline
  B. Status Report on Negotiations
IX. Resolution to Close Meeting

Closed Session

X. Consideration of Negotiation Strategies for the Union Oil Parachute Creek Project

TIME AND DATE: 9:30 a.m., September 24, 1985.

PLACE: 2121 K Street, NW., Rooms 503 and 403, Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Ms. Karen Hutchinson, Director-Media Relations, at (202) 822-6455.

United States Synthetic Fuels Corporation.

March Coleman,

Assistant General Counsel-Corporate and Litigation.

September 19, 1985.

[FR Doc. 85-22759 Filed 9-19-85; 11:45 am]

BILLING CODE 0000-00-M

Federal Register

Friday
September 20, 1985

Part II

Environmental Protection Agency

40 CFR Part 421

Nonferrous Metals Manufacturing Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 421

[FRL-2872-1]

Nonferrous Metals Manufacturing Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes effluent limitations guidelines and standards limiting the discharge of pollutants into navigable waters and into publicly owned treatment works (POTW) by existing and new sources that conduct particular nonferrous metals manufacturing operations. The Clean Water Act and a consent decree require EPA to issue this regulation.

This regulation establishes effluent limitations guidelines based on "best practicable technology" (BPT) and "best available technology" (BAT), new source performance standards (NSPS) based on "best demonstrated technology", and pretreatment standards for existing and new indirect dischargers (PSES and PSNS, respectively).

DATES: In accordance with 40 CFR Part 23 (50 FR 7268), this regulation shall be considered issued for purposes of judicial review at 1:00 p.m. Eastern time on October 4, 1985. This regulation shall become effective November 4, 1985.

The compliance date for new source performance standards (NSPS) and pretreatment standards for new sources (PSNS) is the date the new source begins operations. The compliance date for pretreatment standards for existing sources (PSES) is September 20, 1988.

Under section 509(b)(1) of the Clean Water Act, judicial review of this regulation can be made only by filing a petition for review in the United States Court of Appeals within 90 days after the regulation is considered issued for purposes of judicial review. Under section 509(b)(2) of the Clean Water Act, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: Address questions on the final rule to: Ms. Maria M. Irizarry, Industrial Technology Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, Attention: Nonferrous Metals Manufacturing Rules. The basis for this regulation is detailed in four major documents. See Supplementary Information (under "XIV. Availability of Technical Information") for a description of each document. Copies of the technical and economic documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161 (703/487-6000). Technical information may be obtained by writing Ms. Maria M. Irizarry, Industrial Technology Division, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 or by calling 202/382-7126. Additional economic information may be obtained by writing Mr. Mark Kohorst, Economic Analysis Branch (WH-586), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or by calling 202/382-5397.

The record for the final rule will be available for public review not later than November 25, 1985, at the EPA Public Information Reference Unit, Room 2402 (Rear) (EPA Library). The EPA public information regulation (40 CFR part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, 202/382-7126.

SUPPLEMENTARY INFORMATION:

Organization of this Notice

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  B. Prior EPA Regulations
III. Summary of Legal Background.
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  2. Best Available Technology (BAT)
  3. Best Conventional Pollutant Control Technology (BCT)
  4. New Source Performance Standards (NSPS)
  5. Pretreatment Standards for Existing Sources (PSES)
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IV. Methodology and Data Gathering Efforts
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  D. Regulatory Flexibility Analysis
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VIII. Pollutants and Subcategories Not Regulated
  A. Exclusion of Pollutants
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IX. Public Participation and Response to Major Comments
X. Best Management Practices (BMPs)
XI. Upset and Bypass Provisions
XII. Variances and Modifications
XIII. Implementation of Limitations and Standards
  A. Relationship to NPDES Permits
  B. Indirect Dischargers
XIV. Availability of Technical Information
XV. List of Subjects in 40 CFR Part 421
XVI. Appendices:
  A. Abbreviations, Acronyms, and Other Terms Used in this Notice
  B. Pollutants Selected for Regulation by Subcategory
  C. Toxic Pollutants Not Detected
  D. Pollutants Detected Below the Analytical Quantification Limit
  E. Toxic Pollutants Detected in Amounts Too Small to be Effectively Reduced by Technologies Considered in Preparing this Guideline
  F. Toxic Pollutants Detected in the Effluent from Only a Small Numbe of Sources

I. Legal Authority

This regulation is being promulgated under the authority of sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217) ("the Act"). This regulation is also being promulgated in response to the Settlement Agreement in Natural Resources Defense Council, Inc. v. Train, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979), modified by additional orders of October 26, 1982, August 2, 1983, and January 6, 1984.

II. Scope of this Rulemaking

This final regulation, which was proposed on June 27, 1984 (49 FR 26352), establishes effluent limitations guidelines and standards for existing and new nonferrous metals manufacturing facilities.

This preamble describes the legal authority and background, the technical and economic bases, and other aspects of the final regulations. The abbreviations, acronyms, and other terms used in the Supplementary Information section are defined in Appendix A to this notice.

These final regulations are supported by three major documents available on

a limited basis from EPA and the National Technical Information Service. Analytical methods are discussed in Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants. EPA's technical conclusions are detailed in the General Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Manufacturing Phase II Point Source Category and the subcategory supplements. The Agency's economic analysis is found in Economic Impact Analysis of Effluent Limitations Guidelines and Standards for the Nonferrous Metals Manufacturing Point Source Category.

A. Overview of the Category

The nonferrous metals manufacturing category is comprised of plants that process ore concentrates and scrap metals to recover and increase the metal purity contained in these materials. Depending on the metal and the desired purity, hydrometallurgical, pyrometallurgical, or liquid ion exchange operations may be used to purify and upgrade metal values.

The production of nonferrous metals sometimes occurs at plants that also have processes that are regulated as part of other point source categories. Many of the production operations characterizing the nonferrous metals manufacturing category follow mining and milling operations. The ore mining and dressing category includes the extraction of the ore from the ground and the subsequent beneficiation of the ore including gravity concentration, magnetic separation, electrostatic separation, froth flotation, and leaching to produce ore concentrates. The ore concentrates and scrap materials form the raw materials in the nonferrous metals manufacturing subcategories.

Following smelting, refining, or extraction of metal values included in the nonferrous metals manufacturing category, the metal or metal salt products are used as raw materials for such operations as forming, alloying, and the manufacture of inorganic chemicals. Operations such as these, where the metal purity is not increased, are covered by other point source categories. In many of the nonferrous metals manufacturing subcategories, the production operations cease with the casting of the smelted or refined metal. Recasting of the metal without refining for use in subsequent forming or alloying operations is covered by the point source category in which the metal is being used as a raw material such as Aluminum Forming, Nonferrous Metals Forming, or Metal Molding and Casting.

EPA has divided the nonferrous metals category into separate segments, nonferrous metals manufacturing phase I and nonferrous metals manufacturing phase II. In keeping with Agency priorities to regulate initially those plants which generate the largest quantities of toxic pollutants, EPA promulgated regulations for nonferrous metals manufacturing phase I (49 FR 8742) on March 8, 1984. Twelve subcategories were addressed: primary aluminum, copper smelting, copper electrolytic refining, lead, zinc, columbium-tantalum, tungsten, secondary aluminum, silver, copper, lead, and metallurgical acid plants.

EPA also has separately studied the forming or casting of nonferrous metals. EPA promulgated regulations for aluminum forming (48 FR 49126) in October, 1983, for copper forming (48 FR 36942) in August, 1983, and for forming of nonferrous metals other than aluminum and copper in August, 1985. Proposed regulations for metal molding and casting (47 FR 51512) were published in November, 1982.

Today's rulemaking focuses on the remaining segment of nonferrous metals manufacturing. The regulatory strategy for nonferrous metals manufacturing phase II addresses the following 25 subcategories:

Primary antimony,
Bauxite refining,
Primary beryllium,
Primary boron,
Primary cesium and rubidium,
Primary and secondary germanium and gallium,
Secondary Indium,
Primary lithium,
Primary magnesium,
Secondary mercury,
Metallurgical acid plants
Primary molybdenum and rhenium,
Secondary molybdenum and vanadium,
Primary nickel and cobalt,
Secondary nickel,
Primary precious metals and mercury,
Secondary precious metals,
Primary rare earth metals,
Secondary tantalum,
Secondary tin,
Primary and secondary titanium,
Secondary tungsten and cobalt,
Secondary uranium,
Secondary zinc, and
Primary zirconium and hafnium.

EPA is completely excluding five of these subcategories from national regulation. Primary lithium and secondary zinc are excluded because the repoduction of these metals does not require process water. Primary magnesium is excluded because the production of magnesium does not produce wastewater with treatable concentrations of pollutants. Primary boron is excluded from regulation because there are no existing dischargers and we do not believe new discharging plants are likely to be built. Primary cesium and rubidium plants are excluded from national regulation because the amount and toxicity of discharges are so small that they do not justify national regulations. The remaining 20 subcategories in nonferrous metals manufacturing phase II contain 31 primary metals and metal groups, 20 secondary metals and metal groups, and bauxite refining.

At proposal, phase II metallurgical acid plants were included within the primary molybdenum and rhenium subcategory because they are associated with molybdenum roasting operations. However, as indicated at proposal, these plants will not be regulated as part of the primary molybdenum and rhenium subcategory but rather as part of the pre-existing metallurgical acid plant subcategory (49 FR 26418). To clarify this distinction, the metallurgical acid plants are included in a separate subcategory for purposes of this final rulemaking. The limits and supporting analysis presented for these facilities at proposal and the notice of availability continue to aply.

As explained in more detail at proposal, EPA stated on May 10, 1979 that it did not intend to establish national regulations for four of the remaining 20 subcategories covered by this rule: primary antimony, primary tin, secondary molybdenum, and secondary tantalum. This decision has been reconsidered and effluent limitations guidelines and standards for these subcategories were included in this rulemaking at proposal. A complete explanation of the subcategories covered and excluded from this rulemaking is provided in Section VIII of this preamble.

With respect to the primary and secondary tin subcategory, the Agency has determined since proposal that primary tin is presently not being produced in this country. EPA has, therefore changed the title of the tin subcategory from primary and secondary tin to secondary tin.

B. Prior EPA Regulations

EPA already has promulgated effluent limitations guidelines and standards for certain nonferrous metals manufacturing subcategories. These regulations and the technological basis for them are summarized below.

Bauxite Refining Subcategory. EPA has promulgated BPT, BAT, NSPS, and PSNS in this subcategory. 39 FR 12825 (April 8, 1974). BPT, BAT, NSPS, and

PSNS are based on zero discharge of process wastewater, but do allow for a monthly net precipitation discharge from red mud impoundments.

Metallurgical Acid Plants. This subcategory was initially established in 1980, and at that time included only acid plants (i.e., plants recovering by-product sulfuric acid from sulfur dioxide smelter air emissions) associated with primary copper smelting operations. See 45 FR 44926. Primary lead and zinc plants also have associated acid plants, and consequently the applicability of the metallurgical acid plant subcategory was expanded to include these sources in the phase I regulation finalized on March 8, 1984 (49 FR 8742). Today we are amending the existing regulation for metallurgical acid plants by modifying the applicability of the metallurgical acid plant subcategory to include molybdenum acid plants as well.

Nonferrous Metals Manufacturing Phase I. As discussed above, EPA promulgated rules for nonferrous metals manufacturing Phase I on March 8, 1984 (49 FR 8742), which established BPT, BAT, NSPS, PSES, and PSNS for twelve subcategories.

Nonferrous Metals Forming. As also discussed above, EPA promulgated rules for the forming of nonferrous metals other than aluminum and copper in August, 1985. EPA promulgated related regulations for aluminum forming (48 FR 49126) in October, 1983 and for copper forming (48 FR 36942) is August 1983.

III. Summary of Legal Background

The Federal Water Pollution Control Act Amendments of 1972 established a comprehensive program to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," Section 101(a). To implement the Act, EPA was to issue effluent limitations guidelines, pretreatment standards and new source performance standards for industrial dischargers.

The Act included a timetable for issuing these standards. However, EPA was unable to meet many of the deadlines and, as a result in 1976, it was sued by several environmental groups. In settling this lawsuit, EPA and the plaintiffs executed a "Settlement Agreement" which was approved by the District Court. This Agreement required EPA to develop a program and adhere to a schedule in promulgating effluent limitations guidelines, pretreatment standards, and new source performance standards for 65 "priority" pollutants and classes of pollutants for 21 major industries. See *Natural Resources Defense Council, Inc.* v. *Train*, 8 ERC 2120 (D.D.C. 1976), modified, 12 ERC 1833 (D.D.C. 1979), modified by additional orders of October 26, 1982, August 2, 1983, January 6, 1984, July 5, 1984 and January 7, 1985.

Many of the basic elements of the Settlement Agreement were incorporated into the Clean Water Act of 1977. Like the agreement, the Act stressed control of toxic pollutants, including the 65 priority pollutants. In addition, to strengthen the toxics control program, Section 304(e) of the Act authorizes the Administrator to prescribe "best management practices" ("BMP") to prevent the release of toxic and hazardous pollutants from plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage associated with, or ancillary to, the manufacturing or treatment process.

Under the Act, the EPA is to set a number of different kinds of effluent limitations. These are discussed in detail in the preamble to the proposed regulations and in the Development Document. They are summarized briefly below:

1. Best Practicable Control Technology (BPT)

BPT limitations are generally based on the average of the best existing performance by plants of various sizes, ages, and unit processes within the category or subcategory.

In establishing BPT limitations, EPA considers the total cost in relation to the age of equipment and facilities involved, the processes employed, process changes required, engineering aspects of the control technologies, and nonwater quality environmental impacts (including energy requirements). The total cost of applying the technology is balanced against the effluent reduction.

2. Best Available Technology (BAT)

BAT limitations, in general, represent the best existing performance in the industrial subcategory or category. The Act establishes BAT as the principal national means of controlling the direct discharge of toxic and nonconventional pollutants to navigable waters.

In arriving at BAT, the Agency considers the age of the equipment and facilities involved, the process employed, the engineering aspects of the control technologies, process changes, the cost of achieving such effluent reduction, and nonwater quality environmental impacts. The Agency retains considerable discretion in assigning the weight to be accorded these factors.

3. Best Conventional Pollutant Control Technology (BCT)

The 1977 Amendments added Section 301(b)(2)(E) to the Act establishing "best conventional pollutant control technology" (BCT) for discharges of conventional pollutants from existing industrial point sources. Section 304(a)(4) designated the following as conventional pollutants: biochemical oxygen demanding pollutants (BOD_5), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease, an additional conventional pollutant on July 30, 1979 (44 FR 44501).

BCT is not an additional limitation but replaces BAT for the control of conventional pollutants. In addition to other factors specified in Section 304(b)(4)(B), the Act requires that BCT limitations be established in light of a two part "cost-reasonableness" test. American Paper Institute v. EPA, 660 F.2d 954 (4th Cir. 1981). The first test compares the cost for private industry to reduce its conventional pollutants with the costs to publicly owned treatment works to achieve similar reduction of these pollutants. The second test examines the cost-effectiveness of additional industrial treatment beyond BPT. EPA must find that limitations are "reasonable" under both tests before establishing them as BCT. In no case may BCT be less stringent than BPT.

EPA published its methodology for carrying out the BCT analysis on August 29, 1979 (44 FR 50372). In the case mentioned above, the Court of Appeals ordered EPA to correct data errors underlying EPA's calculation of the first test, and to apply the second cost test. (EPA had argued that a second cost test was not required.)

A revised methodology for the general development of BCT limitations was proposed on Octover 29, 1982 (47 FR 49176), but has not been promulgated as a final rule. We accordingly are not promulgating BCT limits for plants in the nonferrous metals manufacturing phase II category at this time. We will await establishing nationally applicable BCT limits for this industry until promulgation of the final methodology for BCT.

4. New Source Performance Standards (NSPS)

NSPS are based on the best available demonstrated technology (BDT). New plants have the opportunity to install the best and most efficient production

processes and wastewater treatment technologies.

5. Pretreatment Standards for Existing Sources (PSES)

PSES are designed to prevent discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of publicly owned treatment works (POTW). They must be achieved within three years of promulgation. The Clean Water Act of 1977 requires pretreatment for toxic pollutants that pass through the POTW in amounts that would violate direct discharger effluent limitations or interfere with the POTW's treatment process or chosen sludge disposal method. The legislative history of the 1977 Act indicates that pretreatment standards are to be technology-based, analogous to the best available technology for removal of toxic pollutants. EPA has generally determined that pollutants pass through a POTW if the nationwide average percentage of pollutants removed by a well operated POTW achieving secondary treatment is less than the percent removed by the BAT model treatment system. The General Pretreatment Regulations, which serve as the framework for the pretreatment regulations, are found at 40 CFR Part 403. These regulations were recently upheld substantially in *NAMF et al.* v. *EPA*, Nos. 79–2256 et al. (3rd Cir., September 20, 1983).

6. Pretreatment Standards for New Sources (PSNS)

Like PSES, PSNS are designed to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of a POTW. PSNS are to be issued at the same time as NSPS. New indirect dischargers, like new direct dischargers, have the opportunity to incorporate in their plant the best available demonstrated technologies. The Agency considers the same factors in promulgating PSNS as it considers in promulgating PSES.

IV. Methodology and Data Gathering Efforts

The methodology and data gathering efforts used in developing this final regulation were summarized in the "Preamble to the Proposed Nonferrous Metals Manufacturing Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards" (49 FR 26352, June 27, 1984), and described in detail in the Development Document for Effluent Limitations Guidelines and Standards for the Nonferrous Metals Manufacturing Point Source Category.

After proposal, the Agency gathered additional data to clarify comments and to provide further support for the regulation. The Agency performed additional analysis of new and existing data. These additional data and analyses are described in a "Notice of Data Availability and Request for Comment" (50 FR 10918, March 18, 1985) and are discussed briefly below. The data are also described in substantial detail in the appropriate sections of the General Development Document and the supplements. The supporting information and additional data are in the record supporting this final rule.

In addition, since proposal, the Agency made engineering visits to three nonferrous metals manufacturing plants. Analytical data gathered at these plants were used to further characterize wastewaters generated in secondary tin, secondary molybdenum, and vanadium, and secondary uranium subcategories. We also used the analytical data to revise compliance costs and pollutant removal estimates.

EPA is also using data gathered from engineering and sampling visits to nine nonferrous metals forming plants to collect process, flow and chemical analysis data. The nine plants are involved in the metal powder (iron, copper and aluminum), nickel-cobalt, titanium, zirconium-hafnium, refractory metals, precious metals or uranium subcategories. Trip reports from these plant visits that were claimed confidential by the companies are in the confidential record; the rest are in the public record. The Agency also gathered data collection portfolios (dcp's) from plants not in the Agency's data base at the time we issued the proposed regulation.

New data obtained by the Agency since proposal have been carefully analyzed and, where appropriate, changes have been made to the regulation. Flow allowances for a number of waste streams have been revised. Mass limitations have also been provided for several waste streams not receiving allowances at proposal. In addition there have been a number of modifications in pollutants regulated and in the selected technology basis for various subcategories.

These changes are identified in Section V and discussed in greater detail in the accompanying development documents for the subcategories affected.

The costing methodology used in estimating compliance costs is discussed in detail in the Preamble to the proposed regulation (49 FR 26377). Generally, segregation and separate treatment has been used as the basis for estimating compliance costs for this rulemaking; however, for five plants there are manufacturing operations from more than one subcategory subject to this rulemaking. For four of these plants the technology basis of the subcategories is the same and in the fifth, the more costly technology was costed for the entire wastewater flow.

Under the authority of Section 308 of the Clean Water Act, the Agency requested specific additional information from 14 subcategories both to clarify and support individual comments and to gather additional data primarily concerning specific wastewater sources, flows, pollutant concentrations, production levels, treatment effectiveness, and costs. A brief description of additional data solicited for each subcategory is presented below. All information and data received has been placed in the public record unless it has been claimed confidential.

Primary Antimony

We requested additional information through Section 308 information requests in the primary antimony subcategory concerning the wastewater characteristics of fouled anolyte and an additional wastestream not considered at proposal, cathode antimony wash water.

Primary Beryllium

We requested additional information through Section 308 information requests in the primary beryllium subcategory concerning the effectiveness of the wastewater treatment systems for metals removal and the range of pollutant concentrations in the untreated wastewaters from this subcategory.

Primary Cesium and Rubidium

We requested additional information through Section 308 information requests in the primary cesium and rubidium subcategory concerning the wastewater characteristics of spent acid and crystallizer rinse water from cesium production, spent acid and crystallizer rinse water from rubidium production.

Primary and Secondary Germanium & Gallium

We requested additional information through Section 308 information requests in the primary and secondary germanium and gallium subcategory concerning the wastewater characteristics of still liquor, chlorinator

wet air pollution control, germanium hydrolysis filtrate and acid wash and rinse water.

Primary Molybdenum and Rhenium

We requested additional information through Section 308 information requests in the primary molybdenum and rhenium subcategory concerning the wastewater characteristics of molybdic oxide leachate. We also requested production information on certain products.

Secondary Molybdenum and Vanadium

We requested additional information through Section 308 information requests in the secondary molybdenum and vanadium subcategory concerning iron coprecipitation tests, cost estimates for solvent extraction, segregation, ammonia steam stripping, iron coprecipitation, and performance of two stage solvent extraction system for molybdenum removal.

Primary Precious Metals and Mercury

We requested additional information through Section 308 information requests in the primary precious metals and mercury subcategory concerning the wastewater characteristics of electrolyte preparation wet air pollution control, silver crystals wash water, gold slimes acid wash and water rinse, and silver chloride reduction spent solution.

Secondary Precious Metals

We requested additional information through Section 308 information requests in the secondary precious metals subcategory concerning the wastewater characteristics of platinum precipitation and filtration, other platinum group metals precipitation and filtration, gold spent electrolyte, raw material granulation, and gold solvent extraction raffinate and wash water. We also requested clarification of test results submitted in comments, supporting data for cost estimates for ion exchange submitted in comments, and further data on the formation of metal amine complexes in secondary precious metals wastewaters.

Primary Rare Earth Metals

We requested additional information through Section 308 information requests in the primary earth metals subcategory concerning the wastewater characteristics of the sodium hypochlorite filter backwash.

Secondary Tantalum

We requested additional information through Section 308 information requests in the secondary tantalum subcategory concerning the wastewater characteristics of tantalum sludge leach and rinse, and leaching wet air pollution control. We also requested production data on certain products.

Secondary Tin

We requested additional information through Section 308 information requests in the secondary tin subcategory concerning the wastewater characteristics of tin mud acid neutralization filtrate and dealuminizing rinse. We also requested additional economic information from five of the plants, and clarification of cost estimates provided by commenters on lime, settle and filter, and analytical results from commenters of samples replicating EPA's analyses.

Primary and Secondary Titanium

We requested additional information through Section 308 information requests in the primary and secondary titanium subcategory concerning the wastewater characteristics of casting crucible wash water cathode gas wet air pollution control, chlorination off-gas wet air pollution control, chlorination area-vent wet air pollution control, titanium tetrachloride handling wet air pollution control, sodium reduction container reconditioning wash water, chip crushing wet air pollution control and sponge crushing and screening wet air pollution control.

Secondary Tungsten and Cobalt

We requested additional information through Section 308 information requests in the secondary tungsten and cobalt subcategory concerning the wastewater characteristics of synthetic scheelite filtrate, tungsten carbide leaching wet air pollution control, tungsten carbide wash water, reduction area wet air pollution control. We also requested production data on certain products and sent dcp's to seven secondary tungsten and cobalt plants. Responses to four of these requests have been received.

Primary Zirconium and Hafnium

We requested additional information through Section 308 information requests in the primary zirconium and hafnium subcategory concerning the wastewater characteristics of sand drying wet air pollution control, sand chlorination off-gas wet air pollution control, sand chlorination area-vent wet air pollution control, silicon tetrachloride ($SiCl_4$) purification waste acid, feed makeup, wet air pollution control, zirconium filtrate, hafnium filtrate, calcining caustic wet air pollution control, pure chlorination wet air pollution control, reduction area-vent wet air pollution control, magnesium recovery off-gas wet air pollution control, and magnesium recovery area-vent wet air pollution control.

We also requested additional information on operation of ammonia steam strippers, analytical tests for cyanide, and recycle rates for several scrubbers.

V. Control Treatment Options and Technology Basis for Final Regulation

A. Summary of Category

There are 143 plants in the 20 regulated phase II subcategories which EPA estimates employ 13,500 people and annually generate raw wastes containing approximately 489,800 kilograms of toxic pollutants. There are 34 direct discharges which currently discharge 341,400 kg/yr of toxic pollutants and there are 39 indirect discharges which currently discharge an additional 77,980 kg/yr of toxics. There are 70 plants in this category that do not discharge process wastewater. In the five subcategories that we are excluding from national regulation there is one direct discharger, one that discharges through another plant, and 15 plants that do not discharge wastewater

In developing this regulation, it was necessary to determine whether effluent limitations and standards were appropriate for different segments (subcategories) of the category. The major factors considered in assessing the need for subcategorization and in identifying subcategories included: waste characteristics, raw materials, manufacturing processes, products manufactured, water use, water pollution control technology, treatment costs, solid waste generation, size of plant, age of plant, number of employees, total energy requirements, nonwater quality characteristics, and unique plant characteristics. Section IV of the Development Document and its supplements contain a detailed discussion of these factors and the rationale for subcategorization.

A brief description of each of the 20 subcategories is provided below, with particular emphasis on the sources of wastewater and the types of pollutants present. Also noted below are changes in flows and building blocks that the Agency has made as a result of comments, information and further analysis following proposal. For a more detailed explanation of the manufacturing processes see the preamble discussion for each subcategory in the proposal. Section V of the subcategory supplement Development Documents provides

specific characterization data on each of the wastewater sources.

We are promulgating discharge limitations for each of the wastewater sources identified below except for bauxite. The effluent limtations for an individual plant would then be the sum of all limitations for those wastewater sources actually present at the plant.

Primary Antimony

Seven of the eight primary antimony plants in the United States are zero dischargers. One primary antimony plant is a direct discharger. The eight plants are geographically scattered, located in seven states across the country. The oldest plant was built in the 1880's, and three other are more than 30 years old. Two plants have been built within the last 10 years. EPA data show that average plant production is approximately 500 kkg per year of antimony and antimony compounds.

The processes used at a primary antimony production facility depend largely on the raw material used and the final product desired. Pyrometallurgical processing, practiced at five of the eight primary antimony plants, generates no process wastewater. Hydrometallurgical processing, practiced at the remaining three plants, generates wastewater.

The sources of process wastewater receiving an allowance in the primary antimony subcategory are listed below, along with the pollutants typically found in each:

(1) Sodium antimonate autoclave wastewater is generated when the clarified solution from leaching is autoclaved. Dissolved antimony is converted to sodium antimonate as a final product. This stream is similar to fouled anolyte and contains suspended solids and toxic metals.

The BPT, BAT, NSPS and PSNS wastewater discharge allowance proposed for sodium antimonate autoclave wastewater was 7,093 l/kkg (1,700 gal/ton) of antimony contained in the sodium antimonate product.

The BPT, BAT, NSPS, and PSNS wastewater discharge allowance promulgated for sodium antimonate autoclave wastewater is 15,624 l/kkg (3,744 gal/ton) of antimony contained in sodium antimonate product. This rate is allocated to any plant which produces sodium antimonate from a caustic leaching solution by autoclaving. No allowance is given when sodium antimonate is recovered by autoclaving fouled anolyte because in that case, autoclaving is considered to be a wastewater treatment step for product recovery.

No recycle or reuse of this wastewater is reported at the one plant that generates this stream. Because that plant did not provide flow rate information in the dcp, the discharge allowance for sodium antimonate autoclave wastewater is assumed to be equivalent to the promulgated discharge allowance for fouled anolyte, using the antimony content of the product as the production normalizing parameter. Industry comments on the proposed rulemaking which included new flow and production data for the fouled anolyte waste stream resulted in a change from the proposed value. For this reason and those stated above, the promulgated discharge allowance for sodium antimonate autoclave wastewater is 15,624 l/kkg.

(2) Fouled anolyte is generated when a portion of the barren electrowinning solution is discharged. This waste stream contains suspended solids and toxic metals.

The BPT, BAT, NSPS, and PSNS wastewater discharge allowance proposed for fouled anolyte was 7,093 l/kkg (1,700 gal/ton) of antimony metal produced by electrowinning. The BPT allowance was based on the discharge rate at the only plant reporting this stream. That plant recovers and recycles sodium antimonate from the fouled anolyte before discharging the waste stream. Since proposal, industry comments which included flow and production information enabled EPA to recalculate production normalized flows. Based on this data, a new regulatory flow was chosen for the fouled anolyte waste stream.

The BPT, BAT, NSPS, and PSNS wastewater discharge allowance promulgated for fouled anolyte is 15,624 l/kkg (3,744 gal/ton) of antimony metal produced by electrowinning. This rate is allowed to any plant which recovers antimony from a pregnant leaching solution by electrowinning. The promulgated BPT allowance is based on the wastewater discharge rate at the only plant reporting this waste stream.

(3) Cathode antimony wash water is generated by washing the pure antimony product which has collected on a host cathode with water. This waste stream contains treatable concentrations of toxic metals such as antimony, arsenic, lead and copper.

A BPT discharge rate for cathode antimony wash water was not proposed because dcp information used at proposal did not quantify the wastewater discharge from this operation, leading EPA to believe that it was insignificant.

Comments received from industry after proposal requesting an allowance for cathode antimony wash water supplied information which allowed water use and discharge rates to be calculated. The Agency has added this new building block to the subcategory.

The promulated BPT wastewater discharge rate for cathode antimony wash water is 31,248 l/kkg (7,488 gal/ton) of antimony metal produced by electrowinning. This rate is allocated to those plants which wash antimony metal produced by electrowinning prior to final packaging. the promulgated BPT flow is based on the discharge from one plant reporting this stream.

Bauxite Refining

Of the eight bauxite refining plants in the United States, four are direct dischargers and four are zero dischargers. Eight of the plants are located in the states of Louisiana, Texas, Arkansas, and Alabama. The other plant is located in the U.S. Virgin Islands. Plant age ranges from 15 to 44 years with an average of about 30 years. EPA data show that plant production ranges from 37,000 to 570,000 kkg per year; one of the plants is closed but continues to discharge and four of the remaining eight plants produce between 200,000 and 300,000 kkg per year, measured as aluminum contained in refined bauxite.

The processes used at a bauxite refinery depend largely on the raw material used and the final product desired. In general, plants use the Bayer process or a variation known as the combination process.

The source of process wastewater in the bauxite refining subcategory is mud impoundment effluent discharged from the mud disposal lake in areas of net precipitation. The effluent is characterized by high pH and the presence of phenolic compounds. We solicited comments at proposal on the need for limitations which would control phenols in the net precipitation discharge. We specifically requested data on the presents of phenols as well as other toxic and nonconventional pollutants in discharges from bauxite plants. Commenters provided recently collected data from their red mud lakes showing levels below the limit of detection for all phenolic compounds except phenol. Moreover, the new data submitted indicates that we may have overestimated the amounts of phenols in the net precipitation discharge from bauxite red mud lakes. As a result the Agency has decided not to establish additional national effluent limitations guidelines and standards for this subcategory.

Primary Beryllium

The primary beryllium industry in the United States currently consists of three plants, two of which are owned by the same company. One of the plants is located in Utah near the beryllium ore mining operations. This facility processes the raw materials to an intermediate product, beryllium hydroxide. The beryllium hydroxide is shipped to the second facility, located in Ohio, where it is further processed to final product forms. The plant which produces beryllium hydroxide in Utah began operations in 1979 and achieves zero discharge through the use of evaporation ponds. The facility in Ohio which produces beryllium metal and other products including beryllium oxide and beryllium copper alloy is a direct discharger which began operations in 1957. The third plant purchases beryllium hydroxide from the Utah plant to produce beryllium oxide and beryllium copper alloys. This facility does not generate wastewaters subject to this rulemaking.

The production of beryllium products can be divided into three distinct operations—production of beryllium hydroxide from beryllium ores, production of beryllium oxide from beryllium hydroxide, and production of beryllium metal from beryllium hydroxide. Most domestic beryllium is extracted from bertrandite ore mined in Utah. Imported and domestically produced beryl ore is another potential raw material for the primary beryllium industry.

The sources of process wastewater receiving an allowance in the primary beryllium subcategory are listed below, along with pollutants typicaly found in each:

(1) Solvent extraction raffinate from bertrandite ore processing is generated when bertrandite ore is leached with sulfuric acid and beryllium is extracted from the resultant solution with an organic solvent. This stream is characterized by a low pH and the presence of toxic metals.

Commenters also requested an increase in the PNF for solvent extraction raffinate from bertrandite ore. However, the Agency determined that the difference between the industry's PNF and the proposed one was essentially nil. We are promulgating the PNF for this subdivision as proposed.

(2) Solvent extraction raffinate from beryl ore processing is generated when beryl ore is leached with sulfuric acid and beryllium is extracted from the resultant solution with an organic solvent. This wastewater has an acid pH and contains toxic metals.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate proposed for solvent extraction raffinate from beryl ore was 200,000 l/kkg (47,900 gal/ton) of beryllium carbonate precipitated (as beryllium). This rate was allocated only for those plants which extract beryllium from an acid solution generated by leaching beryl ore. After proposal, EPA received comments from industry which provided new flow and production for this waste stream. The Agency evaluated the data and is promulgating a new discharge rate.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate promulgated for solvent extraction raffinate from beryl ore is 220,000 l/kkg (52,720 gal/ton) of beryllium carbonate precipitated (as beryllium). This rate is allocated only for those plants which extract beryllium from an acid solution generated by leaching beryl ore.

(3) Beryllium carbonate filtrate results from the precipitation of beryllium carbonate which is separated from the aqueous phase by filtration. This wastewater stream is characterized by the presence of toxic metals.

(4) Beryllium hydroxide filtrate is generated when beryllium carbonate is redissolved in water and beryllium is reprecipitated as beryllium hydroxide. The resultant filtrate stream contains toxic metals.

(5) Beryllium oxide calcining furnace wet air pollution control wastewater results from the use of wet scrubbing to control sulfur dioxide emissions from beryllium oxide calcining furnaces. This wastewater is characterized by the presence of toxic metals.

The proposed and promulgated BPT wastewater discharge rate for beryllium oxide calcining furance wet air pollution control is 263,700 l/kkg (63,190 gal/ton) of beryllium oxide produced. This rate is allocated only for those plants which use wet air pollution control devices to control emissions from beryllium oxide calcining furnaces. There is currently only one plant which practices this operation.

The proposed BAT, NSPS, and PSNS discharge rate for beryllium oxide calcining furance wet air pollution control water was based on 90 percent recycle of the scrubber effluent (refer to Section VII of the General Development Document). Consequently, the proposed BAT, NSPS, and PSNS production normalized discharge flow for beryllium oxide calcining furnace wet air pollution control was 26,373 l/kkg (6,320 gal/ton) of beryllium oxide produced.

Since proposal, industry comments to EPA have indicated that recycle is presently practiced for the beryllium oxide calcining furnace scrubber at a rate greater than 90 percent, and to require additional recycle at BAT would be unachievable. Upon evaluation of the data, the Agency decided not to base its standards on recycle beyond what is presently practiced. The promulgated BAT, NSPS, and PSNS discharge allowance for beryllium oxide calcining furnace wet air pollution control is 263,700 l/kkg (63,190 gal/ton) of beryllium oxide produced. This discharge rate is equivalent to that promulgated at BPT.

(6) Beryllium hydroxide supernatant from beryllium recovery is generated when beryllium is recovered from waste materials by dissolution in sulfuric acid and precipitation as beryllium hydroxide. The resultant supernatant stream is characterized by the presence of toxic metals.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate proposed for beryllium hydroxide supernatant was 104,324 l/kkg (25,000 gal/ton) of beryllium hydroxide produced from scrap and residues (as beryllium). This rate was allocated only for those plants which recover beryllium from residues and scrap by dissolution in sulfuric acid and precipitation of beryllium as beryllium hydroxide. After proposal, EPA received comments from the industry which presented new flow and production data for this waste stream. The Agency evaluated the data and is promulgating a new discharge rate.

The BPT, BAT, NSPS and PSNS wastewater discharge rate promulgated for beryllium hydroxide supernatant is 230,000 l/kkg (55,120 gal/ton) of beryllium hydroxide produced from scrap and residues (as beryllium). This rate is allocated only for those plants which recover beryllium from residues and scrap by dissolution in sulfuric acid and precipitation of beryllium as beryllium hydroxide.

(7) Process water (formerly process condensates at proposal) are generated by crystallizers and evaporators used in the production of beryllium metal. These condensate streams are characterized by the presence of fluoride.

At proposal, no wastewater discharge allowance for process condensates was provided. Only one plant generates process condensates from the manufacture of beryllium metal. Based on the available data, EPA believed that this facility reuses all of this water in fume scrubbing systems and other plant uses.

Industry comments after proposal clarified the process condensates collection and reuse system, and indicate that periodic discharges of process water have to be made in order

to prevent dissolved solids buildup. Information was supplied to the Agency so that a discharge rate for process water could be calculated.

The BPT wastewater discharge rate promulgated for process water is 174,800 l/kkg (41,890 gal/ton) of beryllium pebbles produced. This rate is allocated only for those plants which collect process condensates generated from the manufacture of beryllium metal and discharge this process water after extensive recycle in various plant applications.

(8) Fluoride furnace scrubber wastewater results from the use of wet scrubbers to recover ammonium fluoride from the exhaust gases from the beryllium fluoride furnace. This wastewater contains toxic metals and fluoride.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate proposed for fluoride furnace scrubber water was 2,205 l/kkg (530 gal/ton) of beryllium metal pebbles produced. This rate was allocated only for those plants which produce beryllium fluoride (BeF_2) intermediate by heating ammonium beryllium fluoride in a furnace. There is currently only one plant which practices this operation.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate promulgated for fluoride furnance scrubber wastewater is zero. Presently, one plant operates a scrubber which obtains makeup water from the process water pit, and recycles a scrubber liquor bleed stream back to the process. Because a separate discharge allowance is being promulgated for process water discharge, the Agency did not believe it necessary to give an additional discharge allowance for fluoride furnace scrubber wastewater. The BPT wastewater discharge rate for beryllium pebble plant area vent scrubber wastewater is based on information supplied by the only plant presently operating such a scrubber.

(9) Chip treatment (formerly chip leaching at proposal) wastewater is generated when pure beryllium metal in the form of chips is leached with nitric acid and rinsed prior to being vacuum cast. This wastewater stream is characterized by a low pH and the presence of toxic metals.

The BPT, BAT, NSPS and PSNS wastewater discharge rate for chip treatment wastewater was 4,742 l/kkg of beryllium chips leached. After proposal, EPA received comments from the industry which presented new flow and production data for this waste stream. The Agency evaluated the new data and is promulgating a new discharge rate.

The BPT, BAT, NSPS and PSNS wastewater discharge rate for chip treatment wastewater was 7,750 l/kkg of beryllium chips treated. This rate is allocated only to those plants which treat pure beryllium chips by acid leaching prior to vaccum casting.

(10) Beryllium pebble plant area-vent wet air pollution control wastewater results from the use of wet scrubbing to control particulate emissions from the beryllium pebble plant. This wastewater stream is slightly acidic and contains treatable concentrations of beryllium and fluoride.

At proposal there was no wastewater discharge allowance proposed for this subdivision because the Agency was not aware that this building block existed at any primary beryllium facilities. The Agency has added this new subdivision because we received new information since proposal which indicates that this operation exists at one facility. The scrubber utilizes recirculating process water and does not have a discrete discharge. The water which circulates through the scrubber is discharged as part of the process water building block. Therefore, the promulgated BPT, BAT, NSPS, and PSNS wastewater discharge allowance for beryllium pebble plant area vent wet air pollution control is 0 l/kkg of beryllium metal produced.

Primary and Secondary Germanium and Gallium

Of the five primary and secondary germanium and gallium plants in the United States, one is an indirect discharger and four are zero dischargers. There are no direct dischargers. One plant is located in Pennsylvania, two are in the Oklahoma-Texas region, and two are in the far western part of the country. Germanium and gallium plants are located near sources of raw materials, either zinc ore deposits or major electronics firms. All five plants were built within the last 25 years, with two built within the last three years. The average plant age is 12 years.

The processes used at a germanium or gallium production facility depend largely on the raw material used and the final product desired. Germanium and gallium are produced from both primary and secondary raw materials, however the processing steps are essentially the same, hydrometallurgical.

The sources of process wastewater receiving an allowance in the germanium and gallium subcategory are listed below, along with the pollutants typically found in each:

(1) Still liquor wastewater results from the excess hydrochloric acid used to chlorinate germanium raw material, and the impurities in the germanium raw material. This wastewater contains toxic metals, low pH, and suspended solids.

(2) Chlorinator wet air pollution control wastewater results from wet scrubbers used to control acid and chlorine fumes generated during the reduction of germanium tetrachloride. Chlorinator wet air pollution control wastewater contains toxic metals and suspended solids.

(3) Germanium hydrolysis filtrate wastewater results from the depleted solution after germanium tetrachloride is reacted with water to produce germanium dioxide solids. This wastewater is characterized by toxic metals and suspended solids.

(4) Acid wash and rinse water wastewater is produced by the hydrofluoric acid-nitric acid wash, followed by water rinse, or germanium bars prior to zone refining. This wastewater contains germanium, and has a low pH and high fluoride content.

(5) Gallium hydrolysis filtrate wastewater results from the depleted solution after gallium trichloride is reacted to produce hydrated gallium solids. This wastewater is characterized by toxic metals and suspended solids.

(6) Solvent extraction raffinate wastewater results from the acid solution in which gallium scrap is dissolved prior to being extracted into an organic phase, from which pure metal is recovered. This wastewater is expected to contain toxic organics, metals, and suspended solids.

Secondary Indium

There is one facility currently producing secondary indium in the United States. This facility is an indirect discharger located in the northeastern United States. Plant operations began approximately 50 years ago.

The principal raw materials used for secondary indium production are scrap indium metal and spent electrolyte solutions from secondary silver refining operations.

Leaching and precipitation are the principal operations in the production of secondary indium. Indium scrap is leached with hydrochloric acid to dissolve the indium and produce an indium-laden solution.

The sources of process wastewater receiving an allowance in the secondary indium subcategory are listed below, along with pollutants typically found in each:

(1) Displacement tank effluent is generated when indium sponge is produced by displacing indium ions from solution with zinc. This

wastewater is characterized by the presence of toxic metals and suspended solids.

(2) Spent electrolyte wastewater results from discharging contaminated electrolyte solution from electrolytic refining operations. This wastewater is characterized by an acid pH and the presence of toxic metals and suspended solids.

Secondary Mercury

All four of the secondary mercury plants in the United States are zero dischargers. One plant achieves this discharge status by contractor disposal of process wastewater, one by complete recycle, and two plants operate dry processes. Two of the four plants are located near the industrial centers of the Northeast, one is in Illinois, and one in California. All four secondary mercury plants were built after World War II. The average plant age is 30 years. EPA data show that plant production ranges from less than 25 tons to mercury per year to 100 tons per year, with mean production approximately 55 tons per year.

The processes used at a secondary mercury production facility depend largely on the raw material used and the purity of final product desired.

The sources of process wastewater receiving an allowance in the secondary mercury subcategory are listed below, along with the pollutants typically found in each:

(1) Spent battery electrolyte wastewater results from draining spent electrolyte from mercuric oxide batteries prior to recovering mercury by distillation. This wastewater is characterized by toxic metals, suspended solids, and a low pH.

(2) Acid wash and rinse water wastewater is generated by washing distilled mercury with dilute nitric acid and rinsing it with water in order to further purify the mercury product. This wastewater contains toxic metals and suspended solids.

(3) Furnance wet air pollution control wastewater results from controlling air emissions from the furnace used to separate mercury from gross impurities. Particulates and fumes not condensed with the mercury product are scrubbed prior to venting to the atmosphere. The scrubber liquor should contain mercury and other toxic metals, and suspended solids.

Primary Molybdenum and Rhenium

There are 13 plants in the United States which engage in primary molybdenum or rhenium production. Three plants are located in the western United States near copper and molybdenite mining operations. The remaining 10 plants are located east of the Mississippi River with five of them in the northeastern and east central United States. Four of the plants are direct dischargers (including two of the the three metallurgical acid plants discussed below) and the remaining nine plants discharge no process wastewater. There are no indirect dischargers in the primary molybdenum and rhenium subcategory. The average plant age is between 25 and 35 years with a fairly even distribution of ages ranging from eight to 67 years.

Molybdenum is produced primarily as technical grade molybdic oxide which is consumed principally by the steel industry. Approximately 35,000 metric tons of molybdic oxide were produced domestically in 1982 by seven plants with an average plant production rate of 5,000 metric tons per year. Approximately 2,000 metric tons of pure molybdenum metal were produced in the United States in 1982 at six plants with an average plant production of 300 metric tons per year. Less than four metric tons per year of rhenium are produced in the United States. The production of molybdenum products can be divided into four general processes—roasting of molybdenum sulfide concentrates, production of pure molybdic oxide by sublimation, production of ammonium molybdate, and reduction of pure molybdic oxide or ammonium molybdate to produce molybdenum metal powder.

Rhenium is recovered from molybdenum roaster flue gases as crude ammonium perrhenate which can subsequently be purified and reduced to rhenium metal.

The primary source of molybdenum is a molybdenum sulfide (MoS_2) ore called molybdenite. Most domestic molybdenite is mined and concentrated at two large mines in Colorado and a smaller amount comes from a mine in New Mexico. Molybdenite is also recovered as a byproduct from concentrating porphyry copper ores. Rhenium is produced only from Molybdenite which is associated with copper mining operations.

At proposal the production normalizing parameter (PNP) for molybdic oxide leachate was the amount of ammonium molybdate produced. Since proposal we have changed the PNP to the amount of molybdenum contained in the molybdic oxide leached. Also, new flow and production data were obtained from on additional plant with this operation. The promulgated BPT, BAT, NSPS and PSNS flow rate for molybdic oxide leachate is 11,584 l/kkg of molybdenum contained in the molybdic oxide leached.

The promulgated rate is applicable only to those plants which leach molybdic oxide in order to increase its purity. This practice is often associated with the production of ammonium molybdate compounds.

The sources of process wastewater receiving an allowance in the primary molybdenum and rhenium subcategory are listed below, along with the pollutants typically found in each:

(1) Molybdenum sulfide leachate and rinse water is generated when molybdenite concentrates are leached with nitric acid and rinsed with water prior to roasting. This stream is characterized by low pH as well as the presence of toxic metals and suspended solids.

(2) Roaster wet air pollution control wastewater results from the use of alkaline wet scrubbing systems to control sulfur dioxide emissions from molybdenite roasting operations. This stream is characterized by high alkalinity and the presence of toxic metals and suspended solids.

(3) Hydrogen reduction furnace scrubber wastewater results from scrubbing hydrogen gas with water to cool and quench the gas prior to recycling the hydrogen to the reduction furnace. This wastewater stream is characterized by the presence of toxic metals and suspended solids.

(4) Molybdic oxide leachate wastewater results from the leaching of technical grade molybdic oxide with nityric acid, water or ammonium hydroxide prior to dissolving, purification and crystallization of ammonium molybdate. This leachate and rinse wastewater is characterized by the presence of toxic metals and ammonia.

(5) Rhenium scrubber solution results from scrubbing rhenium heptoxide from molybdenite roaster off-gases with water and recovering the rhenium from aqueous solution by solvent extraction or ion exchange. This wastewater stream is characterized by the presence of toxic metals.

Metallurgical Acid Plants

Metallurgical acid plants produce sulfuric acid from sulfur dioxide air emissions at primary molybdenum facilities. There are 3 metallurgical sulfuric acid plants associated with primary molybdenum plants in the United States. Of these two are direct dischargers, and one achieves zero discharge. One of the direct discharging facilities is in Iowa and the other two facilities are located in Pennsylvania.

There are insufficient data to ascertain the age of acid plants independently of the molybdenum plants associated with them. The average production capacity for metallurgical acid plants associated with primary molybdenum operations is 50,000 to 100,000 tons per year of 100 percent sulfuric acid.

Metallurgical acid plants produce sulfuric acid from the sulfur dioxide emissions of pyrometallurigical operations. By producing acid, the acid plants not only clean the smelter emissions of many tons per day of sulfur oxides, but they also produce a marketable sulfuric acid product.

As explained earlier in the preamble, the three plants covered in this subcategory will be included and regulated under the existing metallurgical acid plants subcategory.

Outlined briefly here, the sources of process wastewater in metallurgical acid plant subcategory are as follows:

—Sintering wet air pollution control,
—Roasting wet air pollution control,
—Conversion wet air pollution control,
—Acid plant wet air pollution control,
—Mist precipitator,
—Box cooler, and
—Mist eliminator.

These wastewater sources are usually combined into a single wastewater stream—acid plant blowdown—which is treated and then recycled or discharged. The acid plant blowdown stream contains the toxic metals arsenic, cadmium, copper, lead, and zinc, and total suspended solids. In addition to the existing pollutant limitations established under the metallurgical acid plant subcategory, the three molybdenum acid plants will also be subject to limitations for fluoride and molybdenum as well.

Secondary Molybdenum and Vanadium

The one secondary molybdenum and vanadium facility in the United States is a direct discharger. It is located in Southern Texas, and was built in 1973. This industry involves the recovery of molybdenum and vanadium from secondary sources using hydrometallurgical processes.

The sources of process wastewater receiving an allowance in the secondary molybdenum and vanadium subcategory are listed below, along with the pollutants typically found in each:

(1) Leach tailings wastewater results from the water leaching process used to remove inerts and other impurities from the raw material, and is characterized by toxic metals and suspended solids.

(2) Molybdenum filtrate solvent extraction raffinate (formerly molybdenum filtrate at proposal) wastewater is generated by the reovery of molybdenum with solvent extraction of the filtrate from the precipitation of molybdenum-rich liquid produced by the vanadium recovery process. This wastewater is characterized by toxic metals, ammonia, and suspended solids.

The BPT, BAT, NSPS, and PSNS wastewater discharge rate promulgated for molybdenum filtrate solvent extraction raffinate is 60.548 l/kkg (14,544 gal/ton) of molybdenum and vanadium produced. This rate is different than the proposed BPT discharge rate for molybdenum filtrate of 77,600 l/kkg of molybdenum produced. This rate is allocated only to those plants recovering molybdenum and vanadium from spent catalysts by a dissolution and precipitation process. The rate is based on data gathered during a post-proposal sampling visit to the one facility in the secondary molybdenum and vanadium subcategory.

(3) Vanadium decomposition wet air pollution control wastewater results from air emissions control on the furnace used to produce vanadium oxide from vanadium solids. This wastewater contains ammonia, toxic metals, and suspended solids.

(4) Molybdenum drying wet air pollution control wastewater results from air emissions control on the furnace used to dry molybdic acid and to produce molybdenum trioxide from the molybdic acid. This wastewater contains molybdenum, toxic metals, and suspended solids.

Primary Nickel and Cobalt

The one primary nickel and cobalt plant in the United States is a direct discharger. It is located in southern Louisiana and was built in 1959. The processes used at a primary nickel and cobalt production facility depend largely on the raw material used and the final product desired.

The sources of process wastewater receiving an allowance in the primary nickel and cobalt subcategory are listed below, along with the pollutants typically found in each:

(1) Raw material dust control wastewater results from slurrying the baghouse dust generated by crushing and grinding ore concentrate in the mill. This wastewater is characterized by toxic metals (mainly copper and nickel), and suspended solids.

(2) Nickel wash water wastewater is generated by washing the nickel powder product produced by hydrogen reduction. This wastewater contains toxic metals and suspended solids.

(3) Nickel reduction decant wastewater is generated by reducing the nickel-rich solution to metal powder in an autoclave. This waste stream is characterized by a neutral pH, several toxic metals, and a high ammonia (as ammonium sulfate) content.

(4) Cobalt reduction decant wastewater is generated by reducing the cobalt-rich solution to metal powder in an autoclave. This waste stream has similar characteristics to the nickel reduction decant waste stream.

Secondary Nickel

Of the two secondary nickel plants in the United States, one is an indirect discharger and one is a zero discharger. Both plants are located near the industrial centers of Western Pennsylvania. One plant was built in 1923, and the other plant was built in 1976.

The processes used at a secondary nickel production facility depend largely upon the raw material used and the final product desired. Secondary nickel production processes can be discussed in the context of three sources of raw materials: nickel melt furnace slag, nickel carbonate produced from acidic waste streams and sludges generated during forming operations, and solid scrap. Nickel alloy scrap generated at steel mills may also be recycled within the mill, however, no refining of the nickel scrap takes place prior to recycle. The objective of slag reclamation is to recover the nickel values from the dross or slag produced in the nickel melt furnaces of a nickel forming plant. When nickel ingots are melted in the presence of fluxing agents, oxidized metals and impurities rise to the surface of the liquid metal and are removed from the furnace. This slag is approximately 10 percent metallics.

The NSPS, PSES, and PSNS wastewater discharge allowance proposed for slag reclaim tailings was 85,600 l/kkg (20,513 gal/ton) of slag reclaim nickel produced. This allowance was based on the discharge rate at the only plant reporting this stream. Since proposal, industry comments, which included flow and production information, enabled EPA to recalculate the production normalized flow. In addition, industry comment prompted EPA to reconsider the production normalizing parameter for this stream. EPA decided that the generation of slag reclaim tailings wastewater is related more closely to raw material input to the reclaim process than to the quantity of nickel produced from the process.

The NSPS, PSES, and PSNS wastewater discharge allowance promulgated for slag reclaim tailings is 12,848 l/kkg (3,079 gal/ton) of slag input to the reclaim process. This rate is

allocated only for those plants that reclaim nickel from slag generated in melt furnaces with a wet granulation process.

The sources of process wastewater receiving an allowance in the secondary nickel subcategory are listed below, along with pollutants typically found in each.

(1) Slag reclaim tailings wastewater results from the wet operation used to reclaim nickel from melt furnace slags, and contains toxic metals and suspended solids.

(2) Acid reclaim leaching filtrate wastewater results from the water leaching process where nickel oxide, produced by roasting nickel carbonate, is purified by leaching away impurities. Toxic metals and suspended solids are found in this waste stream.

(3) Acid reclaim leaching belt filter backwash wastewater is produced by backwashing the belt filter used to recover purified nickel oxide, and contains toxic metals and suspended solids.

Primary Precious Metals and Mercury

Seven of the eight primary precious metals and mercury plants in the United States are zero dischargers. One primary precious metals plant is a direct discharger. Six of the plants achieve zero discharge via permanent lagooning and reuse of process wastewater, and one plant does not generate process wastewater. All eight plants are located west of the Mississippi River, with four plants in Nevada, one in South Dakota, one in Montana, one in Idaho, and one in Colorado. Seven primary precious metals and mercury plants began operations within the last 20 years, and one plant began operations more than 75 years ago. EPA data show that plant production of gold ranges from less than 10,000 troy ounces per year to 200,000 troy ounces per year, with average production approximately 70,000 troy ounces per year; plant production of silver ranges from less than 10,000 troy ounces per year to more than 500,000 troy ounces per year, with average production approximately 220,000 troy ounces per year. The production of mercury is not presented to protect confidential data supplied to the Agency.

The processes used at a primary precious metals and mercury production facility depend largely on the raw material used and the final product desired.

The sources of process wastewater receiving an allowance in the primary precious metals and mercury subcategory are listed below, along with the pollutants typically found in each.

(1) Smelter wet air pollution control wastewater results from control of air emissions from the precious metals dore' smelter using a wet scrubber. This waste stream is characterized by toxic metals and suspended solids.

(2) Silver chloride reduction spent solution wastewater results from the reduction of silver chloride to silver metal by dissolution and displacement with iron. This wastewater contains toxic metals, chloride, suspended solids, oil and grease, and a low pH.

(3) Electrolytic cells wet air pollution control wastewater results from control of air emissions from the electrolytic cells used to further purify gold, which has already been separated from silver, using a wet scrubberr. This wastewater has similar characteristics to the smelter scrubber wastewater.

(4) Electrolyte preparation wet air pollution control results from air emissions control on the reaction vessel used to produce silver nitrate electrolyte from pure silver and nitric acid, using a wet scrubber. This wastewater should have characteristics similar to smelter wet air pollution control wastewater.

(5) Calciner wet air pollution control wastewater results from control of air emissions from the calcining furnace where mercury-containing raw material is roasted. Fumes and particulates passing through the mercury condenser are controlled with a wet scrubber, or series of scrubbers. This wastewater contains high concentrations of mercury, plus some toxic metals and suspended solids.

(6) Calciner quench water wastewater is generated by the water quench used to cool the calcined ore from the mercury roasting furnace. This wastewater contains toxic metals and suspended solids.

(7) Calciner stack gas cooling water wastewater results from the contact cooling water used to cool the gas emissions from the mercury roasting furnace. This wastewater contains mercury and suspended solids.

(8) Mercury calcining condensate wastewater results from the blowdown of water from the condenser where vaporized mercury is collected. This wastewater is characterized by mercury and suspended solids.

(9) Mercury cleaning bath wastewater is generated by the water cleaning bath through which condensed mercury is passed prior to being sold as a product. This wastewater contains mercury, some other toxic metals, and suspended solids.

Two building blocks, gold slimes acid wash and water rinse and silver crystals wash water, have been deleted based on information obtained as a result of a post-proposal request for data under authority of Section 308 of the Clean Water Act. The one facility which was believed to discharge these streams reported that these waters are totally recycled to other plant processes.

Secondary Precious Metals

There are 48 plants in the United States that recover gold, platinum, palladium, iridium, rhodium, osmium, or ruthenium from recycled materials. The plants are concentrated in the Northeast and California, with plants also located in Arizona, Florida, Illinois, Ohio, Virginia, Minnesota, and Washington. EPA data show that a small minority (three) of secondary precious metals plants are direct dischargers. Of the remainder, 29 are indirect dischargers, and 16 are zero dischargers. Most of the plants began operating within the last 15 years.

One-third of the 48 secondary precious metals plants that reported data produce less than 10,000 troy ounces of total precious metals per year; all three of the direct dischargers produce in excess of 50,000 troy ounces per year, as well as 10 of the indirect dischargers.

The processes used at a secondary precious metals production facility depend largely upon the raw materials used and the plant's final products. Secondary precious metals production processes can be divided into two stages: raw material preparation and refining steps.

Depending on the raw material being processed, a plant may use one or more raw material preparation steps to prepare the raw material for the refinery. Plants which process dental scrap, optical scrap, electrical scrap, or spent catalysts may use a pyrometallurgical process.

Some plants do not use any of the raw material preparation steps described above on their raw materials, and proceed directly with the refining steps. Other plants may only melt and granulate their raw material prior to refining. Granulation is a common practice with jewelry scrap.

Refining steps are taken to produce high-purity precious metals (generally 99.9–99.99 percent) from lower purity raw materials, which may have undergone raw material preparation steps via a hydrometallurgical refining process.

Based on comments received following the proposal, the Agency determined that a discharge is necessary for raw material granulation water which had a zero allowance at proposal. The BPT wastewater discharge rate

promulgated for raw material granulation is 6.34 liters per troy ounce of precious metals in the granulated raw material. This rate is based on dcp information.

The BAT, NSPS, PSES, and PSNS wastewater discharge rate promulgated for raw material granulation is 0.64 liters per troy ounce of precious metals in the granulated raw material. This rate is based on 90 percent recycle of the promulgated BPT rate, 6.34 liters per troy ounce.

We also changed the production normalized flow for Spent Cyanide Stripping Solutions. The BPT wastewater discharge rate promulgated for spent cyanide stripping solutions is 3.7 liters per troy ounce of gold recovered by cyanide stripping. This rate applies to plants which recover gold by stripping with a cyanide-based solution, and recovering the gold from this solution. This rate is based on the average of the lower five of six water use rates reported for this stream. EPA proposed 1.1 liters per troy ounce for this waste stream, but stated that it was considering 3.7 liters per troy ounce and would select between the two based on a variety of factors, including public comment. EPA decided to revise the rate from 1.1 to 3.7 liters per troy ounce for promulgation based on comments received following proposal.

The sources of process wastewater receiving an allowance in the secondary precious metals subcategory are listed below, along with pollutants typically found in each.

(1) Furnace wet air pollution control wastewater results from the scrubbing of incinerator and smelting furnace off-gases. This wastewater contains toxic organics, toxic metals, cyanide, and suspended solids.

The NSPS and PSNS wastewater discharge rate proposed for furnace wet air pollution control was 0 liters per troy ounce of precious metals, including silver, incinerated or smelted, based on dry scrubbing. The Agency has evaluated industry comments concerning the need for wet scrubbing on furnace operations and has decided to promulgate an NSPS and PSNS wastewater discharge allowance for this subdivision equal to the proposed and promulgated BAT wastewater discharge rate of 4.5 l/kkg of precious metals, including silver, incinerated or smelted.

(2) Raw material granulation wastewater is produced by granulating melted raw material with water in a manner similar to shot casting. The wastewater is characterized by toxic metals and suspended solids.

(3) Spent plating solutions wastewater is a result of recovering gold, palladium or rhodium from spent or contaminated electroplater's solutions, and is characterized by toxic metals, free and complexed cyanide, and suspended solids.

(4) Spent cyanide stripping solution wastewater is produced by stripping gold away from electronic scrap and then recovering the gold from solution. This wastewater consists of free and complexed cyanide, toxic metals, and suspended solids.

(5) Refinery wet air pollution control wastewater is a result of air emissions from basic and acid dissolution and precipitation reactions in the refinery. Pollutants found in this wastewater include toxic organics and metals, cyanide, ammonia, and suspended solids.

(6) Gold solvent extraction raffinate and wash water wastewater is produced by dissolving raw material in acid, and then recovering it by extraction into an organic solvent. After recovering pure gold, the product is washed with water. This wastewater is characterized by toxic organics and metals, and suspended solids.

(7) Gold spent electrolyte wastewater results from the electrolytic recovery of gold from raw material cast as an anode. This wastewater consists of toxic metals and suspended solids.

(8) Gold precipitation and filtration wastewater results from the dissolution of raw material in aqua regia, filtering away silver chloride, precipitating gold, and recovering gold by filtration. The gold product is washed with water, which is included in this effluent. This watewater contains toxic metals, ammonia, and suspended solids.

(9) Platinum precipitation and filtration wastewater results from dissolution of platinum-bearing raw material, precipitation of platinum, and a water wash of the product. This wastewater contains toxic metals, ammonia, and suspended solids.

(10) Palladium precipitation and filtration wastewater results from dissolution of palladium bearing raw material, precipitation of palladium, and a water wash of the product. This wastewater contains toxic metals, ammonia, and suspended solids.

(11) Other platinum group metals precipitation and filtration wastewater results from dissolution of platinum group metals (PGM) bearing raw material, precipitation of the PGM, and a water wash of the product. This wastewater contains toxic metals, ammonia, and suspended solids.

(12) Spent solutions from potassium gold cyanide (PGC) salt manufacturing wastewater is a result of adding excess potassium cyanide solution to pure gold in order to produce PGC salt. The excess, or spent solution contains toxic metals, free and complexed cyanide, and suspended solids.

(13) Equipment and floor wash wastewater results from the need for plants to recover product which would normally be lost in spills and leaks, and is characterized by toxic metals, ammonia, and suspended solids.

Primary Rare Earth Metals

The primary rare earth metals industry consists of four plants; one is located in southwest United States and the remaining three are in the northeast United States. Of these four facilities, two were built in the past 20 years, while two were built nearly 70 years ago. The average production of rare earth metals from these plants is 270 tons per year. One of the plants is a direct discharger, one is an indirect discharger, and two are zero dischargers.

Rare earth metal production can be divided into two types of metals produced: pure rare earth metals, and mischmetal, an alloy of various rare earth metals and iron. There are two types of rare earth metals production processing steps which an individual plant may utilize. Pure rare earth metals are produced through reduction processes. Calcium reduction is used for rare earth fluoride raw materials and mischmetal reduction is used for rare earth oxide raw materials.

The sources of process wastewater receiving an allowance in the primary rare earth metals industry are listed below, along with the pollutants typically found in each:

(1) Dryer vent water quench and scrubber wastewater results from air pollution control systems on the wet rare earth chloride drying furnaces. This wastewater contains suspended solids and toxic metals.

(2) Dryer vent caustic wet air pollution control wastewater is generated by wet scrubbing to remove acid vapors from the vent gases. This stream is characterized by a high pH, and treatable concentrations of toxic metals and suspended solids.

At proposal subdivisions one and two were combined into a single subdivision entitled dehydration furnace quench and wet air pollution control. The proposed BPT wastewater discharge rate for the combined subdivision was 14,800 l/kkg of mischmetal produced from wet rare earth chlorides. This discharge rate was based on the average water use at the two facilities reporting this waste stream. Of the two plants, one uses 11,600 l/kkg and the other 17,900 l/kkg.

Since proposal, new flow and production information from one plant prompted a study of the combined subdivision. EPA then decided to create two separate subdivisions to better address the differences between the processes at the two discharging plants in this subcategory.

The promulgated BPT wastewater discharge rate for dryer vent water quench and scrubber is 10,563 l/kkg (2,531 gal/ton) of mischmetal produced from wet rare earth chlorides. This rate is allocated only for those plants which use a furnace to dehydrate rare earth chloride raw material prior to electrolytic refining, and treat the off-gases with a continuous water quench or with a water scrubber. Both rare earth metals plants producing mischmetal in the United States incorporate this operation. The promulgated BPT wastewater discharge rate is based on the water use at the plant reporting no recycle of wastewater. This plant uses 10,563 l/kkg. Because the second plant presently operates at 97 percent recycle, it is more appropriately used as a basis for the BAT discharge allowance.

The BAT, NSPS, PSES, and PSNS wastewater discharge allowance for dryer vent water quench and scrubber wastewater is 4,173 l/kkg (1,000 gal/ton) of mischmetal produced from wet rare earth chlorides. Both of the rare earth metal plants producing mischmetal incorporate this operation. One plant presently recycles the scrubber liquor achieving 97 percent recycle. The other plant does not presently practice recycle. The BAT wastewater discharge rate is based on the discharge rate of the plant practicing recycle. Information submitted after proposal indicates that two building blocks are necessary because not all plants incorporate both building blocks in their process operations.

A separate discharge rate for dryer vent caustic wet air pollution control is being promulgated for BPT. The BPT wastewater discharge rate for dryer vent caustic wet air pollution control wastewater is 734 l/kkg (176 gal/ton) of mischmetal produced from wet rare earth chlorides. This rate is allocated only for those plants which use a caustic scrubber, in addition to a water quench or water scrubber, to treat vent gases from a wet rare earth chlorides dehydration furnace. Only one of the plants in this subcategory reported having this operation. The promulgated BPT wastewater discharge rate is based on the discharge flow at this one plant.

(3) Electrolytic cell water quench and scrubber wastewater results from cooling gas emissions from electrolytic reduction of rare earth chlorides. This wastewater contains some toxic metals, hexachlorobenzene, and has a low pH.

The BPT wastewater discharge rate proposed for electrolytic cell water quench and scrubber wastewater was 16,400 l/kkg (3,930 gal/ton) of total mischmetal produced. This rate was based on the average water use of two plants with this waste stream. One reported a water use of 20,100 l/kkg and the second 12,700. At proposal, EPA understood that neither plant recycled this waste stream based on dcp information. Post-proposal comments and information from one plant indicated otherwise; therefore, a new BPT rate was chosen for promulgation.

The promulgated BPT wastewater discharge rate for electrolytic cell water quench and scrubber is 12,682 l/kkg (3,039 gal/ton) of total mischmetal produced. This rate is allocated only for those plants which electrolytically reduce rare earth chlorides to mischmetal and treat the off-gases with a continuous water quench or a water scrubbber system before any further treatment of the exhaust gases. The promulgated BPT wastewater discharge rate is based on the water use at the plant reporting no recycle of scrubber or quench water. This plant uses 12,682 l/kkg. Because the second plant presently operates at 96 percent recycle it is more appropriately used as a basis for the BAT discharge allowance.

The BAT, NSPS, PSES, and PSNS wastewater discharge allowance for electrolytic cell water quench and wet air pollution control is 9,390 l/kkg (2,250 gal/ton) of total mischmetal produced. Both of the rare earth metal plants producing mischmetal incorporate this operation. One plant presently practices 96 percent recycle while the other plant has no recycle. The BAT wastewater discharge rate is based on the discharge rate of the plant practicing recycle.

(4) Electrolytic cell caustic wet air pollution control wastewater is presently used for by-product recovery involving sodium hypochlorite produced from sodium hydroxide and chlorine gas from the electrolytic reduction cell. Because of the recovery operation, no wastewater is discharged.

(5) Sodium hypochlorite filter backwash results from filtering of the sodium hypochlorite solution generated in the electrolytic cell caustic scrubber to produce a marketable product. Backwashing is necessary to ensure efficient operation of the filter. This wastestream may be expected to contain high chlorides and other dissolved solids, suspended solids and has a high pH. This wastestream has been added in response to comments on the proposed regulation.

A discharge allowance for sodium hypochlorite filter backwash was not proposed because dcp information used for proposal did not quantify any wastewater discharge from this operation. Comments received from industry after proposal requested an allowance for the filter backwash and supplied information so that water use and discharge rates could be calculated.

The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for sodium hypochlorite filter backwash is 362 l/kkg (87 gal/ton) of total mischmetal produced. This rate is allocated only for those plants which operate a filter for filtering sodium hypochlorite which requires periodic backwashing. The promulgated discharge rate is based on the water use at the only plant reporting this waste stream.

Secondary Tantalum

There are three plants in the United States that recover tantalum from secondary sources. The plants are located in the northeastern part of the United States. EPA data show that all of the plants are direct dischargers. The average age of the plants is 60 years; the oldest plant was built in 1900 while the newest plant was constructed just prior to World War II. Secondary tantalum is produced in the form of tantalum metal powder. Average tantalum powder production for the three plants is 12 tons per year. The processes used at a secondary tantalum production facility depend upon the raw materials used. Secondary tantalum production can be discussed in the context of three raw materials: scrap tantalum alloy metal, electrical components such as capacitors, and tantalum-bearing sludge.

The sources of process wastewater receiving an allowance in the secondary tantalum subcategory are listed below, along with the pollutants typically found in each:

(1) Tantalum alloy leach and rinse wastewater results from leaching tantalum alloy scrap metal, contains dissolved toxic metals such as copper and nickel, suspended solids, and has a low pH.

(2) Capacitor leach and rinse wastewater results from leaching of scrap electrical components which are predominantly capacitors. This wastewater has a low pH and contains suspended solids and toxic metals.

(3) Tantalum sludge leach and rinse wastewater results from leaching and rinsing tantalum-bearing sludge during tantalum upgrading operations. It

contains toxic metals such as copper and lead, suspended solids, and has a low pH.

(4) Tantalum powder acid wash and rinse wastewater results from final purification of tantalum powder to remove surface oxides. This wastewater contains toxic metals, suspended solids, and has a low pH.

(5) Leaching wet air pollution control wastewater is the scrubber liquor resulting from acid leaching of raw materials for tantalum recovery. This wastewater contains total suspended solids and toxic metals.

Secondary Tin

At proposal, this subcategory was named primary and secondary tin. We have renamed this subcategory as secondary tin only because there are no facilities processing tin ores in the United States. There is one facility capable of processing ore but it is currently processing secondary materials.

There are 12 plants in the United States which produce or recover tin from secondary sources such as detinners mud, tin plated steel scrap and tin plating solutions and sludges using either pyrometallurgically or hydrometallurgical process. Five of the 12 plants which produce secondary tin are located in the west or southwestern United States. Five of the remaining seven plants are located in the east central United States. One plant is located in Indiana and one plant is located in Florida. The average plant age is between 16 and 25 years. All of the plants have been built since 1940. The one plant which produces secondary tin pyrometallurgically has a production level between 1,000 and 5,000 metric tons per year. This facility is a direct discharger. Approximately 1,700 metric tons of secondary tin were produced in 1982 at 12 plants with an average plant production of approximately 150 metric tons per year. Eight of the 12 secondary tin plants achieve zero discharge; three are direct dischargers and one discharges to a POTW.

Primary tin is produced by smelting tin concentrates with limestone and coke. The crude tin is then electrolytically refined and cast. Secondary tin may also be produced by smelting tin residues, particularly detinners mud from alkaline detinning operations. Most secondary tin, however, is produced by dissolving tin from tin plated steel scrap, and recovering the tin by electrowinning. Tin may also be recovered from solution by precipitation of tin as tin hydroxide. A smaller amount of secondary tin is recovered from tin plating sludges which are generated by tin plated steel production operations.

The sources of process wastewater receiving an allowance in the primary and secondary tin subcategory are listed below along with the pollutants typically found in each.

(1) Tin smelter sulfur dioxide (SO_2) scrubber (formerly tin smelter wet air pollution control at proposal) wastewater results from the use of wet scrubbing systems to control sulfur dioxide emissions from tin smelting operations. This wastewater is characterized by the presence of toxic metals and suspended solids.

The proposed wastewater discharge rate for this building block was 21,600 l/kkg of tin metal produced. The BPT, BAT, NSPS, and PSNS wastewater discharge promulgated for tin smelter sulfur dioxide (SO_2) scrubber water is 9,198 l/kkg (2,204 gal/ton) of crude tapped tin produced, based on greater than 90 percent recycle. This rate is allocated only to those plants which use wet air pollution control to control SO_2 emissions from tin smelting operations. One facility reported tin smelting operations and the use of wet scrubbing. This facility has a scrubber liquor recycle rate of greater than 90 percent. The revised BPT, BAT, NSPS, and PSNS flow allowance is based on data obtained as a result of field sampling conducted after proposal.

(2) Dealuminizing rinse wastewater results from dissolving aluminum from minicipal solid waste derived scrap prior to alkaline detinning. This stream is characterized by an alkaline pH and the presence of cyanide, toxic metals, aluminum, and suspended solids.

(3) Tin hydroxide wash wastewater is generated when tin hydroxide is used as a raw material in the elecrowinning operations and is washed with water to remove impurities prior to dissolving and electrowinning. This waste stream contains toxic metals and suspended solids.

(4) Tin mud acid neutralization filtrate is generated when tin mud is upgraded by acid addition and dewatering prior to sale to tin smelters. This wastewater contains cyanide and toxic metals.

(5) Spent electrowinning solution from new scrap results from discharging water from the electrowinning circuit to control the buildup of impurities when new tin plated steel scrap is processed. This stream has a very alkaline pH and contains cynide, toxic metals and suspended solids.

(6) Spent electrowinning solution from municipal solid waste is required to account for the larger volume of spent electrowinning solution which must be discharged when municipal solid waste is used as a raw material in alkaline detinning and electrowinning. This extra discharge is necessitated by impurities which are introduced into the electrowinning solution by the municipal solid waste. This wastewater is characterized by an alkaline pH and the presence of cyanide, toxic metals and suspended solids.

(7) Tin hydroxide supernatant from scrap is generated when tin hydroxide is precipitated from alkaline detinning solution and separated from the aqueous phase by gravity separation. This wastewater contains toxic metals, cyanide, and suspended solids.

(8) Tin hydroxide supernatant from plating solutions and sludges is generated when the redissolved tin hydroxide is precipitated as a hydroxide from solution and separated from the aqueous phase by gravity separation. This wastewater is characterized by the presence of toxic metals, cyanide, suspended solids, and high concentrations of fluoride.

We proposed two separate subdivisions, tin hydroxide supernatant from spent plating solutions and tin hydroxide supernatant from sludge. These have been combined into one building block. This change will simplify the regulation, but will not cause the limitations with which any plant must comply to change. At proposal, a plant generating both wastewater from plating solutions and from sludges would have calculated separate mg/kg limits for each operation and summed them for a plant limitation. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for tin hydroxide supernatant from plating solutions and sludges is 115,000 l/kkg (17,600 gal/ton) of tin metal recovered from plating solutions and sludges. This rate is allocated only to those facilities which recover tin from plating solutions and sludges by precipitation of tin hydroxide. One facility reports this practice.

(9) Tin hydroxide filtrate results from dewatering tin hydroxide slurry in a filter press. The resultant filtrate stream contains toxic metals, cyanide, fluoride, and suspended solids.

Primary and Secondary Titanium

Of the eight primary and secondary titanium plants in the United States, four are direct dischargers, two are indirect dischargers, and two are zero dischargers. The plants are located mostly in the eastern and northwestern states. There plants were built around 1940, three were built between 1956 and 1958, and two have been built since

1975. EPA data show that five of the eight plants produce less than 500 kkg per year while, of the remining three plants, two produce more than 5,000 kkg per year.

The processes used at a primary and secondary titanium production facility depend largely on the raw material used and the final product desired.

One building block, cathode gas wet air pollution control, has been deleted based on information obtained as a result of a post-proposal request for data under authority of section 308 of the Clean Water Act. Two facilities reported this waste stream at proposal. One facility which reported this stream (plant 1044) no longer produces titanium. The other facility which reported this stream (plant 1085) has changed their magnesium recovery operations and no longer generates this wastewater. Because there are no plants in the primary and secondary titanium subcategory which practice cathode gas scrubbing, this subdivision has been deleted.

The sources of process wastewater receiving an allowance in the primary and secondary titanium subcategory are listed below, along with the pollutants tyipically found in each:

(1) Chlorination off-gas wet air pollution control wastewater resutls from wet scrubbers on the fluidized bed reactors used to convert rutile ore to the titanium tetrachloride. This waste stream may contain chlorine, suspended solids, and toxic metals.

(2) Chlorination area vent wet air pollution control wastewater results from wet scrubbers used to control fumes from the ore chlorination operation. This waste stream contains chlorine, suspended solids, and toxic metals.

(3) Titanium tetrachloride handling wet air pollution control wastewater results from wet scrubbers used to control fumes from the handling and storage of titanium tetrachloride. The characteristics of this stream are similar to those of the reduction area scrubber water, which contains suspended solids and toxic metals.

(4) Reduction area wet air pollution control wastewater resulting from wet scrubbers used to control fumes generated from the reduction furnace when titanium tetrachloride is reduced to the metal sponge by magnesium. No wet air pollution control is reported to be associated with reduction by sodium or calcium hydride (CaH_2). This wastewater is characterized by the presence of magnesium chloride, and toxic metals.

(5) Melt cell wet air pollution control wastewater results from wet scrubbers used to control fumes from molten magnesium chloride which is stored in a melt cell prior to electrolytic recovery. This stream is characterized by low pH and low concentrations of toxic metals.

(6) Chlorine liquefaction wet air pollution control wastewater results from wet scrubbers used to control vapors which escape during the liquefaction of the chlorine gas generated by the electrolytic recovery of magnesium. This stream is characterized by a low pH and the presence of toxic metals.

(7) Sodium reduction container reconditioning wash water is generated when water is used to rinse the containers used for the reduction of titantium tetrachloride by sodium. This stream contains chlorides, suspended solids, and toxic metals.

(8) Chip crushing wet air pollution control wastewater results from wet scrubbers used to control dust when titanium sponge chips are crushed prior to purification. This stream contains titanium and suspended solids.

(9) Acid leachate and rinse water is generated when titanium sponge is purified by leaching. Purification by vacuum distillation does not generate a wastewater. This waste stream is characterized by the presence of suspended solids and toxic metals.

(10) Sponge crushing and screening wet air pollution control wastewater results from wet scrubbers used to control dust from the crushing, screening, and storage of leached titanium. This waste stream contains suspended solids and toxic metals.

(11) Acid pickle and wash water is generated when large surface area titanium scrap is pickled and rinsed before alloying and casting. This low pH waste stream contains fluoride and toxic metals.

(12) Scrap milling wet air pollution control wastewater results from wet scrubbers used to control dust from the milling of titanium scrap and turnings. This waste stream contains suspended solids and toxic metals.

(13) Scrap detergent wash water is generated when scrap titanium is washed to remove oil and dirt before alloying and casting. This waste stream contains suspended solids, oil and grease, and toxic metals.

(14) Casting crucible wash water is generated when water is used to clean the crucibles used in casting operations. This stream is similar to casting contact cooling water and should contain oil and grease and toxic metals.

(15) Casting contact cooling water is generated during the casting operations. This stream is characterized by the presence of oil and grease, suspended solids, and toxic metals.

Secondary Tungsten and Cobalt

Of the six secondary tungsten and cobalt plants in the United States, four are direct dischargers, one is an indirect discharger and one is a zero discharger. All six plants are located in the northeastern part of the country, near industrial centers, and all are in areas of net precipitation. One secondary tungsten and cobalt plant was built prior to World War I, two were built during World War II, and two plants were built in the last 20 years. EPA data show that average plant production of tungsten products is about 100 tons per year. Average plant production of cobalt products is also about 100 tons per year.

The processes used at a secondary tungsten and cobalt production facility depend largely on the raw material used and the final product desired. The basic hydrometallurgical processing steps which an individual plant may use to recover tungsten, tungsten carbide, cobalt, and synthetic scheelite ($CaWO_4$) were discussed in the preamble to the proposed regulation.

The sources of process wastewater receiving an allowance in the secondary tungsten and cobalt subcategory are listed below, along with the pollutants typically found in each.

(1) Tungsten detergent wash and rinse wastewater is a result of washing oil and grease off the surface of tungsten scrap prior to leaching, and this stream contains toxic metals, oil and grease, and suspended solids.

(2) Tungsten leaching acid wastewater is generated when tungsten scrap is leached with an acid solution in order to remove impurities from the scrap. This stream is characterized by toxic metals, suspended solids, and a low pH.

(3) Tungsten post-leaching wash and rinse wastewater is a result of washing residual leaching acid and impurities away from the tungsten powder product. This stream consists of toxic metals and suspended solids.

(4) Synthetic scheelite filtrate wastewater is produced by the dissolution process where tungsten oxide produced from scrap is converted to synthetic scheelite. This waste stream is characterized by toxic metals and suspended solids.

(5) Tungsten carbide leaching wet air pollution control wastewater results from the wet scrubbers used to control acid fumes generated during tungsten carbide leaching. This scrubber liquor contains toxic metals, ammonia and suspended solids.

The proposed BPT flow allowance for tungsten carbide leaching wet air pollution control was 1,751 l/kkg of tungsten carbide scrap leached. The proposed BAT, NSPS, and PSNS allowance was 175 l/kkg of tungsten carbide scrap leached based on 90 percent recycle of the BPT rate. Based on comments on the proposed rulemaking, the Agency reexamined the dcp data for the one facility with this operation and found that recycle of scrubber liquor is already practiced at a rate greater than 90 percent. Therefore, the promulgated BAT, PSES, NSPS and PSNS flow rates for tungsten carbide leaching wet air pollution control are equal to the proposed and promulgated BPT rate, 1,751 l/kkg of tungsten carbide scrap leached.

(6) Tungsten carbide wash water is generated when tungsten carbide powder is washed with dilute acid and rinsed with water in order to remove residual leaching acid and impurities. This waste stream is similar to tungsten post-leaching wash and rinse wastewater, and has similar characteristics.

(7) Cobalt sludge leaching wet air pollution control wastewater results from the wet scrubber used to control acid fumes generated during cobalt sludge leaching. This waste stream and tungsten carbide leaching wet air pollution control should have similar characteristics.

The proposed BPT flow allowance for cobalt sludge leaching air pollution control was 35,781 l/kkg of cobalt produced from cobalt sludges. The proposed BAT, NSPS, and PSNS flow allowance was 3,578 l/kkg of cobalt produced from cobalt sludges based on 90 percent recycle of the proposed BPT rate. In response to comments on the proposed rulemaking, the Agency reexamined the dcp data for the one facility with this operation and found that recycle of scrubber liquor is already practiced at a rate greater than 90 percent. Therefore, the promulgated BAT, NSPS, PSES and PSNS flow rates for cobalt sludge leaching wet air pollution control are equal to the proposed and promulgated BPT rate, 35,781 l/kkg of cobalt produced from cobalt sludges.

(8) Crystallization decant wastewater is produced by plants which recover cobalt from tungsten carbide leaching acid by crystallization. This waste stream is characterized by toxic metals and suspended solids.

(9) Acid wash decant wastewater results from the purification steps used on the cobalt crystals, and contains toxic metals and suspended solids.

(10) Cobalt hydroxide filtrate wastewater is generated by the alkaline dissolution and precipitation process used to produce cobalt hydroxide. This waste stream is characterized by toxic metals and suspended solids.

(11) Cobalt hydroxide filter cake wash water is produced by washing the cobalt hydroxide filter cake with water in order to remove any traces of caustic or other impurities. This stream contains toxic metals.

Secondary Uranium

There are three plants in the United States that produce secondary uranium including depleted uranium metal. Of these three, one plant is a zero discharger and two plants are direct dischargers. The plants are all located east of the Mississippi River. Two plants were built in the 1950s when the uranium industry first began large scale production. The third plant was built nearly 15 years ago to supplement the growing need for uranium for commercial projects.

The uranium production process can be divided into three phases. The first phase is processing of uranium ore to generate uranium hexafluoride (UF_6) (not depleted). This primary production of uranium is not covered by this regulation and may be the subject of future regulation. The second phase is processing uranium scrap materials into uranium tetrafluoride (UF_4). The third phase is reduction of uranium tetrafluoride to uranium metal.

Raw materials available to uranium producers include scrap from forming operations, material that does not meet specifications for quality or purity, tailings from machining operations, and residuals present in magnesium fluoride slag from the final uranium tetrafluoride reduction processes.

The sources of process wastewater receiving an allowance in the secondary uranium subcategory are listed below, along with the pollutants typically found in each:

(1) Refinery sump filtrate (formerly, refinery filtrate at proposal) wastewater results from floor wash pump leakage, pump peal water spills from the digestion, solvent extraction, evaporation and denitration areas where uranium scrap is being processed. This wastestream contains toxic metals and suspended solids.

The proposed BPT, BAT, NSPS, and PSNS wastewater discharge rate for refinery sump filtrate was 34,800 l/kkg 8,340 gal/ton) of uranium trioxide produced. This rate was allocated for those plants that acid leach scrap uranium materials to recover uranium. One plant in this subcategory employs this operation and the discharge rate was based on flow information provided by this plant. Post-proposal comments which included new data and information from the plant showed that the proposed flow was not accurate and that the production normalizing parameter was not appropriate. EPA studied the data and decided to promulgate a revised flow allowance and, in addition, change the PNP for this subdivision.

The promulgated BPT, BAT, NSPS, and PSNS wastewater discharge rate for refinery sump filtrate is 73,340 l/kkg (17,580 gal/ton) of uranium processed in the refinery. This rate is allocated only for those plants that employ acid leaching and dissolution operations to recover uranium from secondary sources. The flow from the one plant in this subcategory having this operation was used to determine the promulgated regulatory flow.

(2) Slag leach reslurry (formerly, slag leach slurry at proposal) wastewater is generated by adding water to the filtered solids from acid leaching of recycled magnesium fluoride slag. The waste stream contains suspended solids and has a low pH.

The proposed BPT, BAT, NSPS, and PSNS wastewater discharge rate for slag leach reslurry was 3,800 l/kkg (910 gal/ton) of uranium trioxide produced. This rate was allocated only for those plants which leach magnesium fluoride slag, recycled from the magnesium reduction operation, to recover the residual uranium in the slag. Post-proposal comments from the industry indicated a difficulty with the PNP chosen for this subdivision. If a plant operates leaching on a campaign basis, it must have a way to determine its regulatory allowances without waiting for the next process step to be completed. EPA acknowledged this difficulty and chose a new PNP for promulgation. However, the wastewater flow (l/yr) used to calculate the regulatory flow (l/kkg) was not altered.

The promulgated BPT, BAT, NSPS, and PSNS wastewater discharge rate for slag leach reslurry is 4,566 l/kkg (1,094 gal/ton) of uranium processed in the refinery. This rate is allocated only for those plants which recover uranium by leaching magnesium fluoride slag. One plant in this subcategory has this operation, and the promulgated BPT discharge rate is based on the water use at this plant.

(3) Solvent extraction raffinate filtrate (formerly, solvent extraction raffinate at proposal) wastewater results from purification of an intermediate uranium compound by extraction into an organic

phase. The discharged aqueous solution contains toxic metals, and suspended solids.

The proposed BPT, BAT, NSPS, and PSNS wastewater discharge rate for solvent extraction raffinate filtrate was 5,300 l/kkg (1,270 gal/ton) of uranium trioxide produced. This rate was allocated for those plants which purify the uranium by extraction into an organic solvent, leaving behind all impurities that were leached along with the uranium. One plant in this subcategory employs such a purification process. Post-proposal comments from industry indicated a difficulty with the PNP chosen for this subdivision. If a plant operates solvent extraction on a campaign basis, it must have a method to determine its regulatory allowance without waiting for the next process step to be completed. EPA acknowledged this difficulty and chose a new PNP for promulgation. However, the wastewater flow (l/yr) used to calculate the regulatory flow (l/kkg) was not altered.

The promulgated BPT, BAT, NSPS, and PSNS wastewater discharge rate for solvent extraction raffinate filtrate is 6,369 l/kkg (1,526 gal/ton) of uranium processed in solvent extraction. This rate is allocated only for those plants using solvent extraction procedures to purify uranium compounds dissolved in solution as a result of acid leaching and dissolution. The promulgated BPT discharge rate is based on the water use at the one plant in the subcategory having this operation.

(4) Digestion wet air pollution control produces no wastewater discharge. At proposal we believed that wastewater resulted from wet scrubbing of process emissions. However, after proposal, we received information that there is no discharge generated because scrubber liquors resulting from control of the process emissions from acid leaching are entirely recycled to the digestion operations.

The proposed BPT, BAT, NSPS, and PSNS wastewater discharge rate for digestion wet air pollution control was 30 l/kkg (7.2 gal/ton) of uranium trioxide produced. This rate was allocated only for those plants that incorporate a water scrubber on the acid leaching and dissolution operation. Post-proposal comments from the industry clarified the Agency's understanding of the digestion scrubber's operation. The comments indicated that scrubber blowdown is totally reused in the leaching and dissolution operation because it contains nitric acid and uranium. No discharge occurs from this scrubber, and EPA decided to change the discharge rate for this subdivision at promulgation.

The promulgated BPT, BAT, NSPS, and PSNS wastewater discharge rate for digestion wet air pollution control is zero. The promulgated discharge rate is based upon water use information supplied by the only plant in this subcategory having a digestion operation scrubber. Existing practice at this plant is such that 100 percent of the scrubber liquor is recycled or reused; therefore, it is appropriate that the promulgated regulatory flow should be zero.

(5) Evaporation and denitration wet air pollution control (formerly, evaporation and calcination wet air pollution control at proposal) produces no wastewater discharge. Scrubber liquors resulting from control of emissions in the evaporation and calcination operations were reported to be 100 percent reused in the digestion operation.

(6) Hydrofluorination alkaline scrubber (formerly, hydrogen reduction and hydrofluorination KOH wet air pollution control at proposal) wastewater results from wet scrubbers that control vent gases from the hydrofluorination water scrubber which controls acid fumes from the hydrofluorination operations. The wastewater contains suspended solids, fluorides and has an acidic pH.

(7) Hydrofluorination water scrubber (formerly, hydrofluorination wet air pollution control at proposal) produces no wastewater discharge. Scrubber liquor that absorbs unreacted hydrofluoric acid gases is recycled to concentrate the acid content. The acid scrubber liquor is drawn off and sold for its hydrofluoric acid content.

(8) Magnesium reduction and casting floor wash water results from washing the floors in the reduction and casting area. This wastestream contains toxic metals, suspended solids, fluorides and has as acidic pH.

The promulgated BPT, BAT, NSPS, and PSNS wastewater discharge rate for magnesium reduction and casting floor wash water is 30.1 l/kkg of uranium metal produced. This rate is based on the lower of the two values reported by two facilities in this subcategory and is achievable through the use of a floor washing machine. No wastewater discharge allowance was proposed for this building block because the Agency had insufficient data to quantify the flow associated with this operation. Data obtained during post-proposal sampling visits to two facilities has enabled the Agency to promulgate a discharge allowance for this building block.

(9) Laundry wastewaters are generated from washing of employee uniforms. This wastestream contains suspended solids and toxic metals.

The promulgated BPT wastewater discharge allowance for laundry wastewater is 192 l/kkg of uranium produced by magnesium reduction. The promulgated BAT, NSPS, and PSNS wastewater discharge allowance for laundry wastewater is 96 l/kkg of uranium produced by magnesium reduction based on 50 percent recycle of the promulgated BPT flow rate. No wastewater discharge was proposed for this building block because the Agency had insufficient data to quantify the flow associated with this operation. Data obtained during a post-proposal sampling visit have enabled the Agency to promulgate discharge allowances for this building block.

The last two building blocks were added after proposal to account for additional wastestreams requested by the plants in their comments. Changes to building blocks were made after proposal as a result of additional information collected in sampling two of the plants. A detailed explanation of these changes is provided in the accompanying development document.

Primary Zirconium and Hafnium

Of the three primary zirconium and hafnium plants in the United States, one is a direct discharger, one is an indirect discharger, and one is a zero discharger. The plants are located in the states of Massachusetts, Utah, and Washington. Plant age covers a 42-year span, the oldest plant having been built in 1937.

The processes used at a primary zirconium and hafnium production facility depend largely on the raw material used.

One subdivision, silicon tetrachloride ($SiCl_4$) purification waste acid, has been deleted based on new information which the Agency received since proposal which indicates that this is not a wastewater stream at all but is actually an impure mixture of waste titanium tetrachloride, which should not be given a discharge allowance.

The sources of process wastewater receiving an allowance in the primary zirconium and hafnium subcategory are listed below, along with the pollutants typically found in each:

(1) Sand drying wet air pollution control wastewater results from wet scrubbers used in the zircon sand drying operation. This stream is characterized by the presence of suspended solids and toxic metals.

The BPT, BAT, NSPS, PSES, and PSNS wastewater discharge allowance for sand drying wet air pollution control at proposal was 379 l/kkg (91 gal/ton) of

zircon sand dried. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated wastewater discharge rate for this subdivision is 568 l/kkg (136 gal/ton) of zirconium dioxide and hafnium dioxide produced. This rate is based on the rate reported by the only plant which generates this stream. The one facility reporting this stream currently practices recycle of scrubber water prior to discharge.

(2) Sand chlorination off-gas wet air pollution control wastewater results from wet scrubbers used to control off-gases from the chlorinators. This wastewater is characterized by the presence of solids and chlorine.

The BPT wastewater discharge allowance for sand chlorination off-gas wet air pollution control at proposal was 14,712 l/kkg (3,529 gal/ton) of crude zirconium tetrachloride ($ZrCl_4$) produced. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge allowance was 1,471 l/kkg of crude zirconium tetrachloride ($ZrCl_4$) produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for this subdivision is 43,470 l/kkg (10,418 gal/ton) of zirconium dioxide and hafnium dioxide produced. Of the two plants which generate this stream, only one reported sufficient information, including rate of recycle, to determine water use and discharge rates. The BPT rate is based on the rate reported by this one facility, which currently practices 93 percent recycle.

(3) Sand chlorination area-vent wet air pollution control wastewater results from wet scrubbers used to control fumes in the sand chlorination area. This wastewater is characterized by the presence of solids and chlorine.

The BPT wastewater discharge allowance for sand chlorination area vent wet air pollution control at proposal was 19,616 l/kkg (94,706 gal/ton) of crude zirconium tetrachloride ($ZrCl_4$) produced. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge allowance was 1,962 l/kkg of crude $ZrCl_4$ produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for this subdivision is 8,524 l/kkg (2,043 gal/ton) of zirconium dioxide and hafnium dioxide produced. Only one plant reported generating this stream. The BPT flow rate is based on the rate reported by this one facility, which currently practices 96 percent recycle.

(4) Silicon tetrachloride purification wet air pollution control wastewater is generated when wet scrubbers are used to control fumes from the purification of the silicon tetrachloride formed during sand chlorination. This stream contains suspended solids and cyanide.

The BPT wastewater discharge allowance for silicon tetrachloride ($SiCl_4$) purification wet air pollution control at proposal was 8,650 l/kkg (2,075 gal/ton) of $SiCl_4$ purified. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge rate was 865 l/kkg of $SiCl_4$ purified. This rate based on 90 percent recycle of the proposed BPT flow rate. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, PSNS wastewater discharge rate for this subdivision is 7,498 l/kkg (1,797 gal/ton) of zirconium dioxide and hafnium dioxide produced. Only one plant reported generating this stream. The BPT flow rate is based on the rate reported by this one facility, which currently practices 96 percent recycle of scrubber liquor prior to discharge.

(5) Feed makeup wet air pollution control wastewater results from wet scrubbers used to control fumes generated when crude zirconium-hafnium tetrachloride is dissolved in water and filtered to remove solids. This stream is characterized by the presence of suspended solids and cyanide.

The BPT wastewater discharge allowance for feed makeup wet air pollution control at proposal was 6,334 l/kkg (1,519 gal/ton) of crude $ZrCl_4$ produced. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge rate was 633 l/kkg of crude $ZrCl_4$ produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for this subdivision is 5,682 l/kkg (1,263 gal/ton) of zirconium dioxide and hafnium dioxide produced. One plant practices total reuse of this water in other plant processes. One other facility discharges this water after 92 percent recycle. The BPT flow rate is based on the rate reported by the one plant which discharges this water after recycle.

(6) Iron extraction (MIBK) steam stripper bottoms are generated during the steam stripping process which removes iron from hafnium, following the liquid-liquid extraction process which separates zirconium from hafnium. This waste stream contains ammonia, solids, and toxic metals.

The BPT, BAT, NSPS, PSES, and PSNS wastewater discharge allowance for iron extraction (MIBK) steam stripper bottoms at proposal was 2,077 l/kkg (498 gal/ton) of zirconium and hafnium produced. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated wastewater discharge rate for this subdivision is 2,244 l/kkg (538 gal/ton) of zirconium dioxide and hafnium dioxide produced. This rate is based on the average of the rates reported by the two facilities which generate this wastewater stream.

(7) Zirconium filtrate wastewater results from the precipitation and filtration of zirconium hydroxide during the separation process. This waste stream contains cyanide, MIBK, solids, and toxic metals.

The BPT, BAT, NSPS, PSES, and PSNS wastewater discharge allowance for

zirconium filtrate at proposal was 71,190 l/kkg (17,078 gal/ton) of zirconium produced. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated wastewater discharge rate for this subdivision is 38,790 l/kkg (9,297 gal/ton) of zirconium dioxide and hafnium dioxide produced. This rate is based on the average of the rates reported by the two facilities which generate this stream. No reuse or recycle of this wastewater is reported at either plant.

(8) Hafnium filtrate wastewater results from the precipitation and filtration of hafnium hydroxide during the separation process. This waste stream contains suspended solids and cyanide.

(9) Calcining caustic wet air pollution control wastewater results from wet scrubbers on the zirconium and hafnium calcining kilns. This stream is characterized by the presence of sodium sulfite.

The BPT wastewater discharge allowance for calcining caustic wet air pollution control at proposal was 17,856 l/kkg (4,284 gal/ton) of zirconium and hafnium produced. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge rate was 1,786 l/kkg of zirconium and hafnium produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. Based on comments which the Agency received on the proposed rulemaking, it was decided that the mass of zirconium dioxide and hafnium dioxide produced is a more appropriate production normalizing parameter for this wastewater stream. The Agency also evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for this subdivision is 8,997 l/kkg (2,156 gal/ton) of zirconium dioxide and hafnium dioxide produced. While two plants generate this stream, only one plant reported sufficient information, including rate of recycle, to determine water use and discharge rates. The promulgated discharge allowance is based on the rate reported by this one facility, which currently practices 90 percent recycle. The discharge from the water scrubbers is reused in the separations operation and is therefore considered to be a process stream, not a wastewater. Discharge from the caustic scrubber is sent to evaporation ponds at one plant and to wastewater treatment at the other plant.

(10) Pure chlorination wet air pollution control wastewater results from wet scrubbers used to control fumes from the chlorination of calcined zirconium oxide or hafnium oxide. This waste stream is similar to the sand chlorination off-gas scrubber wastewater and contains solids and chlorine.

The BPT wastewater discharge allowance for pure chlorination wet air pollution control at proposal was 26,322 l/kkg (6,314 gal/ton) of zirconium and hafnium produced. The proposed BAT, NSPS PSES, and PSNS wastewater discharge allowance was 2,632 l/kkg of zirconium and hafnium produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. The Agency has evaluated new flow and production data submitted after proposal with industry comments. The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge rate for this subdivision is 38,317 l/kkg of zirconium and hafnium. The BPT rate is based on the rate reported by the one plant generating this waste stream. This facility currently practices 97 percent recycle of scrubber liquor prior to discharge.

(11) Reduction area-vent wet air pollution control wastewater results from water scrubbers on the reduction furnaces used for the magnesium reduction of zirconium and hafnium tetrachlorides. This stream contains solids and metals.

The BPT, BAT, NSPS, PSES, and PSNS wastewater discharge allowance for reduction area vent wet air pollution control at proposal was 658 l/kkg (158 gal/ton) of zirconium and hafnium produced. The Agency has evaluated new flow and production data submitted after proposal with industry comments. The promulgated wastewater discharge rate for this subdivision is 3,686 l/kkg of zirconium and hafnium. The BPT rate is based on the rate reported by the one plant which generates this stream. This facility currently practices 97 percent recycle of scrubber liquor prior to discharge.

(12) Magnesium recovery off-gas wet air pollution control wastewater results from wet scrubbers used to control fumes from the recovery of magnesium for the reduction process. This stream is characterized by low pH and the presence of magnesium and solids.

The BPT wastewater discharge allowance for magnesium recovery off-gas wet air pollution control at proposal was 13,161 l/kkg (3,157 gal/ton) of zirconium and hafnium produced. The proposed BAT, NSPS, PSES, and PSNS wastewater discharge rate was 1,316 l/kkg of zirconium and hafnium produced. This rate was based on 90 percent recycle of the proposed BPT flow rate. The Agency has evaluated new flow and production data submitted after proposal with industry comments. The promulgated wastewater discharge rate for this subdivision is 20,733 l/kkg of zirconium and hafnium. This rate is based on the rate reported by the one plant which generates this waste stream. This facility currently practices 96 percent recycle of scrubber liquor prior to discharge.

(13) Magnesium recovery area-vent wet air pollution control wastewater results from wet scrubbers used to control emissions from the reduction area. This stream is characterized by low pH and the presence of magnesium and solids.

The promulgated BPT, BAT, NSPS, PSES, and PSNS wastewater discharge allowance for magnesium recovery area vent wet air pollution control is 11,518 l/kkg of zirconium and hafnium produced. This flow is based on the discharge flow reported by the only plant generating this waste stream. This plant currently practices 96 percent recycle of the scrubber liquor prior to discharge. No allowance was given for this subdivision at proposal because no facilities had reported it. Industry comments on the proposed rulemaking indicated that one facility practiced wet scrubbing of magnesium recovery area ventilation fumes and included flow and production data which were used to calculate the production normalized flow.

(14) Zirconium chip crushing wet air pollution control wastewater is generated by wet scrubbers used for dust control when zirconium metal sponge is chipped out of the reduction container and crushed prior to purification. This stream contains solids and metals.

At proposal subdivisions 13 and 14 were combined into a single subdivision entitled magnesium recovery area wet air pollution control. We have determined that two subdivisions are appropriate to account for plant differences.

B. Control and Treatment Technologies and Treatment Effectiveness

1. Control and Treatment Technologies

Before proposing the nonferrous metals manufacturing regulation, EPA considered a wide range of control and treatment options including both in-process changes and end-of-pipe

treatment. These options are discussed in detail in the preamble to the proposed nonferrous metals manufacturing regulation (49 FR 26352, June 27, 1984) and in the Notice of Availability (50 FR 10918, March 18, 1985). For the most part, the end-of-pipe model treatment technology proposed for each subcategory has been selected as the basis for the final rule. This technology is hydroxide precipitation (with additions of iron or polyelectrolyte coagulant aids as necessary) and sedimentation ("lime and settle") followed by multimedia filtration, activated carbon, and ion exchange where appropriate as polishing step, with flow reductions and pretreatment consisting of sulfide precipitation, iron coprecipitation, cyanide precipitation and ammonia steam or air stripping where appropriate.

2. Treatment Effectiveness

The treatment effectiveness of these technologies has been evaluated by observing their performance on nonferrous metals manufacturing and other similar wastewaters. Each technology is discussed below.

a. Lime and Settle Technology. Lime and settle is part of the model technology in the primary antimony, primary beryllium, primary and secondary germanium and gallium, metallurgical acid plants, primary molybdenum and rhenium, secondary molybdenum and vanadium, primary nickel and cobalt, primary precious metals and mercury, secondary precious metals, primary rate earth metals, secondary tantalum, secondary tin, primary and secondary titanium, secondary tungsten and cobalt, secondary uranium and primary zirconium and hafnium subcategories.

The data base for the performance and variability of hydroxide precipitation-sedimentation technology is a composite of data drawn from EPA protocol sampling and analysis of aluminum forming, copper forming, battery manufacturing, porcelain enameling, and coil coating wastewaters. These data, collectively called the combined metals data base ("CMDB"), include influent and effluent concentrations for the nine pollutants. The wastewaters from each of the five categories have been found to be statistically similar in all material respects. A separate study of statistical homogeneity of these wastewaters is part of the record for this rulemaking.

Two analyses were performed to evaluate these data. First, the mean wastewater pollutant concentrations of categories in the CMDB were compared statistically with the mean wastewater pollutant concentrations in the nonferrous data base. The technique used to compare these data is referred to as analysis of variance. The analysis of variance methodology is well known to statisticians and is sometimes referred to as a homogeneity analysis. The primary result of the analysis is that, except for lead (Pb), no significant statistical difference was detected between the mean effluent pollutant concentrations from categories in the CMDB and the mean effluent pollutant concentrations from the nonferrous phrase II category. The treatment effectiveness concentrations for Pb have been determined by using the treatment effectiveness concentrations developed from a data base which includes over 200 Pb concentration measurements from the effluent wastewaters of several lead battery manufacturing and secondary lead plants that employ lime precipitation and sedimentation treatment. The treatment effectiveness concentrations that were developed from this 200 data point set are substantially larger than those estimated from the CMDB. The procedures used to develop these Pb treatment effectiveness concentrations are described in a memorandum which is included in the record to this rulemaking.

The second analysis that the Agency conducted to support the nonferrous phase II rule also employed analysis of variance. The analysis of variance in this second analysis compares the mean wastewater pollutant concentrations among the nonferrous phase II subcategories. The results indicate that the mean pollutant concentrations measured in the subcategories of the nonferrous phase II category are generally similar across subcategories. A report which describes the methodology and results of the analysis of variance comparisons that have been performed to support the nonferrous phase II rulemaking is also included in the record.

We view the use of the combined metals data base as appropriate for setting effluent limitations for the following six pollutants in nonferrous metals manufacturing plants: cadmium, copper, lead, nickel, zinc, and TSS. There are several reasons for this conclusion:

(1) *Process Chemistry:* We believe that properly operated hydroxide precipitation and sedimentation will result in effluent concentrations that are directly related to pollutant solubilities. Since the nonferrous metals manufacturing raw wastewater matrix contains the same toxic pollutants in the same order of magnitude (for the most part) as the combined metals data base raw wastewater and the technology is solubility based, we believe the mean treatment process effluent and variability will be identical.

(2) *Homogeneity:* Homogeneity is the absence of statistically discernible differences among mean pollutant concentrations observed in a set of data. To determine homogeneity for this category, EPA examined the statistical similarity among wastewater pollutant concentrations in the nonferrous subcategories, as well as between the pooled nonferrous subcategories and the CMDB. The purpose of these analyses was to test the Agency's engineering judgment that the untreated wastewater characteristics observed in phase II of the nonferrous category were similar to those observed in the CMDB. In general, the results of the analysis showed that the nonferrous subcategories are statistically similar with respect to mean pollutant concentrations across subcategories. The results also show that the nonferrous metals manufacturing pollutant concentration data combined across subcategories are comparable to the CMDB pollutant concentration data. The similarity of nonferrous and CMDB untreated and treated wastewater pollutant concentrations was established through a statistical assessment. The results of the statistical analysis provide further support to EPA's engineering evaluation that lime precipitation and sedimentation treatment reduces the toxic metal pollutant concentrations in untreated nonferrous metals manufacturing phase II wastewaters to concentrations achieved by the same technology applied to the wastewater from the categories in the CMDB.

In general, the results of the analysis showed that the nonferrous subcategories are homogeneous with respect to mean pollutant concentrations across subcategories. Comparison of the untreated nonferrous metals manufacturing data combined across subcategories and the CMDB also showed good agreement.

(3) Nonferrous Metals Manufacturing Data Base. EPA collected and analyzed wastewater samples from 32 nonferrous metals manufacturing phase II operations to characterize untreated process wastewater and determine treatment system performance; 16 of which had lime and settle treatment in place. The samples were collected and analyzed using standard EPA sampling and analytical protocols. EPA evaluated each of the treatment systems and determined that existing lime and settle treatment was not adequately designed

or properly operated and therefore did not represent proper lime and settle treatment. A data base comprised of 23 pollutants from ten (10) of the phase II subcategories was compiled to provide representative untreated wastewater characterization data. This data was compared with untreated wastewaters in the CMDB and found to be within the range of values considered in that study.

For the nonferrous metals manufacturing phase I regulation, EPA sampled nine nonferrous metals manufacturing plants with lime precipitation and sedimentation. For the six plants with well-operated systems, we combined the EPA short-term sampling data with any available plant self-monitoring data and compared their long-term mean performance with the long-term mean performance calculated from the combined metals data base performance. These nonferrous metals manufacturing plants (phase I) are achieving a long-term mean performance that equals or betters the combined metals data base for five of six metals and TSS. These nonferrous metals plants exceed the 0.12 mg/l mean for lead by only 0.01 mg/l. (Additional discussion regarding revised variabilities for lead is found later in this section.) Because of process simularity between phase I and phase II plants the Agency believes this is added confirmation of the applicability of the CMDB treatment effectiveness values to nonferrous metals manufacturing phase II effluents.

(4) Commenters failed to present any data showing that they were unable to achieve in phase II limits based on the CMDB. As part of this phase II rulemaking, the Agency has received information including the same information previously submitted and evaluated for phase I and the phase I litigation of the nonferrous metals regulation. In the phase I rulemaking certain values within the CMDB were reevaluated and changed. These values were used in phase II of the nonferrous metals manufacturing regulation.

As explained in the nonferrous phase I final rulemaking, the Agency reviewed the variability of lime and settle technology for the pollutant lead. The Agency collected an additional two useable effluent samples from an integrated secondary lead and battery manufacturing plant which the Agency judges to have a state-of-the-art lime and settle treatment system. These data verified plant supplied data containing 199 days of daily lead concentration measured in the raw and treated wastewater for their lime and settle treatment system. When the 201 data points were combined with the three data points previously used in the CMDB and analyzed statistically, the long-term mean 0.12 mg/l as proposed was verified, but the one-day maximum and monthly average increased.

In the phase I rulemaking commenters from the primary lead, primary zinc, primary copper, and metallurgical acid plant subcategories submitted extensive self-monitoring which was resubmitted for this rulemaking. In addition, the Agency solicited design and operating parameters for the treatment systems from which the data were collected. Of the seven plants submitting data, the Agency determined that data from three of the plants should not be used to established treatment effectiveness because of design or operational deficiencies. Another phase I plant that submitted data was from the primary copper subcategory and was found to be operating its treatment system at pH 12 to optimize arsenic removal. At pH 12, metals removal for pollutants other than arsenic decreases due to the increased solubility of metals at higher pH levels. Therefore, the Agency believes effluent data from this plant are not appropriate to determine treatment performance for other plants in the category without this problem. After examining the arsenic values of the raw materials used by plants in the copper smelting subcategory, the Agency believes this one plant is the only discharger experiencing arsenic concentrations frequently over 100 mg/l in the raw wastewater. However, three of the remaining plants may be properly designed and, of these, the two primary zinc plants appear to have problems complying with the proposed zinc limitations (possibly due to extremely high influent zinc concentrations or to ammonia interferences) while another plant, from the primary lead subcategory, appears to have difficulty meeting the proposed limit for cadmium and lead. Although there were indications that these plants might not be operating optimally, the coefficient of variation for treated effluent was higher than for influent. The Agency, as a conservative measure, assumed that additional treatment with sulfide precipitation would be necessary for plants in these subcategories to meet the limitations which are based on the treatment effectiveness of lime and settle technology.

We are also promulgating limits based on chemical precipitation and sedimentation technology for certain pollutants not included in the combined metals data-base. Treatment performance concentrations for these pollutants are calculated either from nonferrous metals manufacturing data (for arsenic, selenium, silver, antimony, gold, platinum, palladium and molybdenum), or from categories with wastewaters similar to nonferrous metals manufacturing (fluoride and tin from electrical components manufacturing data, cobalt from porcelain enameling data, and tantalum, titanium, and tungsten from nonferrous metals forming). No treatment effectiveness concentrations are available for indium which is regulated in one subcategory. For this pollutant we have selected treatment effectiveness concentrations by comparing its theoretical solubility to pollutants in the CMDB at comparable pH levels. See 47 FR 26375, of proposed preamble. As we have discussed above, hydroxide precipitation and sedimentation technology is to a degree solubility related. As such, we believe that this additional pollutant will be reduced to the same effluent concentrations as the corresponding pollutant in the CMDB. The treatment performance concentrations for those pollutants not covered by the CMDB are discussed in detail in Section VII of the General Development Document.

b. *Filtration.* Filtration is part of the model technology for the primary antimony, primary beryllium, metallurgical acid plants, primary molybdenum and rhenium, secondary molybdenum and vanadium, primary nickel and cobalt, primary precious metals, secondary precious metals, primary rare earth metals, secondary tantalum, secondary tin, primary and secondary titanium, secondary tungsten and cobalt, secondary uranium and primary zirconium and hafnium subcategories. For cadmium, chromium, copper, nickel, zinc, iron and TSS, EPA established the pollutant concentrations achievable with lime precipitation, sedimentation, and polishing filtration with data from three plants with the technology in-place: one (phase I) nonferrous metals manufacturing plant and two porcelain enameling plants whose wastewater is similar (as determined by statistical analysis for homogeneity) to wastewater generated by nonferrous metals manufacturing plants. In generating long-term average standards, EPA applied variability factors based on the pooled variances from the combined metals data base because the combined data base provided a broader statistical basis for computing variability than the data from the three plants sampled. The use of lime and settle combined data base variability factors is probably a

conservative assumption because filtration is a less variable technology than lime and settle, since it is less operator-dependent.

For pollutants for which there were no data technology than lime and settle, since it is less operator-dependent.

For pollutants for which there were no data relating to filtration effectiveness from these three plants, long-term concentrations were developed assuming that removal by filtration would remove 33 percent more pollutants than lime precipitation and sedimentation. This assumption was based upon a comparison of removals of several pollutants by lime precipitation, sedimentation, and filtration which showed 33 percent incremental removal attributable to filtration.

EPA selected this approach because of the extensive long-term data available from these three plants. We believe that the use of polishing filtration data from porcelain enameling plants is justified because porcelain enameling was included in the combined metals data base. Since we have determined that lime precipitation and sedimentation will produce identical results on both nonferrous metals manufacturing and porcelain enameling wastewater, it is reasonable for the Agency to assume that polishing filters treating these identical intermediate waste streams will produce an identical final effluent.

BAT limitations for all subcategories employing filtration are based on the data base for polishing filtration discussed above.

c. *Ammonia steam stripping.* Ammonia steam stripping is part of the model technology for the primary beryllium, primary molybdenum and rhenium, primary nickel and cobalt, secondary precious metals, secondary tungsten and cobalt, and primary zirconium and hafnium subcategories. This technology is used routinely to reduce ammonia concentrations. To evaluate treatment effectiveness, EPA collected chemical analysis data of raw waste (treatment influent) and treated waste (treatment effluent) from one plant in the iron and steel manufacturing category. These data form the data base for determining the effectiveness of ammonia steam stripping technology in this category and are contained within the administrative record supporting this regulation. We believe this treatment performance can be transferred to nonferrous subcategories because the technology is solubility related and the nonferrous subcategories considered here do not contain interfering agents that would reduce ammonia removal effectiveness.

An arithmetic mean of the treatment effluent data (from iron and steel) produced an ammonia long-term mean value of 32.2 mg/l. The one-day maximum, 10-day, and 30-day average concentrations attainable by ammonia steam stripping were calculated using the long-term mean of the 32.2 mg/l and the variability factors that express an overall pooled variance estimate developed from the combined metals data base. This produced ammonia concentrations of 133.3, 58.6, and 52.1 mg/l ammonia for the one-day, maximum, 10-day, and 30-day averages, respectively.

The Agency has verified the proposed steam stripping performance values using steam stripping data collected at a zirconium-hafnium plant, a plant in the nonferrous phase II category, which has raw ammonia concentrations comparable to those in the iron and steel manufacturing data. Data collected by the plant represent almost two years of daily operations, and support the long-term mean used to establish treatment effectiveness.

Several comments were received stating that ammonia steam stripping performance data transferred from the iron and steel category are not appropriate for the nonferrous metals manufacturing category. Many of the commenters believe plugging of the column due to precipitates will adversely affect their ability to achieve the promulgated steam stripping performance values. In developing compliance costs, the Agency designed the steam stripping module to allow for a weekly acid cleaning to reduce plugging problems. Through Section 308 information requests, the Agency attempted to gather data at plants which stated they could not achieve the proposed limits. However, very little data were submitted to support their claims or document column performance. Therefore, the Agency has retained the proposed performance, which has been validated with steam stripping data from a zirconium-hafnium facility.

The Agency requested information on the effects of sulfates on the performance of an ammonia steam stripper. Commenters had argued that sulfate levels above one gram per liter interfered with the performance of the column, and consequently, the Agency should revise the limits for those subcategories with high sulfate streams.

After proposal and under Section 308 authority, we collected additional information from a plant manufacturing aluminum and columbium and forming various metals. This plant is able to achieve an average effluent ammonia concentration of 25 milligrams per liter with sulfate levels far in excess of 1 gram per liter. This plant which belongs to the Phase I portion of the category and to the nonferrous metals forming category, has wastewater streams similar to those encountered on the Phase II subcategories. Therefore, we have concluded that the proposed ammonia steam stripping limits are achievable by plants with high sulfates. We are promulgating these limits as proposed.

d. *Ammonia air stripping.* Ammonia air stripping is part of the model technology for the secondary molybdenum and vanadium subcategory.

This technology is used routinely to reduce ammonia concentrations. To evaluate treatment effectiveness, EPA used information submitted in the comments to the proposed regulation. The information consisted of raw waste (treatment influent) and treated waste (treatment effluent) from one plant in the primary beryllium subcategory. These data form the basis for determining the effectiveness of ammonia air stripping technology in this category and are contained in the administrative record supporting this regulation. We believe this treatment performance can be transferred to other nonferrous subcategories because the wastestreams are similar and the technology is solubility related.

A primary beryllium manufacturing plant was able to achieve an ammonia long-term mean value of 100 mg/l. The one-day maximum, 10-day, and 30-day average concentrations attainable by ammonia air stripping were calculated using the long-term mean of 100 mg/l and the variability factors that express an overall pooled variance estimate developed from the combined metals data base. This produced concentrations of 414, 182 and 162 mg/l of ammonia for the one-day maximum, 10-day, and 30-day averages respectively.

e. *Flow reduction.* Flow reduction is part of the model technology in the primary beryllium, primary molybdenum and rhenium, molybdenum metallurgical acid plants, primary precious metals and mercury, secondary precious metals, primary rare earth metals, primary and secondary titanium, secondary tungsten and cobalt, secondary uranium and primary zirconium and hafnium subcategories.

Flow reduction is a significant part of the overall polluant reduction technology. Because of this, the Agency is promulgating mass-based limitations and standards which take into account the significant pollutant removal

achieved by flow reduction model technology. Mass-based limits ensure reduction of the total quantity of pollutant discharge. The mass-based limitations and standards established for this category are derived as the product of the regulatory flow and the overall treatment effectiveness. The regulatory flows are based on flow data, normalized to production, supplied by the industry. Generally, we have relied on flow reduction as part of the BAT, NSPS, PSNS regulations. In those instances where flow reduction is demonstrated in the subcategory, we have also relied on it for the BPT regulations. The basis for flow reduction in each subcategory is discussed in detail in the development document.

There is one exception to this discussion. In those subcategories where we are not altering existing BPT requirements—bauxite refining and metallurgical acid plants—those limitations necessarily continue to be based on subcategory specific data.

f. *Iron coprecipitation technology.* Iron coprecipitation is part of the model technology for removing the pollutant molybdenum in the primary molybdenum and rhenium, molybdenum metallurgical acid plants and secondary molybdenum and vanadium subcategories. In the Agency's post-proposal sampling effort, we sampled a uranium manufacturing and forming plant that had treatable concentrations of molybdenum in the raw wastewater. This plant treats its wastewater through iron addition, lime, and settle; the iron coprecipitates molybdenum. This plant achieved treated effluent concentrations for molybdenum which were published in the notice of new data of March 18. Therefore, EPA is basing the molybdenum limitations and standards on the basis of the data collected from this uranium manufacturing and forming facility which includes iron coprecipitation in its treatment system. The long-term average concentration for molybdenum from the uranium manufacturing and forming facility is 1.83 mg/l for iron coprecipitation.

Iron coprecipitation is a widely used treatment technology and frequently occurs unintentionally in industrial wastewater treatment situations. Whenever iron is present at a high concentration in raw wastewater, it will act as a coprecipitant in a lime and settle treatment system and aid in the removal of other metal pollutants present in the wastewater. Iron coprecipitation is demonstrated at a uranium manufacturing and forming plant, as described above, and is equally applicable to other nonferrous metals manufacturing subcategories because the process wastewaters have similar characteristics. Further, the addition of iron for coprecipitation to aid in metals removals is considered a routine part of state-of-the-art lime and settle technology which should be implemented as required to achieve optimum removal of metals. Iron coprecipitation is discussed in more detail in Section VII of the Development Document.

g. *Cyanide precipitation.* The model technology for removing cyanide from process wastewaters in the primary beryllium, secondary precious metals, secondary tin and primary zirconium-hafnium is cyanide precipitation. This technology is frequently used in industrial applications. One nonferrous metals manufacturing Phase II plant in the secondary precious metals subcategory reported its use. The treatment performance for cyanide precipitation technology is transferred from the coil coating category. The Agency believes that cyanide precipitation should be equally effective at removing cyanide from nonferrous metals manufacturing Phase II wastewaters because the analysis of homogeneity has demonstrated similarity between the nonferrous metals manufacturing Phase II data base and the CMDB, which includes data on coil coating wastewaters.

h. *Sulfide precipitation.* Sulfide precipitation is part of the model technology for removing the pollutants arsenic and selenium in the primary antimony and metallurgical acid plant subcategories. It is widely used in the industry to improve metals removals. Most metal sulfides are less soluble than hydroxides, and the precipitates are frequently more dependably removed from water.

Sulfide precipitation is used in many process and wastewater treatment applications in nonferrous metals manufacturing. This technology is used to treat process wastewater discharges from cadmium recovery and to recover metals from zinc baghouse dusts at a U.S. nonferrous metals manufacturing plant. Another plant achieves complete recycle of electrolyte from copper refining through removal of metal impurities via sulfide precipitation. Primary tungsten is frequently separated from molybdenum via sulfide precipitation. In secondary tin production, lead is recovered from alkaline detinning solutions with sulfide precipitation just prior to electrowinning. In the production of beryllium hydroxide, sulfide precipitation is used to remove metal impurities prior to precipitating beryllium hydroxide. These demonstrations show that sulfide precipitation is in use in the nonferrous metals manufacturing category.

Sulfide precipitation also is used as a preliminary or polishing treatment technology for nonferrous metals manufacturing wastewater. A U.S. nonferrous metals manufacturing facility specifically uses sulfide precipitation operated at a low pH to recover specific toxic metals from the acid plant blowdown prior to discharging the wastewater to a lime and settle treatment system. Hydrogen sulfide is used to precipitate selenium. Arsenic is also precipitated as arsenic sulfide. The arsenic and selenium sulfides are removed in a plate and frame filter. EPA sampling at this plant found three-day averages of arsenic and selenium in the untreated acid plant blowdown of 4.74 mg/l and 21.5 mg/l, respectively. Composite samples of treated (sulfide precipitation and filtration) acid plant blowdown collected during the EPA sampling visit showed arsenic concentrations at 0.066, 0.348 and 0.472 mg/l. Likewise, the treated acid plant blowdown samples contained selenium concentrations at 0.015, 0.05, and 0.132 mg/l.

Sulfide precipitation may also be applied following or in conjunction with hydroxide precipitation (two-stage treatment-lime followed by sulfide). In these applications sulfide precipitation acts to further reduce toxic metal concentrations. Responses to Section 308 data collection portfolios indicate that there are five nonferrous metals manufacturing plants using sulfide precipitation as a polishing step—two primary zinc, one secondary silver plant, one secondary precious metals plant, and one plant which processes both secondary silver and secondary precious metals.

i. *Ion exchange.* Ion exchange is part of the model technology for removing the pollutants gold, platinum and palladium in the primary precious metals and mercury and secondary precious metals subcategories. It is demonstrated in the secondary precious metals subcategory.

Ion exchange is a process in which ions, held by electrostatic forces to charged functional groups on the surface of the ion exchange resin, are exchanged for ions of similar charge from the solution in which the resin is immersed. This is classified as a sorption process because the exchange occurs on the surface of the resin, and the exchanging ion must undergo a phase transfer from solution phase to solid phase. Thus,

ionic contaminants in a waste stream can be exchanged for the harmless ions of the resin.

The list of pollutants for which the ion exchange system has proved effective includes aluminum, arsenic, cadmium, chromium (hexavalent and trivalent), copper, cyanide, gold, iron, lead, manganese, nickel, selenium, silver, tin, zinc, and more. Thus, it can be applied to a wide variety of industrial concerns. Because of the heavy concentrations of metals in their wastewater, the metal finishing industries utilize ion exchange in several ways. As an end-of-pipe treatment, ion exchange is certainly feasible, but its greatest value is in recovery applications. It is commonly used as an integrated treatment to recover rinse water and process chemicals. Some electroplating facilities use ion exchange to concentrate and purify plating baths. Also, many industrial concerns, including a number of nonferrous metals manufacturing plants, use ion exchange to reduce salt concentrations in incoming water sources.

Ion exchange is a versatile technology applicable to a great many situations. This flexibility, along with its compact nature and performance, makes ion exchange a very effective method of wastewater treatment.

C. Technology Basis for Final Regulations

A brief summary of the technology basis for the regulation is presented below. The selected technology basis is presented in the "Preamble to the Proposed Nonferrous Metals Manufacturing Point Source Category Effluent Limitations Guidelines Pretreatment Standards, and New Source Performance Standards" (49 FR 26352, June 27, 1984), the Notice of Data Availability and Request for comment (50 FR 10918, March 18, 1985), the general Development Document and its supplements.

BPT

The basic end-of-pipe treatment for BPT in this rulemaking consists of flow normalization, and lime and settle with preliminary treatment of ammonia steam stripping, air stripping, cyanide precipitation, iron coprecipitation, sulfide precipitation and ion exchange. We are transferring lime and settle treatment technology and performance for the primary antimony, primary beryllium, primary and secondary germanium and gallium, secondary indium, secondary mercury, metallurgical acid plants, primary molybdenum and rhenium, secondary molybdenum and vanadium, primary nickel and cobalt, secondary nickel, primary precious metals and mercury, secondary precious metals, primary rare earth metals, secondary tantalum, secondary tin, primary and secondary titanium, secondary tungsten and cobalt, secondary uranium, and primary zirconium and hafnium subcategories from aluminum forming, copper forming, battery manufacturing, porcelain enameling and coil coating plants. As discussed above, the data base for the performance of lime and settle is a composite of data from the industrial categories listed known as the combined metals data base (CMDB). This data base was selected because lime and settle treatment applied to nonferrous metals manufacturing wastewater in each of the subcategories listed above will result in effluent concentrations identical to those achieved by the plants in the CMDB. This is based on the fact that the raw wastewater matrix in each of these subcategories contains the same pollutants in the same order of magnitude as the combined metals data base raw wastewater. The CMDB was also selected because it was determined to be homogeneous with the raw wastewaters in these subcategories.

We are transferring steam stripping technology and performance for ammonia removal in the primary berylium, primary molybdenum and rhenium, primary nickel and cobalt, secondary precious metals, secondary tungsten and cobalt, and primary zirconium and hafnium subcategories of the nonferrous metals manufacturing phase II from one iron and steel manufacturing plant.

We are transferring air stripping performance for ammonia removal in the secondary molybdenum and vanadium subcategory of the nonferrous metals manufacturing phase II category from the primary beryllium subcategory. As discussed above, we believe that steam and air stripping performance can be transferred to these subcategories because the technology is solubility related, and because the raw wastewater concentrations of ammonia in these subcategories and in iron and steel manufacturing and primary beryllium are similar. We believes that plants in these subcategories will achieve effluent concentrations identical to those achieved by the one iron and steel plant and the primary beryllium plant.

One plant in the secondary precious metals subcategory currently uses cyanide precipitation to treat process wastewater. We are transferring cyanide precipitation performance for secondary precious metals and both technology and performance for the primary beryllium, primary and secondary tin, and the primary zirconium and hafnium subcategories in nonferrous metals manufacturing phase II from coil coating plants. We believe that the technology is transferrable to these subcategories because the raw wastewater concentrations are of the same order of magnitude as those observed in coil coating wastewater. In that cyanide precipitation converts all cyanide species to complex cyanides and that precipitation of the complexed cyanides is solubility related, we believe that the technology will achieve identical effluent concentrations in the nonferrous phase II categories noted above.

We are transferring sulfide precipitation technology for the primary antimony subcategory from the molybdenum metallurgical acid plants subcategory. We believe that the technology is transferrable because the raw wastewater concentrations are of the same order of magnitude as those observed in metallurgical acid plants. Full scale commercial sulfide precipitation units are in operation at numerous installations, including several plants in the nonferrous metals manufacturing category both in the U.S. and abroad.

We are transferring iron coprecipitation technology and performance for the primary molybdenum and rhenium, metallurgical acid plants and secondary molybdenum and vanadium subcategories from one uranium manufacturing and forming plant. We believe that the technology is transferrable because the process wastewaters have similar characteristics.

Ion exchange is demonstrated in the secondary precious metals and secondary silver subcategories. We are transferring ion exchange technology and performance for the primary precious metals from the secondary precious metals subcategory. We believe that the technology is transferrable because the raw wastewater concentrations are similar.

To fulfill our statutory obligation, we did propose BPT in those subcategories not addressed previously, namely primary antimony, primary beryllium, primary and secondary germanium and gallium, primary molybdenum and rhenium, secondary molybdenum and vanadium, primary nickel and cobalt, primary precious metals and mercury, secondary precious metals, primary rare earth metals, secondary tantalum, secondary tin, primary and secondary titanium, secondary tungsten and cobalt, secondary uranium, and primary

zirconium and hafnium. We also proposed that molybdenum metallurgical acid plants be subject to existing limits already promulgated for copper, lead, and zinc metallurgical acid plants. We are now promulgating these BPT limitations as final regulations. We are not promulgating final BPT regulations for three subcategories that do not have any direct discharging plants: secondary indium, secondary mercury, and secondary nickel.

In developing BPT limitations, the Agency considered the amount of water used per unit of production (liters per kkg or metric ton) for each wastewater stream in each subcategory. In general, the regulatory flows for BPT were based on the average of the reported water use or discharge values. The Agency has used BPT regulatory flows based on flow reduction only in those unusual cases where water flow reduction is commonly practiced throughout the subcategory. Based on its reevaluation of existing data and additional data it collected since proposal, the Agency has revised some of the proposed regulatory flow allowances for the category. These changes are the result of post proposal sampling and clarification of information provided in comments on the proposal and Notice of Availability.

As noted above, these BPT mass limitations are based on end-of-pipe treatment consisting of lime precipitation and settling, and where necessary, preliminary treatment consisting of ammonia steam or air stripping, cyanide precipitation, sulfide precipitation, and iron coprecipitation where appropriate, activated carbon and ion exchange as a polishing step where appropriate. Thirty-four nonferrous metals manufacturing plants are direct dischargers. The Agency estimates that BPT will result in the removal of an estimated 339,247 kg of priority pollutants and 21,872,686 kg of total pollutants per year from estimated current discharge levels. The estimated capital investment cost of BPT is $4.0 million and the estimated annual cost is $5.6 million, in 1982 dollars. Unless otherwise noted below, all costs represent wastewater treatment equipment not in place. For each subcategory, it is our judgement that the benefits of effluent reduction justify the associated costs of compliance. The promulgated BPT limitations and technology basis for each subcategory are discussed in detail below.

Primary Antimony

We are promulgating BPT limitations for the primary antimony subcategory, based on lime precipitation and sedimentation technology with sulfide precipitation pretreatment to remove toxic metals and solids from combined wastewaters and to control pH. As discussed in the March 18, 1985, Notice of Availability on this rulemaking, EPA is adding sulfide precipitation technology in those situations where wastestreams contain high levels of multiple metallic pollutants. This additional treatment is added in case the facility has problems with the lime and settle system to assure that the promulgated limits are met. Lime and settle technology is in-place at the one discharger in this subcategory. The pollutants specifically regulated at BPT are antimony, arsenic, mercury, TSS, and pH. Lead had been proposed for regulation but after careful consideration, the Agency determined that it will be removed by the model treatment technology. Therefore, although a particular permit writer may require its limitation on a case-by-case basis, we will not promulgate national standards for that pollutant.

Implementation of the BPT limitations will remove annually an estimated 17,522 kg of toxic metals and 26,156 kg of pollutants including TSS over estimated current discharge. We project a capital cost of approximately $196,350 and an annualized cost of approximately $554,160 for achieving BPT limitations.

Bauxite Refining

EPA promulgated BPT effluent limitations for the bauxite refining subcategory on April 8, 1974, Subpart A of 40 CFR Part 421. The promulgated BPT is based on zero discharge of process wastewater except for an allowance for net precipitation that falls within process wastewater impoundments. EPA is not altering the promulgated bauxite refining regulation because it adequately characterizes BPT. We are making minor technical amendments to delete or correct reference to FDF considerations under Part 125 and pretreatment reference to Part 128. These changes do not reopen promulgated BPT regulations for purposes of review. The technology basis of the existing BPT is impoundment and recycle.

Primary Beryllium

We are promulating BPT limitations for the primary beryllium subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH and fluoride, with the addition of in-process wastewater reduction, ammonia steam stripping to remove ammonia, and cyanide precipitation to remove cyanide. As discussed in the March 18, 1985, Notice of Availability on this rulemaking, EPA is adding cyanide precipitation and ammonia steam stripping to the BPT model treatment technology for this subcategory. This is necessary because the Agency has new information indicating that cyanide and ammonia are present in the wastestreams from this subcategory at treatable levels. Flow reduction is part of the BPT model technology because the only direct discharger in the subcategory already practices extensive recycle. The one discharger in the subcategory has lime and settle technology, cyanide distruction and ammonia air stripping in place.

The pollutants specifically regulated at BPT are beryllium, chromium, copper, cyanide, ammonia, fluoride, TSS, and pH. These pollutants were selected because they are present in the largest quantities in the raw wastewater.

Implementation of BPT limitations will remove 534 kg of toxic metals and cyanide from current discharge rates; it will remove 69,943 kg/yr of ammonia and 70,477 kg/yr of pollutants over estimated current discharge. Removals from raw wastewater are as estimated 2,698 kg/yr of toxic metals and cyanide, 69,943 kg/yr of ammonia, and 131,734 kg/yr of pollutants including TSS. We project $226,462 in capital costs and $211,151 in annual costs for achieving the promulgated BPT. These costs represent wastewaters treatment equipment not in place.

Primary and Secondary Germanium and Gallium

We are promulgating BPT requirements for the primary and secondary germanium and gallium subcategory. At proposal we had a two tier approach for regulating this subcategory. Level A provisions were applicable to facilities which only reduce germanium dioxide in a hydrogen furnace and wash and rinse the germanium product in conjunction with zone refining. Level B provisions were applicable to all other facilities in the subcategory. At proposal the technology basis for both Levels A and B for the BPT limitations was lime precipitation and sedimentation technology to remove metals, fluoride, and solids from combined wastewaters and to control pH. The promulgated BPT model technology is the same as was proposed but we no longer have two regulatory levels. The pollutants specifically regulated at BPT are arsenic, lead, zinc, fluoride, TSS, and pH. Germanium and gallium were proposed for regulation but the Agency has decided not to regulate these

pollutants because they are expected to be controlled by the BPT technology. However, it is possible that these pollutants may be present in large concentrations at an individual plant. Therefore, the permitting or control authority may establish specific limitations for these metals on a case-by-case basis.

Although there are no existing direct dischargers in this subcategory, BPT is promulgated for any existing zero discharger that may elect to discharge at some point in the future. This action is deemed necessary because wastewaters from germaniumn and gallium operations which contain significant loadings of toxic pollutants are currently being disposed of in a RCRA permitted surface impoundment.

The cost and specific removal data for this subcategory were determined using a model plant. However they are not presented here because the data on which they are based have been claimed confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Secondary Indium

We are not promulgating BPT limitations for the secondary indium subcategory since there are no existing direct dischargers.

Secondary Mercury

We are not promulgating BPT limitations for the secondary mercury subcategory since there are no existing direct dischargers.

Primary Molybdenum and Rhenium

We are promulgating BPT limitations for the primary molybdenum and rhenium subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, ammonia steam stripping and iron coprecipitation preliminary treatment. As discussed in the March 18, 1985 Notice of Availability on this rulemaking, EPA is added iron coprecipitation to the BPT model treatment technology for this subcategory. This technology is being added for the removal of molybdenum. Except for iron coprecipitation these technologies are already in-place at one of the two direct dischargers in the subcategory. The pollutants specifically regulated at BPT are arsenic, lead, nickel, selenium, molybdenum, ammonia, fluoride, TSS, and pH.

Implementation of the final BPT limitations will remove annually from current discharge an estimated 73,644 kg of toxic metals and cyanide, 737 kg of molybdenum, 63,443 kg of ammonia, and 51,529 kg of TSS. The total pollutant removal from current discharge annually is estimated to be 204,242 kg. While one of the discharging plants has the basic equipment components in-place to comply with BPT, we do not believe that either plant is currently achieving the BPT mass limitations.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Metallurgical Acid plants

We are expanding the applicability of the existing BPT requirements established for the metallurgical acid plants subcategory to include the acid plants associated with primary molybdenum roasting operations. The technology basis for the existing BPT limitations is lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, and sulfide precipitation and iron coprecipitation preliminary treatment. Some of these technologies are already in-place at both of the dischargers include under the expanded applicability. The pollutants specifically regulated at BPT are arsenic, cadmium, copper, lead, zinc, fluoride, molybdenum, TSS, and pH. Fluoride and molybdenum are being added in this regulation and are only applicable to molybdenum acid plants.

Compliance with the existing BPT limitations for metallurgical acid plants by the two direct discharging primary molybdenum facilities which operate sulfuric acid plants will result in the removal from current discharges of an estimated 4,432 kg of toxic metals, and 64,325 kg of pollutants including TSS. While both plants have the equipment in-place to comply the BPT, we do not believe that the plants are currently achieving the promulgated BPT limitations.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Secondary Molybdenum and Vanadium

We are promulgating BPT requirements for the secondary molybdenum and vanadium subcategory based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, iron coprecipitation to control molybdenum and ammonia air stripping to remove ammonia. We had proposed ammonia steam stripping preliminary treatment for this subcategory. However, our analysis showed that the costs of this technology may have caused the only facility in the subcategory to close. Therefore, we concluded that this technology is not practicable for this subcategory and decided to rely on air stripping of ammonia instead which is already in place at the one direct discharger in the subcategory. This change in technology mitigates the impact on the industry while still achieving removal of ammonia from the wastewaters. This is the only subcategory in phase II which will be subject to an ammonia limitation based on air stripping. As discussed in the March 18, 1985 Notice of Availability on this rulemaking, EPA is adding iron coprecipitation to the BPT model treatment technology for this subcategory. This technology is being added for the removal of molybdenum. Although some of these technologies are already in-place at the one discharger in the subcategory, we do not believe that it is meeting BPT mass limitations. The pollutants specifically selected for regulation at BPT are arsenic, chromium, lead, nickel, iron, molybdenum, ammonia, TSS, and pH. Implementation of these BPT limitations will remove annually from raw discharges an estimated 319 kg of toxic metals and cyanide, 18,477 of molybdenum, 563,160 of ammonia, 28,136 kg of TSS, and 641,666 kg total pollutants.

After proposal, the Agency sampled the only plant in this subcategory to obtain raw wastewater characteristics as well as production information. These new data were used to revise the subdivisions receiving allowances in the promulgated regulation. All the PNF's and PNP's have been revised to reflect the new information. The PNP for molybdenum filtrate solvent extraction raffinate was changed from amount of molybdenum produced to amount of both molybdenum and vanadium produced. The revisions to the PNF are discussed in detail in section IX of the subcategory supplemental development document. These changes reflect the data gathered in a post proposal sampling visit.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Primary Nickel and Cobalt

We are promulgating BPT limitations for the primary nickel and cobalt subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, and ammonia steam stripping to remove ammonia. This is the same technology basis as was proposed. Lime precipitation and sedimentation technology is already in-place at the one discharger in the subcategory. The pollutants specifically regulated at BPT are copper, nickel, cobalt, amonia, TSS, and pH.

Implementation of the BPT limitations will remove from current discharges annually an estimated 241 kg of toxic metals and 252 kg of total pollutants.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Secondary Nickel

We are not promulgating BPT limitations for the secondary nickel subcategory, since there are no existing direct dischargers.

Primary Precious Metals and Mercury

We are promulgating BPT requirements for the primary precious metals and mercury subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, and oil skimming to remove oil and grease and ion exchange as a polishing step. As discussed in the March 18, 1985 Notice of Availability on this rulemaking, we are adding ion exchange to the BPT model treatment technology for this subcategory. This technology is being added for the removal of gold. Some of these technologies are in-place at the one discharger in this subcategory. The pollutants specifically regulated at BPT are lead, mercury, silver, zinc, gold, oil and grease, TSS, and pH.

Implementation of the BPT limitations will remove annually from raw discharge an estimated 50,442 kg of toxic metals and 53,768 kg of toxic pollutants including TSS. We project a capital cost of $2,200 and an annualized cost of $26,814 for achieving BPT limitations.

Secondary Precious Metals

We are promulgating BPT limitations for the secondary precious metals subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, ammonia steam stripping to remove ammonia, cyanide precipitation to remove free and complexed cyanide and ion exchange as a polishing step.

Some of the plants in this subcategory have unusually high zinc levels. For those plants we have estimated costs of two stage precipitation using sulfide polishing as the second stage to control zinc to the desired levels and to overcome complexing problems. These costs have been considered in the economic impact analysis.

Chemical precipitation and sedimentation technology is already in-place at 20 of the plants in the subcategory including all three direct dischargers. One plant has cyanide precipitation in-place. The pollutants specifically regulated at BPT are copper, cyanide, zinc, gold, platinum, palladium, ammonia, TSS, and pH.

Implementation of the BPT limitations will remove annually from current discharges and estimated 94 kg of toxic pollutants (which include 63 kg of cyanide), and 4,677 kg of pollutants including 494 kg of ammonia, and 2,946 kg of TSS.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. As discussed below, EPA's economic impact analysis shows that one secondary precious metals plant may close as a result of incurring the costs of this regulation. After evaluating these costs and, in particular, the closure of this facility, the Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Primary Rare Earth Metals

We are promulgating BPT limitations for the primary rare earth metals subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewasters and to control pH. This is the same technology basis as was proposed. These technologies are already in-place at the one direct discharger in the subcategory. The pollutants specifically regulated at BPT are chromium, lead, nickel, TSS, and pH.

Compliance with the BPT limitations will remove annually from raw an estimated 3.93 kg of toxic metals and 969 kg of total pollutants including TSS (no toxic organics would be removed). The existing discharger is currently meeting BPT requirements. We project no capital cost for achieving BPT because the technology to be installed is already in-place at the one direct discharging facility in this subcategory. Annual operating costs, however, are estimated to be $28,744.

Secondary Tantalum

We are promulgating BPT limitations for the secondary tantalum subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH. This is the same technology basis as was proposed. These technologies are already in-place at all three of the dischargers in the subcategory. The pollutants specifically regulated at BPT are copper, lead, nickel, zinc, tantalum, TSS, and pH.

Implementation of the BPT limitations will remove annually from current discharges an estimated 26,268 kg of toxic metals, 1,490 kg of tantalum and 51,392 kg of pollutants including TSS.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Secondary Tin

We are promulgating BPT requirements for the secondary tin subcategory, based on lime precipitation and sedimentation technology to remove metals, fluoride, and solids from combined wastewaters and to control pH, with preliminary treatment consisting of cyanide precipitation for certain building blocks. The model treatment technology for the proposed BPT effluent limitations guidelines also include ammonia steam stripping. However, data collected after proposal under section 308 of the Act indicate that ammonia is not necessarily essential in the hydrometallurgical recovery of tin. Therefore, EPA is not establishing an allowance for ammonia because none of the discharging plants currently use it. Moreover, permit writers should not provide any allowance for ammonia in secondary tin processing because there are demonstrated processes in use by the industry that do not require the use of ammonia. Chemical precipitation and sedimentation technology is already in-place at two of the three direct dischargers in the subcategory.

The pollutants specifically regulated at BPT in building blocks related to hydrometallurgical tin recovery are cyanide, lead, tin, fluoride, TSS, and pH. The pollutants specifically regulated at BPT in building blocks related to recovery of tin with pyrometallurgical

processes are arsenic, lead, iron, tin, TSS and pH.

After proposal we sampled a secondary tin plant using pyrometallurgical processes to recover tin. The new data collected was used to revise the pollutants selected for regulation and the PNF for one building block in the subcategory, tin smelter SO_2 scrubber.

Implementation of the BPT limitations will remove annually from raw discharge an estimated 688 kg of toxic metals, 144 kg of cyanide, 237,220 kg of fluoride, and 506,900 kg of TSS, for a total pollutant removal of 800,967 kg. Projected capital costs are estimated to be approximately $841,285 while annual costs are estimated to be $692,625. The Agency has determined that the pollutant reduction benefits associated with compliance justify the costs for this subcategory.

Primary and Secondary Titanium

We are promulgating BPT limitations for the primary and secondary titanium subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, and oil skimming preliminary treatment for streams with treatable concentrations of oil and grease. This is the same technology basis as was proposed. These technologies are already in-place at two of the four direct dischargers in the subcategory. As discussed in the March 18, 1985 Notice of Availability on this rulemaking we are modifying the treatment effectiveness numbers used in determining the limitations for the pollutant titanium. At proposal the Agency did not have treatment effectiveness data for titanium. Since proposal, we have collected treatment effectiveness data for lime and precipitation systems from 9 nonferrous metals forming plants. Because the pollutant concentrations and flows at the forming plants are similar to those in this subcategory, we believe the forming treatment effectiveness data is applicable here. EPA proposed a two tier regulatory scheme for this subcategory, with the same technologies applying to both tiers at BPT. The pollutants specifically regulated at BPT are chromium, lead, nickel, titanium, oil and grease, TSS, and pH. We are now exempting from national regulation facilities in the second tier, those which do not practice electrolytic recovery of magnesium and which use vacuum distillation instead of leaching to purify titanium sponge because the amounts and toxicity of the discharges are very small and do not justify national regulations.

Implementation of the BPT limitations will remove annually from raw discharges an estimated 217 kg of toxic metals and cyanide, 5,791 kg of titanium, 64,446 kg of TSS and 99,409 kg of total pollutants. While two plants have the equipment in-place to comply with BPT, we do not believe that the plants are currently achieving the final BPT limitations. We project a capital cost of $644,489 and an annualized cost of $505,309 for achieving BPT in all plants.

As discussed below, EPA's economic impact analysis shows that two facilities in this subcategory will close regardless of this regulation. Data submitted by the plants to EPA after proposal indicate the plants have been operating at a loss. All other discharging facilities in this subcategory are expected to remain viable after incurring the costs of this regulation.

Secondary Tungsten and Cobalt

We are promulgating BPT limitations for the secondary tungsten and cobalt subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH, oil skimming and ammonia steam stripping to remove ammonia. This is the same technology basis as was proposed. Lime precipitation and sedimentation technology is already in place at three direct dischargers in the subcategory. As discussed in the March 18, 1985 Notice of Availability on this rulemaking. We are adding the pollutant tungsten for this subcategory because it is the principal metal being manufactured in the subcategory. We have collected treatment effectiveness data for the pollutant tungsten from post proposal sampling of a nonferrous metals forming plant. Because the pollutant concentrations and flows of that plant are similar to this subcategory, we believe the performance data is applicable here. The pollutants specifically regulated at BPT are copper, nickel, cobalt, tungsten, ammonia, oil and grease, TSS, and pH.

Implementation of the BPT limitations will remove annually from current discharge an estimated 150,600 kg of toxic metals, 9,456 kg of cobalt, 9,417 kg of tungsten, 108,700 kg of TSS and 420,200 total pollutants.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with this regulation justify the costs for this subcategory.

Secondary Uranium

We are promulgating BPT limitations for the secondary uranium subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH. The proposed BPT was also based on ammonia steam stripping. However, data collected after proposal indicated that ammonia is no longer used in the secondary uranium processing. Therefore, EPA is not promulgating limitations for ammonia and ammonia steam stripping is not part of the model technology. These technologies are already in-place at the two dischargers in the subcategory. The pollutants specifically regulated at BPT are chromium, copper, nickel, fluoride, TSS, and pH. Effluent limitations for uranium have not been established in this subcategory. Pursuant to the Supreme Court's ruling in *Train* v. *Colorado Public Interest Research Group*, 426 U.S. 1 (1976), EPA lacks the authority under the Clean Water Act to regulate this pollutant since it is a "source", material as defined by the Nuclear Regulatory Commission under the Atomic Energy Act.

Implementation of the BPT limitations will remove annually from raw discharges an estimated 99.78 kg of toxic metals, 5,034 pollutants including 651 kg of TSS. While one discharging plant has the equipment in-place to comply with BPT, we do not believe that this plant is currently achieving the final BPT limitations. We project capital and annual costs of $54,821 and $90,422 (1982 dollars) repectively for modifications to technology presently in-place at the discharging facilities to achieve BPT regulations.

Primary Zirconium and Hafnium

We are promulgating BPT limitations for the primary zirconium and hafnium subcategory, based on lime precipitation and sedimentation technology to remove metals and solids from combined wastewaters and to control pH plus ammonia steam stripping and cyanide precipitation prelminary treatment of streams containing ammonia, or cyanide. EPA proposed a two tier regulatory scheme for this subcategory, with the same technologies applying to both tiers at BPT. The Agency has decided to exclude from national regulations plants which only produce zirconium or zirconium—nickel alloys by magnesium reduction of zirconium dioxide because currently there are no such discharging plants in existence. Therefore, the promulgated regulation

will not have two tiers. The proposed BPT was also based on barium coprecipitation for removal of radium 226 from the wastewaters of this subcategory. We have deleted from this regulation the pollutant radium 226 because the Agency data collected after proposal indicates that it is not present at treatable levels in the raw wastewaters of this subcategory. However, if this pollutant is present in discharges from this subcategory, a permit writer should regulate it on a case by case basis. The subcategory supplemental development document will provide guidance on the treatment technology and its effectiveness for radium 226 removal. Lime precipitation and sedimentation technology and ammonia steam stripping is already in-place at one discharger in the subcategory. The pollutants specifically regulated at BPT are chromium, cyanide, lead, nickel, ammonia, TSS, and pH.

Implementation of the BPT limitations will remove annually from estimated current discharge an estimated 14,110 of toxic metals and cyanide, and 19.4 million kg of pollutants including 38,240 kg of TSS.

The cost data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that the pollutant reduction benefits associated with compliance justify the costs for this subcategory.

BAT

The general end-of-pipe technology basis for the promulgated BAT mass limitations is based on the model BPT technology plus in-process flow reduction and multimedia filtration following lime and settle treatment. Preliminary treatment technology includes ammonia steam stripping, sulfide precipitation, iron coprecipitation, cyanide precipitation, ammonia air stripping where required and ion exchange as a polishing step.

End-of-pipe filtration is demonstrated at 23 nonferrous metals plants in subcategories covered under nonferrous metals manufacturing phase I, and two plants covered under phase II in the primary nickel and cobalt and secondary precious metals subcategories. We are transferring end-of-pipe filtration technology in all subcategories where it is not demonstrated and filtration performance for the Primary Antimony, Primary Beryllium, Primary Molybdenum and Rhemium, Secondary Molybdenum and Vanadium, Primary Nickel and Cobalt, Primary Precious Metals and Mercury, Secondary Precious Metals, Primary Rare Earth Metals, Secondary Tantalum, Secondary Tin, Primary and Secondary Titanium, Secondary Tungsten and Cobalt, Secondary Uranium, and Primary Zirconium and Hafnium subcategories of this final rulemaking from one nonferrous metals manufacturing plant and two porcelain enameling plants. As discussed in section V of this preamble, this data base was selected because the raw wastewater among plants in nonferrous metals manufacturing phase II and in categories in the CMDB is similar. We believe that filtration will achieve the same effluent concentrations for nonferrous metals manufacturing wastewater as for the one nonferrous metals manufacturing and two porcelain enameling plants. In addition, filtration adds reliability to the treatment system by making it less susceptible to operator error and to sudden changes in raw wastewater flows and concentrations.

The technolgy and performance, basis, for cyanide precipitation and ammonia steam or air stripping is the same as that discussed for BPT above.

We are transferring sulfide precipitation technology and performance for the primary antimony subcategory from the molybdenum metallurgical acid plants subcategory. We believe that the technology is transferrable because the raw wastewater concentrations are of the same order of magnitude as those observed in metallurgical acid plants. Full scale commercial suldite precipitation units are in operation at numerous installations, including several plants in the nonferrous metals manufacturing category both in the U.S. and abroad.

We are transferring iron coprecipitation technology and performance for the primary molybdenum and rhenium, metallurgical acid plants and secondary molybdenum and vanadium subcategories from one uranium manufacturing and forming plant. We believe that the technology is transferrable because the process wastewaters have similar characteristics.

Ion exchange is demonstrated in the secondary precious metals and secondary silver subcategories. We are transferring ion exchange technology and performance for the primary precious metals from the secondary precious metals subcategory. We believe that the technology is transferrable because the raw concentrations are similar.

In developing BAT limitations, the Agency considered the amount of water used per unit of production (liters per kilogram) for each wastewater stream. In-process flow reduction is an integral part of the promulgated BAT in the primary beryllium, primary molybdenum and rhenium, primary precious metals and mercury, secondary precious metals, primary rare earths, primary and secondary titanium, secondary uranium, and primary zirconium and hafnium subcategories. Flow reduction is demonstrated in the category for wet air pollution control wastewater, contact cooling water and floor wash wastewater. The demonstration status of in-process flow reduction and the level of recycle considered for this final rulemaking are discussed more fully in the preamble to the proposed regulation and in the development documents for individual subcategories. Flow reduction measures result in concentrating the pollutants present in wastewater. Treatment of a more concentrated stream allows a greater net removal of pollutants and a reduced flow may reduce the size of the treatment equipment and hence the cost of treatment. EPA estimates investment costs of $4.6 million and annual costs of $5.9 million above equipment in place to comply with the BAT limitations. Implementation of the BAT limitations will remove from current discharges an estimated 340,800 kg/yr of toxic pollutants annually. As explained in Section VI below, we have concluded that the costs of achieving limitations based on the model technologies for each subcategory are reasonable and for limitations are economically achievable for each subcategory.

The complexity and cost of analyses for toxic pollutants found in the nonferrous metals manufacturing category wastewaters has prompted EPA to develop an alternative method of controlling toxic pollutants. Instead of establishing specific effluent limitations for each of the toxic metals found in the category's raw wastewaters above treatable concentrations, the Agency is establishing effluent limitations for certain toxic and nonconventional metals as "indicator" pollutants. The data available to EPA show that control of the selected "indicator" pollutants will result in the substantial removal of other toxic pollutants found in the wastewaters but not specifically limited. By establishing specific limitations and standards for only the "indicator" pollutants, the Agency will reduce the difficulty, cost, and delays of pollutant monitoring and analyses that would result if pollutant limitations are established for each toxic pollutant. However, permit writers are free to write limits for indicated pollutants, in addition to the guideline limitations on indicator pollutants, in appropriate

situations such as when indicated pollutants are present at a particular plant in higher concentrations than indicator pollutants. (Permit writers may consult the development documents for a list of all pollutants present in order to determine whether such additional limitations are necessary.)

The selected technology basis and regulated pollutant parameters are discussed below for each subcategory.

Primary Antimony

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation with the addition of filtration and sulfide precipitation preliminary treatment. This technology is more stringent than for the regulations proposed. As explained in the Notice of Availability (50 FR 10918, March 18, 1985), sulfide precipitation has been added to the technology basis for this subcategory since proposal. The additional treatment is necessary to remove large amounts of arsenic present in the raw wastes from this subcategory.

The pollutants specifically limited under BAT are antimony, arsenic, lead, and mercury.

Implementation of the BAT limitations would remove annually an estimated 17,540 kg of toxic pollutants, which is 18 kg of toxic metals over the estimated BPT discharge. Estimated capital cost for achieving final BAT is $208,312; annualized cost is $560,418.

Bauxite Refining

We are promulgating the proposed minor technical amendments to delete or correct references to FDF considerations under Part 125 and pretreatment references to Part 128. We are not altering the existing BAT (promulgated on April 8, 1974 under Subpart A of 40 CFR Part 421) which prohibits the discharge of process wastewater except for an allowance for net precipitation that falls within process wastewater impoundments.

The Agency indicated at proposal that it was considering establishing limits for phenols. As explained above, the EPA has determined that national regulations are not warranted. Information collected by the Agency as a result of comments regarding the treatment of the red mud impoundment effluent to remove toxic organic pollutants will be published as guidance to permit writers for control of phenolics on the net precipitation discharge from red-mud ponds based on activated carbon treatment.

Primary Beryllium

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation with the addition of in-process wastewater flow reduction, and filtration preceded by ammonia steam stripping and cyanide precipitation. For the reasons discussed above cyanide precipitation and ammonia steam stripping have been added to the BAT model treatment technology. Flow reduction is based on data received after proposal showing that the existing discharger uses greater than 90 percent recycle of beryllium oxide calcining furnace wet air pollution control. The one beryllium plant currently generating beryllium oxide calcining furnace wet air pollution control wastewater currently practices recycle. See Section VA for a detailed discussion of the PNF for this subcategory.

The pollutants specifically limited under BAT are beryllium, chromium, copper, cyanide, ammonia and fluoride.

For the same reasons discussed under BPT above, EPA is adding ammonia and cyanide for this subcategory. Implementation of these final BAT limitations would remove annually an estimated 542 kg of toxic pollutants including cyanide, which is 8 kg of toxic pollutants over the amount removed at BPT.

The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Primary and Secondary Germanium and Gallium

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation (BPT technology) for all facilities in this subcategory. We had proposed a two tier approach for regulating this subcategory. Level A limitations based on lime precipitation and sedimentation were to apply to plants that only reduce germanium oxide in a hydrogen furnace and then wash and rinse the germanium product in conjunction with zone refining. Level B BAT limitations based on lime precipitation and sedimentation with the addition of filters were proposed for all other facilities in this subcategory. EPA has decided, however, not to include filtration as part of the model technology for the Level B plants. Therefore, we no longer have two regulatory levels for this subcategory.

The Agency has decided to apply the same technology levels to this entire subcategory because the addition of filters would only remove an estimated 9.2 kg of toxic pollutants annually. The Agency believes that the costs involved do not warrant selection of filtration as part of the BAT model technology.

The pollutants specifically limited under BAT are arsenic, lead, zinc, and fluoride. For the same reasons discussed at BPT germanium is not being regulated in this subcategory.

Although there are no existing direct dischargers in this subcategory, BAT is promulgated for any existing zero discharger who elects to discharge at some point in the future. This action was deemed necessary because wastewaters from germanium and gallium operations which contain significant loadings of toxic pollutants are currently being disposed of in a RCRA permitted surface impoundment.

Using a model plant, it is estimated that plants in this subcategory would remove from raw wastewaters 584 kg of toxic pollutants and 36,960 kg of pollutants annually.

The model plant costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Indium

EPA is not promulgating BAT limitations for the secondary indium subcategory since there are no existing direct dischargers.

Secondary Mercury

EPA is not promulgating BAT limitations for the secondary mercury subcategory since there are no existing direct dischargers.

Primary Molybdenum and Rhenium

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment of ammonia steam stripping, iron coprecipitation and filtration, end-of-pipe treatment consisting of lime precipitation and sedimentation, with the addition of inprocess wastewater reduction, and filtration. Flow reductions are based on 90 percent recycle of scrubber liquor, a rate demonstrated by one of the two direct discharger plants. For the reasons discussed at BPT above, we have added iron coprecipitation to the BAT model treatment technology.

The pollutants specifically limited under BAT are arsenic, lead, nickel, selenium, molybdenum, ammonia, and fluoride. Molybdenum and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations would remove annually from current discharges an estimated 73,655 kg of toxic pollutants, which is 11 kg of toxic pollutants greater than the estimated BPT removal. No additional ammonia is removed at BAT.

Metallurgical Acid Plants

As indicated above, we are expanding the applicability of the existing BAT limitations for metallurgical acid plants to include acid plants associated with primary molybdenum roasting operations. The existing BAT limitations are based on the BPT technology (lime precipitation and sedimentation, sulfide precipitation, iron coprecipitation preliminary treatment) with the addition of in-process wastewater reduction, and filtration. Flow reductions are based on 90 percent recycle of scrubber liquor. For the reasons discussed at BPT above, iron coprecipitation is being added to the BAT model technology.

Compliance with the BAT limitations for the existing metallurgical acid plants subcategory by the two direct discharging primary molybdenum facilities which operate sulfuric acid plants will result in the annual removal from current discharges of an estimated 4,651 kg of toxic pollutants which is 219 kg of toxic pollutants greater than the estimated BPT removal and 67,539 kg of total pollutants including molybdenum.

The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Molybdenum and Vanadium

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment consisting of ammonia air stripping followed by end-of-pipe treatment consisting of iron coprecipitation, lime precipitation and sedimentation and filtration. At proposal, BAT was based on steam stripping, lime precipitation and sedimentation, and filtration. For the reasons discussed at BPT above, we are adding ammonia air stripping and iron coprecipitation to the BAT model technology.

The pollutants specifically limited under BAT are arsenic, chromium, lead, nickel, iron, molybdenum and ammonia. Molybdenum and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations would remove annually from raw discharge an estimated 395 kg of toxic pollutants, which is 76 kg of toxic metals greater than the estimated BPT removal and 642,722 kg of total pollutants including molybdenum and ammonia.

The costs data for this subcategory are not presented here because the data on which they are based have been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Primary Nickel and Cobalt

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment of ammonia steam stripping followed by end-of-pipe treatment consisting of lime precipitation and sedimentation and filtration. This is the same technology basis as was proposed. Filters are presently utilized by the one plant in this subcategory.

We are promulgating filtration as part of the BAT technology because this technology is demonstrated in the primary nickel and cobalt subcategory (the one discharger in this subcategory presently has a filter, and a total of 25 facilities in eight nonferrous metals manufacturing subcategories currently have filters), and results in additional removals of toxic metals. In addition, filtration adds reliability to the treatment system by making it less susceptible to operator error and to sudden changes in raw wastewater flows and concentrations.

The pollutants specifically limited under BAT are cobalt, copper, nickel, and ammonia.

Implementation of the BAT limitations would remove from current discharges annually an estimated 246 kg of toxic metals, which is 5 kg of toxic metals greater than the estimated BPT removal, and 263 kg of total pollutants. Cobalt and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are demonstrated, technically feasible and economically achievable.

Secondary Nickel

EPA is not promulgating BAT for the secondary nickel subcategory since there are no existing direct dischargers.

Primary Precious Metals and Mercury

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment consisting of oil skimming and end-of-pipe treatment consisting of lime precipitation and sedimentation with filtration and ion exchange as a polishing step. BAT also includes flow reduction. This is the same as at proposal. For the reasons discussed at BPT above ion exchange is included as part of the BAT model treatment technology for this subcategory.

The pollutants specifically limited under BAT are lead, mercury, silver, zinc and gold. The pollutant gold is being added to the BAT regulated pollutants for reasons explained at BPT above. Gold and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations would remove from raw wastes annually an estimated 50,443 kg of toxic pollutants, which is 1.0 kg of toxic metals greater than the estimated BPT removal. No additional oil and grease is removed at BAT. The estimated capital cost required to achieve BAT is $3,025; annualized cost is $27,268.

The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Precious Metals

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment of cyanide precipitation and ammonia steam stripping and end-of-pipe treatment consisting of chemical precipitation and sedimentation with the addition of in-process wastewater flow reduction, filtration and ion exchange. This is the same technology basis as for proposal except that ion exchange is being added to the BAT model treatment technology for the reasons discussed at BPT above. Flow reductions are based on recycle of scrubber effluent. Twenty-one of the 29 existing plants currently have scrubber liquor recycle rates of 90 percent or greater. Filters also are presently utilized by one plant in the subcategory.

The pollutants specifically limited under BAT are copper, cyanide, zinc, ammonia, gold, platinum and palladium. Gold, platinum and palladium and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations would remove annually from raw discharges an estimated 34,580 kg of toxic pollutants, which is 10 kg of toxic pollutants greater than the estimated BPT removal. No additional ammonia or cyanide is removed at BAT.

The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Primary Rare Earth Metals

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation with the addition of in-process flow reduction, filtration and activated carbon. This is the same technology basis as was proposed. Flow reduction is based on 90 percent recycle of scrubber effluent.

As discussed in greater detail below, activated carbon adsorption technology is promulgated to control the discharge of hexachlorobenzene which is not effectively removed by existing treatment in the subcategory. Activated carbon technology is transferred from the iron and steel category where it is a demonstrated technology for removal of toxic organics. The use of activated carbon to remove dissolved organics from water and wastewater is a long demonstrated technology. It is one of the most efficient organic removal processes available. This sorption process is reversible, allowing activated carbon to be regenerated for reuse by the application of heat and steam or sovent. Activated carbon has also proved to be an effective adsorbent for many toxic metals, including mercury. Regeneration of carbon which has adsorbed significant metals, however, may be difficult.

Activated carbon removes contaminants from water by the process of adsorption, or the attraction and accumulation of one substance on the surface of another. Activated carbon preferentially adsorbs organic compounds and, because of this selectivity, is particularly effective in removing organic compounds from aqueous solution.

Isotherm tests have indicated that activated carbon is very effective in adsorbing 65 percent of the organic priority pollutants and is reasonbly effective for another 22 percent. Specifically, for the organics of particular interest, activated carbon was very effective in removing 2,4-dimethylphenol, fluoranthene, isophorone, naphthalene, all phthalates, and phenanthrene. It was reasonably effective on 1,1,1-trichloroethane, 1,1-dichloroethane, phenol, and toluene. Section VII of the general development document summarizes the treatment effectiveness for most of the organic priority pollutants by activated carbon as compiled by EPA. In the aggregate these data indicate that very low effluent levels could be attained from any raw waste by use of multiple adsorption stages. This is characteristic of adsorption processes.

As noted above, activated carbon adsorption preliminary treatment is relied upon for control of hexachlorobenzene in the primary rare earth metals subcategory. This treatment technology was selected because discharges from that subcategory do not appear to be effectively controlled by existing treatment. It is not demonstrated in this or any other application within the primary rare earth metals subcategory. Activated carbon technology and performance is, therefore transferred from the iron and steel manufacturing category because the raw wastewaters in this category are similar to those of the iron and steel category. Because the performance of an activated carbon is determined by the amount of carbon present, in practice it is applicable to wastewaters of various characteristics.

The treatment performance used for activated carbon to calculate mass limitations for hexachlorobenzene is based on the quantification limit of 0.010 mg/l. This concentration is achievable, assuming sufficient carbon is used in the column. In an activated carbon column effluent concentration is determined only by the amount of carbon present and a suitable contact time. Therefore, the 0.010 mg/l is achievable by assuming a conservative ratio for carbon exhaustion (usage). The exhaustion rate used by the Agency was based on laboratory carbon adsorption tests using wastewater from the nonferrous metals manufacturing category.

Carbon adsorption systems have been demonstrated to be practical and economical in reducing COD, BOD, and related parameters in secondary municipal and industrial wastewaters; in removing toxic or refractory organics from isolated industrial wastewaters; in removing and recovering certain organics from wastewaters; and in removing and some times recovering selected inorganic chemicals from aqueous wastes. Carbon adsorption is a viable and economic process for organic waste streams containing up to 1 to 5 percent of refractory or toxic organics. Its applicability for removal of inorganics such as metals has been demonstrated.

The pollutants specifically limited under BAT are hexachlorobenzene, chromium, lead, and nickel.

Implementation of the BAT limitations will remove from current discharges annually an estimated 33.3 kg of toxic pollutants (32.5 kg of toxic organics and 0.8 kg of toxic metals) and 207 kg of total pollutants including 171 kg of suspended solids.

The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Tantalum

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation with the addition of filtration. This is the same technology basis as was proposed.

The pollutants specifically limited under BAT are copper, lead, nickel, zinc and tantalum. Tantalum and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations will remove annually from current discharges an estimated 26,273 kg of toxic metals, which is 4.8 kg of toxic metals more than the estimated BPT removal and 51,433 kg of total pollutants.

The costs for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Tin

EPA is promulgating BAT limitations for this subcategory based on preliminary treatment consisting of cyanide precipitation when required, and end-of-pipe treatment consisting of chemical precipitation and sedimentation, and polishing filtration. For the reasons discussed above at BPT, ammonia steam stripping which was included at proposal is not included in the final model treatment technology for BAT.

As discussed in BPT above, the pollutants specifically limited under BAT in building blocks related to hydrometallurgical tin recovery are cyanide, lead, tin, and fluoride. Tin and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the

technology and adequate removel of the unregulated toxic metal pollutants. The pollutants specifically regulated in building blocks related to recovery of tin with pyrometallurgical processes are arsenic, lead, iron, and tin.

Implementation of the BAT limitations would remove annually from current discharges an estimated 713 kg of toxic metals and cyanide, which is 26 kg of toxic pollutants over the estimated BPT discharge. An additional 128 kg of fluoride is removed annually at BAT. The costs data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Primary and Secondary Titanium

EPA proposed Level A BAT limitations for titanium plants which do not practice electrolytic recovery of magnesium and which use vacuum distillation instead of leaching to purify titanium sponge as the final product based on lime precipitation, sedimentation, and oil skimming plus in-process wastewater flow reduction. Level B BAT limitations, proposed for all other titanium plants, were based on lime precipitation, sedimentation, and oil skimming pretreatment where required, plus flow reduction, and filtration. Flow reduction is based on 90 percent recycle of scrubber effluent through holding tanks and 90 percent recycle of casting contact cooling water through cooling towers. However, the Agency has decided to exclude from national regulations those facilities which do not practice electrolytic recovery of magnesium and which use vacuum distillation instead of leaching to purify titanium sponge as the final product because the amounts and toxicity of the pollutants in their discharge are very small and do not justify national regulations. Therefore, we no longer have two regulatory levels. Level B limitations are promulgated for all other facilities.

The pollutants specifically limited under BAT are chromium, lead, nickel, and titanium. Titanium and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations would remove annually from current discharges an estimated 299 kg of toxic pollutants. Estimated capital cost for achieving proposed BAT is approximately $1,030,000, and annualized cost is approximately $585,000. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Tungsten and Cobalt

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation, flow reduction, ammonia steam stripping plus filtration. In process wastewater reduction is part of the promulgated model technology for both BPT and BAT. Flow reductions are based on 90 percent recycle of scrubber effluent, which is the rate reported by the only existing plant with a scrubber. Since proposal information shows that this plant already practices extensive recycle the Agency has incorporated flow reduction into the technology basis for BPT and has decided not to require at BAT any additional flow reduction beyond that already practiced.

The pollutants specifically limited under BAT are copper, nickel, cobalt, tungsten and ammonia. Cobalt, tungsten and the regulated toxic metals are considered as indicator pollutants to ensure proper operations of the technology and adequate removal of the unregulated toxic metal pollutants.

Implementation of the BAT limitations will remove from current discharges annually an estimated 150,700 kg of toxic pollutants and 483,500 kg of total pollutants.

The costs for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Secondary Uranium

EPA is promulgating BAT limitations for this subcategory based on lime precipitation and sedimentation plus in-process wastewater reduction and filtration. This is the same as at proposal. Flow reductions are based on 50 percent recycle of laundry wastewater and 90 percent recycle of floor wash. As discussed in the March 18, 1985 Notice of Availability and this Preamble, EPA is making changes to building blocks and flows in this subcategory as a result of post proposal sampling of two plants in the subcategory. For the reasons discussed at BPT above, ammonia steam stripping which was included at proposal is not part of the final model treatment technology for BAT.

The pollutants specifically limited under BAT are chromium, copper, nickel, and fluoride. Uranium and ammonia are not specifically limited in this final rule for the reasons discussed at BPT above.

Implementation of the BAT limitations will remove from current discharges annually an estimated 126 kg of toxic metals and 5,408 kg of total pollutants. Estimated capital cost for achieving the final BAT is $87,972, and annualized cost is $106,678 (1982 dollars). The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

Primary Zirconium and Hafnium

EPA proposed Level A BAT limitations for plants which only produce zirconium or zirconium-nickel alloys by magnesium reduction of zirconium dioxide (ZrO_2) based on barium chloride coprecipitation, cyanide precipitation, ammonia steam stripping and chemical precipitation and sedimentation plus in-process wastewater flow reduction. Proposed Level B limitations were to apply to all other plants in the subcategory. The proposed Level B BAT limitations were based on barium chloride coprecipitation, cyanide precipitation, ammonia steam stripping and chemical precipitation and sedimentation plus flow reduction, and filtration.

The Agency has decided to exclude plants which only produce zirconium or zirconium-nickel alloys by magnesium reduction of zirconium dioxide from national regulations because there currently are no Level A discharging plants and the amounts and toxicity of discharges is so small that it does not justify developing national regulations. Therefore, we are no longer promulgating a two tier regulation. The Agency is promulgating regulations based on the Level B model technology.

The achievable concentration for ammonia steam stripping is based on iron and steel manufacturing category data. Flow reductions are based on 90 percent recycle of scrubber effluent. For the reasons discussed at BPT above, barium chloride coprecipitation for removal of radium 226 is not included in the final BAT model treatment technology. Also for the reasons discussed at BPT above, the pollutants radium 226, zirconium, and hafnium are not specifically regulated under BAT. However, a permit writer may choose to regulate the pollutants on a case by case basis. The technology and its effectiveness is discussed in Section VII of the General Development Document.

The pollutants specifically limited under BAT are chromium, cyanide, lead, nickel, and ammonia.

The costs and specific removal data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that BAT limitations for this subcategory are technically feasible and economically achievable.

NSPS

EPA is promulgating NSPS for the nonferrous metals manufacturing category based in part on flow reduction and end-of-pipe treatment which consists of lime precipitation, settling and filtration. Also included in the technology basis, where necessary, is preliminary treatment consisting of oil skimming, ammonia steam or air stripping, cyanide precipitation, iron coprecipitation, and sulfide precipitation, and polishing treatment consisting of activated carbon adsorption, and ion exchange.

NSPS for all except two subcategories are equivalent to the BAT requirements, therefore the Agency has determined that there will be no barrier to entry for new sources in those subcategories. In fact, the new sources can design for efficient process water use and maximize wastewater reduction, thereby reducing the size (and in turn the cost) of pollution control equipment. Therefore, such equipment may actually be less costly to install and operate in comparison to retrofit at existing plants.

The two subcategories for which NSPS are more stringent than BAT requirements are primary and secondary titanium and secondary mercury. We have evaluated the costs associated with NSPS in each of these subcategories. These costs will not pose a barrier to entry by new sources.

The promulgated NSPS for each subcategory is discussed below. Where NSPS equals BAT, we are transferring the technology basis and treatment effectiveness for the same reasons discussed above under BAT.

We are transferring lime precipitation and sedimentation technology and performance for the secondary indium, secondary mercury and secondary nickel subcategories from aluminum forming, copper forming, coil coating, battery manufacturing and porcelain enameling plants. This technology is not demonstrated on nonferrous metals manufacturing phase II process wastewater discharges in these subcategories. While lime precipitation and sedimentation is not demonstrated in these subcategories, we believe that it is transferable because of its widespread demonstration in this (the nonferrous metals manufacturing) category and by the categories considered in the CMDB. The raw wastewater characteristics of the secondary indium, secondary mercury and secondary nickel subcategories are similar to those found in this category. Likewise, the raw wastewater characteristics of these phase II subcategories are similar to those for the plants in the combined metals data base. We believe that the technology when applied to wastewater in these phase II subcategories will achieve the same effluent concentration as plants in the CMDB.

We are transferring filtration technology for the secondary mercury subcategory from one nonferrous metals manufacturing phase I plant and two porcelain enameling plants. While filtration is not demonstrated in this subcategory, we believe that it is transferrable because of its demonstration in this category. The raw wastewater characteristics of the secondary mercury subcategory are similar to those found in the other subcategories in the nonferrous metals manufacturing category. Likewise, the raw wastewater characteristics of this phase II subcategory are similar to those for plants in the data base used for filtration performance (see Section V A of this preamble). We believe that this technology when applied to wastewaters in this phase II subcategory will achieve the same effluent concentrations as the plants used to establish filtration performance.

In developing NSPS, the Agency considered the amount of water used per unit of production for each wastewater stream. Most of the new source regulatory flow allowances are equivalent to BAT allowances. The exception is in the primary and secondary titanium subcategory. In this subcategory the NSPS flows for four subdivisions is zero. As discussed above, the BAT requirements for existing sources in the primary and secondary titanium subcategory do not include additional in-process controls above BPT requirements. However, opportunities to achieve further flow reduction of process wastewater do currently exist for some process waste steams. Therefore, the new source standards for this subcategory are based on the application of additional flow reduction technologies on a number of process wastewater streams. New sources would not incur expenses associated with retrofitting these additional flow reduction technologies and would have the opportunity to install a treatment system which is designed to handle the reduced flow. The Agency therefore concludes that the primary and secondary titanium subcategory new source standards will not pose a barrier to entry.

NSPS model technology for secondary mercury is based on lime, settle and filter. A new source is able to design the treatment system to handle the new source flow without the expense of retrofitting flow reduction and treatment equipment into the facility. The cost of a filter for new sources is expected to be less than one percent of estimated revenues for a new source. Therefore, the Agency does not expect NSPS to pose a barrier to entry for new sources.

EPA is promulgating NSPS in the primary and secondary germanium and gallium, secondary indium and secondary nickel subcategories based on lime and settle treatment. These NSPS are equivalent to the BAT limitations. As discussed below, the Agency has decided not to include filters as part of the NSPS model technology for these subcategories as had been proposed. For each subcategory addressed below, the technology relied upon represents the best demonstrated technology for that subcategory.

The pollutants selected for regulation are the same as have been selected for regulation at BAT plus oil and grease, TSS, and pH for all subcategories.

Primary Antimony

EPA is promulgating NSPS equal to BAT. The technology basis for NSPS is more stringent than proposed for reasons discussed above. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Bauxite Refining

EPA is not altering the promulgated NSPS for this subcategory for the same reasons discussed above.

Primary Berylium

EPA is promulgating NSPS equal to BAT. The technology basis for NSPS is more stringent than proposed for reasons discussed above. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not have a detrimental impact on

the entry of new plants into this subcategory.

Primary Boron

EPA is not promulgating NSPS effluent limitations guidelines and standards for this subcategory. We had proposed NSPS based on lime precipitation and sedimentation.

As discussed above, EPA does not believe that any new boron plants will be built except in arid areas and therefore there will not be any new discharging plants. For this reason we are excluding from national regulations this subcategory.

Primary Cesium and Rubidium

EPA is not promulgating NSPS effluent limitations guidelines and standards for this subcategory. We had proposed NSPS based on lime precipitation, sedimentation and filtration. This technology was estimated to remove 0.35 kg/yr of pollutants from raw wastewater discharges estimated using a model plant, including 0.025 kg/yr of toxic pollutants. The cost data for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency believes that the costs involved do not warrant national regulations of this subcategory.

Primary and Secondary Germanium and Gallium

The proposed NSPS model technology was lime precipitation, sedimentation and filtration. This technology was estimated to remove 35,030 kg/yr of pollutants from raw wastewater discharges, including 573 kg/yr of toxic pollutants. The cost data for this subcategory are not presented here because the data on which they are based has been claimed confidential. EPA is promulgating NSPS equal to BAT. For the reasons discussed at BAT, the Agency is not including filtrations in the technology basis for this level of regulations in this subcategory. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not have a detrimental impact on the entry of new plants into this subcategory.

Secondary Indium

EPA is promulgating NSPS for the secondary indium subcategory based on lime precipitation and sedimentation, the same model technology as PSES. The proposed NSPS model technology was lime precipitation, sedimentation and filtration. This technology was estimated to remove 5,190 kg/yr of pollutants from raw wastewater discharges, including 586 kg/yr of toxic pollutants. The addition of a filter to the lime and settle treatment would only remove an additional 0.2 kg/yr of toxic pollutants. The Agency believes that the costs involved do not warrant selection of filtration as part of the BAT model technology. The pollutants and pollutant parameters specifically limited under NSPS are cadmium, lead, zinc, indium, total suspended solids and pH.

The costs for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. We believe the NSPS is economically achievable, and will not pose a barrier to entry of new plants into this subcategory.

Secondary Mercury

EPA is promulgating NSPS for this subcategory based on lime precipitation, sedimentation, and filtration. This is the same technology basis as was proposed. This technology is fully demonstrated in many nonferrous metals manufacturing subcategories and is expected to perform at the same level in this subcategory.

The pollutants specifically limited under NSPS are lead, mercury, TSS, and pH.

We believe the NSPS is economically achievable, and will not pose a barrier to entry of new plants into this subcategory.

Primary Molybdenum and Rhenium

EPA is promulgating NSPS limitations equal to BAT. This technology is different than that relied upon at proposal for reasons discussed above. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not have a detrimental impact on the entry of new plants into this subcategory.

Metallurgical Acid Plants

As discussed above, EPA is expanding the applicability of the existing NSPS regulation for the metallurgical acid plants subcategory to include acid plants associated with primary molybdenum roasting operations. We are promulgating NSPS limitations equal to BAT. This technology is different than that relied upon at proposal for reasons discussed above. We do not believe that this expanded applicability will have a detrimental impact on the entry of new plants into this subcategory.

Secondary Molybdenum and Vanadium

EPA is promulgating NSPS limitations equal to BAT. This technology is less stringent than proposed for reasons discussed above. We do not believe that new plants could acheive any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Primary Nickel and Cobalt

EPA is promulgating NSPS limitations equal to BAT. This is the same technology basis as was proposed. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Secondary Nickel

EPA is promulgating NSPS limitations based on lime precipitation and sedimentation, the same model technology as PSES. The proposed NSPS model technology was lime precipitation, sedimentation, and filtration. This technology was 747 kg/yr of pollutants from raw discharges, including 81 kg/yr of toxic pollutants. The installation of this technology was estimated to cost $1,925,000 in capital investment and $690,000 annually above equipment in place (1982 dollars). The addition of a filter to the lime and settle treatment would cost $300,000 in capital investment and $277 annually but would only remove 1 kg of toxic pollutants annually. The Agency believes that given all these factors, the costs involved do not warrant selection of filtration as part of the BAT model technology. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to PSES we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Primary Precious Metals and Mercury

EPA is promulgating NSPS limitations equal to BAT. This is the same technology basis as relied upon at proposal. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not have a

detrimental impact on the entry of new plants into this subcategory.

Secondary Precious Metals

EPA is promulgating NSPS limitations equal to BAT. Ion exchange is being added to the model technology for reasons discussed above. We had proposed zero discharge for furnace air pollution control based on dry scrubbing. However, information submitted in comments indicated that dry scrubbing may not be feasible for this subcategory. Therefore, we have decided to provide an allowance for furnance air pollution control equivalent to the BAT allowance. We believe that the NSPS is economically achievable, and will not pose a barrier to entry of new plants into this subcategory.

Primary Rare Earth Metals

EPA is promulgating NSPS limitations equal to BAT. This is the same technology basis as relied upon at proposal. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not have a detrimental impact on the entry of new plants into this subcategory.

Secondary Tantalum

EPA is promulgating NSPS limitations equal to BAT. This is the same technology basis as was proposed. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Secondary Tin

EPA is promulgating NSPS limitations equal to BAT. This technology is less stringent than proposed for reasons discussed above. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Primary and Secondary Titanium

EPA is promulgating NSPS limitations equal to BAT with the addition of flow reduction for four streams. Zero discharge is promulgated for chip crushing, sponge crushing snd screening, and scrap milling wet air pollution control wastewater based on dry scrubbing. Zero discharge is also promulgated for chlorine liquefaction wet air pollution control based on by-product recovery of scrubber liquor as hypochlorous acid. Cost for dry scrubbing air pollution control in a new facility is no greater than the cost for wet scrubbing which was the basis for BAT cost estimates. This is the same technology basis as proposed. We believe that the NSPS is economically achievable and will not pose a barrier to the entry of new plants into this subcategory.

Secondary Tungsten and Cobalt

EPA is promulgating NSPS limitations equal to BAT. This is the same technology basis as proposed. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Secondary Uranium

EPA is promulgating NSPS limitations equal to BAT. This technology is less stringent than proposed for reasons discussed above. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

Primary Zirconium and Hafnium

EPA is promulgating NSPS limitations equal to BAT. The same exclusions discussed under BAT apply to NSPS. Our review of the subcategory indicates that no new demonstrated technologies that improve on BAT technology exist. We do not believe that new plants could achieve any flow reduction beyond the allowances for BAT. Because NSPS is equal to BAT we believe that the NSPS will not pose a barrier to the entry of new plants into this subcategory.

PSES

Section 307(b) of the Act requires EPA to promulgate pretreatment standards for existing sources (PSES) to prevent the discharge of pollutants which pass through, interfere with, or are otherwise incompatible with the operation of POTW. These standards must be achieved within three years of promulgation. The legislative history of the 1977 Act indicates that pretreatment standards are to be technology based, generally analogous to BAT for direct dischargers. (Conference Report 95–830 at 87; Reprinted in Comm. on Environmental and Public Works, 95th Cong. 2d Sess., A Legislative History of the Clean Water Act of 1977, Vol. 3 at 272.)

Before promulgating pretreatment standards, the Agency examined whether the pollutants discharged by the industry pass through the POTW or interfere with the POTW operation or its chosen sludge disposal practices. In determining whether pollutants pass through, the Agency compares the percentage of a pollutant removed by a well operated POTW, achieving secondary treatment, with the percentage removed by direct dischargers applying the best available technology economically achievable. A pollutant is deemed to pass through the POTW when the average percentage removed nationwide by a well-operated POTW meeting secondary treatment requirements, is less than the percentage removed by direct dischargers complying with BAT level effluent limitations guidelines for that pollutant. (See generally, 46 FR 9415–16 (January 28, 1981) and 49 FR 26388 (June 27, 1984.)

The Agency is promulgating PSES for the nonferrous metals manufacturing phase II category on the same technology basis as BAT. The Agency has concluded that the metallic pollutants cobalt, gold, indium, iron, molybdenum, palladium, platinum, tantalum, tin, titanium, and tungsten, as well as the pollutants ammonia, and fluoride pass through the POTW. A study of 40 well-operated POTW with biological treatment that are meeting secondary treatment criteria showed that regulated metals are typically removed at rates varying from 20 to 70 percent. POTWs with only primary treatment have even lower rates of removal. In contrast, BAT level treatment by nonferrous metals manufacturing phase II industrial facilities can achieve removals of these pollutants of approximately 90 percent. Thus it is evident that metals from this category do pass through POTWs. Section XII of the Development Document compares the percent of pollutant remaining after treatment by a well-operated POTW with the percent removed by BAT level treatment for each pollutant regulated in this category. Many of the pollutant regulated in this category. Many of the pollutants present in nonferrous metals manufacturing waste streams, at sufficiently high concentrations, can also inhibit biodegradation in POTW operations. In addition, a high concentration of toxic pollutants in the sludge can limit POTW

use of sludge management alternatives, including the beneficial use of sludges on agricultural lands.

EPA is promulgating mass-based PSES for eight of the 19 discharging subcategories to assure that the effluent reduction benefits associated with flow reductions in those subcategories are realized.

The PSES promulgated today are equivalent to the BAT effluent limitations guidelines in all subcategories where PSES is being promulgated. PSES for the primary and secondary germanium and gallium, secondary indium and secondary nickel subcategories is promulgated based on the model end-of-pipe treatment technology of lime, and settle. The Agency has decided not to include a filter in the model PSES technology for these subcategories for the same reasons discussed at NSPS above. We are transferring lime precipitation and sedimentation technology and its performance for the secondary indium and secondary nickel subcategories from aluminum forming, copper forming, coil coating, battery manufacturing and porcelain enameling plants. This technology is not demonstrated in existing plants in these subcategories. While lime precipitation and sedimentation is not demonstrated in these subcategories, we believe that it is transferrable because of its widespread demonstration in this category. The raw wastewater characteristics of primary and secondary germanium and gallium, secondary indium and secondary nickel subcategories are similar to those found in category. Likewise, the raw wastewater characteristics of these phase II subcategories are similar to those for plants in the CMDB. We believe that the technology when applied to wastewater in this phase II subcategories will achieve the same effluent concentrations as plants in the CMDB.

We are transferring other technologies as discussed in BAT above. The Agency has considered the time for compliance for PSES. Few of the indirect discharge nonferrous metals phase II plants have installed and are properly operating the treatment technology for PSES. Many plants in this and other industries will be installing the treatment equipment suggested as model technologies for this regulation and this may result in delays in engineering, ordering, installing, and operating this equipment. For these reasons, the Agency has decided to establish the PSES compliance date for all facilities at three years after promulgation of this regulation.

For each of the subcategories where PSES is being promulgated, the Agency has determined that PSES is economically achievable and will not result in adverse economic impacts.

Primary Antimony

EPA is not promulgating PSES limitations for the primary antimony subcategory because there are no existing indirect dischargers.

Bauxite Refining.

EPA is not promulgating PSES limitations for the bauxite refining subcategory because there are no existing indirect dischargers.

Primary Beryllium

EPA is not promulgating pretreatment standards for existing sources for the primary beryllium subcategory since there are no indirect dischargers.

Primary and Secondary Germanium and Gallium

EPA proposed two levels of PSES for this subcategory. Level A, based on lime precipitation and sedimentation applied to plants which only reduce germanium dioxide to metal and practice zone refining and acid washing and rinsing. These plants only have one waste stream—acid wash and rinse water. Level B, based on lime precipitation, sedimentation, and filtration applied to all other plants in the subcategory. As discussed above EPA has reevaluated this two tier approach and concluded that filtration removes only a very small amount of pollutants and is not warranted for this subcategory. Therefore, we are promulgating PSES limitations for all plants in the subcategory based on lime and settle treatment for the same reasons discussed above.

The pollutants controlled at PSES are the same as those controlled at BAT.

We are promulgating PSES to prevent pass-through of arsenic, lead, zinc and fluoride. These pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 33 percent while the BAT technology removes approximately 87 percent.

Implementation of the PSES limitations would remove annually from raw discharge estimated using a model plant an estimated 34,930 kg of pollutants including 564 kg of toxic pollutants.

The costs for this subcategory not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that PSES are economically achievable and will not result in adverse economic impacts.

Secondary Indium

EPA is promulgating PSES limitations for this subcategory based on lime precipitation and sedimentation technology. This is the same technology basis as was proposed. The pollutants specifically regulated under PSES are cadmium, lead, zinc, and indium. It is necessary to promulgate PSES to prevent pass-through of cadmium, lead, zinc and indium. The toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 38 percent while this BAT level technology removes approximately 99 percent.

Implementation of the PSES limitations would remove annually from current discharges an estimated 586 kg of toxic metals and 288 kg of indium. Estimated capital and annual costs required to achieve these limitations are $17,325 and $25,380, respectively. The Agency has determined that PSES is economically achievable and will not result in adverse economic impacts.

Secondary Mercury

EPA is not promulgating pretreatment standards for existing sources for the secondary mercury subcategory since there are no existing indirect dischargers.

Primary Molybdenum and Rhenium

EPA is not promulgating pretreatment standards for existing sources for the primary molybdenum and rhenium subcategory since there are no existing indirect dischargers.

Metallurgical Acid Plants

EPA is not expanding the applicability of the existing pretreatment standards for this subcategory to molybdenum acid plants because there are no existing indirect dischargers.

Secondary Molybdenum and Vanadium

EPA is not promulgating pretreatment standards for existing sources for the secondary molybdenum and vanadium subcategory since there are no existing indirect dischargers.

Primary Nickel and Cobalt

EPA is not promulgating pretreatment standards for existing sources for the primary nickel and cobalt subcategory since there are no existing indirect dischargers.

Secondary Nickel

EPA is promulgating PSES for this subcategory based on chemical precipitation and sedimentation. Filtration has been proposed as part of the model treatment technology for acid

reclaim leaching filtrate and acid reclaim leaching filter backwash, but not for slag reclaim tailings. EPA has now decided not to rely on filters because filtration would only remove an additional 1 kg/yr of toxic pollutants. As discussed above, the Agency has determined that filtration is not warranted. The pollutants specifically regulated under PSES are chromium, copper and nickel. We are promulgating PSES to prevent pass-through of chromium, copper, and nickel. These toxic pollutants are removed by a well operated POTW at an average of 32 percent while PSES technology removes approximately 84 percent.

Implementation of the PSES limitations would remove annually an estimated 1,624 kg of toxic metals. We estimate a capital cost of $320,000 and an annualized cost of $161,233 to achieve PSES. The Agency has determined that PSES are economically achievable and will not result in adverse economic impacts.

Primary Precious Metals and Mercury

EPA is not promulgating pretreatment standards for existing sources for the primary precious metals and mercury subcategory because there are no existing indirect dischargers.

Secondary Precious Metals

EPA is promulgating PSES equal to BAT for this subcategory. For the reasons discussed above, this technology is different than that relied upon at proposal. It is necessary to promulgate this PSES to prevent pass-through of copper, cyanide, zinc, ammonia, gold, platinum and palladium. The toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 32 percent while BAT level technology removes approximately 99 percent.

The technology basis for PSES thus is hydroxide precipitation and sedimentation, ammonia steam stripping, cyanide precipitation, wastewater flow reduction, and filtration plus ion exchange polishing. The achievable concentration for ammonia steam stripping is based on iron and steel manufacturing category data, as explained in the discussion of BPT and BAT for this subcategory. Flow reduction is based on the same recycle of scrubber effluent that is the flow basis of BAT. Recycle is practiced by 21 of the 29 existing plants in the subcategory.

Implementation of the PSES limitations would remove annually from raw discharges an estimated 110,300 kg of toxic pollutants including 866 kg of cyanide, and an estimated 10,530 kg of ammonia. Capital cost for achieving PSES is $1,734,265 and annualized cost of $1,059,367. The Agency has determined that PSES are economically achievable and will not result in adverse economic impacts.

Primary Rare Earth Metals

EPA is promulgating PSES equal to BAT for this subcategory. It is necessary to promulgate PSES to prevent pass-through of hexachlorobenzene, chromium, lead, and nickel. These toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 28 percent while BAT technology removes approximately 74 percent.

The technology basis for PSES is lime precipitation and sedimentation, wastewater flow reduction, filtration, and activated carbon. Flow reduction is based on 90 percent recycle of scrubber effluent that is the flow basis of BAT. Filtration is an effluent polishing step that removes additional pollutants. This is the same technology basis as was proposed.

Implementation of the PSES limitations would remove annually an estimated 10.9 kg toxic pollutants.

The costs for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that the PSES is economically achievable and is not expected to result in adverse economic impacts.

Secondary Tantalum

EPA is not promulgating pretreatment standards for existing sources for the secondary tantalum subcategory since there are no existing indirect dischargers.

Secondary Tin

EPA is promulgating PSES equal to BAT for this subcategory. It is necessary to promulgate PSES to prevent pass-through of arsenic, cyanide, lead, iron, tin, and fluoride. The three toxic pollutants and fluoride are removed by a well-operated POTW achieving secondary treatment at an average of 17 percent while BAT technology removes approximately 97 percent.

The technology basis for PSES is chemical precipitation and sedimentation, followed by filtration with preliminary treatment consisting of cyanide precipitation. For the reasons discussed above this technology is less stringent than proposed.

Implementation of the promulgated PSES limitations would remove annually an estimated 167 kg of toxic pollutants, 6,227 kg of tin, 20 kg of cyanide and 25,105 kg fluoride over estimated current discharge. Capital costs to achieve PSES limitations are estimated to be $160,187 while annual costs are expected to be $50,044. The Agency has determined that PSES are economically achievable and will not result in adverse economic impacts.

Primary and Secondary Titanium

EPA is promulgating PSES equal to BAT for this subcategory. The exclusions discussed under BAT apply to PSES. It is necessary to establish PSES to avoid pass-through of chromium, lead, nickel, and titanium. The three toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 14 percent while BAT technology removes approximately 76 percent. This technology is the same as that proposed.

Implementation of the promulgated PSES limitations would remove annually from current discharges an estimated 1.7 kg of toxic pollutants and 147 kg of titanium.

The costs for this subcategory are not presented here because the data on which they are based has been claimed to be confidential. The Agency has determined that PSES are economically achievable and will not result in adverse economic impacts.

Secondary Tungsten and Cobalt

EPA is promulgating PSES equal to BAT for this subcategory. At proposal this subcategory had been excluded from PSES because we believed that there were no existing indirect dischargers. However, after proposal we learned of the existence of one indirect discharging facility in the subcategory. We sent a dcp to the facility in question and considered the flow production and technology in place information it provided in establishing these standards. It is necessary to propose PSES to avoid pass-through of copper, nickel, cobalt, tungsten and ammonia. The two toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 26 percent while BAT technology removes approximately 97 percent.

Implementation of the PSES limitations would remove annually an estimated 13 kg of toxic pollutants. Capital and annual costs expected to be incurred by this plant to achieve PSES are $16,293 and $8,765, respectively. The Agency has determined that PSES are economically achievable and will not result in advance economic impacts.

Secondary Uranium

EPA is not promulgating pretreatment standards for existing sources for the secondary uranium subcategory since there are no existing indirect dischargers.

Primary Zirconium and Hafnium

EPA is not promulgating pretreatment standards for existing sources for the primary zirconium and hafnium subcategory. We had proposed PSES for this subcategory in a two tier regulatory approach. However, we are excluding from PSES limitations plants which only reduce zirconium or zirconium-nickel alloys from zirconium dioxide with magnesium or hydrogen. Since the only indirect discharger in the subcategory complies with this requirement, we have decided not to establish PSES for this subcategory. However, this facility will still be subject to general pretreatment standards under 40 CFR 403.

PSNS

The Agency is promulgating PSNS for 20 subcategories to assure that the identified flow reduction and end-of-pipe technologies are considered in new plant designs. For the following subcategories primary antimony, primary beryllium, primary molybdenum and rhenium, metallurgical acid plants, secondary molybdenum and vanadium, primary nickel and cobalt, primary precious metals and mercury, secondary tantalum, and secondary uranium subcategories for which BAT and NSPS are established, we are basing PSNS on BAT and NSPS. For the remainder, we are basing PSNS on PSES.

The technology basis for the PSNS is identical to NSPS and is being established on the basis discussed above for NSPS. The flow allowances are the same as NSPS and toxic and nonconventional pollutants regulated for PSNS are the same as those for PSES. As discussed under PSES, pass through of the regulated pollutants will occur without adequate pretreatment and, therefore, pretreatment standards are required. We know of no economically feasible, demonstrated technology that removes significantly more pollutants than the technologies selected. The only subcategory which has more stringent requirements for new sources than for existing sources is secondary mercury. We have evaluated the cost associated with PSNS for the secondary mercury subcategory as discussed above, and find that these costs will not pose a barrier to entry by new sources in this subcategory.

Primary Antimony

EPA is promulgating PSNS equivalent to NSPS and BAT. The technology basis proposal is more stringent than for reasons discussed above. It is necessary to propose PSNS to prevent pass-through of toxic metals. These metals are removed by a well operated POTW achieving secondary treatment at an average of 61 percent. PSNS technology removes these pollutants at an average of 98 percent. We know of no economically feasible, demonstrated technology that is better than BAT level technology. No additional flow reduction for new sources is feasible beyond the allowances for BAT. We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Bauxite Refining

EPA is not altering the promulgated PSNS limitations since it is unlikely that any new bauxite sources will be constructed as indirect dischargers.

Primary Beryllium

The technology basis for promulgated PSNS is identical to NSPS and BAT. The changes from proposal are discussed above. It is necessary to promulgate PSNS to prevent pass-through of beryllium, chromium, copper, cyanide and fluoride. These toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 41 percent while BAT technology removes approximately 93 percent. We know of no economically feasible, demonstrated technology that is better than BAT technology. The PSNS flow allowances are based on minimization of process wastewater wherever possible through the use of holding tanks for wet scrubbing wastewater. The discharges are based on 90 percent recycle of this waste stream (see Section IX—Recycle of Wet Scrubber and Contact Cooling Water). No additional flow reduction for new sources is feasible. Because PSNS does not include any additional costs compared to NSPS and BAT, we do not believe it will prevent entry of new plants into this subcategory.

Primary Boron

EPA is not promulgating PSNS for this subcategory for the same reasons discussed for NSPS above.

Primary Cesium and Rubidium

EPA is not promulgating PSNS for this subcategory for the same reasons discussed for NSPS above.

Primary and Secondary Germanium and Gallium

EPA is promulgating PSNS equivalent to PSES, NSPS and BAT. The same changes discussed under BAT and NSPS apply to PSNS. The technology basis for promulgated PSNS is identical to NSPS, PSES and BAT. The same pollutants pass through as at PSES, for the same reasons.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Indium

EPA is promulgating PSNS equal to NSPS. The technology basis for promulgated PSNS is identical to NSPS and is less stringent than proposed for the same reasons. The same pollutants pass through as at PSES, for the same reasons.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory. Analysis of the approximate compliance costs expected to be incurred by a new plant was performed on a model basis and indicates minimal impact.

Secondary Mercury

EPA is promulgating PSNS equivalent to NSPS for this subcategory. This technology basis is the same as proposed. It is necessary to promulgate PSNS to prevent pass-through of lead and mercury. These toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 59 percent, while PSNS level technology removes approximately 99 percent.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory. Analysis of the approximate compliance costs expected to be incurred by a new plant was performed on a model basis and indicates minimal impact.

Primary Molybdenum and Rhenium

EPA is promulgating PSNS equal to NSPS and BAT for this subcategory. The technology basis is more stringnent than proposed for the same reasons discussed above. It is necessary to promulgate PSNS to prevent pass-through of arsenic, lead, nickel, selenium, molybdenum and ammonia. The toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 13 percent, while the NSPS and BAT level technology removes approximately 79 percent.

We believe that the promulgated PSNS are achievable and that they are not a barrier to entry of new plants into this subcategory.

Metallurgical Acid Plants

We are expanding the applicability of the existing PSNS for metallurgical acid plants to include metallurgical acid plants associated with primary molybdenum roasters. The technology basis more stringent than proposed for reasons discussed above. It is necessary to promulgate PSNS to prevent pass-through of arsenic, cadmium, copper, lead, and zinc. These toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 42 percent, while BAT level technology removes approximately 83 percent.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Molybdenum and Vanadium

EPA is promulgating PSNS equal to NSPS and BAT for this subcategory. The technology basis differs from proposal for the same reasons discussed for BAT alone. It is necessary to promulgate PSNS to prevent pass-through of arsenic, lead, nickel, molybdenum and ammonia. The toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 23 percent, while the NSPS and BAT level technology removes approximately 98 percent.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Primary Nickel and Cobalt

EPA is promulgating PSNS equal to BAT and NSPS for this subcategory. This is the same technology basis as proposed. It is necessary to promulgate PSNS to prevent pass-through of copper, nickel, cobalt, and ammonia. The toxic pollutants are removed by a well-operated POTW at an average of 26 percent, while BAT technology removes approximately 58 percent. The technology basis for PSNS thus is lime precipitation and sedimentation, ammonia steam stripping, and filtration. The achievable concentration for ammonia steam stripping is based on iron and steel manufacturing category data, as explained in the discussion of BPT and BAT for this subcategory.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Nickel

EPA is promulgating PSNS equivalent to NSPS and PSES. The technology basis is less stringent than proposed for the same reasons discussed above. The same pollutants pass through at PSNS as at PSES, for the same reasons. We know of no economically feasible, demonstrated technology that is better than PSES technology. The PSES flow allowances are based on minimization of process wastewater wherever possible.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Primary Precious Metals and Mercury

EPA is promulgating PSNS equal to NSPS and BAT for this subcategory. The technology basis is more stringent than proposed for the same reasons discussed above. It is necessary to promulgate PSNS to prevent pass-through of lead, mercury, silver, and zinc. These toxic pollutants are removed by a well-operated POTW at an average of 62 percent, while the NSPS and BAT technology removes approximately 93 percent.

The technology basis for PSNS thus is lime precipitation and sedimentation, oil skimming, wastewater flow reduction and filtration. Flow reduction is based on 90 percent recycle of scrubber effluent that is the flow basis of BAT.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Precious Metals

EPA is promulgating PSNS equivalent to NSPS, PSES and BAT. The technology basis for promulgated PSNS is identical to NSPS. This technology is more stringent than proposed for the same reasons discussed above. The same pollutants pass through at PSNS as at PSES, for the same reasons. We know of no economically feasible, demonstrated technology that is better than NSPS technology. The NSPS flow allowances are based on minimization of process wastewater wherever possible through the use of holding tanks to recycle wet scrubbing wastewater. The discharges are based on recycle of these waste streams.

We believe that the promulgated PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Primary Rare Earth Metals

EPA is promulgating PSNS equivalent to PSES, NSPS and BAT. The technology basis for PSNS is the same as was proposed and is identical to NSPS, PSES, and BAT. The same pollutants pass through at PSNS as at PSES, for the same reasons. We know of no economically feasible, demonstrated technology that is better than PSES technology. The PSNS flow allowances are equal to the BAT, NSPS and PSES flow allowances.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Tantalum

EPA is promulgating PSNS equal to NSPS and BAT. This is the same technology basis as proposed. It is necessary to promulgate PSNS to prevent pass-through of copper, lead, nickel, zinc and tantalum. The four toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 48 percent while BAT level technology removes approximately 99 percent.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Tin

EPA is promulgating PSNS equivalent to PSES, NSPS and BAT. The technology basis for PSNS is identical to NSPS, PSES, and BAT and it is less stringent than proposed for reasons discussed above. The same pollutants pass through at PSNS as at PSES, for the same reasons. We know of no economically feasible, demonstrated technology that is better than PSES technology. The PSNS flow allowances are identical to the flow allowances for BAT, NSPS, and PSES.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Primary and Secondary Titanium

EPA is promulgating PSNS equivalent to NSPS. The technology basis for PSNS is identical to NSPS for reasons discussed there. The same pollutants are regulated at PSNS as at PSES and they pass through at PSNS, for the same reasons as at PSES. The PSNS and NSPS flow allowances are based on minimization of process wastewater wherever possible through the use of cooling towers to recycle contact cooling water and holding tanks for wet scrubbing wastewater. The discharge allowance for pollutants is the same at PSES and NSPS. The discharges are based on 90 percent recycle of these

waste streams. As in NSPS, flow reduction beyond BAT is for sponge crushing and screening wet air pollution control wastewater based on dry scrubbing.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Tungsten and Cobalt

EPA is promulgating PSNS equal to NSPS and BAT for this subcategory. This is the same technology basis as proposed. It is necessary to promulgate PSNS to prevent pass-through of copper, nickel, cobalt, tungsten, and ammonia. The three toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 26 percent, while the NSPS and BAT level technology removes approximately 97 percent.

The technology basis for PSNS thus is lime precipitation and sedimentation, ammonia steam stripping, and filtration. The achievable concentration for ammonia steam stripping is based on iron and steel manufacturing category data, as explained in the discussion of BPT and BAT for this subcategory.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Secondary Uranium

EPA is promulgating PSNS equal to NSPS and BAT for this subcategory. This technology basis is less stringent than proposed for the same reasons discussed above. It is necessary to promulgate PSNS to prevent pass-through of chromium, copper, nickel, and fluoride. The toxic pollutants are removed by a well-operated POTW achieving secondary treatment at an average of 40 percent, while the NSPS and BAT level technology removes approximately 88 percent.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

Primary Zirconium and Hafnium

EPA is promulgating PSNS equivalent to NSPS and BAT. The technology basis for PSNS is identical to NSPS and is less stringent than proposed for the same reasons. The same pollutants pass through as at PSES, for the same reasons. We know of no economically feasible, demonstrated technology that is better than PSES technology.

We believe that the PSNS are achievable, and that they are not a barrier to entry of new plants into this subcategory.

BCT. The Agency is not promulgating BCT effluent limitations guidelines at this time. EPA will issue BCT effluent limitations guidelines after the BCT methodology has been finalized. In the interim, permit writers should establish BCT discharge allowances for the conventional pollutants on the basis of best professional judgment.

VI. Economic Considerations

A. Analysis and Reports

The economic assessment of the regulation is presented in the "Economic Impact Analysis of Effluent Standards and Limitations for the Nonferrous Smelting and Refining Industry, Phase II," EPA. This report details the investment and annual costs for the industry and for each metal subcategory covered by the regulation. Compliance costs are based on engineering estimates of incremental capital requirements above the water pollution control equipment already in place. The report assesses the impact of effluent control costs associated with each regulatory option in terms of price changes, cost of production changes, plant closures and associated loss of employment, financial impacts and balance of trade effects.

In addition, EPA has conducted an analysis of the incremental removal cost per pound equivalent for each of the final technology based options. A pound equivalent is calculated by multiplying the number of pounds of pollutant discharged by a weighting factor for that pollutant. The weighting factor is equal to the water quality criterion for a standard pollutant (copper) divided by the water quality criterion for the pollutant being evaluated. The use of "pound equivalent" gives relatively more weight to removal of pollutants that are more toxic. Thus, for a given expenditure, the cost per pound equivalent removed would be lower when a highly toxic pollutant is removed than if a less toxic pollutant is removed. This analysis, which includes detailed descriptions of how all weighting factors were determined, is entitled "Cost Effectiveness Analysis of Proposed Effluent Standards and Limitations for the Nonferrous Metals Manufacturing Industry (Phase II)" and is included in the record for this rulemaking.

B. Costs and Economic Impacts

The Agency projects 73 "wet-process" manufacturing plants or production lines are covered by this regulation. Thirty four of these facilities discharge their wastewater directly into navigable waters, and 39 discharge into publicly owned treatment works (POTW). In addition, there are 70 other facilities which do not produce any wastewater, and therefore do not incur costs as a result of the regulation.

Total capital costs for the discharging plants as a result of this regulation are estimated to be $7.0 million, while total annual costs, including depreciation and interest, are estimated to be $7.3 million. These costs are expressed in 1982 dollars. The projected economic effect associated with these costs is one production line closure at the BPT level of control with an accompanying employment loss of 19 people. This is a small gold recovery operation in an integrated facility also covered by the recently promulgated Nonferrous Metals, Phase I Effluent Guidelines. Closure of this operation will have a negligible effect on aggregate secondary precious metals production. It has also been determined that two of the four discharging plants in the tin subcategory have incurred losses for the last two or three years of operation. Based on this information, the Agency believes it is likely the plants will cease production in the near future and thus considers them baseline closures. All other existing tin recovery operations are expected to remain viable after compliance with this regulation.

No further significant impacts are projected as a result of the regulation. Potential price increases (that is, in the event manufacturers are able to pass costs on to their customers) are expected to exceed 3.0 percent for only one subcategory, and balance of trade effects are minimal, notwithstanding the persistent overvaluation of the American dollar on foreign exchange markets. Effective annual compliance costs (i.e.: after-tax) are quite low for many plants. Other plants incur substantially higher costs, but compete in markets characterized by projections of strong demand and little reliance on imports. Thus it is believed these plants will be able to absorb these costs with little adverse impact. The analysis does indicate that some intermediate production processes in large integrated facilities may become unprofitable as a result of treatment costs incurred under this rulemaking. However, the Agency does not believe these production lines will be discontinued, since they are generally intermediate steps in larger operations that appear profitable overall. Hence, no significant production loss beyond that described above is expected to occur.

For purposes of this regulation, the Agency created 25 separate subcategories based on metal products produced. The economic analysis

focuses on 19 of these subcategories. Five of the remaining six subcategories were excluded from national regulation under Paragraph 8 of the NRDC Consent Decree while the sixth, Bauxite Refining, is incurring no additional costs as a result of this regulation. The 19 subcategories are discussed in detail in the economic impact analysis document. Plant descriptions are provided along with market analyses of the metals products produced in each subcategory.

The methodology employed to determine economic impacts begins with a screening analysis to identify plants that will be significantly affected by the regulation. This consists of a comparison of a plant's estimated annual compliance costs to its projected revenues. If this ratio is found to exceed 1 percent, the plant is then subjected to a 2-step closure analysis: a net present value test and a liquidity test.

The net present value test is designed to assess the firm's long-term profitability. The viability of the plant is judged by a comparison of its cash flows over the entire compliance period to its current liquidation value. The liquidity test, on the other hand, assesses the firm's short-term solvency during the first five years of compliance. If estimated cash-flows over the five years are negative, the plant is cited as potentially insolvent and in danger of closure. Both tests require the estimation of plant revenues in future years in order to determine income and cash flows for those years. For some plants, this income is taken to be the average of income between 1978–82, a period which spanned a complete business cycle. Average product price over the period was used in conjunction with the average capacity utilization rate over the period to arrive at an estimate of total sales for the plant in a "normal" year. This figure was then used as the basis for the determination of average income which, minus compliance costs, served as the estimate of cash flow for the specific plant. This procedure was employed for plants whose performance has or is soon projected to recover significantly from the depressed conditions of 1982, the year for which data is available. The market for some metals has strengthened since then and domestic manufacturers have experienced increased production and earnings.

In most cases, however, the rapid recovery from the 81–82 recession projected at proposal has not occurred. Plants have continued to operate at levels well below capacity, earnings have suffered and market shares have been lost to overseas competitors aided by the strong U.S. dollar. For all but one of these plants, the total sales reported for the 1982 operating year were assumed to be "normal" and were employed to determine average income and cash flow. The only exception is a large, integrated facility with production lines included in three subcategories. EPA requested and received data from this plant concerning their production and earnings in 1984. The information was solicited primarily to assist EPA in its analysis of comments submitted by the plant after proposal. The Agency has employed these 1984 figures in its analysis of impacts for this facility.

Details concerning specific plants are available in the record of this final rulemaking. See also the Economic Impact Analysis document for subcategory discussions.

BPT: New BPT limitations are promulgated for 15 subcategories, with 63 plants incurring compliance costs. Investment costs are estimated to be $4.2 million and total annualized costs are $5.8 million. Closures projected to result from these costs include a secondary gold production process line in a secondary precious metals plant. This plant also produces secondary silver and therefore is integrated with the secondary silver subcategory in the Nonferrous Metals Phase I regulation. It was projected that compliance costs associated with the Phase I regulation would result in the closure of the secondary silver process line as well. The combined effects of the two regulations therefore is the closure of the entire facility and the associated loss of approximately 19 jobs. However, the loss of secondary gold/silver production capacity is minimal. The plant represents less than one-half of one percent of industry capacity for both metals. As noted in the economic impact report where applicable, several intermediate production lines within large, integrated facilities appeared unprofitable at BPT when analyzed independently. That is, the value of products produced by the operation is low relative to the estimated wastewater treatment cost implied by this regulation. EPA believes however that, in each case, the *overall* value of the plant's production justifies the continued operation of the intermediate production line. The products of these lines are vital to the facility's overall output. Hence, EPA does not project their closure. The overall impacts on all subcategories are small, with potential price changes (i.e., if manufacturers could pass compliance costs through to customers) ranging from less than 0.01 to 2.9 percent. No balance of trade effects are expected.

BAT: New BAT limitations are promulgated for 14 subcategories. Total investment costs to meet BPT and BAT are estimated to be $4.8 million and total annualized costs are $6.1 million. No additional closures or production loss beyond those expected at BPT are expected to result from these limitations. The price increases potentially associated with these costs are small, ranging from 0.01 to 3.0 percent and the limitations are considered economically achievable.

PSES: PSES is issued for 8 subcategories. The costs for this regulation are expected to be $2.4 million investment and $1.4 million total annualized costs. Impacts of PSES on the nonferrous metals manufacturing industry are small overall. The range of potential price increases is 0.08 to 2.7 percent and no further production loss is expected to occur. These standards have been found to be economically achievable for all subcategories.

NSPS/PSNS: New source limitation are promulgated for 19 of the 25 subcategories. The technology basis for NSPS and PSNS is the same as for BAT for all subcategories where BAT and PSES are promulgated. One subcategory, Secondary Mercury, is subject only to new source limitations because it contains no existing discharging plants. New plants in this subcategory will not be at a serious cost disadvantage as a result of these limitations. Hence this regulation is not expected to discourage entry into the industry.

The Agency believes this regulation is economically achievable and imposes no significant impacts on any subcategory within the industry.

C. Executive Order 12291

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analysis of major regulations. Major rules impose an annual cost to the economy of $100 million or more or meet other economic impact criteria. This regulation for nonferrous metals manufacturing, Phase II, is not a major rule. The costs expected to be incurrred by this industry will be significantly less than $100 million. Therefore a formal Regulatory Impact Analysis is not required. This rulemaking satisfies the requirements of the Executive Order for a nonmajor rule. The Agency's regulatory strategy considered both the cost and economic impacts of the regulation.

D. Regulatory Flexibility Analysis

Pub. L. 96–354 requires that EPA prepare a Regulatory Flexibility Analysis for regulations that have a significant impact on a substantial number of small entities. This analysis may be conducted in conjunction with or as part of other Agency analyses. A small business analysis is included in the economic impact analysis for this regulation.

For each metal subcategory, small entities were defined on the plant level, using annual plant capacity as an indicator of size. A total of 14 plants were identified in 5 subcategories as small, representing 19 percent of all discharging plants. For these 5 subcategories, the Agency evaluated (1) annual compliance costs as a percentage of revenues for small facilities and (2) annual compliance costs as a percent of the cost of production for small entities. Based on this analysis, EPA has determined that there will not be a significant impact on small entities within this category. Therefore the Agency is not required to perform a formal Regulatory Flexibility Analysis. I hereby certify pursuant to 50 U.S.C. 605(b) that this regulation will not have a significant impact on a substantial number of small entities.

E. SBA Loans

The Agency is continuing to encourage small plants to use Small Business Administration (SBA) financing as needed for pollution control equipment. The three basic programs are (1) the Pollution Control Bond Program, (2) the Section 503 Program, and (3) the Regular Business Loan Program. Eligibility for SBA programs varies by industry. Generally, a company must be independently owned, not dominant in its field, with maximum employee size ranges from 250 to 1500 employees (dependent upon industry), and maximum annual sales revenues ranges from $275,000 to $22 million (varies by industry).

For further information and specifics on the Pollution Control Bond Program, contact: U.S. Small Business Administration, Office of Pollution Control Financing, 4040 North Fairfax Drive, Rosslyn, Virginia 22203, (703) 235–2902.

The Section 503 Program, as amended in July 1980, allows long-term loans to small-and medium-sized businesses. These loans are made by SBA approved local development companies. These companies are authorized to issue Government-backed debentures that are bought by the Federal Financing Bank, an arm of the U.S. Treasury.

Through SBA's Regular Business Loan Program, loans are made available by commercial banks and are guaranteed by SBA. This program has interest rates equivalent to market rates.

For additional information on the Regular Business Loan and Section 503 Programs, contact your district or local SBA office. The coordinator at EPA headquarters is Ms. Frances Dessell, who may be reached at (200) 382–5373.

VII. Nonwater Quality Aspects of Pollution Control

The elimination or reduction of one form of pollution may cause other environmental problems. Therefore, sections 304(b) and 306 of the Act require EPA to consider the nonwater quality environmental impacts (including energy requirements) of certain regulations. In compliance with these provisions, EPA has considered the effect of this regulation on air pollution, solid waste generation, water scarcity, and energy consumption. While it is difficult to balance pollution problems against each other and against energy utilization, EPA is promulgating regulations which it believes best serve often competing national goals.

The following nonwater quality environmental impacts (including energy requirements) are associated with the final regulation. The Administrator has determined that the impacts identified below are justified by the benefits associated with compliance with the limitations and standards.

A. Air Pollution

Imposition of BPT may increase slightly emissions of ammonia from air stripping technology recommended for one plant in one subcategory, secondary molybdenum and vanadium. These emissions are not expected to create a substantial air pollution problem. BAT, NSPS, PSES, and PSNS will result in a slight increase in air pollution. The Agency does not consider any of these impacts to be significant.

B. Solid Waste

EPA estimates that the promulgated BAT regulation for nonferrous metals manufacturing phase II facilities will generate 14,000 kkg (15,400 tons) of solid wastes (wet basis—1982 production levels) as a result of wastewater treatment. These wastes will be comprised of treatment system sludges containing cyanide and toxic metals, including arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, selenium, silver, thallium, and zinc.

EPA estimates that promulgated PSES will approximate 2400 kkg (2,640 tons) per year. These sludges will be similar to those generated by BAT treatment technology. NSPS and PSNS will increase the amount of solid waste by less than 5 percent of the BAT and PSES quantities.

Wastes generated by primary smelters and refiners are currently exempt from regulation by Act of Congress [Resource Conservation and Recovery Act (RCRA), Section 3001(b)]. Consequently, sludges generated from treating primary industries' wastewater are not presently subject to regulation as hazardous wastes.

Wastes generated by secondary metal industries can be regulated as hazardous. However, the Agency examined the solid wastes that would be generated at secondary nonferrous metals manufacturing plants by the suggested treatment technologies and believes they are not hazardous wastes under the Agency's regulations implel menting Section 3001 of the Resource Conservation and Recovery Act. None of these wastes are listed specifically as hazardous. Nor are they likely to exhibit a characteristic of hazardous waste. This judgment is made based on the recommended technology of lime precipitation and filtration. By the addition of a small excess of lime during treatment, similar sludges, specifically toxic metal bearing sludges, generated by other industries such as the iron and steel industry passed the Extraction Procedure (EP) toxicity test. See 40 CFR 261.24. Thus, the Agency believes that the wastewater sludges will similarly not be EP toxic if the recommended technology is applied.

Although it is the Agency's view that solid wastes generated as a result of these guidelines are not expected to be hazardous, generators of these wastes must test the waste to determine if the wastes meet any of the characteristics of hazardous waste (see 40 CFR 262.11).

If these wastes identified should be or are listed as hazardous, they will come within the scope of RCRA's "cradle to grave" hazardous waste management program, requiring regulation from the point of generation to point of final disposition. EPA's generator standards would require generators of hazardous nonferrous metals manufacturing wastes to meet containerization, labeling, recordkeeping, and reporting requirements. In addition, if plants dispose of hazardous wastes off-site, they must prepare a manifest which tracks the movement of the wastes from the generator's premises to a permitted off-site treatment, storage, or disposal facility. See 40 CFR 262.20 [45 FR 33142 (May 19, 1980), as amended at 45 FR

86973 (December 31, 1980)]. The transporter regulations require transporters of hazardous wastes to comply with the manifest system to assure that the wastes are delivered to a permitted facility. See 40 CFR 263.20 [45 FR 33151 (May 19, 1980), as amended at 45 FR 86973 (December 31, 1980)]. Finally, RCRA regulations establish standards for hazardous waste treatment, storage, and disposal facilities allowed to receive such wastes. See 40 CFR Parts 264 and 265.

Even if these wastes are not identified as hazardous, they still must be disposed of in a manner that will not violate the open dumping prohibition in section 4005 of RCRA. The Agency has calculated as part of the costs for wastewater treatment the cost of hauling and disposing of additional waste generated assuming 19% was hazardous. We also conducted a sensitivity analysis which considered the economic impact on the industry if all their sludges were to become hazardous. The analysis indicated that, under this assumption, one additional plant closure could be expected. This plant is in the secondary molybdenum and vanadium subcategory. For more details, see Section VIII of the General Development Document and Chapter 25 of the economic impact assessment.

C. Energy Requirements

EPA estimates that the achievement of BPT effluent limitations will result in electrical energy consumption of approximately 18.5 million kilowatt-hours per year. The BAT technology should increase the energy requirements above BPT by 0.3 million kilowatt-hours per year. PSES will add 5.8 million kilowatt-hours per year. To achieve the BPT and BAT effffluent limitations, a typical direct discharger will increase total energy consumption by less than 1 percent of the energy consumed for production purposes.

The Agency estimates that the NSPS and PSNS technology will, in general, require as much energy as the existing source limitations.

D. Consumptive Water Loss

Treatment and control technologies that require extensive recycling and reuse of water may require cooling mechanisms. Evaporative cooling mechanisms can cause water loss and contribute to water scarcity problems—a primary concern in arid and semi-arid regions. While this regulation assumes water reuse, the overall amount of reuse through evaporative cooling mechanisms is low and the quantity of water involved is not significant. In addition, most nonferrous metals manufacturing plants are located in areas where water scarcity is not a problem. We conclude that the consumptive water loss is insignificant and that the pollution reduction benefits of recycle technologies outweigh their impact on consumptive water loss.

VIII. Pollutants and Subcategories Not Regulated

The Settlement Agreement In NRDC v. Train, supra contains provisions authorizing the exclusion from regulation, in certain instances, of toxic pollutants and industry subcategories. These provisions have been rewritten in a Revised Settlement Agreement which was approved by the District Court for the District of Columbia on March 9, 1979. See NRDC v. Costle, 12 ERC 1833 (D.D.C. 1979). The pollutants selected for regulation are listed by subcategory in Appendix B.

A. Exclusion of Pollutants

The Agency has deleted the following three pollutants from the toxic pollutant list. These are dichlorofluoromethane, and trichlorofluoromethane, (46 FR 2266 (January 8, 1981)) and bis(chloromethyl ether (46 FR 10723 (February 4, 1981)).

Paragraph 8(a)(iii) of the Settlement Agreement allows the Administrator to exclude from regulation toxic pollutants not detectable by Section 304(h) analytical methods or other state-of-the-art methods. The toxic pollutants not detected or otherwise determined not to be present and, therefore, excluded from regulation are listed in Appendix C of this notice by subcategory.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants detected in amounts too small to be effectively reduced by technologies known to the Administrator. Appendix D to this notice lists the toxic pollutants in each subcategory which were detected in the effluent in amounts at or below the nominal limit of analytical quantification. Appendix E to this notice lists the toxic pollutants in each subcategory present in amounts which are too small to be effectively reduced by technologies considered applicable to the category and which, therefore, are excluded from regulation.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants detectable in the effluent from only a small number of sources wiith in the subcategory because they are uniquely related to those sources. Appendix F to this notice lists for each subcategory the toxic pollutants which were detected in the effluents of only one plant, are uniquely related to that plant, and are not related to the manufacturing processes under study.

Paragraph 8(a)(iii) also allows the Administrator to exclude from regulation toxic pollutants which will be effectively controlled by the technologies upon which are based other effluent limitations and guidelines or pretreatment standards. Appendix G lists those toxic pollutants which will be effectively controlled by the BAT limitations, NSPS, and pretreatment standards, even though they are not specifically regulated.

B. Exclusion of Subcategories

Additionally, Paragraph 8(a)(iv) of the Settlement Agreement authorizes the exclusion of subcategories in which the amount and toxicity of each pollutant in the discharge do not justify developing national regulations.

EPA executed an affidavit on May 10, 1979 excluding six primary and five secondary metal subcategories from regulation under Paragraph 8(a)(iv) of the Settlement Agreement. The subcategories were:

Primary Arsenic
Primary Antimony
Primary Barium
Primary Bismuth
Primary Calcium
Primary Tin
Secondary Beryllium
Secondary Cadmium
Secondary Molybdenum
Secondary Tantalum
Secondary Babbitt

Four of these excluded subcategories—antimony, primary tin, secondary molybdenum, and secondary tantalum, have been reconsidered for regulation in nonferrous phase II. This is due to data received by EPA since May 10, 1979, showing a need for effluent guidelines to be established for these four subcategories. Today's notice promulgates effluent limitations and guidelines which include these four subcategories.

In addition to the subcategories already excluded under Paragraph 8(a)(iv) of the Settlement Agreement, EPA is excluding four additional primary and one additional secondary metal subcategory from regulation. EPA is excluding these subcategories because no existing primary lithium, primary boron, or secondary zinc plants discharge wastewater to surface waters or POTWs, because there are no pollutants at treatable concentrations in primary magnesium discharges and because the amount and toxicity of discharges in primary cesium and rubidium is small. The subcategories are:

Primary Boron
Primary Cesium and Rubidium
Primary Lithium
Primary Magnesium
Secondary Zinc

The Agency is excluding the following subcategory from BAT effluent guidelines and pretreatment standards for existing sources under provisions of Paragraph 8(a)(iv) because there are no facilities discharging wastewater to surface waters or POTW. It is:

Secondary Mercury

The Agency is excluding the following subcategories from BAT effluent guidelines under provisions of Paragraph 8(a)(iv) because there are no facilities discharging wastewater to surface waters. They are:

Secondary Indium
Secondary Nickel

EPA is also excluding 10 subcategories from pretreatment standards for existing sources because there are no facilities discharging wastewater to POTWs. They are:

Primary Antimony
Bauxite Refining
Primary Beryllium
Molybdenum Metallurgical Acid Plants
Primary Molybdenum and Rhenium
Secondary Molybdenum and Vanadium
Primary Nickel and Cobalt
Primary Precious Metals and Mercury
Secondary Tantalum
Secondary Uranium

PSES regulations are being promulgted for the secondary tungsten and cobalt subcategory because after proposal EPA learned of the existence of one discharging plant.

The Agency is excluding the following subcategory from pretreatment standards for existing sources under the provisions of Paragraph 8 because the amount and toxicity of the discharges are small.

IX. Public Participation and Response to Major Comments

Industry, government, individual citizens, and environmental groups have participated during the development of these effluent limitations guidelines and standards. These regulations were proposed on June 27, 1984 (49 FR 26352). The comment period ended on October 2, 1984. Two permit writers workshops open to the public were held on this rulemaking on August 14, 1984, in Providence, Rhode Island and on August 28, 1984 in San Francisco, California. On August 21, 1984 in Washington, D.C., a public hearing was held on the proposed pretreatment standards at which only one person presented testimony. A notice of data availability and a request for comment on data obtained after proposal was published in the **Federal Register** on March 18, 1985. The comment period ended April 17, 1985.

Since proposal, the following 36 commenters submitted approximately 883 individual comments on the proposed regulation: National Association of Recycling Industries, Inc., U.S. Department of the Interior, County Sanitation Districts of Los Angeles County, Breed, Abbott and Morgan for American Chemical and Refining Co. Inc., Eagle-Picher Industries, Dow Chemical U.S.A., Department of Energy, American Chemical and Refining Company, Inc., Teledyne Wah Chang Albany, Inco Alloys International, Inc., United States Department of the Interior, Sunshine Mining Company, KBI a Division of Cabot Corporation, Timet a Division of Titanium Metals Corporation of America, Reynolds Metals Company, Englehard Corporation, Robinson & McElwee for Kaiser Aluminum and Chemical Corporation, The Aluminum Association, GTE Service Corporation, Resource Consultants for Tex Tin Corporation, Brush Wellman Inc., American Mining Congress, Energy, Amax Nickel, Inc., Amax Environmental Services Inc., Climax Molybdenum Company, Aluminum Company of America, Proler International Corp., Johnson Matthey, Inc., Gulf Chemical and Metallurgical Company, United States Borax and Chemical Corporation, Indium Corporation of America, U.S. Department of Commerce, Handy and Harmon Company, Tex Tin Corporation, Holland and Hart for GTE Products Corporation. We considered all comments carefully and made appropriate changes in the regulation whenever data and information warranted modifications. Eleven major issues raised in comments are addressed in this section of the preamble. Other major comments are discussed briefly in Section V, Control Treatment Options and Technology Basis for Final Regulations. All comments received and our detailed responses to these comments are included in a document entitled Response to Public Comments, Proposed Nonferrous Metals Manufacturing Phase II Effluent Limitations and Standards which has been placed in the public record for this regulation. The following is a discussion of the Agency's responses to the principal comments:

1. Treatment Effectiveness and Technology Basis

i. Combined Metals Data Base and Other Pollutants

Comment: Commenters objected to the use of the combined metals data base to generate treatment effectiveness numbers for the nonferrous metals manufacturing industry. The commenters claim that the proposed levels for aluminum, arsenic, barium, boron, cadmium, copper, iron, lead, manganese, selenium, tin and zinc cannot be met because the data base from which they were developed is small and unrepresentative of typical nonferrous plants. Commenters argued that industry data should be used to establish nonferrous phase II treatment effectiveness levels and that homogeneity with the combined metals data base had not been established for nonferrous phase II wastewaters because an insufficient percentage of nonferrous phase II plants had been sampled to establish homogeneity.

Response: We have evaluated the data submitted by the commenters. We feel that the data are not appropriate for a number of reasons including inadequate treatment system operation and design, lack of pH and TSS data, and lack of paired influent-effluent data sets. In one particular case more than 99 percent of the flow through the treatment plant is non-scope or storm water rather than process water, and therefore, it is not representative of nonferrous metals manufacturing.

Secondary precious metals producers do have high zinc values. We have considered typical zinc concentrations for that industry and have determined that two stage precipitation may be necessary to meet CMDB based limits. The additional cost of two stage precipitaton is estimated to add only about 5 percent to the annual cost and has been considered in the economic impact assessment.

Between proposal and promulgation we sampled nine nonferrous metals forming plants to measure lime and settle treatment effectiveness levels for barium, boron, molybdenum, titanium, vanadium, zirconium, uranium, tungsten and tantalum and published those numbers in the notice of new data. We developed values for tin based on information from two metal finishing plants which show removals of tin across the lime and settle treatment system. We requested additional treatment effectiveness data for all the pollutants being considered for regulation and only received inadequate information for molybdenum, vanadium, and ammonia; we received no information for gold, platinum, and palladium.

ii. Molybdenum Treatment Effectiveness

Comment: Commenters objected to effluent limits based on lime and settle

treatment claiming that this technology is ineffective and also claiming that iron coprecipitation is not widely used throughout the industry and therefore should not form the technical basis for regulation.

Response: The molybdenum treatment effectiveness numbers used for proposal (1.4 mg/l) were based on measurements taken at a primary molybdenum plant. At that time we did not have any reason to suspect the validity of those numbers specially since our data show removal across the treatment system. However, after proposal the company complained that this treatment effectiveness level was not the result of lime and settle treatment.

Since proposal we have obtained data from two other planes on molybdenum through lime and settle, single stage solvent extraction and iron coprecipitation showing removal of molybdenum across the system. The lime and settle system sampled at the secondary molybdenum facility, even though poorly operated, achieves an average of 40 mg/l and 85 percent removal, contradicting the claim that molybdenum cannot be removed in lime and settle. However, we relied on data obtained at a uranium forming plant using iron coprecipitation for molybdenum removal, which achieves 1.8 mg/l in the effluent. These values are equivalent to those used for proposal.

Iron coprecipitation is a technology widely used in industry, and it is discussed in both the proposed and final development document for this rulemaking. Therefore, we disagree with the industry contention that the proposed technology is experimental.

One commenter, in addressing this issue, neglected to discuss the quality and nature of the bench scale test for iron coprecipitation. On further request for clarification it proved to be a single analysis. Although this is scarcely adequate to make any conclusions about iron coprecipitation effectiveness, examining the data at the iron dosage used shows reduction of vanadium to the detection limit of nickel to 1.2 ppm and slight reductions in cobalt, molybdenum and boron. Molybdenum is shown as being removed to 65 mg/l. Therefore, our data and the data submitted support lower numbers for molybdenum.

iii. Sulfide Precipitation

Comment: Commenters claim that sulfide precipitation is not a commercially demonstrated or proven technology for nonferrous metals manufacturing plants.

Response: Sulfide precipitation is demonstrated in the primary tungsten subcategory where it is used to remove molybdenum as a sulfide from the processing of tungsten ore. It has been discussed earlier in this preamble.

iv. Ammonia Steam Stripping

Comment: Commenters claim that the proposed limits for ammonia cannot be met and that levels should be 200–1500 ppm.

Response: We have sampled ammonia steam strippers and air strippers. We received bench scale data showing that steam stripping can achieve the levels proposed in secondary precious metals.

v. Cyanide Precipitation

Comment: Precious metals manufacturers advocate the use of cyanide destruction methods for cyanide removal because this technology allows them to recycle metals easily in their process. They object to our technology, cyanide precipitation, because they claim it creates a hazardous sludge.

Response: We based our cyanide limits on cyanide precipitation because it is easier to use and cheaper than cyanide destruction. In estimating the cost of this technology we considered the cyanide bearing sludge as hazardous and costed it appropriately. However, any plant is free to use the technology of its choice so long as it meets the limitations.

2. Strategic Metals

Comment: Commenters were concerned about a possible detrimental impact of these regulations on the U.S. mineral industry, and subsequently, on U.S. national security. Commenters argue that disruption of imported mineral and energy supplies could affect U.S. economic and military strength because of the national dependence on unreliable foreign sources of strategic and critical minerals and claim that faulty assumptions about the economic situation of the minerals industry underestimate the economic impact of the regulation.

Response: The Agency has evaluated the potential impact of this regulation on the U.S. mineral industry and on the strategic stockpiles of the metals in question. With regard to individual facilities, the Agency's economic analysis as discussed in more detail in the economic development document indicates that this regulation will not cause closing of any plants in the minerals industry affected by this rulemaking. With regard to strategic stockpiles for particular metals, the stockpiles are in excess and/or reserves are maintained in final product form. One possible exception is tungsten, reserves of which are maintained primarily in ore and concentration form. Domestic tungsten manufacturers have experienced continued poor performance in the past several years primarily as a result of the overvalued U.S. dollar. This situation has allowed overseas manufacturers, particularly the Chinese, to capture increasingly larger shares of the domestic tungsten market. Curent market conditions, if they persist, may force several U.S. tungsten facilities to discontinue operations. EPA believes, however, that treatment costs incurred as a result of this regulation for the tungsten cobalt subcategory will be extremely low (less than $15,000 annually) for most plants which process tungsten ore concentrates. Those which incur higher costs are large, integrated facilities with ample resources available to either continue production during depressed conditions, or at least maintain their facilities for later use if market pressures force them to cease operations temporarily.

3. Costing

Comment: Commenters stated that the cost estimates for sludge disposal, cyanide precipitation, ammonia steam stripping, and ion exchange were underestimated.

Response: EPA estimates sludge generation by using a computerized mass balance procedure which takes into account raw wastewater characteristics, reagent addition, and wastewater flow rates. While we do not generate individual engineering design estimates, the methodology used results in a reasonably good estimate of the national average cost for disposal of toxic or hazardous sludge. This analysis cannot take into account the restrictions or pricing that individual landfill operations impose when accepting waste materials.

The effluent limitations for cyanide were based on cyanide precipitation instead of cyanide destruction because lower treatment effectiveness levels can be achieved at a lower cost. We assumed that cyanide bearing sludges would be hazardous and estimated hazardous sludges disposal costs for any subcategory where we relied on this technology.

We have evaluated the ammonia removal equipment in place at each facility in the category. Where the steam stripper is considered to be adequately designed, we have not assigned any costs for it. Where the existing equipment is not adequately designed, we have included costs for new equipment. Our ammonia steam stripping cost estimates take into account cleaning of the columns due to

solids buildup. Excess capacity is incorporated into the column design to account for downtime resulting from cleaning and other reasons. The assumptions used for steam rate and maintenance were based on vendor recommendations and are general guidelines which can be applied broadly. Also, the costs associated with operating an ammonia steam stripper are dominated by the cost of energy associated with steam production which constitutes 50 percent of operating costs, chemical costs constitute 45 percent. Routine maintenance costs are small in comparison, constituting approximately 1 percent of the operating costs.

Although steam stripping is demonstrated in the category, we have developed costs for new steam stripping equipment. Also, our cost estimates assume that the recovered ammonia stream can be recycled back to the process. If this is not the case, the dilute ammonia can be sold to other companies or used in agriculture.

With respect to ion exchange, we followed the manufacturer's recommendations on the maximum capacity of precious metals that the resin will retain (per cubic foot), which show that the amount of precious metal value to be recovered, very substantially exceeds the cost of the resin. Therefore, we believe that our costing assumptions are correct for ion exchange costs for secondary precious metals.

4. Economic Impact

Comment: Commenters objected to the economic impact analysis because of methodological limitations and the allegedly incorrect assumption that forthcoming conditions will be similar to 1978–82. They point out that since 1979–80 mineral prices have declined and capacity utilization, sales and profits have changed little or decreased since 1982. Other commenters echoed these concerns and submitted various newspaper articles on the depressed condition of the domestic minerals industry.

Three companies stated that the economic impacts would be more severe than the Agency estimates because EPA did not properly consider the economic environment in which these plants operate. A producer of primary tungsten, cobalt, tantalum and molybdenum, complained that EPA discounted the effect of imports when in fact, imports of metals and metallic products have caused them to lose 25 percent of the upgraded tungsten market. They claim foreign competitors undersell them by several dollars and provided data to substantiate their claim. They experienced losses also in cobalt and tantalum. They argue that the market is very sensitive to fluctuations and they are barely managing to stay in business.

Molybdenum producers claim that the price of molybdenum will fluctuate between $4 and $5 per pound for the next five to 10 years whereas the economic analysis was based on $8.36 per pound. If the lower price is used, they believe the results of the economic analysis will be different, indicating a severe impact on the regulated industry.

The secondary molybdenum and vanadium producer objects to being grouped with the primary molybdenum and rhenium subcategory for the economic analysis because of their relative size, different processes, and their need to underprice to compete with the primary producers. They also complained that the methodology used failed to take into account the value of one facility as a resource recovery operation in reducing the need to dispose of waste, nor has EPA considered the effect of a closure of the plant on the petrochemical industry.

The secondary molybdenum and vanadium and the secondary tin subcategories claim that they are small businesses under the SBA criteria of having less than 500 employees for secondary producers and 2,500 employees for primary producers. As such, they contend that the Agency should have conducted a small business impact analysis for these two subcategories to evaluate alternatives that would ameliorate the impacts.

Response: EPA believes a number of the commenters' claims are valid and has therefore revised its economic impact assessment accordingly. In general, all projections on prices, production, earnings and cash flow employed in the analysis at proposal have been reviewed to determine if the impact of foreign competition has rendered them overoptimistic. EPA had, in earlier analysis, predicted the nonferrous metals manufacturing industry would recover from the 1982 recession such that earnings and output levels would approach their "average" values from the 1978–82 business cycle by the time of compliance with the regulation. Examination of current conditions in the industry reveals that, for the most part, this recovery has not occurred. Although a number of factors can be cited as contributors to the continued poor performance, the primary consideration has been the persistently strong U.S. dollar on international exchange markets.

In most cases, domestic metals manufacturers compete actively for market shares with foreign producers. The strong U.S. dollar creates a distinct disadvantage for these domestic manufacturers in that it makes their products more expensive abroad at the same time it makes imports cheaper. The combined result is that production, sales and profits may be lower than they would be in the absence of an overvalued currency. We have reviewed the economic analysis and, where applicable, revised our compliance period projections of prices, production and earnings downward to reflect the impact of cheaper imports and the associated loss of sales.

EPA has also adjusted its forecast of molybdenum prices employed in the analysis of impacts of molybdenum refiners. Previously, the Agency had projected a return to the 1978–82 period average market value of $8.36 per pound. However continued oversupply of molybdenum has resulted in persistently lower prices with little expectation of significant increase. Hence the price employed in the analysis has been changed to $5.44 per pound, the average real price over the last thirteen years. After this adjustment, EPA still predicts minimal economic impacts on the primary molybdenum rhenium facilities. However the secondary molybdenum and vanadium plant appeared unprofitable under the initially proposed BPT technology. This technology basis has since been revised (i.e. ammonia air stripping instead of ammonia steam stripping) and is now considered economically achievable (see below).

In summary, EPA's economic reevaluation of the nonferrous metals manufacturing industry has led to the following projections:

Significant economic impacts (ie. reduced profitability) is projected for the only secondary molybdenum vanadium facility and baseline closures are expected in the secondary tin subcategory. The former is Gulf Chemical, the only plant in the subcategory. This plant recovers molybdenum and vanadium by processing large volumes of spent hydrodesulfurization catalyst, a waste product of the petroleum manufacturing industry. Gulf currently accepts this waste product free of charge, thus providing petroleum refiners with a relatively safe and inexpensive method of disposal. It is believed the Gulf facility will be able to recover a large percentage of the compliance costs incurred under this regulation by charging the refiners on a bulk or per ton basis for the service it provides. In the event this is not possible and the current "zero price" is maintained, EPA projects the plant will remain marginally

profitable nonetheless. Hence, the Agency does not believe this plant is likely to cease operation as a result of this regulation. In the tin subcategory, two of the four discharging plants are believed to be baseline closures, although they are still operating while incurring losses. We also project one production line closure in the large secondary precious metals subcategory, occurring at the BPT option. Several other production lines, one each in primary antimony and secondary nickel (both single discharger subcategories), and secondary tungsten and cobalt appear to be unprofitable at the BPT option. It is doubtful these lines will shut-down as a result of this regulation however, since they are intermediate operations in large, integrated facilities which appear healthy overall.

Regarding the small business comment, EPA has some flexibility in defining the small business criteria.

In the nonferrous smelting and refining industry, the SBA defines as small those firms whose employment is fewer than 2500 for primary producers and fewer than 500 for secondary producers. This definition is, however, inappropriate because this analysis is concerned with plants operating as distinct units rather than with firms composed of several plants. Many of the plants are, in fact, owned by firms that produce metals not covered by this regulation. In order to avoid confusion and maintain consistency, annual plant capacity in multiple-discharger subcategories was used as an indicator of size.

5. Subcategorization

Comment: One commenter argued that primary and secondary tin should be further subcategorized. The commenter stated that there are significant differences in manufacturing processes and raw wastewater characteristics between primary and secondary tin operations, and that the decision to include both in a single subcategory was based on a lack of data relating to primary tin smelting and associated wastewater generation.

Another commenter argued that primary and secondary titanium should be regulated as separate subcategories. The commenter claimed that there are no similarities between primary and secondary titanium processing or wastewater characteristics.

Response: A post-proposal sampling visit was conducted on a primary tin facility to obtain wastewater characteristics data on primary tin raw wastewaters. These samplings revealed that the existing smelter is processing secondary materials mostly and in fact it is a secondary tin manufacturer using a pyrometallurgical process. Therefore, we have concluded that there are no promary tin manufacturers in the U.S. at this time and therefore there is no need to regulate primary tin. Differences in wastewater have been considered by sampling all building blocks and making adjustments in pollutants regulated and allowable limitations.

The information on primary and secondary titanium plants contained in dcp's and trip reports shows that at least one titanium plant processes both primary and secondary materials. Therefore, we do not believe that it is necessary to separate them into two subcategories.

6. Confidentiality

Comment: Half of the supplemental development documents in this category are confidential. Commenters argued that reliance on confidential information in developing the final regulations in effect denies public participation and defeats the purpose of the Administrative Procedures Act. That issue was raised as regards to the primary molybdenum and rhenium, secondary tantalum, secondary tungsten and cobalt, and primary and secondary tin subcategories.

Response: The first three subcategories are confidential whereas the last one is not. All data available on primary and secondary tin, has been supplied to the affected facility. Individual facilities in the other three subcategories had access to their own data but the aggregate of all the facilities was not supplied to anyone individually.

Although the confidential development documents have not been publicly released, the limitations and the treatment effectiveness concentrations have been. Each plant also knows its building blocks, processes and flows, is able to calculate their individual mass allowances, compare results against the limitations and determine the EPA flow basis. This is the most important information the plant needs to comment effectively on the proposed regulation.

We were only required to hold so much information confidential because the companies claimed it confidential. In addition, we did not receive this comment as part of the original proposal. Commenters only raised this issue 5½ months after close of the proposal comment period as part of tjeor response to the notice of new data.

7. Need for National Standards

Comment: Commenters asked for exemptions from national standards in the following subcategories primary beryllium, secondary molybdenum and vanadium, primary nickel and cobalt, primary and secondary tin. The reasons for requesting exemptions were: that there is only one plant in the subcategory; that there are only a small number of plants in the subcategory; that the existing permit effectively controls their discharges; and, that there is previous precedent set by EPA in the Printing and Publishing Category for excluding certain subcategories because the discharge of toxic pollutants was de minimum (48 FR 44783, September 30, 1983).

Response: Under the authority of the Clean Water Act it is within the Agency's discretion to establish national regulations for subcategories with few or single discharging facilities. EPA has carefully condsidered the issue raised by the commenters and under the terms of paragraph 8 of the Settlement Agreement (N.R.D.C. v Train) has excluded five subcategories entirely from national regulation and where warranted, portions of other subcategories at certain levels of regulation. This is discussed in more detail in section VIII of this preamble.

Two subgroups of the subcategories have single plant issues: those having only one discharger but a greater number of plants who do not discharge wastewater (primary Antimony, primary Beryllium, primary and secondary Germanium and Gallium, secondary Nickel, primary Precious Metals and Mercury, primary Rare Earth Metals, secondary Uranium, primary Zirconium and Hafnium), and those who are literally single manufacturing facilities: (primary cesium and rubidium, secondary indium, secondary molybdenum and vanadium and primary nickel and cobalt). We considered these two groups and are issuing limitations and standards to control all discharging plants. For primary and secondary Germanium and Gallium, we are issuing a regulation to guard against the possibility of any existing zero discharger electing to discharge at some point in the future and because the existing plant discharges to a RCRA permitted impoundment.

For subcategories with no existing dischargers, we had proposed new source standards for almost all because of the potential for discharges arising from new plants if the subcategory is exempt from regulation. In the case of primary boron we have not promulgated a new source standard because the Agency believes the construction of a new source in a non arid area which would result in a discharge is very unlikely.

The data and information available to the Agency clearly indicate that the existing permits do not require the same level of pollutant control as the regulation being promulgated here. As an example, a large secondary molybdenum vanadium plant discharges high levels (600 million kg per year of pollutants after partial treatment) even with the existing permit. Moreover, the Agency believes that since all the studies necessary for developing the regulations have been completed uniform regulation will be more efficiently achieved using the specific knowledge gained through the effluent guidelines development process than for the permit writer to be forced to deal with these specific complex facilities.

The nature of the nonferrous metals industry is very unique because we are dealing with highly specialized metallurgical processes for fairly uncommon metals that command high prices. Almost every plant in the subcategory can be claimed as unique either by virtue of its processes or the materials produced. The Agency has addressed the specialized nature of manufacturing operations involved in this category by establishing a large number of subcategories. This has allowed the Agency to establish regulations that take into account a large number of the distinguishing factors raised by commenters. However, the consequence of this subcategorization has led to many subcategories with a small number of facilities. The Agency does not believe that its efforts to take into account many of the distinguishing factors raised by industry commenters should lead to the conclusion that there then should be no national regulation.

8. Specific Pollutants

Comment: Commenters questioned the Agency's authority to regulate the pollutant uranium. Various commenters claim that it is inappropriate to regulate the nonconventional pollutants tin, germanium, gold, platinum, palladium, molybdenum, and tungsten because they are not toxic and are not listed in the NRDC consent decree; and that molybdenum cannot be used as a surrogate for other pollutants because of its different chemical behavior.

Another issue raised was that secondary molybdenum and vanadium and primary tin manufacturing have a disproportionately high number of regulated parameters (19) compared with other subcategories which could lead to significant analytical and monitoring costs. They claim that since LSF removes all metals down to their solubility, only a few metals need to be selected for regulation to verify treatment performance. Regulation of addition parameters would be redundant, unduly burdensome and expensive.

Others objected to the rationale of regulating the principal metal being produced at a facility arguing that only the environmentally significant metals (Cr, Zn, Cd, Pb, etc.) should be regulated.

Response: The Agency has considered these comments and the fact that the Nuclear Regulatory Commission presently classifies uranium in any form, including depleted uranium, as a "source material" under the Atomic Energy Act. In light of the Supreme Court's holding in *Train* v. *Colorado Public Interest Research Group*, 426 U.S. 1 (1976) that "source," "special nuclear," and "by-product" materials are not pollutants within the meaning of the Clean Water Act, EPA has decided not to finalize effluent limitations guidelines for uranium under the Clean Water Act at this time. Since proposal, EPA has sampled two uranium manufacturing and forming plants and collected additional data on the raw wastewaster characteristics of uranium manufacturing and forming waste streams and the effectiveness of lime and settle treatment for removal of the pollutant uranium. Revised treatment effectiveness concentrations for the pollutant uranium were published in the **Federal Register** notice of new data (50 FR 1018, March 18, 1985). Discharge allowances for uranium based on all the available data are included in the development document as guidance.

The Agency is specifically directed under the Clean Water Act to regulate all pollutants whenever the regulation of such pollutants is appropriate to the wastewaters being regulated. In the case of some of the wastewaters subject to this rulemaking, the Agency deemed it appropriate to regulate the listed non-conventional pollutants in some subcategories.

The Agency believes that the regulation of molybdenum to the levels established in this regulation will usually require the installation and proper operation of the technology basis for the limitations or other technology which will achieve a similar removal of other pollutants. Since molybdenum is the principal metal being manufactured at most of the facilities where it is regulated, it is the metal most likely to be present in the wastewater consistently. Therefore it is the most likely candidate metal for use as an indicator for the removal of other unregulated toxic metals.

For the notice of new data all pollutants present in the raw discharge at treatable levels were considered for regulation for the secondary molybdenum and vanadium, and secondary tin subcategories. In developing the final regulation the Agency took into account the probability that many of the toxic pollutants would be removed by the model technology when certain key indicator pollutants were regulated. The final regulation only regulates seven pollutants in the secondary molybdenum and secondary vanadium subcategory and six pollutants in the secondary tin subcategory.

9. Production Normalizing Parameters

Comment: Several commenters claimed that raw material input would be a more appropriate production normalizing parameter for certain wastewater streams.

Response: The Agency has carefully considered all comments submitted on the appropriateness of production normalizing parameters (PNP). In a number of cases discussed in section V above we have modified the PNP for particular waste streams where justified by information and data supplied by commenters. With respect to raw material input, it appears that while the product metal content in raw materials may vary from batch to batch, there is an average ratio of product metal produced to raw material input over a period of time such as days and weeks. Each facility has the ability to influence this ratio by scheduling, selection and blending of raw materials selected for use in production. Moreover, the permit may take into account a variety of production variations which may bear on this problem.

10. pH Limits

Comment: Four commenters objected to the proposed pH limits arguing that since they do not discharge any toxic metals, controlling the pH in the range proposed is unnecessary and could cause additional environmental impacts. Others claim that the proposed pH range was incompatible with most existing water quality standards. They believe that industry will be subjected to a more restrictive range, depending on the state, leaving industry a range of 1.5 pH units in the case of a permit pH range of 7.5 to 9.0. They claim that it is difficult to maintain a pH range of less than 3 standard units with the current technology. They request that EPA establish a pH range of 6.0 to 9.0, allowing excursions up to 10.0 if the

elevated pH results from treatment with alkali to precipitate selected metals.

Response: The proposed pH range stems from the fact that most toxic metals precipitate and have minimum solubilities at an alkaline pH. Therefore, to ensure that the toxic limits for the metals are achieved, the pH must be controlled within this range. While the Agency believes that most lime and settle treatment systems can be operated well within 1.5 pH units, there are other remedies available to the operator such as post treatment pH adjustment, the use of stream mixing zones where permitted as a part of water quality compliance and the mixing of treated effluent with nonprocess waters where both are to be discharged to the same water body.

11. Permit Writer Guidance

Comment: Commenters asked EPA to provide guidance to permit writers including language in the regulations to account for "non-scope" flows including stormwater.

Response: The Agency believes the development of storm water and other site-specific wastewater source mass limitations are inappropriate on a national basis because the volume of wastewater is not constant from plant to plant and is not production related. Because of this, mass limitations on a national basis cannot be developed due to the variability of wastewater flow from plant to plant. Therefore the Agency believes site-specific wastewater is best handled on a case by case basis in the NPDES permitting process. This is the agency's consistent approach to this issue, reflected not only in other categorical effluent limitations guidelines and standards (eg. aluminum forming category), but in general implementing regulations for these limitations and standards as well (see 40 CFR 401.11(q), definition of process wastewater).

X. Best Management Practices (BMP)

Section 304(e) of the Clean Water Act authorizes the Administrator to prescribe "best management practices" (BMP) described under Legal Authority and Background. EPA is not promulgating specific BMP for nonferrous metals manufacturing category discussed in today's preamble.

XI. Upset and Bypass Provisions

A recurring issue of concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of "upset" or "bypass." An upset, sometimes called an "excursion," is unintentional noncompliance beyond the reasonable control of the permittee. It has been argued that an upset provision in EPA's effluent limitations is necessary because such upsets will inevitably occur even in properly operated control equipment. Because technology-based limitations require only what technology can achieve, many claim that liability for upsets is improper. When confronted with this issue, courts have been divided on whether an explicit upset or excursion exemption is necessary, or whether upset or excursion incidents may be handled through exercise of EPA's enforcement discretion. Compare *Marathon Oil Co.* v. *EPA*, 564 F.2d 1253 (9th Cir. 1977) with *Weyerhauser* v. *Costle, supra*, and *Corn Refiners Association, et al.* v. *Costle*, No. 78–1069 (8th Cir., April 2, 1979). See also *American Petroleum Institute* v. *EPA*, 540 F.2d 1023 (10th Cir. 1976); *CPC International, Inc.* v. *Train*, 540 F.2d 1320 (8th Cir. 1976); *FMC Corp.* v. *Train*, 539 F.2d 973 (4th Cir. 1976).

An upset is an unintentional episode during which effluent limits are exceeded; a bypass, however, is an act of intentional noncompliance during which waste treatment facilities are circumvented in emergency situations. We have, in the past, included bypass provisions in NPDES permits.

EPA has determined that both upset and bypass provisions should be included in NPDES permits and has promulgated permit regulations that included upset and bypass permit provisions (see 40 CFR 122.41 (m) and (n), 48 FR 14146 (April 1, 1983)). The upset provision establishes an upset as an affirmative defense to prosecution for violation of technology-based effluent limitations. The bypass provision authorizes bypassing to prevent loss of life, personal injury, or severe property damage. Consequently, although permittees in the nonferrous metals manufacturing industry will be entitled to upset and bypass provisions in NPDES permits, this regulation does not address these issues. Upset provisions are also contained in the General Pretreatment regulations, 40 CFR Part 403.

XII. Variances and Modifications

Upon promulgation of this final regulation, the appropriate effluent limitations must be applied in all Federal and State NPDES permits thereafter issued to direct dischargers in the nonferrous metals manufacturing category. In addition, upon promulgation, the pretreatment standards are directly applicable to indirect dischargers.

For BPT effluent limitations, the only exception to the binding limitations is EPA's "fundamentally different factors" variance. See *E.I. duPont deNemours Co.* v. *Train*, 430 U.S. 112 (1977); *Weyerhauser Co.* v. *Costle, supra*. This variance recognizes factors concerning a particular discharger that are fundamentally different from the factors considered in this rulemaking. However, the economic ability of the individual operator to meet the compliance cost for BPT standards is not a consideration for granting a variance. See *National Crushed Stone Association* v. *EPA*, 449 U.S. 64 (1980). Although this variance clause was originally set forth in EPA's 1973 to 1976 industry regulations it is now included in the general NPDES regulations and is cross-referenced in this regulation as well as other specific industry regulations. See the general NPDES regulation at 40 CFR Part 125, Subpart D.

The BAT limitations in this regulation also are subject to EPA's "fundamentally different factors" variance. In addition, BAT limitations for nonconventional pollutants are subject to modifications under sections 301(c) and 301(g) of the Act. These statutory modifications do not apply to toxic or conventional pollutants. According to section 301(j)(1)(B), applications for these modifications must be filed within 270 days after promulgation of final effluent limitations guidelines. See 40 CFR 122.21(1)(2).

The economic modification section of the Act (section 301(c)) gives the Administrator authority to modify BAT requirements for nonconventional pollutants for dischargers who file a permit application after July 1, 1978, upon a showing that such modified requirements will (1) represent the maximum use of technology within the economic capability of the owner or operator and (2) result in reasonable further progress toward the elimination of the discharge of pollutants. The environmental modification section (301(g)) allows the Administrator, with the concurrence of the State, to modify BAT limitations for nonconventional pollutants from any point source upon a showing by the owner or operator of such point source satisfactory to the Administrator that:

(a) Such modified requirements will result at a minimum in compliance with BPT limitations or any more stringent limitations necessary to meet water quality standards,

(b) Such modified requirements will not result in any additional requirements on any other point or nonpoint source, and

(c) Such modification will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water, and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

Section 301(j)(1)(B) of the Act requires that application for modifications under section 301 (c) or (g) must be filed within 270 days after the promulgation of an applicable effluent limitations guideline regulation. Initial applications must be filed with the Regional Administrator and, in States with approved NPDES programs, a copy must be sent to the Director of the State program. Initial applications to comply with 301(j) must include the name of the permittee, the permit and outfall number, the applicable effluent guideline regulation, and whether the permittee is applying for a 301(c) or 301(g) modification or both.

Indirect dischargers subject to PSES and PSNS may be eligible for removal credits for pollutants removed by POTW See 40 CFR 403.7.

New sources subject to NSPS and PSNS are not eligible for any other statutory or regulatory modifications. See, *E.I. duPont deNemours & Co.* v. *Train, supra.*

Indirect dischargers subject to PSES are eligible for the "fundamentally different factors" variance. See 40 CFR 403.13. On September 20, 1983, the United States Court of Appeals for the Third Circuit held that "FDF variances for toxic pollutants regulated under PSES are forbidden by the Act," and remanded § 403.13 to EPA. *NAMF et al.* v. *EPA*, 719 2.d 624. (3rd Cir., September 20, 1983).

In response to this decision, EPA amended § 403.13(b)(2) to suspend the availability of FDF variances for toxic pollutants covered by categorical pretreatment standards. See 49 FR 5131 (February 10, 1984). In addition, EPA sought review of this portion of the Third Circuit's decision. On February 27, 1985, the Supreme Court reversed the Third Court of Appeals and held that FDF variances for toxic pollutants are not prohibited by the Clean Water Act. *Chemical Manufacturers Assoc.* v. *Natural Resources Defense Council, 105* S. Ct. 1102 (1985). Accordingly, indirect dischargers covered by categorical pretreatment standards for existing sources may be eligible for an FDF variance. Any interested person should refer to 40 CFR 403.13 for the procedures and deadline for applying for this variance.

XIII. Implementation of Limitations and Standards

A. Relationship to NPDES Permits

The BPT and BAT limitations and NSPS in this regulation will be applied to individual nonferrous metals manufacturing plants through NPDES permits issued by EPA or approved state agencies, under section 402 of the Act. As discussed in the preceding section of this preamble, these limitations must be applied in all Federal and State NPDES permits excepts to the extent that variances and modifications are expressly authorized. Other aspects of the interaction between these limitations and NPDES permits are discussed below.

One issue that warrants consideration is the effect of this regulation on the powers of NPDES permit issuing authorities. EPA has developed the limitations and standards in this regulation to cover the typical facility in each subcategory of this point source category. However the promulgation of this regulation will not restrict the power of any permitting authority to act in any manner consistent with law or these or any other EPA regulations, guidelines, or policy. For example, even if this regulation does not control a particular pollutant, the permit issuer may still limit the pollutant on a case-by-case basis when such actions are necessary to carry out the purpose of the Act. In addition, to the extent that State water quality standards or other provisions of State or Federal law require limitation of pollutants not covered by this regulation (or require more stringent limitations on covered pollutants), the permit issuing authority must apply those limitations.

A second topic that warrants discussion is the operation of EPA's NPDES enforcement program, many aspects of which were considered in developing this regulation. The Agency emphasizes that although the Clean Water Act is a strict liability statute, the Agency may elect to use any of the enforcement responses available under the CWA. *Sierra Club* v. *Train*, 557 F.2d 485 (5th Cir. 1977).

B. Indirect Dischargers

For indirect dischargers, PSES and PSNS are implemented under National Pretreatment Program procedures outlined in 40 CFR 403. The table below may be of assistance in resolving questions about the operation of that program. A brief explanation of some of the submissions indicated on the table follows:

A "request for category determination" is a written request, submitted by an indirect discharger or its POTW, for a determination of which categorical pretreatment standard applies to the indirect discharger. This assists the indirect discharger in knowing which PSES or PSNS limits it will be required to meet. See 40 CFR 403.6(a).

INDIRECT DISCHARGERS SCHEDULE FOR SUBMITTAL AND COMPLIANCE

Item	Applicable Source	Date or Time Period	Measured From	Submitted To
Request for Category Determination	Existing	60 days or 60 days	From effective date of standard From Federal Register Development Document Availability	Director(1)
	New	Prior to commencement of discharge to POTW		
Request for Fundamentally Different Factors Variance	Existing	180 days Or 30 days	From effective date of standard From final decision on category determination	Director(1)
Baseline Monitoring	All	180 days	From effective date of standard or final decision on category determination	Control Authority(2)
Report on Compliance	Existing	90 days	From date for final compliance	Control Authority(2)
	New	90 days	From commencement of discharge to POTW	
Periodic Compliance Reports	All	June and December		Control Authority(2)

(1) Director = a) Chief Administrative Officer of a state water pollution control agency with an approved pretreatment program, or b) EPA Regional Water Division Director, if state does not have an approved pretreatment program

(2) Control Authority = a) POTW if its pretreatment program has been approved, or b) Director of state water pollution control agency with an approved pretreatment program, or c) EPA Regional Administrator, if state does not have an approved pretreatment program.

A "request for fundamentally different factors variance" is a mechanism by which a categorical pretreatment standard may be adjusted, making it more or less stringent, on a case-by-case basis. If an indirect discharger, a POTW, or any interested person believes that factors relating to a specific indirect discharger are fundamentally different from those factors considered during development of the relevant categorical pretreatment standard and that the existence of those factors justifies a different discharge limit from that specified in the categorical standard, then it may submit a request to EPA for such a variance (See 40 CFR 403.13).

A "baseline monitoring report" is the first report an indirect discharger must file following promulgation of an applicable standard. The baseline report includes: an identification of the indirect discharger; a description of its operations; a report on the flows of regulated streams and the results of sampling analyses to determine levels of regulated pollutants in those streams; a statement of the discharger's compliance or noncompliance with the standard; and a description of any additional steps required to achieve compliance. See 40 CFR 403.12(b).

A "report on compliance" is required of each indirect discharger within 90 days following the date for compliance with an applicable categorical pretreatment standard. The report must indicate the concentration of all regulated pollutants in the facility's regulated process waste streams; the average maximum daily flows of the regulated streams; and a statement of whether compliance is consistently being achieved, and if not, what additional operation and maintenance or pretreatment is necessary to achieve compliance. See 40 CFR 403.12(d).

A "periodic compliance report" is a report on continuing compliance with all applicable categorical pretreatment standards. It is submitted twice per year (June and December) by indirect dischargers subject to the standards. The report must provide the concentrations of the regulated pollutants in its discharge to the POTW; the average and maximum daily flow rates of the facility; the methods used by the indirect discharger to sample and analyze data, and a certification that these methods conform to the methods outlined in the regulations. See 40 CFR 403.12(e).

XIV. Availability of Technical Information

The basis for this regulation is detailed in four major documents. Analytical methods are discussed in "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants." EPA's technical conclusions are detailed in the "Development Document for Effluent Guidelines, New Source Performance Standards, and Pretreatment Standards for the Nonferrous Metals Manufacturing Phase II Point Source Category." The Agency's economic analysis is presented in "Economic Impact Analysis of Effluent Limitations and Standards for the Nonferrous Metals Manufacturing Phase II Industry." A detailed response to the public comments received on the proposed regulation is presented in a report "Responses to Public Comments on the Proposed Nonferrous Metals Manufacturing Phase II Effluent Limitations Guidelines and Standards," which is a part of the public record for this regulation. Copies of the technical and economic documents may be obtained from the National Technical Information Service, Springfield, Virginia 22161, (703) 487-4600. Additional information concerning the economic impact analysis may be obtained from Mr. Mark Kahorst, Economic Analysis Staff (WH-586), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 or by calling (202) 382-5834. Technical information may be obtained from Ms. Maria M. Irizarry, Industrial Technology Division (WH-552), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 or by calling (202) 382-7126.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980. 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 421

Metals, Nonferrous metals manufacturing, Water pollution control, Waste treatment and disposal.

Dated: August 27, 1985.

Lee M. Thomas,

Administrator.

XV. APPENDICES

Appendix A—Abbreviations, Acronyms, and Other Terms Used in This Notice

Act—The Clean Water Act.

Agency—The U.S. Environmental Protection Agency.

BAT—The best available technology economically achievable under 4(b)(2)(B) of the Act.

BCT—The best conventional pollutant control technology under Section 304(b)(4) of the Act.

BMP—Best management practices under Section 304(e) of the Act.

BPT—The best practicable control technology currently available on 304(b)(1) of the Act.

Clean Water Act—The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.), as amended by the Clean Water Act of 1977 (Public Law 95-217).

Direct Discharger—A facility which discharges or may discharge pollutants into waters of the United States.

Indirect Discharger—A facility which discharges or may discharge pollutants into a publicly owned treatment works.

NPDES Permits—A National Pollutant Discharge Elimination System permit issued under Section 402 of the Act.

NSPS—New source performance standards under Section 306 of the Act.

POTW—Publicly owned treatment works.

PSES—Pretreatment standards for existing sources of indirect discharges under Section 307(b) of the Act.

PSNS—Pretreatment standards for new sources of indirect dischargers under Sections 307(b) and (c) of the Act.

RCRA—Resource Conservation and Recovery Act (Public Law 94-580) of 1976, Amendments to Solid Waste Disposal Act.

Appendix B— Pollutants Selected for Regulation by Subcategory

(a) Subpart N—Primary Antimony Subcategory

114. antimony
115. arsenic
123. mercury
total suspended solids (TSS)
pH

(b) Subpart O—Primary Beryllium Subcategory

117. beryllium
119. chromium
120. copper
121. cyanide (total)
ammonia
fluoride
total suspended solids (TSS)
pH

(c) Subpart P—Primary and Secondary Germanium and Gallium Subcategory

115. arsenic
122. lead
128. zinc
fluoride
total suspended solids (TSS)
pH

(d) Subpart Q—Secondary Indium Subcategory

118. cadmium
122. lead
128. zinc
indium
total suspended solids (TSS)
pH

(e) Subpart R—Secondary Mercury Subcategory

122. lead
123. mercury
total suspended solids (TSS)
pH

(f) Subpart S—Primary Molybdenum and Rhenium Subcategory

115. arsenic
122. lead
124. nickel
125. selenium
molybdenum
ammonia (as N)
fluoride
total suspended solids (TSS)
pH

(g) Subpart T—Secondary Molybdenum and Vanadium Subcategory

115. arsenic
119. chromium
122. lead
124. nickel
iron
molybdenum
ammonia (as N)
total suspended solids (TSS)
pH

(h) Subpart U—Primary Nickel and Cobalt Subcategory

120. copper
124. nickel
cobalt
ammonia (as N)
total suspended solids (TSS)
pH

(i) Subpart V—Secondary Nickel Subcategory

119. chromium
120. copper
124. nickel
total suspended solids (TSS)
pH

(j) Subpart W—Primary Precious Metals and Mercury Subcategory

122. lead
123. mercury
126. silver
128. zinc
gold
oil and grease
total suspended solids (TSS)
pH

(k) Subpart X—Secondary Precious Metals Subcategory

120. copper
121. cyanide
128. zinc
gold
palladium
platinum
ammonia (as N)
total suspended solids (TSS)
pH

(l) Subpart Y—Primary Rare Earth Metals Subcategory

9. hexachlorobenzene
119. chromium (total)
122. lead
124. nickel
total suspended solids (TSS)
pH

(m) Subpart Z—Secondary Tantalum Subcategory

120. copper
122. lead
124. nickel
128. zinc
tantalum
total suspended solids (TSS)
pH

(n) Subpart AA—Secondary Tin Subcategory

115. arsenic
121. cyanide
122. lead
iron
tin
fluoride
total suspended solids (TSS)
pH

(o) Subpart AB—Primary and Secondary Titanium Subcategory

119. chromium (total)
122. lead
124. nickel
titanium
oil and grease
total suspended solids (TSS)
pH

(p) Subpart AC—Secondary Tungsten and Cobalt Subcategory

120. copper
124. nickel
cobalt
ammonia (as N)
tungsten
oil and grease
total suspended solids (TSS)
pH

(q) Subpart AD—Secondary Uranium Subcategory

119. chromium (total)
120. copper
124. nickel
fluoride
total suspended solids (TSS)
pH

(r) Subpart AE—Primary Zirconium and Hafnium Subcategory

119. chromium (total)
121. cyanide (total)
122. lead
124. nickel
ammonia
total suspended solids (TSS)
pH

Appendix C—Toxic Pollutants Not Detected

(a) Subpart N—Primary Antimony Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2,-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl ether (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. a-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophyenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl)ether*
43. bis(2-chloroe'hoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo (k) fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibenazo (a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB–1242 (Arochlor 1242)*
107. PCB–1254 (Arochlor 1254)*
108. PCB–1221 (Arochlor 1221)*
109. PCB–1232 (Arochlor 1232)*
110. PCB–1248 (Arochlor 1248)*
111. PCB–1260 (Arochlor 1260)*
112. PCB–1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
117. beryllium*
119. chromium (total)*
121. cyanide (total)*
124. nickel*
125. selenium*
126. silver*
127. thallium*
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not anaylze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(b) Subpart O—Primary Beryllium Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl ether (mixed)*
20. 2/chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*

39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl)ether*
43. bis(2-chloroethoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane)*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo(k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB-1242 (Arochlor 1242)*
107. PCB-1254 (Arochlor 1254)*
108. PCB-1221 (Arochlor 1221)*
109. PCB-1232 (Arochlor 1232)*
110. PCB-1248 (Arochlor 1248)*
111. PCB-1260 (Arochlor 1260)*
112. PCB-1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(c) Subpart P—Primary and Secondary Germanium and Gallium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
22. para-chloro meta-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocylopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
65. phenol
67. butyl benzyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo (k) fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo (ghi)perylene (1,12-benzoperylene)
80. flourene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
86. toluene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)

113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(d) Subpart Q—Secondary Indium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
4. benzene
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
23. chloroform (trichloromethane)
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocylopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
66. bis(2-ethylhexyl) phthalate
67. butyl benzyl phthalate
69. di-n-octyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
86. toluene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
107. PCB–1254 (Arochlor 1254)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)
110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(e) Subpart R—Secondary Mercury Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl ether (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl)ether*
43. bis(2-chloroethoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*

75. benzo(k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibenzo(a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno(1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (pp'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB-1242 (Arochlor 1242)*
107. PCB–1254 (Arochlor 1254)*
108. PCB–1221 (Arochlor 1221)*
109. PCB–1232 (Arochlor 1232)*
110. PCB–1248 (Arochlor 1248)*
111. PCB–1260 (Arochlor 1260)*
112. PCB–1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
121. cyanide (total)*
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(f) Subpart S—Primary Molybdenum and Rhenium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
4. benzene
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
23. chloroform (trichloromethane)
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichloroprophenol
32. 1,2-dichloroprophenol
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
65. phenol
66. bis(2-ethylhexyl) phthalate
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
86. toluene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
105. g-BHC-Delta
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(g) Subpart T—Secondary Molybdenum and Vanadium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
4. benzene
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol

24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
65. phenol
66. bis(2-ethylhexyl)phthalate
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)antracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
86. toluene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
107. PCB–1254 (Arochlor 1254)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)
110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)

(h) Subpart U—Primary Nickel and Cobalt Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
23. chloroform (trichloromethane)
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
44. methylene chloride (dichloromethane)
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
65. phenol
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'DDX)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta

104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
107. PCB–1254 (Arochlor 1254)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)
110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1216 (Arochlor 1216)
113. toxaphene
116. asbestos (fibrous)
121. cyanide*
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for this pollutant in samples of raw wastewater from this subcategory. This pollutant is not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(i) Subpart V—Secondary Nickel Subcategory

1. acenaphthene*
2. acrolein*
3. acryolonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl either (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl) ether*
43. bis(2-chloroethoxy) methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo(k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB–1242 (Arochlor 1242)*
107. PCB–1254 (Arochlor 1254)*
108. PCB–1221 (Arochlor 1221)*
109. PCB–1232 (Arochlor 1232)*
110. PCB–1248 (Arochlor 1248)*
111. PCB–1260 (Arochlor 1260)*
112. PCB–1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(j) Subpart W—Primary Precious Metals and Mercury Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
23. chloroform
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)

48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
67. butyl benzyl phthalate
69. di-n-octyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(k) Subpart X—Secondary Precious Metals Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
22. para-chloro meta-cresol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
55. naphthalene
56. nitrobenzene
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
67. butyl benzyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene).
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo(a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenlyenepyrene)
84. pyrene
85. tetrachloroethylene
87. trichloroethylene
88. vinly chloride (chloroethylene)
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB-1242 (Arochlor 1242)*
107. PCB-1254 (Arochlor 1254)*
108. PCB-1221 (Arochlor 1221)*
109. PCB-1232 (Arochlor 1232)*
110. PCB-1248 (Arochlor 1248)*
111. PCB-1260 (Arochlor 1260)*
112. PCB-1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(l) Subpart Y—Primary Rare Earth Metals Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
8. 1,2,4-trichlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
22. para-chloro meta-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol

32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
50. dichlorodifluoromethane (Deleted)
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor expoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
107. PCB–1254 (Arochlor 1254)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)
110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(m) Subpart Z—Secondary Tantalum Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl ether (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroispropyl)ether*
43. bis(2-chloroethoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo(k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-beuozopnerylene)*
80. flourene*
81. phenanthrene*
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfane-Alpha*
96. b-endosulfane-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB–1242 (Arochlor 1242)*
107. PCB–1254 (Arochlor 1254)*
108. PCB–1221 (Arochlor 1221)*
109. PCB–1232 (Arochlor 1232)*
110. PCB–1248 (Arochlor 1248)*

111. PCB–1260 (Arochlor 1260)*
112. PCB–1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
121. cyanide (total)*
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCCD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(n) Subpart AA—Secondary Tin Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
10. 1,2-dichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
51. chlorodibromomethane
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
56. nitrobenzene
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
79. benzo(ghi)perylene (1,12-benzoperylene)
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
85. tetrachloroethylene
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
107. PCB–1254 (Arochlor 1254)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)
110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(o) Subpart AB—Primary and Secondary Titanium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
12. hexachloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachlorethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
22. para-chloro meta-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
55. naphthalene
56. nitrobenzene
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylamine
63. N-nitrosodi-n-propylamine
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB–1242 (Arochlor 1242)
108. PCB–1221 (Arochlor 1221)
109. PCB–1232 (Arochlor 1232)

110. PCB–1248 (Arochlor 1248)
111. PCB–1260 (Arochlor 1260)
112. PCB–1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

(p) Subpart AC—Secondary Tungsten and Cobalt Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl either (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl)ether*
43. bis(2-chloroethoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrober zene*
57. 2-nitrophenol*
58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo(k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB–1242 (Arochlor 1242)*
107. PCB–1254 (Arochlor 1254)*
108. PCB–1221 (Arochlor 1221)*
109. PCB–1232 (Arochlor 1232)*
110. PCB–1248 (Arochlor 1248)*
111. PCB–1260 (Arochlor 1260)*
112. PCB–1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

*We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(q) Subpart AD—Secondary Uranium Subcategory

1. acenaphthene*
2. acrolein*
3. acrylonitrile*
4. benzene*
5. benzidene*
6. carbon tetrachloride (tetrachloromethane)*
7. chlorobenzene*
8. 1,2,4-trichlorobenzene*
9. hexachlorobenzene*
10. 1,2-dichloroethane*
11. 1,1,1-trichloroethane*
12. hexachloroethane*
13. 1,1-dichloroethane*
14. 1,1,2-trichloroethane*
15. 1,1,2,2-tetrachloroethane*
16. chloroethane*
17. bis(2-chloromethyl)ether (Deleted)*
18. bis(2-chloroethyl)ether*
19. 2-chloroethyl vinyl ether (mixed)*
20. 2-chloronaphthalene*
21. 2,4,6-trichlorophenol*
22. para-chloro meta-cresol*
23. chloroform (trichloromethane)*
24. 2-chlorophenol*
25. 1,2-dichlorobenzene*
26. 1,3-dichlorobenzene*
27. 1,4-dichlorobenzene*
28. 3,3'-dichlorobenzidene*
29. 1,1-dichloroethylene*
30. 1,2-trans-dichloroethylene*
31. 2,4-dichlorophenol*
32. 1,2-dichloropropane*
33. 1,3-dichloropropylene (1,3-dichloropropene)*
34. 2,4-dimethylphenol*
35. 2,4-dinitrotoluene*
36. 2,6-dinitrotoluene*
37. 1,2-diphenylhydrazine*
38. ethylbenzene*
39. fluoranthene*
40. 4-chlorophenyl phenyl ether*
41. 4-bromophenyl phenyl ether*
42. bis(2-chloroisopropyl)ether*
43. bis(2-chloroethoxy)methane*
44. methylene chloride (dichloromethane)*
45. methyl chloride (chloromethane)*
46. methyl bromide (bromomethane)*
47. bromoform (tribromomethane)*
48. dichlorobromomethane*
49. trichlorofluoromethane (Deleted)*
50. dichlorodifluoromethane (Deleted)*
51. chlorodibromomethane*
52. hexachlorobutadiene*
53. hexachlorocyclopentadiene*
54. isophorone*
55. naphthalene*
56. nitrobenzene*
57. 2-nitrophenol*

58. 4-nitrophenol*
59. 2,4-dinitrophenol*
60. 4,6-dinitro-o-cresol*
61. N-nitrosodimethylamine*
62. N-nitrosodiphenylamine*
63. N-nitrosodi-n-propylamine*
64. pentachlorophenol*
65. phenol*
66. bis(2-ethylhexyl) phthalate*
67. butyl benzyl phthalate*
68. di-n-butyl phthalate*
69. di-n-octyl phthalate*
70. diethyl phthalate*
71. dimethyl phthalate*
72. benzo(a)anthracene (1,2-benzanthracene)*
73. benzo(a)pyrene (3,4-benzopyrene)*
74. 3,4-benzofluoranthene*
75. benzo (k)fluoranthene (11,12-benzofluoranthene)*
76. chrysene*
77. acenaphthylene*
78. anthracene*
79. benzo(ghi)perylene (1,12-benzoperylene)*
80. fluorene*
81. phenanthrene*
82. dibernzo (a,h)anthracene (1,2,5,6-dibenzathracene)*
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)*
84. pyrene*
85. tetrachloroethylene*
86. toluene*
87. trichloroethylene*
88. vinyl chloride (chloroethylene)*
89. aldrin*
90. dieldrin*
91. chlordane (technical mixture and metabolites)*
92. 4,4'-DDT*
93. 4,4'-DDE (p,p'DDX)*
94. 4,4'-DDD (p,p'TDE)*
95. a-endosulfan-Alpha*
96. b-endosulfan-Beta*
97. endosulfan sulfate*
98. endrin*
99. endrin aldehyde*
100. heptachlor*
101. heptachlor epoxide*
102. a-BHC-Alpha*
103. b-BHC-Beta*
104. r-BHC (lindane)-Gamma*
105. g-BHC-Delta*
106. PCB-1242 (Arochlor 1242)*
107. PCB-1254 (Arochlor 1254)*
108. PCB-1221 (Arochlor 1221)*
109. PCB-1232 (Arochlor 1232)*
110. PCB-1248 (Arochlor 1248)*
111. PCB-1260 (Arochlor 1260)*
112. PCB-1016 (Arochlor 1016)*
113. toxaphene*
116. asbestos (fibrous)
121. cyanide (total)*
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

* We did not analyze for these pollutants in samples of raw wastewater from this subcategory. These pollutants are not believed to be present based on the Agency's best engineering judgment which includes consideration of raw materials and process operations.

(r) Subpart AE—Primary Zirconium and Hafnium Subcategory

1. acenaphthene
2. acrolein
3. acrylonitrile
4. benzene
5. benzidene
6. carbon tetrachloride (tetrachloromethane)
7. chlorobenzene
8. 1,2,4-trichlorobenzene
9. hexachlorobenzene
10. 1,2-dichloroethane
11. 1,1,1-trichloroethane
12. hexachloroethane
13. 1,1-dichloroethane
14. 1,1,2-trichloroethane
15. 1,1,2,2-tetrachloroethane
16. chloroethane
17. bis(2-chloromethyl)ether (Deleted)
18. bis(2-chloroethyl)ether
19. 2-chloroethyl vinyl ether (mixed)
20. 2-chloronaphthalene
21. 2,4,6-trichlorophenol
22. para-chloro meta-cresol
24. 2-chlorophenol
25. 1,2-dichlorobenzene
26. 1,3-dichlorobenzene
27. 1,4-dichlorobenzene
28. 3,3'-dichlorobenzidene
29. 1,1-dichloroethylene
30. 1,2-trans-dichloroethylene
31. 2,4-dichlorophenol
32. 1,2-dichloropropane
33. 1,3-dichloropropylene (1,3-dichloropropene)
34. 2,4-dimethylphenol
35. 2,4-dinitrotoluene
36. 2,6-dinitrotoluene
37. 1,2-diphenylhydrazine
38. ethylbenzene
39. fluoranthene
40. 4-chlorophenyl phenyl ether
41. 4-bromophenyl phenyl ether
42. bis(2-chloroisopropyl)ether
43. bis(2-chloroethoxy)methane
45. methyl chloride (chloromethane)
46. methyl bromide (bromomethane)
47. bromoform (tribromomethane)
49. trichlorofluoromethane (Deleted)
50. dichlorodifluoromethane (Deleted)
52. hexachlorobutadiene
53. hexachlorocyclopentadiene
54. isophorone
56. nitrobenzene
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
60. 4,6-dinitro-o-cresol
61. N-nitrosodimethylamine
62. N-nitrosodiphenylame
63. N-nitrosodi-n-propylamine
64. pentachlorophenol
65. phenol
71. dimethyl phthalate
72. benzo(a)anthracene (1,2-benzanthracene)
73. benzo(a)pyrene (3,4-benzopyrene)
74. 3,4-benzofluoranthene
75. benzo(k)fluoranthene (11,12-benzofluoranthene)
76. chrysene
77. acenaphthylene
78. anthracene
79. benzo(ghi)perylene (1,12-benzoperylene)
80. fluorene
81. phenanthrene
82. dibenzo (a,h)anthracene (1,2,5,6-dibenzanthracene)
83. ideno (1,2,3-cd)pyrene (2,3,-o-phenylenepyrene)
84. pyrene
85. tetrachloroethylene
86. toluene
87. trichloroethylene
88. vinyl chloride (chloroethylene)
89. aldrin
90. dieldrin
91. chlordane (technical mixture and metabolites)
92. 4,4'-DDT
93. 4,4'-DDE (p,p'DDX)
94. 4,4'-DDD (p,p'TDE)
95. a-endosulfan-Alpha
96. b-endosulfan-Beta
97. endosulfan sulfate
98. endrin
99. endrin aldehyde
100. heptachlor
101. heptachlor epoxide
102. a-BHC-Alpha
103. b-BHC-Beta
104. r-BHC (lindane)-Gamma
105. g-BHC-Delta
106. PCB-1242 (Arochlor 1242)
107. PCB-1254 (Arochlor 1254)
108. PCB-1221 (Arochlor 1221)
109. PCB-1232 (Arochlor 1232)
110. PCB-1248 (Arochlor 1248)
111. PCB-1260 (Arochlor 1260)
112. PCB-1016 (Arochlor 1016)
113. toxaphene
116. asbestos (fibrous)
129. 2,3,7,8-tetra chlorodibenzo-p-dioxin (TCDD)

Appendix D—Toxic Pollutants Detected Below the Analytical Quantification Limit

(a) Subpart O—Primary Beryllium Subcategory

114. antimony
125. selenium
127. thallium

(b) Subpart P—Primary and Secondary Germanium and Gallium Subcategory

21. 2,4,6-trichlorophenol
23. chloroform

64. pentachlorophenol
66. bis(2-ethylhexyl)phthalate
68. di-n-butyl phthalate
87. trichloroethylene
123. mercury

(c) Subpart Q—Secondary Indium Subcategory

68. di-n-butyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
103. beta-BHC
114. antimony
115. arsenic
123. mercury

(d) Subpart R—Secondary Mercury Subcategory

114. antimony
117. beryllium
119. chromium (total)
120. copper
124. nickel
125. selenium
126. silver

(e) Subpart S—Primary Molybdenum and Rhenium Subcategory

44. methylene chloride
104. gamma-BHC
114. antimony
127. thallium

(f) Subpart T—Secondary Molybdenum and Vanadium Subcategory

23. chloroform
126. silver
127. thallium

(g) Subpart U—Primary Nickel and Cobalt Subcategory

4. benzene
86. toluene
114. antimony
115. arsenic
117. beryllium
119. chromium
122. lead
126. silver
127 thallium

(h) Subpart V—Secondary Nickel Subcategory

114. antimony
117. beryllium
118. cadmium
121. cyanide
122. lead
123. mercury
125. selenium
126. silver
127. thallium

(i) Subpart W—Primary Precious Metals and Mercury Subcategory

65. phenol
66. bis(2-ethylhexyl)phthalate
68. di-n-butyl phthalate
78. anthracene
81. phenanthrene
114. antimony

(j) Subpart X—Secondary Precious Metals Subcategory

4. benzene
7. chlorobenzene
10. 1,2-dichloroethane
21. 2,4,6-trichlorophenol
24. 2-chlorophenol
34. 2,4-dimethylphenol
44. methylene chloride (dichloromethane)
47. bromoform (tribromomethane)
48. dichlorobromomethane
51. chlorodibromomethane
54. isophorone
62. N-nitrosodiphenylamine
68. di-n-butyl phthalate
69. di-n-octyl phthalate
70. diethyl phthalate
71. dimethyl phthalate
86. toluene

(k) Subpart Y—Primary Rare Earth Metals Subcategory

7. chlorobenzene
21. 2,4,6-trichlorophenol
47. bromoform (tribromomethane)
65. phenol
86. toluene
114. antimony
117. beryllium

(l) Subpart Z—Secondary Tantalum Subcategory

117. beryllium
118. cadmium
119. chromium
125. selenium
127. thallium

(m) Subpart AA—Secondary Tin Subcategory

9. hexachlorobenzene
11. 1,1,1-trichloroethane
23. chloroform
29. 1,1-dichloroethylene
34. 2,4-dimethylphenol
37. 1,2-diphenylhydrazine
39. fluoranthene
55. naphthalene
62. n-nitrosodimethylamine
68. di-n-butyl phthalate
78. anthracene
80. fluorene
81. phenanthrene
87. trichloroethylene

(n) Subpart AB—Primary and Secondary Titanium Subcategory

13. 1,1-dichloroethane
21. 2,4,6-trichlorophenol
23. chloroform (trichloromethane)
31. 2,4-dichlorophenol
36. 2,6-dinitrotoluene
48. dichlorobromomethane
51. chlorodibromomethane
57. 2-nitrophenol
70. diethyl phthalate
71. dimethyl phthalate
75. benzo(k)fluoranthene (11, 12-benzofluoranthene)
88. vinyl chloride (chloroethylene)
107. PCB-1254 (Arochlor 1254)
117. beryllium

(o) Subpart AD—Secondary Uranium Subcategory

114. antimony
123. mercury
126. silver
127. thallium

(p) Subpart AE—Primary Zirconium and Hafnium Subcategory

55. naphthalene
66. bis(2-ethylhexyl)phthalate
68. di-n-butyl phatalate
69. di-n-octyl phthalate
70. diethyl phthalate
114. antimony
126. silver

Appendix E—Toxic Pollutants Detected in Amounts Too Small To Be Effectively Reduced by Technologies Considered in Preparing This Guideline

(a) Subpart O—Primary Beryllium Subcategory

115. arsenic
123. mercury

(b) Subpart P—Primary and Secondary Germanium and Gallium Subcategory

117. beryllium

(c) Subpart Q—Secondary Indium Subcategory

117. beryllium
120. copper

(d) Subpart R—Secondary Mercury Subcategory

115. arsenic
118. cadmium

(e) Subpart S—Primary Molybdenum and Rhenium Subcategory

117. beryllium
118. cadmium
121. cyanide
123. mercury

(f) Subpart T—Secondary Molybdenum and Vanadium Subcategory

114. antimony
117. beryllium
118. cadmium
121. cyanide
123. mercury
125. selenium

(g) Subpart U—Primary Nickel and Cobalt Subcategory

66. bis(2-ethylhexyl)phthalate
118. cadmium

123. mercury
125. selenium

(h) Subpart W—Primary Precious Metals and Mercury Subcategory

117. beryllium
125. selenium

(i) Subpart X—Secondary Precious Metals Subcategory

57. 2-nitrophenol
123. mercury

(j) Subpart Y—Primary Rare Earth Metals Subcategory

121. cyanide (total)
123. mercury

(k) Subpart Z—Secondary Tantalum Subcategory

115. arsenic
123. mercury

(l) Subpart AA—Secondary Tin Subcategory

117. beryllium
123. mercury

(m) Subpart AB—Primary and Secondary Titanium Subcategory

123. mercury

(n) Subpart AC—Secondary Tungsten and Cobalt Subcategory

117. beryllium
125. selenium

(o) Subpart AD—Secondary Uranium Subcategory

117. beryllium

(p) Subpart AE—Primary Zirconium and Hafnium Subcategory

115. arsenic
117. beryllium
120. copper
123. mercury
125. selenium

Appendix F—Toxic Pollutants Detected in the Effluent From Only a Small Number of Sources

(a) Subpart O—Primary Beryllium Subcategory

118. cadmium
122. lead
124. nickel
126. silver
128. zinc

(b) Subpart P—Primary and Secondary Germanium and Gallium Subcategory

4. benzene
9. hexachlorobenzene
44. methylene chloride
121. cyanide

(c) Subpart Q—Secondary Indium Subcategory

44. methylene chloride
64. pentachlorophenol
65. phenol
121. cyanide

(d) Subpart S—Primary Molybdenum and Rhenium Subcategory

126. silver

(e) Subpart T—Secondary Molybdenum and Vanadium Subcategory

44. methylene chloride
45. methyl chloride
55. naphthalene
70. diethyl phthalate

(f) Subpart W—Primary Precious Metals and Mercury Subcategory

4. benzene
44. methylene chloride
70. diethyl phthalate
86. toluene
121. cyanide

(g) Subpart X—Secondary Precious Metals Subcategory

6. carbon tetrachloride
11. 1,1,1-trichloroethane
23. chloroform
65. phenol
66. bis(2-ethylhexyl)phthalate
117. beryllium

(h) Subpart Y—Primary Rare Earth Metals Subcategory

6. carbon tetrachloride (tetrachloromethane)
23. chloroform (trichloromethane)
44. methylene chloride (dichloromethane)
48. dichlorobromomethane
49. trichlorofluoromethane (Deleted)
51. chlorodibromomethane
66. bis(2-ethylhexyl)phthalate

(i) Subpart AA—Secondary Tin Subcategory

4. benzene
38. ethylbenzene
44. methylene chloride
57. 2-nitrophenol
58. 4-nitrophenol
59. 2,4-dinitrophenol
65. phenol
66. bis(2-ethylhexyl)phthalate
67. butyl benzyl phthalate
84. pyrene
86. toluene
88. vinyl chloride

(j) Subpart AB—Primary and Secondary Titanium Subcategory

4. benzene
11. 1,1,1-trichloroethane
44. mehtylene chloride
64. pentachlorophenol
65. phenol
66. bis(2-ethylhexyl)phthalate
67. butyl benzyl phthalate
68. di-n-butyl phthalate
69. di-n-octyl phthalate
86. toluene
87. trichloroethylene
94. 4,4'-DDD(p,p' TDE)
95. a-endosulfan-alpha
102. a-BHC-alpha
103. b-BHC-beta
115. arsenic
121. cyanide
125. selenium
126. silver

(k) Subpart AC—Secondary Tungsten and Cobalt Subcategory

114. antimony
121. cyanide
123. mercury
127. thallium

(l) Subpart AE—Primary Zirconium and Hafnium Subcategory

23. chloroform (trichloroethane)
44. methylene chloride (dichloromethane)
48. dichlorobromomethane
51. chlorodibromomethane
67. butyl benzyl phthalate

Appendix G—Toxic Pollutants Effectively Controlled by Technologies Which Other Effluent Limitations and Guidelines Are Based Upon

(a) Subpart N—Primary Antimony Subcategory

118. cadmium
120. copper
122. lead
128. zinc

(b) Subpart P—Primary and Secondary Germanium and Gallium

114. antimony
118. cadmium
119. chromium
120. copper
124. nickel
125. selenium
126. silver
127. thallium

(c) Subpart Q—Secondary Indium Subcategory

119. chromium
124. nickel
125. selenium
126. silver
127. thallium

(d) Subpart R—Secondary Mercury Subcategory

127. thallium
128. zinc

(e) Subpart S—Primary Molybdenum and Rhenium Subcategory

119. chromium (total)
120. copper
128. zinc

(f) Subpart V—Secondary Molybdenum and Vanadium Subcategory

120. copper
128. zinc

(g) Subpart U—Primary Nickel and Cobalt Subcategory

128. zinc

(h) Subpart V—Secondary Nickel Subcategory

115. arsenic
128. zinc

(i) Subpart W—Primary Precious Metals and Mercury Subcategory

115. arsenic
118. cadmium
119. chromium
120. copper
124. nickel
127. thallium

(j) Subpart X—Secondary Precious Metals Subcategory

114. antimony
115. arsenic
118. cadmium
119. chromium
122. lead
124. nickel
125. selenium
126. silver
127. thallium

(k) Subpart Y—Primary Rare Earth Metals Subcategory

4. benzene
115. arsenic
118. cadmium
120. copper
125. selenium
126. silver
127. thallium
128. zinc

(l) Subpart Z—Secondary Tantalum Subcategory

114. antimony
126. silver

(m) Subpart AA—Secondary Tin Subcategory

114. antimony
118. cadmium
119. chromium
120. copper
124. nickel
125. selenium
126. silver
127. thallium
128. zinc

(n) Subpart AB—Primary and Secondary Titanium Subcategory

114. antimony
118. cadmium
120. copper
127. thallium
128. zinc

(o) Subpart AC—Secondary Tungsten and Cobalt Subcategory

115. arsenic
118. cadmium
119. chromium
122. lead
126. silver
128. zinc

(p) Subpart AD—Secondary Uranium Subcategory

115. arsenic
118. cadmium
122. lead
125. selenium
128. zinc

(q) Subpart AE—Primary Zirconium and Hafnium Subcategory

118. cadmium
127. thallium
128. zinc

For the reasons discussed above, EPA is amending 40 CFR Part 421 as follows:

PART 421—NONFERROUS METALS MANUFACTURING POINT SOURCE CATEGORY

1. The authority citation for Part 421 is revised to read as follows:

Authority: Secs. 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), 308, and 501 of the Federal Water Pollution Control Act as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

§ 421.4 Compliance date for PSES.

The PSES compliance date in subparts A through I is March 8, 1987. The PSES compliance date for plants in subpart J through subpart AE is September 20, 1988.

3. Section 421.12 is amended by revising the introductory paragraph to read as follows:

§ 421.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart, shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

* * * * *

4. Section 421.13 is amended by adding an introductory paragraph to read as follows:

§ 421.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

* * * * *

5. Section 421.16 is revised to read as follows:

§ 421.16 Pretreatment standards for new sources.

Any new sources subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403.

Subpart I—Metallurgical Acid Plants Subcategory

§ 421.90 [Amended]

6. Section 421.90 is amended by removing the word "and" following "primary zinc facilities" and by inserting the phrase, "and primary molybdenum facilities", before the word "including."

7. Section 421.92 is revised to make technical changes required in converting kg/kkg units to mg/kg units. The text of § 421.91 and §§ 421.93–421.96, is not amended, but set out for the convenience of the reader.

§ 421.91 Specialized definitions.

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 apply to this subpart.

(b) The term "product" means 100 percent equivalent sulfuric acid, H_2SO_4 capacity.

§ 421.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT):

SUBPART I—METALLURGICAL ACID PLANT—BPT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of 100 percent sulfuric acid capacity	
Cadmium	0.180	0.090
Copper	5.000	2.000
Lead	1.800	0.790
Zinc	3.800	0.900
Total suspended solids	304.000	152.000
pH	(1)	(1)

(1) Within the range of 6.0 to 9.0 at all times.

§ 421.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30–.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

SUBPART I—METALLURGICAL ACID PLANT—BAT EFFLUENT LIMITATIONS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of 100 pct sulfuric acid capacity	
Arsenic	3.550	1.584
Cadmium	0.511	0.204
Copper	3.269	1.558
Lead	0.715	0.332
Zinc	2.605	1.073
Fluoride[1]	89.390	50.820
Molybdenum[1]	12.850	5.695

(1) For Molybdenum Acid Plants Only.

§ 421.94 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

SUBPART I—METALLURGICAL ACID PLANT—NSPS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of 100 pct sulfuric acid capacity	
Arsenic	3.550	1.584
Cadmium	0.511	0.204
Copper	3.269	1.558
Lead	0.715	0.332
Zinc	2.605	1.073
Fluoride[1]	89.390	50.820
Molybdenum[1]	12.850	5.695
Total suspended solids	38.310	30.650
pH	(2)	(2)

(1) For Molybdenum acid plants only.
(2) Within the range of 7.5 to 10.0 at all times.

§ 421.95 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in metallurgical acid plant blowdown introduced into a POTW shall not exceed the following values:

SUBPART I—METALLURGICAL ACID PLANT—PSES

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pound per/million pounds) of 100 pct sulfuric acid capacity	
Cadmium	0.511	0.204
Zinc	2.605	1.073

§ 421.96 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in metallurgical acid plant blowdown introduced into a POTW shall not exceed the following values:

SUBPART I—METALLURGICAL ACID PLANT—PSNS

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of 100 pct sulfuric acid capacity	
Arsenic	3.550	1.584
Cadmium	0.511	0.204
Copper	3.269	1.558
Lead	0.715	0.332
Zinc	2.605	1.073
Fluoride[1]	89.390	50.820
Molybdenum[1]	12.850	5.695

(1) For Molybdenum Acid Plants Only.

8. Subparts N through AE are added to read as follows:

Subpart N—Primary Antimony Subcategory

Sec.
421.140 Applicability: description of the primary antimony subcategory.
421.141 Specialized definitions.
421.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.144 Standards of performance for new sources.
421.145 [Reserved].
421.146 Pretreatment standards for new sources.
421.147 [Reserved].

Subpart O—Primary Beryllium Subcategory

Sec.
421.150 Applicability: description of the primary beryllium subcategory.
421.151 Specialized definitions.
421.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.154 Standards of performance for new sources.
421.155 [Reserved].
421.156 Pretreatment standards for new sources.
421.157 [Reserved].

Subpart P—Primary and Secondary Germanium and Gallium Subcategory

Sec.
421.180 Applicability: description of the primary and secondary germanium and gallium subcategory.
421.181 Specialized definitions.
421.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.184 Standards of performance for new sources.
421.185 Pretreatment standards for existing sources.
421.186 Pretreatment standards for new sources.
421.187 [Reserved].

Subpart Q—Secondary Indium Subcategory

Sec.
421.190 Applicability: description of the secondary indium subcategory.
421.191 Specialized definitions.
421.192 [Reserved].
421.193 [Reserved].
421.194 Standards of performance for new sources.
421.195 Pretreatment standards for existing sources.
421.196 Pretreatment standards for new sources.
421.197 [Reserved].

Subpart R—Secondary Mercury Subcategory

Sec.
421.200 Applicability: description of the secondary mercury subcategory.
421.201 Specialized definitions.
421.202 [Reserved].
421.203 [Reserved].
421.204 Standards of performance for new sources.
421.205 [Reserved].
421.206 Pretreatment standards for new sources.
421.207 [Reserved].

Subpart S—Primary Molybdenum and Rhenium Subcategory

Sec.
421.210 Applicability: description of the primary molybdenum and rhenium subcategory.
421.211 Specialized definitions.
421.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.214 Standards of performance for new sources.
421.215 [Reserved].
421.216 Pretreatment standards for new sources.
421.217 [Reserved].

Subpart T—Secondary Molybdenum and Vanadium Subcategory

Sec.
421.220 Applicability: description of the secondary molybdenum and vanadium subcategory.
421.221 Specialized definitions.
421.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically available.
421.224 Standards of performance for new sources.
421.225 [Reserved].
421.226 Pretreatment standards for new sources.
421.227 [Reserved].

Subpart U—Primary Nickel and Cobalt Subcategory

Sec.
421.230 Applicability: description of the primary nickel and cobalt subcategory.
421.231 Specialized definitions.
421.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically available.
421.234 Standards of performance for new sources.
421.235 [Reserved].
421.236 Pretreatment standards for new sources.
421.237 [Reserved].

Subpart V—Secondary Nickel Subcategory

Sec.
421.240 Applicability: description of the secondary nickel subcategory.
421.241 Specialized definitions.
421.242 [Reserved].
421.243 [Reserved].
421.244 Standards of performance for new sources.
421.245 Pretreatment standards for existing sources.
421.246 Pretreatment standards for new sources.
421.247 [Reserved].

Subpart W—Primary Precious Metals and Mercury Subcategory

421.250 Applicability: description of the primary precious metals and mercury subcategory.
421.251 Specialized definitions.
421.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.254 Standards of performance for new sources.
421.255 [Reserved].
421.256 Pretreatment standards for new sources.
421.257 [Reserved].

Subpart X—Secondary Precious Metals Subcategory

421.260 Applicability: description of the secondary precious metals subcategory.
421.261 Specialized definitions.
421.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.264 Standards of performance for new sources.
421.265 Pretreatment standards for existing sources.
421.266 Pretreatment standards for new sources.
421.267 [Reserved].

Subpart Y—Primary Rare Earth Metals Subcategory

421.270 Applicability: description of the primary rare earth metals subcategory.
421.271 Specialized definitions.
421.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.274 Standards of performance for new sources.
421.275 Pretreatment standards for existing sources.
421.276 Pretreatment standards for new sources.
421.277 [Reserved].

Subpart Z—Secondary Tantalum Subcategory

421.280 Applicability: description of the secondary tantalum subcategory.
421.281 Specialized definitions.
421.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.284 Standards of performance for new sources.
421.285 [Reserved].
421.286 Pretreatment standards for new sources.
421.287 [Reserved].

Subpart AA—Secondary Tin Subcategory

421.290 Applicability: description of the secondary tin subcategory
421.291 Specialized definitions.
421.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.294 Standards of performance for new sources.
421.295 Pretreatment standards for existing sources.
421.296 Pretreatment standards for new sources.
421.297 [Reserved].

Subpart AB—Primary and Secondary Titanium Subcategory

Sec.
421.300 Applicability: description of the primary and secondary titanium subcategory.
421.301 Specialized definitions.

Sec.
421.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.304 Standards of performance for new sources.
421.305 Pretreatment standards for existing sources.
421.306 Pretreatment standards for new sources.
421.307 [Reserved].

Subpart AC—Secondary Tungsten and Cobalt Subcategory

Sec.
421.310 Applicability: description of the secondary tungsten and cobalt subcategory.
421.311 Specialized definitions.
421.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.314 Standards of performance for new sources.
421.315 Pretreatment standards for existing sources.
421.316 Pretreatment standards for new sources.
421.317 [Reserved].

Subpart AD—Secondary Uranium Subcategory

Sec.
421.320 Applicability: description of the secondary uranium subcategory.
421.321 Specialized definitions.
421.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.324 Standards of performance for new sources.
421.325 [Reserved].
421.326 Pretreatment standards for new sources.
421.327 [Reserved].

Subpart AE—Primary Zirconium and Hafnium Subcategory

Sec.
421.330 Applicability: description of the primary zirconium and hafnium subcategory.
421.331 Specialized definitions.
421.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
421.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
421.334 Standards of performance for new sources.
421.335 [Reserved].
421.336 Pretreatment standards for new sources.
421.337 [Reserved].

Subpart N—Primary Antimony Subcategory

§ 421.140 Applicability: description of the primary antimony subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of antimony at primary antimony facilities.

§ 421.141 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available:

(a) Sodium Antimonate Autoclave Wastewater.

BPT Limitations for the Primary Antimony Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony contained in sodium antimonate product	
Antimony	44.840	20.000
Arsenic	32.650	14.530
Mercury	3.906	1.562
Total suspended solids	640.600	304.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Fouled anolyte.

BPT Limitations for the Primary Antimony Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	44.840	20.000
Arsenic	32.650	14.530
Mercury	3.906	1.562
Total suspended solids	640.600	304.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Cathode Antimony Wash Water.

BPT Limitations for the Primary Antimony Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	89.680	40.000
Arsenic	65.310	29.060
Mercury	7.812	3.125
Total suspended solids	1,281.000	609.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Sodium Antimonate Autoclave Wastewater.

BAT Limitations for the Primary Antimony Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony contained in sodium antimonate product	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937

(b) Fouled Anolyte.

BAT LIMITATIONS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg pounds per million pounds of antimony metal produced by electrowinning	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937

(c) Cathode Antimony Wash Water

BAT LIMITATIONS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant of pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	60.310	26.870
Arsenic	43.430	19.370
Mercury	4.687	1.875

§ 421.144 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Sodium Antimonate Autoclave Wastewater.

NSPS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony contained in sodium antimonate product	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937
Total suspended solids	234.400	187.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Fouled Anolyte.

NSPS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937
Total suspended solids	234.400	187.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Cathode Antimony Wash Water.

NSPS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	60.310	26.870
Arsenic	43.430	19.370
Mercury	4.687	1.875
Total suspended solids	468.700	375.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.145 [Reserved].

§ 421.146 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary antimony process wastewater introduced into a POTW shall not exceed the following values:

(a) Sodium Antimonate Autoclave Wastewater.

PSNS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony contained in sodium antimonate product	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937

(b) Fouled Anolyte.

PSNS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	30.150	13.440
Arsenic	21.720	9.687
Mercury	2.344	0.937

(c) Cathode Antimony Washwater.

PSNS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	60.310	26.870
Arsenic	43.430	19.370
Mercury	4.687	1.875

§ 421.147 [Reserved].

Subpart O—Primary Beryllium Subcategory

§ 421.150 Applicability: description of the primary beryllium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of beryllium by primary beryllium facilities processing beryllium ore concentrates or beryllium hydroxide raw materials.

§ 421.151 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Solvent Extraction Raffinate from Bertrandite Ore.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from bertrandite ore as beryllium	
Beryllium	2,763.000	1,235.000
Chromium (total)	988.200	404.300
Copper	4,267.000	2,246.000
Cyanide (total)	651.300	269.500
Ammonia (as N)	299,400.000	131,600.000
Fluoride	78,610.000	44,700.000
Total suspended solids	92,090.000	43,800.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times

(b) Solvent Extraction Raffinate from Beryl Ore.

PSNS FOR THE PRIMARY ANTIMONY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of antimony metal produced by electrowinning	
Antimony	60.310	26.870
Arsenic	43.430	19.370
Mercury	4.687	1.875

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from beryl ore as beryllium	
Beryllium	270.6	121.0
Chromium (total)	96.8	39.6
Copper	418.0	220.0
Cyanide (total)	63.8	26.4
Ammonia (as N)	29,330.0	12,890.0
Fluoride	7,700.0	4,378.0
Total suspended solids	9,020.0	4,290.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Beryllium Carbonate Filtrate.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced as beryllium	
Beryllium	263.800	118.000
Chromium (total)	94.380	38.610
Copper	407.600	214.500
Cyanide (total)	62.210	25.740
Ammonia (as N)	28,590.000	12,570.000
Fluoride	7,508.000	4,269.000
Total suspended	8,795.000	4,183.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Beryllium Hydroxide Filtrate.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced as beryllium	
Beryllium	64.770	28.960
Chromium (total)	23.170	9.479
Copper	100.100	52.660
Cyanide (total)	15.270	6.319
Ammonia (as N)	7,020.000	3,086.000
Fluoride	1,843.000	1,048.000
Total suspended solids	2,159.000	1,027.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Beryllium Oxide Calcining Furnace Wet Air Pollution Control.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium oxide produced	
Beryllium	324.000	145.000
Chromium (total)	116.000	47.470
Copper	501.000	263.700

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Cyanide (total)	76.470	31.640
Ammonia (as N)	35,150.000	15,450.000
Fluoride	9,230.000	5,248.000
Total suspended solids	10,810.000	5,142.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Beryllium hydroxide supernatant.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced from scrap and residues as beryllium	
Beryllium	282.9	126.5
Chromium (total)	101.2	41.4
Copper	437.0	230.0
Cyanide (total)	66.7	27.6
Ammonia (as N)	30,660.0	13,480.0
Fluoride	8,050.0	4,577.0
Total suspended solids	9,430.0	4,485.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Process water.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	215.00	96.14
Chromium (total)	76.91	31.46
Copper	332.10	174.80
Cyanide (total)	50.69	20.98
Ammonia (as N)	23,300.00	10,240.00
Fluoride	6,118.00	3,479.00
Total suspended solids	7,167.00	3,409.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Fluoride furnace scrubber.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Chip treatment wastewater.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium scrap chips treated	
Beryllium	9.533	4.263
Chromium (total)	3.410	1.395
Copper	14.730	7.750
Cyanide (total)	2.248	0.930
Ammonia (as N)	1,033.000	454.200
Fluoride	271.300	154.200
Total suspended solids	317.800	151.100
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Beryllium Pebble Plant Area Vent Wet Air Pollution Control.

BPT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Solvent extraction raffinate from bertrandite ore.

BAT LIMITATIONS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from bertrandite ore as beryllium	
Beryllium	1,842.000	831.000
Chromium (total)	831.000	336.900
Copper	2,875.000	1,370.000
Cyanide (total)	449.200	179.700
Ammonia (as N)	299,400.000	131,600.000
Fluoride	78,610.000	44,700.000

(b) Solvent extraction raffinate from beryl ore.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from beryl ore as beryllium	
Beryllium	180.4	81.4
Chromium (total)	81.4	33.0
Copper	281.6	134.2
Cyanide (total)	44.0	17.6
Ammonia (as N)	29,330.0	12,890.0
Fluoride	7,700.0	4,378.0

(c) Beryllium carbonate filtrate.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced as beryllium	
Beryllium	175.900	79.370
Chromium (total)	79.370	32.180
Copper	274.600	130.800
Cyanide (total)	42.900	17.160
Ammonia (as N)	28,590.000	12,570.000
Fluoride	7,506.000	4,269.000

(d) Beryllium hydroxide filtrate.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced as beryllium	
Beryllium	43.180	19.480
Chromium (total)	19.480	7.899
Copper	67.400	32.120
Cyanide (total)	10.530	4.213
Ammonia (as N)	7,020.000	3,086.000
Fluoride	1,843.000	1,048.000

(e) Beryllium oxide calcining furnace wet air pollution control.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium oxide produced	
Beryllium	216.20	97.57
Chromium (total)	97.57	39.56
Copper	337.50	160.90
Cyanide (total)	52.74	21.10
Ammonia (as N)	35,150.00	15,450.00
Fluoride	9,230.00	5,248.00

(f) Beryllium hydroxide supernatant.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced from scrap and residues as beryllium	
Beryllium	188.6	85.1
Chromium (total)	85.1	34.5
Copper	294.4	140.3
Cyanide (total)	46.0	18.4
Ammonia (as N)	30,660.0	13,480.0
Fluoride	8,050.0	4,577.0

(g) Process water.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	143.30	64.68
Chromium (total)	64.68	26.22
Copper	223.70	106.60
Cyanide (total)	34.96	13.98
Ammonia (as N)	23,300.00	10,240.00
Fluoride	6,118.00	3,479.00

(h) Fluoride furnace scrubber.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000

(i) Chip treatment wastewater.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium scrap chips treated	
Beryllium	6.355	2.868
Chromium (total)	2.868	1.163
Copper	9.920	4.728
Cyanide (total)	1.550	0.620
Ammonia (as N)	1,033.000	454.200
Fluoride	271.300	154.200

(j) Beryllium pebble plant area vent wet air pollution control.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000

§ 421.154 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Solvent extraction raffinate from bertrandite ore.

NSPS for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds million pounds) of beryllium carbonate produced from bertrandite ore as beryllium	
Beryllium	1,842.000	831.000
Chromium (total)	831.000	336.900
Copper	2,875.000	1,370.000
Cyanide (total)	449.200	179.700
Ammonia (as N)	299,400.000	131,600.000
Fluoride	78,610.000	44,700.000
Total Suspended solids	33,690.000	26,950.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Solvent extraction raffinate from beryl ore.

NSPS for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from beryl ore as beryllium	
Beryllium	180.4	81.4
Chromium (total)	81.4	33.0
Copper	281.6	134.2
Cyanide (total)	44.0	17.6
Ammonia (as N)	29,330.0	12,890.0
Fluoride	7,700.0	4,378.0
Total Suspended solids	3,300.0	2,640.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Beryllium carbonate filtrate.

BAT Limitations for the Primary Beryllium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced as beryllium	
Beryllium	175.900	79.370
Chromium (total)	79.370	32.180
Copper	274.600	130.800
Cyanide (total)	42.900	17.160
Ammonia (as N)	28,590.000	12,579.000
Fluoride	7,508.000	4,269.000
Total Suspended solids	3,218.000	2,574.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Beryllium hydroxide filtrate.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced as beryllium	
Beryllium	43.180	19.460
Chromium (total)	19.460	7.899
Copper	67.400	32.120
Cyanide (total)	10.530	4.213
Ammonia (as N)	7,020.000	3,086.000
Fluoride	1,843.000	1,048.000
Total Suspended solids	789.900	631.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Beryllium oxide calcining furnace wet air pollution control.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium oxide produced	
Beryllium	216.20	97.57
Chromium (total)	95.57	39.56
Copper	337.50	160.90
Cyanide (total)	52.74	21.10
Ammonia (as N)	35,150.00	15,450.00
Fluoride	9,230.00	5,248.00
Total suspended solids	3,956.00	3,164.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Beryllium hydroxide supernatant.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced from scrap and residues as beryllium	
Beryllium	188.6	85.1
Chromium (total)	85.1	34.5

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Copper	294.4	140.3
Cyanide (total)	46.0	18.4
Ammonia (as N)	30,660.0	13,480.0
Fluoride	8,050.0	4,577.0
Total Suspended solids	3,450.0	2,760.0
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Process water.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	143.30	64.68
Chromium (total)	64.68	26.22
Copper	223.70	106.60
Cyanide (total)	34.96	13.98
Ammonia (as N)	23,300.00	10,240.00
Fluoride	6,116.00	3,479.00
Total suspended solids	2,622.00	2,098.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Fluoride furnance scrubber.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Chip treatment wastewater.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium scrap chips treated	
Beryllium	6.355	2.868
Chromium (total)	2.868	1.163
Copper	9.920	4.728
Cyanide (total)	1.550	0.620
Ammonia (as N)	1,033.000	454.200
Fluoride	271.300	154.200
Total suspended solids	116.300	93.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Beryllium pebble plant area vent wet air pollution control.

NSPS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.155 [Reserved].

§ 421.156 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary beryllium process wastewater introduced into a POTW shall not exceed the following values:

(a) Solvent extraction raffinate from bertrandite ore.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from bertrandite ore as beryllium	
Beryllium	1,842.000	831.000
Chromium (total)	831.000	336.900
Copper	2,875.000	1,370.000
Cyanide (total)	449.200	179.700
Ammonia (as N)	299,400.000	131,600.000
Fluoride	78,610.000	44,700.000

(b) Solvent extraction raffinate from beryl ore.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced from beryl ore as beryllium	
Beryllium	180.4	81.4
Chromium (total)	81.4	33.0
Copper	281.6	134.2
Cyanide (total)	44.0	17.6
Ammonia (as N)	29,330.0	12,890.0
Fluoride	7,700.0	4,378.0

(c) Beryllium carbonate filtrate.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium carbonate produced as beryllium	
Beryllium	175.900	79.370
Chromium (total)	79.370	32.180
Copper	274.600	130.800
Cyanide (total)	42.900	17.160
Ammonia (as N)	28,590.000	12,570.000
Fluoride	7,508.000	4,269.000

(d) Beryllium hydroxide filtrate.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced as beryllium	
Beryllium	43.180	19.460
Chromium (total)	19.480	7.899
Copper	67.400	32.120
Cyanide (total)	10.530	4.213
Ammonia (as N)	7,020.000	3,085.000
Fluoride	1,843.900	1,045.000

(e) Beryllium oxide calcining furnace wet air pollution control.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium oxide produced	
Beryllium	216.20	97.57
Chromium (total)	97.57	39.56
Copper	337.50	160.90
Cyanide (total)	52.74	21.10
Ammonia (as N)	35,150.00	15,450.00
Fluoride	9,230.00	5,248.00

(f) Beryllium hydroxide supernatant

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of beryllium hydroxide produced from scrap and residues as beryllium	
Beryllium	188.6	85.1
Chromium (total)	85.1	34.5
Copper	294.4	140.3
Cyanide (total)	46.0	18.4
Ammonia (as N)	30,660.0	13,480.0
Fluoride	8,050.0	4,577.0

(g) Process water.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg pounds per million pounds of beryllium pebbles produced	
Beryllium	143.30	64.68
Chromium (total)	64.68	26.22
Copper	223.70	106.60
Cyanide (total)	34.96	13.98
Ammonia (as N)	23,300.00	10,240.00
Fluoride	6,118.00	3,479.00

(h) Fluoride furnace scrubber.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg pounds per million pounds of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000

(i) Chip treatment wastewater.

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg pounds per million pounds of beryllium scrap chips treated	
Beryllium	6.355	2.868
Chromium (total)	2.868	1.163
Copper	9.920	4.728
Cyanide (total)	1.550	0.620
Ammonia (as N)	1,033.000	454.200
Fluoride	271.300	154.200

(j) Beryllium pebble plant area vent wet air pollution control

PSNS FOR THE PRIMARY BERYLLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg pounds per million pounds of beryllium pebbles produced	
Beryllium	0.000	0.000
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Ammonia (as N)	0.000	0.000
Fluoride	0.000	0.000

§ 421.157 [Reserved]

Subpart P—Primary and Secondary Germanium and Gallium Subcategory

§ 421.180 Applicability: description of the primary and secondary germanium and gallium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of germanium or gallium from primary and secondary germanium and gallium facilities.

§ 421.181 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Still liquor.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	131.700	56.590
Lead	26.460	12.600
Zinc	91.980	38.430
Fluoride	2,205.000	1,254.000
Total suspended solids	2,583.000	1,229.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Chlorinator wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	27.530	12.250
Lead	5.531	2.634
Zinc	19.230	8.034
Fluoride	461.000	262.100
Total suspended solids	540.000	256.800
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Germanium hydrolysis filtrate.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium hydrolyzed	
Arsenic	39.440	17.550
Lead	7.925	3.774
Zinc	27.550	11.510
Fluoride	660.500	375.500
Total suspended solids	773.700	368.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Acid wash and rinse water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium washed	
Arsenic	325.500	144.800
Lead	65.400	31.140
Zinc	227.400	94.990
Fluoride	5,450.000	3,099.000
Total suspended solids	6,385.000	3,037.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Gallium hydrolysis filtrate.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium hydrolyzed	
Arsenic	70.450	31.350
Lead	14.160	6.742
Zinc	49.220	20.560
Fluoride	1,180.000	670.800
Total suspended solids	1,382.000	657.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Solvent extraction raffinate.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium produced by solvent extraction	
Arsenic	39.330	17.500
Lead	7.904	3.764
Zinc	27.480	11.480
Fluoride	658.700	374.500

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Total suspended solids	771.600	367.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Still liquor.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	131.700	58.590
Lead	26.460	12.600
Zinc	91.980	38.430
Fluoride	2,205.000	1,254.000

(b) Chlorinator wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	27.530	12.250
Lead	5.531	2.634
Zinc	19.230	8.034
Fluoride	461.000	262.100

(c) Germanium hydrolysis filtrate.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium hydrolyzed	
Arsenic	39.440	17.550

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Lead	7.925	3.774
Zinc	27.550	11.510
Fluoride	660.500	375.500

(d) Acid wash and rinse water.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium washed	
Arsenic	325.50	144.60
Lead	65.40	31.14
Zinc	227.40	94.99
Fluoride	5,450.00	3,099.00

(e) Gallium hydrolysis filtrate.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium hydrolyzed	
Arsenic	70.450	31.350
Lead	14.160	6.742
Zinc	49.220	20.560
Fluoride	1,180.000	670.800

(f) Solvent extraction raffinate.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium produced by solvent extraction	
Arsenic	39.330	17.500
Lead	7.904	3.764
Zinc	27.480	11.480
Fluoride	658.700	374.500

§ 421.184 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Still liquor.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	131.70	58.59
Lead	26.46	12.60
Zinc	91.98	38.43
Fluoride	2,205.00	1,254.00
Total suspended solids	2,583.00	1,228.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Chlorinator wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	27.530	12.250
Lead	5.531	2.634
Zinc	19.230	8.034
Fluoride	461.000	262.100
Total suspended solids	540.000	256.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Germanium hydrolysis filtrate.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for 1 one day	Maximum for monthly average
	mg/kg pounds per million pounds) of germanium hydrolyzed	
Arsenic	39.440	17.550
Lead	7.925	3.774
Zinc	27.550	11.510
Fluoride	660.500	375.500
Total suspended solids	773.700	368.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Acid wash and rinse water.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium washed	
Arsenic	325.50	144.80
Lead	65.40	31.14
Zinc	227.40	94.99
Fluoride	5,450.00	3,099.00
Total suspended solids	6,385.00	3,037.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Gallium hydrolysis filtrate.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium hydrolyzed	
Arsenic	70.450	31.350
Lead	14.160	6.742
Zinc	49.220	20.560
Fluoride	1,180.000	670.800
Total suspended solids	1,382.000	657.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Solvent extraction raffinate.

NSPS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium produced by solvent extraction	
Arsenic	39.330	17.500
Lead	7.904	3.764
Zinc	27.480	11.480
Fluoride	658.700	374.500
Total suspended solids	771.600	367.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.185 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in primary and secondary germanium and gallium process wastewater introduced into a POTW must not exceed the following values:

(a) Still liquor.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	131.70	58.59
Lead	26.46	12.60
Zinc	91.98	38.43
Fluoride	2,205.00	1,254.00

(b) Chlorinator wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium chlorinated	
Arsenic	27.530	12.250
Lead	5.531	2.634
Zinc	19.230	8.034
Fluoride	461.000	262.100

(c) Germanium hydrolysis filtrate.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium hydrolyzed	
Arsenic	39.440	17.550
Lead	7.925	3.774
Zinc	27.550	11.510
Fluoride	660.500	375.500

(d) Acid wash and rinse water.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of germanium washed	
Arsenic	325.50	144.80
Lead	65.40	31.14
Zinc	227.40	94.99
Fluoride	5,450.00	3,099.00

(e) Gallium hydrolysis filtrate.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium hydrolyzed	
Arsenic	70.450	31.350
Lead	14.160	6.742
Zinc	49.220	20.560
Fluoride	1,180.000	670.800

(f) Solvent extraction raffinate.

PSES FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium produced by solvent extraction	
Arsenic	39.330	17.500
Lead	7.904	3.764
Zinc	27.480	11.480
Fluoride	658.700	374.500

§ 421.186 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary and secondary germanium and gallium process wastewater introduced into a POTW shall not exceed the following values:

(a) Still Liquor.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds of germanium chlorinated	
Arsenic	131.70	58.59
Lead	26.46	12.60
Zinc	91.98	38.43
Fluoride	2,205.00	1,254.00

(b) Chlorinator Wet Air Pollution Control.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds of germanium chlorinated	
Arsenic	27.550	12.250
Lead	5.531	2.634
Zinc	19.230	8.034
Fluoride	461.000	262.100

(c) Germanium Hydrolysis Filtrate.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds of germanium hydrolyzed	
Arsenic	39.440	17.550
Lead	7.925	3.774
Zinc	27.550	11.510
Fluoride	660.500	375.500

(d) Acid Wash and Rinse Water.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds of germanium washed	
Arsenic	325.50	144.80
Lead	65.40	31.14
Zinc	227.40	94.99
Fluoride	5,450.00	3,099.00

(e) Gallium Hydrolysis Filtrate.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium hydrolyzed	
Arsenic	70.450	31.350
Lead	14.160	6.742
Zinc	49.220	20.560
Fluoride	1,180.000	670.800

(f) Solvent Extraction Raffinate.

PSNS FOR THE PRIMARY AND SECONDARY GERMANIUM AND GALLIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of gallium produced by solvent extraction	
Arsenic	39.330	17.500
Lead	7.904	3.764
Zinc	27.480	11.480
Fluoride	658.700	374.500

§ 421.187 [Reserved].

Subpart Q—Secondary Indium Subcategory

Sec.

§ 421.190 Applicability: description of the secondary indium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of indium at secondary indium facilities processing spent electrolyte solutions and scrap indium metal raw materials.

§ 421.191 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.192 [Reserved].

§ 421.193 [Reserved].

§ 421.194 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Displacement Supernatant.

NSPS FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of indium metal produced	
Cadmium	2.105	0.929
Lead	2.600	1.238
Zinc	9.037	3.776
Indium	2.724	1.114
Total suspended solids	253.800	120.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Spent Electrolyte.

NSPS FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode indium produced	
Cadmium	12.170	5.370
Lead	15.040	7.160
Zinc	52.270	21.840
Indium	15.750	6.444
Total suspended solids	1,468.000	698.100
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.195 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40

CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in secondary indium process wastewater introduced into a POTW must not exceed the following values:

(a) Displacement Supernatant.

PSES FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of indium metal produced	
Cadmium	2.105	0.929
Lead	2.600	1.238
Zinc	9.037	3.776
Indium	2.724	1.114

(b) Spent Electrolyte.

PSES FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode indium produced	
Cadmium	12.170	5.370
Lead	15.040	7.160
Zinc	52.270	21.840
Indium	15.750	6.444

§ 421.196 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary indium process wastewater introduced into a POTW should not exceed the following values:

(a) Displacement Supernatant.

PSNS FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of indium metal produced	
Cadmium	2.105	0.929
Lead	2.600	1.238
Zinc	9.037	3.776
Indium	2.724	1.114

(b) Spent Electrolyte.

PSNS FOR THE SECONDARY INDIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode indium produced	
Cadmium	12.170	5.370
Lead	15.040	7.160
Zinc	52.270	21.840
Indium	15.750	6.444

§ 421.197 [Reserved]

Subpart R—Secondary Mercury Subcategory

§ 421.200 Applicability: description of the secondary mercury subcategory.

The provision of this subpart are applicable to discharges resulting from the production of mercury from secondary mercury facilities processing recycled mercuric oxide batteries and other mercury containing scrap raw materials.

§ 421.201 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.202 [Reserved].

§ 421.203 [Reserved].

§ 421.204 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Spent battery electrolyte.

NSPS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury produced from batteries	
Lead	0.030	0.014
Mercury	0.016	0.006
Total suspended solids	1.590	1.272
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Acid wash and rinse water.

NSPS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury washed and rinsed	
Lead	0.00056	0.00026
Mercury	0.00030	0.00012

NSPS FOR THE SECONDARY MERCURY SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Total suspended solids	0.03000	0.02400
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Furnace wet air pollution control.

NSPS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury processed through furnace	
Lead	0.000	0.000
Mercury	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.205 [Reserved].

§ 421.206 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary mercury process wastewater introduced into a POTW shall not exceed the following values:

(a) Spent battery electrolyte.

PSNS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury produced from batteries	
Lead	0.030	0.014
Mercury	0.016	0.006

(b) Acid wash and rinse water.

PSNS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury washed and rinsed	
Lead	0.00056	0.00026
Mercury	0.00030	0.00012

(c) Furnance wet air pollution control.

PSNS FOR THE SECONDARY MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds of mercury processed through furnace	
Lead	0.000	0.000
Mercury	0.000	0.000

§ 421.207 [Reserved].

Subpart S—Primary Molybdenum and Rhenium Subcategory

§ 421.210 Applicability: description of the primary molybdenum and rhenium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of molybdenum and rhenium facilities.

§ 421.211 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitation representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Molybdenum sulfide leachate.

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide leached	
Arsenic	0.968	0.431
Lead	0.195	0.093
Nickle	0.889	0.588
Selenium	0.570	0.255
Molybdenum	3.060	1.583
Ammonia (as N)	61.720	27.130
Fluoride	16.210	9.214
Total suspended solids	16.980	9.029
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Roaster SO_2 scrubber.

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	3.509	1.561
Lead	0.705	0.336
Nickel	3.224	2.133
Selenium	2.065	0.924
Molybdenum	1.100	5.742
Ammonia (as N)	223.800	98.390
Fluoride	58.770	33.410
Total suspended solids	68.840	32.740
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Molybdic oxide leachate.

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum contained in molybdic oxide leached	
Arsenic	24.210	10.770
Lead	4.865	2.317
Nickel	22.240	14.710
Selenium	14.250	6.371
Molybdenum	76.570	39.620
Ammonia (as N)	1,544.000	678.800
Flouride	405.400	230.500
Total suspended solids	474.900	225.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Hydrogen reduction furnace scrubber.

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum metal powder produced	
Arsenic	47.860	21.300
Lead	9.617	4.580
Nickel	43.970	29.080
Selenium	28.170	12.600
Molybdenum	151.400	78.310
Ammonia (as N)	3,052.000	1,342.000
Fluoride	801.400	455.700
Total suspended solids	938.800	446.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Depleted rhenium scrubbing solution.

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	1.497	0.666

BPT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Lead	0.301	0.143
Nickel	1.375	0.909
Selenium	0.881	0.394
Molybdenum	4.733	2.449
Ammonia (as N)	95.440	41.960
Fluoride	25.060	14.250
Total suspended solids	29.360	13.960
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Molybdenum sulfide leachate.

BAT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds million pounds) of molybdenum sulfide leached	
Arsenic	0.644	0.287
Lead	0.130	0.060
Nickel	0.255	0.171
Selenium	0.380	0.171
Molybdenum	2.329	1.032
Ammonia (as N)	61.720	27.130
Fluoride	16.210	9.214

(b) Roaster SO_2 scrubber.

BAT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	2.334	1.041
Lead	0.470	0.218
Nickel	0.924	0.621
Selenium	1.377	0.621
Molybdenum	8.445	3.744
Ammonia (as N)	223.800	98.390
Fluoride	58.770	33.410

(c) Molybdic oxide leachate.

BAT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum contained in molybdic oxide leached	
Arsenic	16.100	7.182
Lead	3.244	1.506
Nickel	6.371	4.286
Selenium	9.499	4.286
Molybdenum	58.270	25.830
Ammonia (as N)	1,544.000	678.800
Fluoride	405.400	230.500

(d) Hydrogen reduction furnace scrubber.

BAT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum metal powder produced	
Arsenic	3.183	1.420
Lead	0.641	0.298
Nickel	1.260	0.847
Selenium	1.878	0.847
Molybdenum	11.520	5.107
Ammonia (as N)	305.300	134.200
Fluoride	80.150	45.570

(e) Depleted rhenium scrubbing solution.

BAT LIMITATIONS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	0.995	0.444
Lead	0.201	0.093
Nickel	0.394	0.265
Selenium	0.587	0.265
Molybdenum	3.601	1.597
Ammonia (as N)	95.440	41.960
Fluoride	25.060	14.250

§ 421.214 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Molybdenum sulfide leachate.

NSPS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide leached	
Arsenic	0.644	0.287
Lead	0.130	0.060
Nickel	0.255	0.171
Selenium	0.380	0.171
Molybdenum	2.329	1.032
Ammonia (as N)	61.720	27.130
Fluoride	16.210	9.214
Total suspended solids	6.945	5.556
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Roaster SO_2 scrubber.

NSPS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	2.334	1.041
Lead	0.470	0.218
Nickel	0.924	0.621
Selenium	1.377	0.621
Molybdenum	8.445	3.744
Ammonia (as N)	223.800	98.390
Fluoride	58.770	33.410
Total suspended solids	25.190	20.150
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Molybdic oxide leachate.

NSPS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum contained in molybdic oxide leached	
Arsenic	16.100	7.182
Lead	3.244	1.506
Nickel	6.371	4.286
Selenium	9.499	4.286
Molybdenum	58.270	25.830
Ammonia (as N)	1,544.000	678.800
Fluoride	405.400	230.500
Total suspended solids	173.800	139.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Hydrogen reduction furnace scrubber.

NSPS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum metal powder produced	
Arsenic	3.183	1.420
Lead	0.641	0.298
Nickel	1.260	0.847
Selenium	1.878	0.847
Molybdenum	11.520	5.107
Ammonia (as N)	305.300	134.200
Fluoride	80.150	45.570
Total suspended solids	34.350	27.480
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Depleted rhenium scrubbing solution.

NSPS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	0.995	0.444
Lead	0.201	0.093
Nickel	0.394	0.265
Selenium	0.587	0.265
Molybdenum	3.601	1.597
Ammonia (as N)	95.440	41.960
Fluoride	25.060	14.250
Total suspended solids	10.740	8.592
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.215 [Reserved].

§ 421.216 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary molybdenum and rhenium process wastewater introduced into a POTW shall not exceed the following values:

(a) Molybdenum sulfide leachate.

PSNS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide leached	
Arsenic	0.644	0.287
Lead	0.130	0.060
Nickel	0.255	0.171
Selenium	0.380	0.171
Molybdenum	2.329	1.032
Ammonia (as N)	61.720	27.130
Fluoride	16.210	9.214

(b) Roaster SO_2 scrubber.

PSNS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	2.334	1.041
Lead	0.470	0.218
Nickel	0.924	0.621
Selenium	1.377	0.621
Molybdenum	8.445	3.744
Ammonia (as N)	223.800	98.390
Fluoride	58.770	33.410

(c) Molybdic oxide leachate.

PSNS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum contained in molybdic oxide leached	
Arsenic	16.100	7.182
Lead	3.244	1.506
Nickel	6.371	4.266
Selenium	9.499	4.266
Molybdenum	58.270	25.830
Ammonia (as N)	1,544.000	678.800
Fluoride	405.400	230.500

(d) Hydrogen reduction furnace scrubber.

PSNS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum metal powder produced	
Arsenic	3.183	1.420
Lead	0.641	0.298
Nickel	1.260	0.847
Selenium	1.878	0.847
Molybdenum	11.520	5.107
Ammonia (as N)	305.300	134.200
Fluoride	80.150	45.570

(e) Depleted rhenium scrubbing solution.

PSNS FOR THE PRIMARY MOLYBDENUM AND RHENIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum sulfide roasted	
Arsenic	0.995	0.444
Lead	0.201	0.093
Nickel	0.394	0.265
Selenium	0.587	0.265
Molybdenum	3.601	1.597
Ammonia (as N)	95.440	41.960
Fluoride	25.060	14.250

§ 421.217 [Reserved].

Subpart T—Secondary Molybdenum and Vanadium Subcategory

§ 421.220 Applicability: description of the secondary molybdenum and vanadium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of molybdenum or vanadium by secondary molybdenum and vanadium facilities.

§ 421.221 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Leach tailings.

BPT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	26.210	11.660
Chromium	5.518	2.257
Lead	5.267	2.508
Nickel	24.080	15.930
Iron	15.050	7.649
Molybdenum	82.890	42.690
Ammonia (as N)	5,192.000	2,282.000
Total suspended solids	514.100	244.500
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Molybdenum filtrate solvent extraction raffinate.

BPT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	126.50	56.31
Chromium	26.64	10.90
Lead	25.43	12.11
Nickel	116.30	76.90
Iron	72.66	36.93
Molybdenum	400.20	207.10
Ammonia (as N)	25,070.00	11,020.00
Total suspended solids	2,482.00	1,181.00

BPT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Vanadium decomposition wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of vanadium produced by decomposition	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Molybdenum drying wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum produced	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Leach tailings.

BAT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	17.430	7.775
Chromium	4.640	1.881
Lead	3.511	1.630
Nickel	6.897	4.640
Iron	15.050	7.649
Molybdenum	63.080	27.960
Ammonia (as N)	5,192.000	2,282.000

(b) Molybdenum filtrate solvent extraction raffinate.

BAT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	84.160	37.540
Chromium	22.400	9.082
Lead	16.950	7.871
Nickel	33.300	22.400
Iron	72.660	36.930
Molybdenum	304.600	135.000
Ammonia (as N)	25,070.000	11,020.00

(c) Vanadium decomposition wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of vanadium produced by decomposition	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000

(d) Molybdenum drying wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum produced	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000

§ 421.224 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Leach tailings.

NSPS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	17.430	7.775
Chromium	4.640	1.881
Lead	3.511	1.630
Nickel	6.897	4.640
Iron	15.050	7.649
Molybdenum	63.080	27.960
Ammonia (as N)	5,192.000	2,282.000
Total suspended solids	188.100	150.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Molybdenum filtrate solvent extraction raffinate.

NSPS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	84.160	37.540
Chromium	22.400	9.082
Lead	16.950	7.871
Nickel	33.300	22.400
Iron	72.660	36.930
Molybdenum	304.600	135.000
Ammonia (as N)	25,070.000	11,020.000
Total suspended solids	908.200	726.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Vanadium decomposition wet air pollution control.

NSPS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Molybdenum drying wet air pollution control.

NSPS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.225 [Reserved].

§ 421.226 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary molybdenum and vanadium process wastewater introduced into a POTW shall not exceed the following values:

(a) Leach tailings.

PSNS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	17.430	7.775
Chromium	4.640	1.881
Lead	3.511	1.630
Nickel	6.897	4.649
Iron	15.050	7.649
Molybdenum	63.080	27.960
Ammonia (as N)	5,192.000	2,282.000

(b) Molybdenum filtrate solvent extraction raffinate.

PSNS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum and vanadium produced	
Arsenic	84.160	37.540
Chromium	22.400	9.082
Lead	16.950	7.871
Nickel	33.300	22.400
Iron	72.660	36.930
Molybdenum	304.600	135.000
Ammonia (as N)	25,070.000	11,020.000

(c) Vanadium decomposition wet air pollution control.

PSNS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) vanadium produced by decomposition	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000

(d) Molybdenum drying wet air pollution control.

PSNS FOR THE SECONDARY MOLYBDENUM AND VANADIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of molybdenum produced	
Arsenic	0.000	0.000
Chromium	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Iron	0.000	0.000
Molybdenum	0.000	0.000
Ammonia (as N)	0.000	0.000

§ 421.227 [Reserved].

Subpart U—Primary Nickel and Cobalt Subcategory

§ 421.230 Applicability: description of the primary nickel and cobalt subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of nickel or cobalt by primary nickel and cobalt facilities processing ore concentrate raw materials.

§ 421.231 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§421.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Raw Material dust control.

BPT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of copper, nickel, and cobalt in the crushed raw material	
Copper	0.146	0.077
Nickel	0.148	0.098
Ammonia (as N)	10.260	4.512
Cobalt	0.016	0.007
Total suspended solids	3.157	1.502
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Nickel wash water.

BPT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel powder washed	
Copper	0.064	0.034
Nickel	0.065	0.043
Ammonia (as N)	4.515	1.985
Cobalt	0.007	0.003
Total suspended solids	1.389	0.660
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Nickel reduction decant.

BPT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel produced	
Copper	24.120	12.700
Nickel	24.370	16.120
Ammonia (as N)	1,692.000	743.900
Cobalt	2.666	1.143
Total suspended solids	520.500	247.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Cobalt reduction decant.

BPT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	40.660	21.400
Nickel	41.080	27.180
Ammonia (as N)	2,852.000	1,254.000
Cobalt	4.494	1.926
Total suspended solids	877.300	417.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Raw material dust control.

BAT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of copper, nickel, and cobalt in the crushed raw material	
Copper	0.099	0.047
Nickel	0.042	0.028
Ammonia (as N)	10.260	4.512
Cobalt	0.011	0.005

(d) Nickel wash water.

BAT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel powder washed	
Copper	0.043	0.021
Nickel	0.019	0.013
Ammonia (as N)	4.515	1.985
Cobalt	0.005	0.002

(c) Nickel reduction decant.

BAT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel produced	
Copper	16.250	7.744
Nickel	6.982	4.697
Ammonia (as N)	1,692.000	743.900
Cobalt	1.777	0.889

(d) Cobalt reduction decant.

BAT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	27.390	13.050

BAT LIMITATIONS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Nickel	11.770	7.917
Ammonia (as N)	2,852.000	1,254.000
Cobalt	2.996	1.498

§ 421.234 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Raw Material Dust Control.

NSPS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of copper, nickel, and cobalt in the crushed raw material	
Copper	0.099	0.047
Nickel	0.042	0.028
Ammonia (as N)	10.260	4.512
Cobalt	0.011	0.005
Total suspended solids	1.155	0.924
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

(b) Nickel wash water.

NSPS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel powder washed	
Copper	0.043	0.021
Nickel	0.019	0.013
Ammonia (as N)	4.515	1.985
Cobalt	0.005	0.002
Total suspended solids	0.508	0.406
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

(c) Nickel reduction decant.

NSPS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel produced	
Copper	16.250	7.744
Nickel	6.982	4.697
Ammonia (as N)	1,692.000	743.900
Cobalt	1.777	0.889
Total suspended solids	190.400	152.300
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

(d) Cobalt reduction decant.

NSPS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	27.390	13.050
Nickel	11.770	7.917
Ammonia (as N)	2,852.000	1,254.000
Cobalt	2.996	1.498
Total suspended solids	321.000	256.800
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.235 [Reserved].

§ 421.236 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with a 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary nickel and cobalt process wastewater introduced into a POTW shall not exceed the following values:

(a) Raw material dust control.

PSNS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of copper, nickel, and cobalt in the crushed raw material	
Copper	0.099	0.047
Nickel	0.042	0.028
Ammonia (as N)	10.260	4.512
Cobalt	0.011	0.005

(b) Nickel wash water.

PSNS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of nickel powder washed	
Copper	0.043	0.021
Nickel	0.019	0.013
Ammonia (as N)	4.515	1.985
Cobalt	0.005	0.002

(c) Nickel reduction decant.

PSNS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) nickel produced	
Copper	16.250	7.744
Nickel	6.982	4.697
Ammonia (as N)	1,692.000	743.900
Cobalt	1.777	0.889

(d) Cobalt reduction decant.

PSNS FOR THE PRIMARY NICKEL AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	27.390	13.050
Nickel	11.770	7.917
Ammonia (as N)	2,852.000	1,254.000
Cobalt	2.996	1.498

§ 421.237 [Reserved].

Subpart V—Secondary Nickel Subcategory

§ 421.240 Applicability: description of the secondary nickel subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of nickel by secondary nickel facilities processing slag, spent acids, or scrap metal raw materials.

§ 421.241 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.242 [Reserved].

§ 421.243 [Reserved].

§ 421.244 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Slag reclaim tailings.

NSPS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of slag input to reclaim process	
Chromium (total)	5.653	2.313
Copper	24.410	12.850
Nickel	24.670	16.320
Total suspended solids	526.800	250.500
pH	[1]	[1]

[1] Within the range of 7.5 to 10.0 at all times.

(b) Acid reclaim leaching filtrate.

NSPS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	2.198	0.899
Copper	9.491	4.995
Nickel	9.590	6.344
Total suspended solids	204.800	97.400
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Acid reclaim leaching belt filter backwash.

NSPS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	0.528	0.216
Copper	2.278	1.199
Nickel	2.302	1.523
Total suspended solids	49.160	23.380
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.245 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in secondary nickel process wastewater introduced into a POTW must not exceed the following values:

(a) Slag reclaim tailings.

PSES FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of slag input to reclaim process	
Chromium (total)	5.653	2.313
Copper	24.410	12.850
Nickel	24.670	16.320

(b) Acid reclaim leaching filtrate.

PSES FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	2.198	0.899
Copper	9.491	4.995
Nickel	9.590	6.344

(c) Acid reclaim leaching belt filter backwash

PSES FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	0.528	0.216
Copper	2.278	1.199
Nickel	2.302	1.523

§ 421.246 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary nickel process wastewater introduced into a POTW shall not exceed the following values:

(a) Slag reclaim tailings.

PSNS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of slag input to reclaim process	
Chromium (total)	5.653	2.313
Copper	24.410	12.850
Nickel	24.670	16.320

(b) Acid reclaim leaching filtrate.

PSNS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	2.198	0.899
Copper	9.491	4.995
Nickel	9.590	6.344

(c) Acid reclaim leaching belt filter backwash.

PSNS FOR THE SECONDARY NICKEL SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of acid reclaim nickel produced	
Chromium (total)	0.528	0.216
Copper	2.278	1.199
Nickel	2.302	1.523

§ 421.247 [Reserved].

Subpart W—Primary Precious Metals and Mercury Subcategory

§ 421.250 Applicability: description of the primary precious metals and mercury subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of gold, silver, or mercury by primary precious metals and mercury facilities.

§ 421.251 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.252 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Smelter wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold and silver smelted	
Lead	0.546	0.260
Mercury	0.325	0.130
Silver	0.533	0.221
Zinc	1.896	0.793
Gold	0.130	
Oil and grease	26.000	15.600
Total suspended solids	53.300	25.350
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Silver chloride reduction spent solution.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver reduced in solution	
Lead	0.168	0.080
Mercury	0.100	0.040
Silver	0.164	0.066
Zinc	0.584	0.244
Gold	0.040	
Oil and grease	8.000	4.800
Total suspended solids	16.400	7.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Electrolytic cells wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold refined electrolytically	
Lead	83.160	39.600
Mercury	49.500	19.800
Silver	81.180	33.660
Zinc	289.100	120.600
Gold	19.800	
Oil and grease	3,960.000	2,376.000
Total suspended solids	8,118.000	3,661.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Electrolyte preparation wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver in electrolyte produced	
Lead	0.021	0.010
Mercury	0.013	0.005
Silver	0.021	0.009
Zinc	0.073	0.031
Gold	0.005	
Oil and Grease	1.000	0.600
Total suspended solids	2.050	0.975
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Calciner wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	78.200	37.240
Mercury	46.550	18.620
Silver	76.340	31.650
Zinc	271.900	113.600
Gold	18.600	
Oil and Grease	3,724.000	2,234.000
Total suspended solids	7,634.000	3,831.000

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Calcine quench water.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	7.392	3.520
Mercury	4.400	1.760
Silver	7.216	2.992
Zinc	25.700	10.740
Gold	1.760	
Oil and Grease	352.000	211.200
Total suspended solids	721.600	343.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Calciner stack gas contact cooling water.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	1.743	0.830
Mercury	1.038	0.415
Silver	1.702	0.706
Zinc	6.059	2.532
Gold	0.415	
Oil and Grease	83.000	49.800
Total suspended solids	170.200	80.930
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Condenser blowdown.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	5.796	2.760
Mercury	3.450	1.380
Silver	5.658	2.346
Zinc	20.150	8.418
Gold	1.380	
Oil and Grease	276.000	165.600
Total suspended solids	565.800	269.100
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Mercury cleaning bath water.

BPT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	0.588	0.280
Mercury	0.350	0.140
Silver	0.574	0.238
Zinc	2.044	0.854
Gold	0.140	
Oil and Grease	28.000	16.800
Total suspended solids	57.400	27.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.253 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Smelter wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold and silver smelted	
Lead	0.364	0.169
Mercury	0.196	0.078
Silver	0.377	0.156
Zinc	1.326	0.546
Gold	0.130	

(b) Silver chloride reduction spent solution.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver reduced in solution	
Lead	0.112	0.052
Mercury	0.060	0.024
Silver	0.116	0.048
Zinc	0.408	0.168
Gold	0.040	

(c) Electrolytic cells wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold refined electrolytically	
Lead	5.544	2.574
Mercury	2.970	1.188
Silver	5.742	2.376
Zinc	20.200	8.316
Gold	1.980	

(d) Electrolyte preparation wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver in electrolyte produced	
Lead	0.014	0.007
Mercury	0.008	0.003
Silver	0.015	0.006
Zinc	0.051	0.021
Gold	0.005	

(e) Calciner Wet Air Pollution Control.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	6.160	2.860
Mercury	3.300	1.320
Silver	6.380	2.640
Zinc	22.440	9.240
Gold	2.200	

(f) Calcine quench water.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	4.928	2.288
Mercury	2.640	1.056
Silver	5.104	2.112
Zinc	17.950	7.392
gold	1.760	

(g) Calciner stack gas contact cooling water.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	1.162	0.540
Mercury	0.623	0.249
Silver	1.204	0.496
Zinc	4.203	1.743
gold	0.415	

(h) Condenser blowdown.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	3.864	1.794
Mercury	2.070	0.828
Silver	4.002	1.656
Zinc	14.080	5.796
gold	1.380	

(i) Mercury cleaning bath water.

BAT LIMITATIONS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	0.392	0.182
Mercury	0.210	0.084
Silver	0.406	0.168
Zinc	1.428	0.588
Gold	0.140	

§ 421.254 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Smelter wet air pollution control.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold and silver smelted	
Lead	0.364	0.169
Mercury	0.195	0.078
Silver	0.377	0.156
Zinc	1.326	0.546
Gold	0.130	
Oil and Grease	13.000	13.000
Total suspended solids	19.500	15.600
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Silver chloride reduction spent solution.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver reduced in solution	
Lead	0.112	0.052
Mercury	0.060	0.024
Silver	0.116	0.048
Zinc	0.408	0.168
Gold	0.040	
Oil and Grease	4.000	4.000
Total suspended solids	6.000	4.800
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Electrolytic cells wet air pollution control.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold refined electrolytically	
Lead	5.544	2.574
Mercury	2.970	1.188
Silver	5.742	2.376
Zinc	20.200	8.316
Gold	1.980	
Oil and Grease	198.000	198.000
Total suspended solids	297.000	237.600
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Electrolyte preparation wet air pollution control.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver in electrolyte produced	
Lead	0.014	0.007
Mercury	0.008	0.003
Silver	0.015	0.006
Zinc	0.051	0.021
Gold	0.005	
Oil and Grease	0.500	0.500
Total suspended solids	0.750	0.600
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Calciner wet air pollution control.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	6.160	2.860
Mercury	3.300	1.320
Silver	6.380	2.640
Zinc	22.440	9.240

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Gold	2.200	
Oil and Grease	220.000	220.000
Total suspended solids	330.000	264.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Calcine quench water.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	4.928	2.288
Mercury	2.640	1.056
Silver	5.104	2.112
Zinc	17.950	7.392
Gold	1.760	
Oil and Grease	176.000	176.000
Total suspended solids	264.000	211.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Calciner stack gas contract cooling water.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) or mercury condensed	
Lead	1.162	0.540
Mercury	0.623	0.249
Silver	1.204	0.498
Zinc	4.233	1.743
Gold	0.415	
Oil and Grease	41.500	41.500
Total suspended solids	62.250	49.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Condenser blowdown.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condenses	
Lead	3.864	1.794
Mercury	2.070	0.828
Silver	4.002	1.656
Zinc	14.080	5.796
Gold	1.380	
Oil and Grease	138.000	138.000
Total suspended solids	207.000	165.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Mercury cleaning bath water.

NSPS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of Mercury condensed	
Lead	0.392	0.182
Mercury	0.210	0.084
Silver	0.406	0.168
Zinc	1.426	0.588
Gold	0.140	
Oil and Grease	14.000	14.000
Total suspended solids	21.000	16.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.255 [Reserved].

§ 421.256 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary precious metals and mercury process wastewater introduced into a POTW shall not exceed the following values:

(a) Smelter wet air pollution control.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold and silver smelted	
Lead	0.364	0.169
Mercury	0.195	0.078
Silver	0.377	0.156
Zinc	1.326	0.546
Gold	0.130	

(b) Silver chloride reduction spent solution.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver reduced in solution	
Lead	0.112	0.052
Mercury	0.060	0.024
Silver	0.116	0.048
Zinc	0.408	0.168
Gold	0.040	

(c) Electrolytic cells wet air pollution control.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold refined electrolytically	
Lead	5.544	2.574
Mercury	2.970	1.188
Silver	5.742	2.376
Zinc	20.200	8.316
Gold	1.980	

(d) Electrolyte preparation wet air pollution control.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of silver in electrolyte produced	
Lead	0.014	0.007
Mercury	0.008	0.003
Silver	0.015	0.006
Zinc	0.051	0.021
Gold	0.005	

(e) Calciner wet air pollution control.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	6.160	2.860
Mercury	3.300	1.320
Silver	6.380	2.640
Zinc	22.440	9.240
Gold	2.200	

(f) Calcine quench water.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	4.928	2.288
Mercury	2.640	1.056
Silver	5.104	2.112
Zinc	17.950	7.392
Gold	1.760	

(g) Calciner stack gas contact cooling water.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	1.162	0.540
Mercury	0.623	0.249
Silver	1.204	0.498
Zinc	4.233	1.743
Gold	0.415	

(h) Condenser blowdown.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	3.864	1.794
Mercury	2.070	0.828
Silver	4.002	1.656
Zinc	14.080	5.656
Gold	1.380	

(i) Mercury cleaning bath water.

PSNS FOR THE PRIMARY PRECIOUS METALS AND MERCURY SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mercury condensed	
Lead	0.392	0.182
Mercury	0.210	0.084
Silver	0.406	0.168
Zinc	1.428	0.588
Gold	0.140	

§ 421.257 [Reserved].

Subpart X—Secondary Precious Metals Subcategory

§ 421.260 Applicability: description of the secondary precious metals subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of precious metals at secondary precious metals facilities.

§ 421.261 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "precious metals" shall mean gold, platinum, palladium, rhodium, iridium, osmium, and ruthenium.

§ 421.262 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Furnace wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated or smelted	
Copper	136.400	71.800
Cyanide (total)	20.820	8.616
Zinc	104.800	43.800
Ammonia (as N)	9,571.000	4,207.000
Gold	7.180	
Platinum	7.180	
Palladium	7.180	
Total suspended solids	2,944.000	1,400.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Raw material granulation.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metal in the granulated raw material	
Copper	12.050	6.340
Cyanide (total)	1.839	0.761
Zinc	9.256	3.867
Ammonia (as N)	845.100	371.500
Gold	0.634	
Platinum	0.634	
Palladium	0.634	
Total suspended solids	259.900	123.600
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Spent plating solutions.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/liter of spent plating solution used as a raw material	
Copper	1.900	1.000
Cyanide (total)	0.290	0.120
Zinc	1.460	0.610
Ammonia (as N)	133.300	58.600
Gold	0.100	
Platinum	0.100	
Palladium	0.100	
Total suspended solids	41.000	19.500
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Spent cyanide stripping solutions.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by cyanide stripping	
Copper	7.030	3.700
Cyanide (total)	1.073	0.444
Zinc	5.402	2.257
Ammonia (as N)	493.200	216.800
Gold	0.370	
Platinum	0.370	
Palladium	0.370	
Total suspended solids	151.700	72.150
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Refinery wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	39.900	21.000
Cyanide (total)	6.090	2.520
Zinc	30.660	12.810
Ammonia (as N)	2,799.000	1,231.000
Gold	2.100	
Platinum	2.100	
Palladium	2.100	
Total suspended solids	861.000	409.500
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at alltimes.

(f) Gold solvent extraction raffinate and wash water.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by solvent extraction	
Copper	1.197	0.630
Cyanide (total)	0.183	0.076
Zinc	0.920	0.384
Ammonia (as N)	83.980	36.920
Gold	0.063	
Platinum	0.063	
Palladium	0.063	
Total suspended solids	25.830	12.290
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(g) Gold spent electrolyte.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by electrolysis	
Copper	0.017	0.009
Cyanide (total)	0.003	0.001

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Zinc	0.103	0.005
Ammonia (as N)	1.160	0.510
Gold	0.001	
Platinum	0.001	
Palladium	0.001	
Total suspended solids	0.357	0.170
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(h) Gold precipitation and filtration.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold precipitated	
Copper	8.360	4.400
Cyanide (total)	1.276	0.528
Zinc	6.424	2.684
Ammonia (as N)	586.500	257.800
Gold	0.440	
Platinum	0.440	
Palladium	0.440	
Total suspended solids	160.400	65.800
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(i) Platinum precipitation and filtration.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	9.880	5.200
Cyanide (total)	1.508	0.624
Zinc	7.592	3.172
Ammonia (as N)	693.200	304.700
Gold	0.520	
Platinum	0.520	
Palladium	0.520	
Total suspended solids	213.200	101.400
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(j) Palladium precipitation and filtration.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of palladium precipitated	
Copper	6.650	3.500
Cyanide (total)	1.015	0.420
Zinc	5.110	2.135
Ammonia (as N)	466.600	205.100
Gold	0.350	
Platinum	0.350	
Palladium	0.350	
Total suspended solids	143.500	68.250
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(k) Other platinum group metals precipitation and filtration.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of other platinum group metals precipitated	
Copper	9.880	5.200
Cyanide (total)	1.508	0.624
Zinc	7.592	3.172
Ammonia (as N)	693.200	304.700
Gold	0.520	
Platinum	0.520	
Palladium	0.520	
Total suspended solids	213.200	101.400
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(l) Spent solution from PGC salt production.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold contained in PGC product	
Copper	1.710	0.900
Cyanide (total)	0.261	0.108
Zinc	1.314	0.549
Ammonia (as N)	120.000	52.740
Gold	0.090	
Platinum	0.090	
Palladium	0.090	
Total suspended solids	36.900	17.550
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(m) Equipment and floor wash.

BPT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Zinc	0.000	0.000
Ammonia (as N)	0.000	0.000
Gold	0.000	0.000
Platinum	0.000	0.000
Palladium	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.263 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Furnace wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated or smelted	
Copper	5.760	2.745
Cyanide (total)	0.900	0.360
Zinc	4.590	1.890
Gold	0.450	
Palladium	0.450	
Platinum	0.450	
Ammonia (as N)	599.900	263.700

(b) Raw material granulation.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals in the granulated raw material	
Copper	0.819	0.390
Cyanide (total)	0.126	0.051
Zinc	0.653	0.269
Gold	0.064	
Palladium	0.064	
Platinum	0.064	
Ammonia (as N)	85.310	37.500

(c) Spent plating solutions.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/liter of spent plating solution used as a raw material	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600

(d) Spent cyanide stripping solutions.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by cyanide stripping	
Copper	4.736	2.257
Cyanide (total)	0.740	0.296
Zinc	3.774	1.554
Gold	0.370	
Palladium	0.370	
Platinum	0.370	
Ammonia (as N)	493.200	216.800

(e) Refinery wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	56.600

(f) Gold solvent extraction raffinate and wash water.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by solvent extraction	
Copper	0.806	0.384
Cyanide (total)	0.126	0.050
Zinc	0.643	0.265
Gold	0.063	
Palladium	0.063	
Platinum	0.063	
Ammonia (as N)	83.980	36.920

(g) Gold spent electrolyte.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by electrolysis	
Copper	0.0111	0.0053
Cyanide (total)	0.0017	0.0007
Zinc	0.0089	0.0037
Gold	0.0010	
Palladium	0.0010	
Platinum	0.0010	
Ammonia (as N)	1.1600	0.5100

(h) Gold precipitation and filtration.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold precipitated	
Copper	5.632	2.684
Cyanide (total)	0.880	0.352
Zinc	4.488	1.848
Gold	0.440	
Palladium	0.440	
Platinum	0.440	
Ammonia (as N)	586.500	257.800

(i) Platinum precipitation and filtration.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700

(j) Palladium precipitation and filtration.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of palladium precipitated	
Copper	4.480	2.135
Cyanide (total)	0.700	0.280
Zinc	3.570	1.470
Gold	0.350	
Palladium	0.350	
Platinum	0.350	
Ammonia (as N)	466.600	205.100

(k) Other platinum group metals precipitation and filtration.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of other platinum group metals precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	0.520
Ammonia (as N)	693.200	304.700

(l) Spent solutions from PGC salt production.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold contained in PGC product	
Copper	1.152	0.549
Cyanide (total)	0.180	0.072
Zinc	0.918	0.378
Gold	0.090	
Palladium	0.090	
Platinum	0.090	
Ammonia (as N)	120.000	52.740

(m) Equipment and floor wash.

BAT LIMITATIONS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Zinc	0.000	0.000
Gold	0.000	
Palladium	0.000	
Platinum	0.000	
Ammonia (as N)	0.000	0.000

§ 421.264 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Furnace wet air pollution control.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated or smelted	
Copper	5.760	2.745
Cyanide (total)	0.900	0.360
Zinc	4.590	1.890
Gold	0.450	
Palladium	0.450	
Platinum	0.450	
Ammonia (as N)	599.900	263.700
Total suspended solids	67.500	54.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Raw material granulation.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals in the granulated raw material	
Copper	0.819	0.390
Cyanide (total)	0.128	0.051
Zinc	0.653	0.269
Gold	0.064	
Palladium	0.064	
Platinum	0.064	
Ammonia (as N)	85.310	37.500
Total suspended solids	9.600	7.680
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Spent plating solutions.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/liter of spent plating solution used as a raw material	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600
Total suspended solids	15.000	12.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Spent cyanide stripping solutions.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by cyanide stripping	
Copper	4.736	2.257
Cyanide (total)	0.740	0.296
Zinc	3.774	1.554
Gold	0.370	
Palladium	0.370	
Platinum	0.370	
Ammonia (as N)	493.200	216.800
Total suspended solids	55.500	44.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Refinery wet air pollution control.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600
Total suspended solids	15.000	12.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Gold solvent extraction raffinate and wash water.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by solvent extraction	
Copper	0.806	0.384
Cyanide (total)	0.126	0.050
Zinc	0.643	0.265

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Gold	0.063	
Palladium	0.063	
Platinum	0.063	
Ammonia (as N)	83.960	36.920
Total suspended solids	9.450	7.560
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Gold spent electrolyte.

NSPS FOR THE SECONDARY PRECIUOS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by electrolysis	
Copper	0.011	0.005
Cyanide (total)	0.002	0.001
Gold	0.001	
Palladium	0.001	
Platinum	0.001	
Zinc	0.009	0.004
Ammonia (as N)	1.160	0.510
Total suspended solids	0.131	0.104
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Gold precipitation and filtration.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold precipitated	
Copper	5.632	2.684
Cyanide (total)	0.880	0.352
Zinc	4.488	1.848
Gold	0.440	
Palladium	0.440	
Platinum	0.440	
Ammonia (as N)	586.500	257.800
Total suspended solids	66.00	52.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Platinum precipitation and filtration.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700
Total suspended solids	78.000	62.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Palladium precipitation and filtration.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of palladium precipitated	
Copper	4.480	2.135
Cyanide (total)	0.700	0.260
Zinc	3.570	1.470
Gold	0.350	
Palladium	0.350	
Platinum	0.350	
Ammonia (as N)	466.600	205.100
Total suspended solids	52.500	42.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Other platinum group metals precipitation and filtration.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of other platinum group metals precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700
Total suspended solids	78.000	62.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(l) Spent solution from PGC salt production.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold contained in PGC product	
Copper	1.152	0.549
Cyanide (total)	0.180	0.072
Zinc	0.918	0.378
Gold	0.090	
Palladium	0.090	
Platinum	0.090	
Ammonia (as N)	120.000	52.740
Total suspended solids	13.500	10.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(m) Equipment and floor wash.

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Zinc	0.000	0.000
Gold	0.000	

NSPS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Palladium	0.000	
Platinum	0.000	
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.265 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in secondary precious metals process wastewater introduced into a POTW must not exceed the following values:

(a) Furnace wet air pollution control.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated or smelted	
Copper	5.760	2.745
Cyanide (total)	0.900	0.360
Zinc	4.590	1.890
Gold	0.450	
Palladium	0.450	
Platinum	0.450	
Ammonia (as N)	599.900	263.700

(b) Raw material granulation.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals in the granulated raw material	
Copper	0.819	0.390
Cyanide (total)	0.128	0.051
Zinc	0.653	0.269
Gold	0.064	
Palladium	0.064	
Platinum	0.064	
Ammonia (as N)	85.310	37.500

(c) Spent plating solutions.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/liter of spent plating solution used as a raw material	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600

(d) Spent Cyanide stripping solutions.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by cyanide stripping	
Copper	4.736	2.257
Cyanide (total)	0.740	0.296
Zinc	3.774	1.554
Gold	0.370	
Palladium	0.370	
Platinum	0.370	
Ammonia (as N)	493.200	216.800

(e) Refinery wet air pollution control.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600

(f) Gold solvent extraction raffinate and wash water.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by solvent extraction	
Copper	0.806	0.384
Cyanide (total)	0.126	0.050
Zinc	0.643	0.265
Gold	0.063	
Palladium	0.063	
Platinum	0.063	
Ammonia (as N)	83.980	36.920

(g) Gold spent electrolyte.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by electrolysis	
Copper	0.011	0.005
Cyanide (total)	0.002	0.001
Zinc	0.009	0.004
Gold	0.001	
Palladium	0.001	
Platinum	0.001	
Ammonia (as N)	1.160	0.510

(h) Gold precipitation and filtration.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold precipitated	
Copper	5.632	2.684
Cyanide (total)	0.860	0.352
Zinc	4.488	1.848
Gold	0.440	
Palladium	0.440	
Platinum	0.440	
Ammonia (as N)	586.500	257.800

(i) Platinum precipitation and filtration.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700

(j) Palladium precipitation and filtration.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of palladium precipitated	
Copper	4.480	2.135
Cyanide (total)	0.700	0.280
Zinc	3.570	1.470
Gold	0.350	
Palladium	0.350	
Platinum	0.350	
Ammonia (as N)	466.600	205.100

(k) Other platinum group metals precipitation and filtration.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of other platinum group metals precipitated	
Copper	6.856	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700

(l) Spent solution from PGC salt production.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold contained in PGC product	
Copper	1.152	0.549
Cyanide (total)	0.180	0.072
Zinc	0.918	0.378
Gold	0.090	
Palladium	0.090	
Platinum	0.090	
Ammonia (as N)	120.000	52.740

(m) Equipment and floor wash.

PSES FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Zinc	0.000	0.000
Gold	0.000	
Palladium	0.000	
Platinum	0.000	
Ammonia (as N)	0.000	0.000

§ 421.266 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary precious metals process wastewater introduced into a POTW shall not exceed the following values:

(a) Furnace wet air pollution control.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, incinerated or smelted	
Copper	5.760	2.745
Cyanide (total)	0.900	0.360
Zinc	4.590	1.890
Gold	0.450	
Palladium	0.450	
Platinum	0.450	
Ammonia (as N)	509.900	263.700

(b) Raw material granulation.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, in the granulated raw material	
Copper	0.819	0.390
Cyanide (total)	0.128	0.051
Zinc	0.653	0.269
Gold	0.064	
Palladium	0.064	
Platinum	0.064	
Ammonia	85.310	37.500

(c) Spent plating solutions.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/liter of spent plating solution used as a raw material	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600

(d) Spent cyanide stripping solutions.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by cyanide stripping	
Copper	4.736	2.257
Cyanide (total)	0.740	0.296
Zinc	3.774	1.554
Gold	0.370	
Palladium	0.370	
Platinum	0.370	
Ammonia (as N)	493.200	216.800

(e) Refinery wet air pollution control.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	1.280	0.610
Cyanide (total)	0.200	0.080
Zinc	1.020	0.420
Gold	0.100	
Palladium	0.100	
Platinum	0.100	
Ammonia (as N)	133.300	58.600

(f) Gold solvent extraction raffinate and wash water.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by solvent extraction	
Copper	0.806	0.384
Cyanide (total)	0.126	0.050
Zinc	0.643	0.265
Gold	0.063	
Palladium	0.063	
Platinum	0.063	
Ammonia (as N)	83.980	36.920

(g) Gold spent electrolyte.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold produced by electrolysis	
Copper	0.011	0.005
Cyanide (total)	0.002	0.001
Zinc	0.009	0.004
Gold	0.001	
Palladium	0.001	
Platinum	0.001	
Ammonia (as N)	1.160	0.510

(h) Gold precipitation and filtration.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold precipitated	
Copper	5.632	2.684
Cyanide (total)	0.880	0.352
Zinc	4.486	1.848
Gold	0.440	
Palladium	0.440	
Platinum	0.440	
Ammonia (as N)	586.500	257.800

(i) Platinum precipitation and filtration.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700

(j) Palladium precipitation and filtration.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of platinum precipitated	
Copper	4.480	2.135
Cyanide (total)	0.700	0.280
Zinc	3.570	1.470
Gold	0.350	
Palladium	0.350	
Platinum	0.350	
Ammonia (as N)	466.600	205.100

(k) Other platinum group metals precipitation and filtration.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of other platinum group metals precipitated	
Copper	6.656	3.172
Cyanide (total)	1.040	0.416
Zinc	5.304	2.184
Gold	0.520	
Palladium	0.520	
Platinum	0.520	
Ammonia (as N)	693.200	304.700

(l) Spent solution from PGC salt production.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of gold contained in PGC product	
Copper	1.152	0.549
Cyanide (total)	0.180	0.072
Zinc	0.918	0.378
Gold	0.090	
Palladium	0.090	
Platinum	0.090	
Ammonia (as N)	120.000	52.740

(m) Equipment and floor wash.

PSNS FOR THE SECONDARY PRECIOUS METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/troy ounce of precious metals, including silver, produced in refinery	
Copper	0.000	0.000
Cyanide (total)	0.000	0.000
Zinc	0.000	0.000
Gold	0.000	
Palladium	0.000	
Platinum	0.000	
Ammonia (as N)	0.000	0.000

§ 421.267 [Reserved].

Subpart Y—Primary Rare Earth Metals Subcategory

§ 421.270 Applicability: description of the primary rare earth metals subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of rare earth metals and mischmetal by primary rare earth metals facilities processing rare earth metal oxides, chlorides, and fluorides.

§ 421.271 Specialized definitions.

In addition to what is provided below: (a) The general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart. (b) The term "rare earth metals" refers to the elements scandium, yttrium, and lanthanum to lutetium, inclusive. (c) The term "mischmetal" refers to a rare earth metal alloy comprised of the natural mixture of rare earths to about 94–99 percent. The balance of tha alloy includes traces of other elements and one to two percent iron.

§ 421.272 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Dryer vent water quench and scrubber.

BPT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Chromium (total)	4.648	1.901
Lead	4.436	2.113
Nickel	20.280	13.420
Total suspended	433.100	206.000
PH solids	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Dryer vent caustic wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutsnt property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds) of mischmetal produced from wet rare earth chlorides	
Chromium (total)	0.323	0.132
Lead	0.308	0.147
Nickel	1.409	0.932
Total suspended solids	30.090	14.310
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Electrolytic cell water quench and scrubber.

BPT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds) of mischmetal produced	
Chromium (total)	5.580	2.283
Lead	5.326	2.536
Nickel	24.350	16.110
Total suspended solids	520.000	247.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Electrolytic cell caustic wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per/million pounds) of total mischmetal produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Sodium Hypochlorite Filter Backwash.

BPT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced	
Chromium (total)	0.159	0.065
Lead	0.152	0.072
Nickel	0.695	0.460
Total suspended solids	14.840	7.059
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.273 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Dryer vent quench and scrubber.

BAT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.042	0.042
Chromium (total)	1.544	0.626
Lead	1.168	0.542
Nickel	2.295	1.544

(b) Dryer Vent Caustic Wet Air Pollution Control.

BAT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.007	0.007
Chromium (total)	0.272	0.110
Lead	0.206	0.095
Nickel	0.404	0.272

(c) Electrolytic Cell Water Quench and Scrubber.

BAT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.094	0.094
Chromium (total)	3.474	1.409
Lead	2.629	1.221
Nickel	5.165	3.474

(d) Electrolytic Cell Caustic Wet Air Pollution Control.

BAT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.000	0.000
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Nickel	0.000	0.000

(e) Sodium Hypochlorite Filter Backwash.

BAT LIMITATIONS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.004	0.004
Chromium (total)	0.134	0.054
Lead	0.101	0.047
Nickel	0.199	0.134

§ 421.274 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Dryer Vent Water Quench and Scrubber.

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.042	0.042
Chromium (total)	1.544	0.626
Lead	1.168	0.542
Nickel	2.295	1.544
Total suspended solids	62.600	50.080
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Dryer vent caustic wet air pollution control.

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.007	0.007
Chromium (total)	0.272	0.110
Lead	0.206	0.095
Nickel	0.404	0.272
Total suspended solids	11.010	8.508
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Electrolytic cell water quench and scrubber.

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.094	0.094
Chromium (total)	3.474	1.409
Lead	2.629	1.221
Nickel	5.165	3.474
Total suspended solids	140.900	112.700
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Electrolytic cell caustic wet air pollution control.

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.000	0.000
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Sodium hypochlorite filter backwash.

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.004	0.004
Chromium (total)	0.134	0.054
Lead	0.101	0.047
Nickel	0.199	0.134

NSPS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Total suspended solids	5.430	4.334
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.275 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in primary rare earth metals process wastewater introduced into a POTW must not exceed the following values:

(a) Dryer vent water quench scrubber.

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.042	0.042
Chromium (total)	1.544	0.626
Lead	1.168	0.542
Nickel	2.295	1.544

(b) Dryer Vent Caustic Wet Air Pollution Control.

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.007	0.007
Chromium (total)	0.272	0.110
Lead	0.206	0.095
Nickel	0.404	0.272

(c) Electrolytic cell water quench and scrubber.

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.094	0.094
Chromium (total)	3.474	1.409

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Lead	2.629	1.221
Nickel	5.165	3.474

(d) Electrolytic cell caustic wet air pollution control.

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.000	0.000
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000

(e) Sodium hypochlorite filter backwash.

PSES FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.004	0.004
Chromium (total)	0.134	0.054
Lead	0.101	0.047
Nickel	0.199	0.134

§ 421.276 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary rare earth metals process wastewater introduced into a POTW shall not exceed the following values:

(a) Dryer vent water quench and scrubber.

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.042	0.042
Chromium (total)	1.544	0.626
Lead	1.168	0.542

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Nickel	2.295	1.544

(b) Dryer vent caustic wet air pollution control.

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of mischmetal produced from wet rare earth chlorides	
Hexachlorobenzene	0.007	0.007
Chromium (total)	0.272	0.110
Lead	0.206	0.095
Nickel	0.404	0.272

(c) Electrolytic cell water quench and scrubber.

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.094	0.094
Chromium (total)	3.474	1.409
Lead	2.629	1.221
Nickel	5.165	3.474

(d) Electrolytic cell caustic wet air pollution control.

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.000	0.000
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000

(e) Sodium hypochlorite filter backwash.

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of total mischmetal produced	
Hexachlorobenzene	0.004	0.004
Chromium (total)	0.134	0.054

PSNS FOR THE PRIMARY RARE EARTH METALS SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Lead	0.101	0.047
Nickel	0.199	0.134

§ 421.277 [Reserved].

Subpart Z—Secondary Tantalum Subcategory

§ 421.280 Applicability: description of the secondary Tantalum subcategory

The provisions of this subpart are applicable to discharges resulting from the production of tantalum at secondary tantalum facilities.

§ 421.281 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 421.282 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Tantalum alloy leach and rinse.

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	438.100	230.600
Lead	96.850	46.120
Nickel	442.800	292.900
Zinc	336.700	140.700
Tantalum	103.800	
Total suspended solids	9,455.000	4,497.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Capacitor leach and rinse.

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced from leaching	
Copper	38.380	20.200
Lead	8.484	4.040

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Nickel	38.780	25.650
Zinc	29.490	12.320
Tantalum	9.090	
Total suspended solids	826.200	393.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Tantalum sludge leach and rinse.

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	390.100	205.300
Lead	86.230	41.060
Nickel	394.200	260.700
Zinc	299.700	125.200
Tantalum	92.390	
Total suspended solids	8,417.000	4,003.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Tantalum powder acid wash and rinse.

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	0.665	0.350
Lead	0.147	0.070
Nickel	0.672	0.445
Zinc	0.511	0.214
Tantalum	0.158	
Total suspended solids	14.350	6.825
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Leaching wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	9.272	4.880
Lead	2.050	0.976
Nickel	9.370	6.196
Zinc	7.125	2.977
Tantalum	2.196	
Total suspended solids	200.100	95.160
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.283 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Tantalum alloy leach and rinse.

BAT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	295.200	140.700
Lead	64.570	29.980
Nickel	126.800	85.320
Zinc	235.200	96.850
Tantalum	103.800	

(b) Capacitor leach and rinse.

BAT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced from leaching	
Copper	25.860	12.320
Lead	5.656	2.626
Nickel	11.110	7.474
Zinc	20.600	8.484
Tantalum	9.090	

(c) Tantalum sludge leach and rinse.

BAT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	262.800	125.200
Lead	57.480	26.690
Nickel	112.900	75.960
Zinc	209.400	86.230
Tantalum	92.390	

(d) Tantalum powder acid wash and rinse.

BAT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	0.448	0.214
Lead	0.098	0.046
Nickel	0.193	0.130
Zinc	0.357	0.147
Tantalum	0.158	

(e) Leaching wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	6.246	2.977
Lead	1.366	0.634
Nickel	2.684	1.806
Zinc	4.978	2.050
Tantalum	2.196	

§ 421.284 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Tantalum alloy leach and rinse.

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	295.200	140.700
Lead	64.570	29.960
Nickel	126.800	85.320
Zinc	235.200	96.850
Tantalum	103.800	
Total suspended solids	3,459.000	2,767.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Capacitor leach and rinse.

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced from leaching	
Copper	25.860	12.320
Lead	5.656	2.626
Nickel	11.110	7.474
Zinc	20.600	8.484
Tantalum	9.090	
Total suspended solids	303.000	242.400

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Tantalum sludge leach and rinse.

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	262.800	125.200
Lead	57.480	26.690
Nickel	112.900	75.960
Zinc	209.400	86.230
Tantalum	92.390	
Total suspended solids	3,080.000	2,464.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Tantalum powder acid wash and rinse.

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	0.448	0.214
Lead	0.098	0.046
Nickel	0.193	0.130
Zinc	0.357	0.147
Tantalum	0.158	
Total suspended solids	5.250	4.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Leaching wet air pollution control.

NSPS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	6.246	2.977
Lead	1.366	0.634
Nickel	2.684	1.806
Zinc	4.978	2.050
Tantalum	2.196	
Total suspended solids	73.200	58.560
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.285 [Reserved]

§ 421.286 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary tantalum process wastewater introduced into a POTW shall not exceed the following values:

(a) Tantalum alloy leach and rinse.

PSNS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	295.200	140.700
Lead	64.570	29.960
Nickel	126.800	85.320
Zinc	235.200	96.850
Tantalum	103.800	

(b) Capacitor leach and rinse.

PSNS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced from leaching	
Copper	25.860	12.320
Lead	5.656	2.626
Nickel	11.110	7.474
Zinc	20.600	8.484
Tantalum	9.090	

(c) Tantalum sludge leach and rinse.

PSNS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	262.800	125.200
Lead	57.480	26.690
Nickel	112.900	75.960
Zinc	209.400	86.230
Tantalum	92.390	

(d) Tantalum powder acid wash and rinse.

PSNS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tantalum powder produced	
Copper	0.448	0.214
Lead	0.098	0.046
Nickel	0.193	0.130
Zinc	0.357	0.147
Tantalum	0.158	

(e) Leaching wet air pollution control.

PSNS FOR THE SECONDARY TANTALUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of equivalent pure tantalum powder produced	
Copper	6.246	2.977
Lead	1.366	0.634
Nickel	2.684	1.806
Zinc	4.978	2.050
Tantalum	2.196	

§ 421.287 [Reserved]

Subpart AA—Secondary Tin Subcategory

§ 421.290 Applicability: Description of the secondary tin subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tin at secondary tin facilities utilizing either pyrometallurgical or hydrometallurgical processes to recover tin from secondary materials.

§ 421.291 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 421.292 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Tin smelter SO_2 scrubber.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of crude tapped tin metal produced	
Arsenic	19.220	8.554
Lead	3.863	1.840
Iron	11.040	5.611
Tin	3.495	2.024
Total suspended solids	377.100	179.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Dealuminizing rinse.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of dealuminized scrap produced	
Lead	0.015	0.007
Cyanide (total)	0.010	0.004
Fluoride	1.225	0.700
Tin	0.013	0.008
Total suspended solids	1.435	0.683
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Tin mud acid neutralization filtrate.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Minimum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of neutralized, dewatered tin mud produced	
Lead	2.120	1.009
Cyanide (total)	1.464	0.606
Fluoride	176.600	100.400
Tin	1.918	1.110
Total suspended solids	206.900	98.420
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Tin hydroxide wash.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Minimum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin hydroxide washed	
Lead	5.020	2.391
Cyanide (total)	3.466	1.434
Fluoride	418.400	237.900
Tin	4.542	2.630
Total suspended solids	490.100	233.100
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Spent electrowinning solution from new scrap.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Minimum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode tin produced	
Lead	7.056	3.360
Cyanide (total)	4.872	2.016
Fluoride	588.000	334.300
Tin	6.384	3.696
Total suspended solids	688.800	327.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Spent electrowinning solution from municipal solid waste.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Minimum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of MSW scrap used as raw material	
Lead	0.050	0.024
Cyanide (total)	0.035	0.014
Fluoride	4.165	2.368
Tin	0.045	0.026
Total suspended solids	4.879	2.321
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Tin hydroxide supernatant from scrap.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from scrap	
Lead	23.370	11.130
Cyanide (total)	16.140	6.677
Fluoride	1,947.000	1,107.000
Tin	21.140	12.240
Total suspended solids	2,281.000	1,085.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Tin hydroxide supernatant from plating solutions and sludges.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from plating solutions and sludges	
Lead	48.30	23.00
Cyanide (total)	33.35	13.80
Fluoride	4,025.00	2,289.00
Tin	43.70	25.30
Total suspended solids	4,715.00	2,243.00
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Tin hydroxide filtrate.

BPT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal produced	
Lead	10.520	5.009
Cyanide (total)	7.263	3.005
Fluoride	876.500	498.400
Tin	9.517	5.510
Total suspended solids	1,027.000	488.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.293 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Tin smelter SO_2 scrubber.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of crude tapped tin produced	
Arsenic	12.790	5.703
Lead	2.575	1.196
Iron	11.040	5.611
Tin	3.495	2.024

(b) Dealuminizing rinse.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of dealuminized scrap produced	
Lead	0.010	0.005
Cyanide (total)	0.007	0.003
Fluoride	1.225	0.697
Tin	0.013	0.008

(c) Tin mud acid neutralization filtrate.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of neutralized dewatered tin mud produced	
Lead	1.413	0.656
Cyanide (total)	1.009	0.404
Fluoride	176.600	100.400
Tin	1.918	1.110

(d) Tin hydroxide wash.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin hydroxide washed	
Lead	3.347	1.554
Cyanide (total)	2.391	0.956
Fluoride	418.400	237.900
Tin	4.542	2.630

(e) Spent electrowinning solution from new scrap.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode tin produced	
Lead	4.704	2.184
Cyanide (total)	3.360	1.344
Fluoride	588.000	334.300
Tin	6.384	3.696

(f) Spent electrowinning solution from municipal solid waste.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of MSW scrap used as raw material	
Lead	0.033	0.015
Cyanide (total)	0.024	0.010
Fluoride	4.165	2.368
Tin	0.045	0.026

(g) Tin hydroxide supernatant from scrap.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from scrap	
Lead	15.580	7.233
Cyanide (total)	11.130	4.451
Fluoride	1,947.000	1,107.000
Tin	21.140	21.240

(h) Tin hydroxide supernatant from plating solutions and sludges.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from plating solutions and sludges	
Lead	32.20	14.95
Cyanide (total)	23.00	9.20
Fluoride	4,025.00	2,289.00
Tin	43.70	25.30

(i) Tin hydroxide filtrate.

BAT LIMITATIONS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal produced	
Lead	7.012	3.256
Cyanide (total)	5.009	2.004
Fluoride	876.500	498.400
Tin	9.517	5.510

§ 421.294 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Tin smelter SO_2 scrubber.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of crude tapped tin produced	
Arsenic	12.790	5.703
Lead	2.575	1.196
Iron	11.040	5.611
Tin	3.495	2.024
Total suspended solids	138.000	110.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Dealuminizing rinse

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of dealuminized scrap produced	
Lead	0.010	0.005
Cyanide (total)	0.007	0.003
Fluoride	1.225	0.697
Tin	0.013	0.008
Total suspended solids	0.525	0.420
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Tin mud acid neutralization filtrate.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of neutralized dewatered tin mud produced	
Lead	1.413	0.656
Cyanide (total)	1.009	0.404
Fluoride	176.600	100.400
Tin	1.918	1.110
Total suspended solids	75.710	60.560
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Tin hydroxide wash.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin hydroxide washed	
Lead	3.347	1.554
Cyanide (total)	2.391	0.956
Fluoride	418.400	237.900
Tin	4.542	2.630
Total suspended solids	179.300	143.400
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Spent electrowinning solution from new scrap.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode tin produced	
Lead	4.704	2.184
Cyanide (total)	3.360	1.344
Fluoride	588.000	334.300
Tin	6.384	3.696
Total suspended solids	252.000	201.600
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(f) Spent electrowinning solution from municipal solid waste.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of MSW scrap used as raw material	
Lead	0.033	0.015
Cyanide (total)	0.024	0.010
Fluoride	4.165	2.368
Tin	0.045	0.026
Total suspended solids	1.785	1.428
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(g) Tin hydroxide supernatant from scrap.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from scrap	
Lead	15.580	7.233
Cyanide (total)	11.130	4.451
Fluoride	1,947.000	1,107.000
Tin	21.140	12.240
Total suspended solids	834.600	667.700
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(h) Tin hydroxide supernatant from plating solutions and sludges.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from plating solutions and sludges	
Lead	32.20	14.95
Cyanide (total)	23.00	9.20
Fluoride	4,025.00	2,289.00
Tin	43.70	25.30
Total suspended solids	1,725.00	1,380.00
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(i) Tin hydroxide filtrate.

NSPS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal produced	
Lead	7.012	3.256
Cyanide (total)	5.009	2.004
Fluoride	876.500	498.400
Tin	9.517	5.510
Total suspended solids	375.700	300.500
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.295 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in secondary tin process wastewater introduced into a POTW must not exceed the following values:

(a) Tin smelter SO_2 scrubber.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of crude tapped tin produced	
Arsenic	12.790	5.703
Lead	2.575	1.196
Iron	11.040	5.611
Tin	3.495	2.024

(b) Dealuminizing rinse.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of dealuminized scrap produced	
Lead	0.010	0.005
Cyanide (total)	0.007	0.003
Fluoride	1.225	0.697
Tin	0.013	0.008

(c) Tin mud acid neutralization filtrate.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of neutralized dewatered tin mud produced	
Lead	1.413	0.656
Cyanide (total)	1.009	0.404
Fluoride	176.600	100.400
Tin	1.918	1.110

(d) Tin hydroxide wash.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin hydroxide washed	
Lead	3.347	1.554
Cyanide (total)	2.391	0.956
Fluoride	418.400	237.900
Tin	4.542	2.630

(e) Spent electrowinning solution from new scrap.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode tin produced	
Lead	4.704	2.184
Cyanide (total)	3.360	1.344
Fluoride	588.000	334.300
Tin	6.384	3.696

(f) Spent electrowinning solution from municipal solid waste.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of MSW scrap used as raw material	
Lead	0.033	0.015
Cyanide (total)	0.024	0.010
Fluoride	4.165	2.368
Tin	0.045	0.026

(g) Tin hydroxide supernatant from scrap.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from scrap	
Lead	15.580	7.233
Cyanide (total)	11.130	4.451
Fluoride	1,947.000	1,107.000
Tin	21.140	12.240

(h) Tin hydroxide supernatant from plating solutions and sludges.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from plating solutions and sludges	
Lead	32.20	14.95
Cyanide (total)	23.00	9.20
Fluoride	4,025.00	2,289.00
Tin	43.70	25.30

(i) Tin hydroxide filtrate.

PSES FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal produced	
Lead	7.012	3.256
Cyanide (total)	5.009	2.004
Fluoride	876.500	498.400

PSES FOR THE SECONDARY TIN SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Tin	9.517	5.510

§ 421.296 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary tin process wastewater introduced into a POTW shall not exceed the following values:

(a) Tin smelter SO_2 scrubber.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of crude tapped tin produced	
Arsenic	12.790	5.703
Lead	2.575	1.196
Iron	11.040	5.611
Tin	3.495	2.024

(b) Dealuminizing Rinse.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of dealuminized scrap produced	
Lead	0.010	0.005
Cyanide (total)	0.007	0.003
Fluoride	1.225	0.697
Tin	0.013	0.008

(c) Tin mud acid neutralization filtrate.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million of pounds) of neutralized dewatered tin mud produced	
Lead	1.413	0.656
Cyanide (total)	1.009	0.404
Fluoride	176.600	100.400
Tin	1.918	1.110

(d) Tin hydroxide wash.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin hydroxide washed	
Lead	3.347	1.554
Cyanide (total)	2.391	0.956
Fluoride	418.400	237.900
Tin	4.542	2.630

(e) Spent electrowinning solution from new scrap.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cathode tin produced	
Lead	4.704	2.184
Cyanide (total)	3.360	1.344
Fluoride	588.000	334.300
Tin	6.384	3.696

(f) Spent electrowinning solution from municipal solid waste.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of MSW scrap used as raw material	
Lead	0.033	0.015
Cyanide (total)	0.024	0.010
Fluoride	4.165	2.368
Tin	0.045	0.026

(g) Tin hydroxide supernatant from scrap.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from scrap	
Lead	15.580	7.233
Cyanide (total)	11.130	4.451
Fluoride	1,947.000	1,107.000
Tin	21.140	12.240

(h) Tin hydroxide supernatant from plating solutions and ludges.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal recovered from plating solutions and sludges	
Lead	32.20	14.95
Cyanide (total)	23.00	9.20

PSNS FOR THE SECONDARY TIN SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Fluoride	4,025.00	2,289.00
Tin	43.70	25.30

(i) Tin hydroxide filtrate.

PSNS FOR THE SECONDARY TIN SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tin metal produced	
Lead	7.012	3.256
Cyanide (total)	5.009	2.004
Fluoride	676.500	496.400
Tin	9.517	5.510

§ 421.297 [Reserved]

Subpart AB—Primary and Secondary Titanium Subcategory

§ 421.300 Applicability: Description of the primary and secondary titanium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of titanium at primary and secondary titanium facilities. Facilities which only practice vacuum distillation for sponge purification and which do not practice electrolytic recovery of magnesium are exempt from regulations. All other primary and secondary titanium facilities are covered by these regulations.

§ 421.301 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 421.302 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Chlorination off-gas wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.412	0.168
Lead	0.393	0.187
Nickel	1.797	1.189
Titanium	0.880	0.384
Oil and Grease	18.720	11.230
Total suspended solids	38.380	18.250
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Chlorination area-vent wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.412	0.168
Chromium (total)	0.458	0.187
Lead	0.437	0.208
Nickel	1.997	1.321
Titanium	0.978	0.426
Oil and Grease	20.800	12.480
Total suspended solids	42.640	20.280
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) $TiCl_4$ handling wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ handled	
Chromium (total)	0.082	0.034
Lead	0.079	0.037
Nickel	0.359	0.237
Titanium	0.176	0.077
Oil and Grease	3.740	2.244
Total suspended solids	7.667	3.647
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Reduction area wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	18.170	7.435
Lead	17.350	8.261
Nickel	79.300	52.450
Titanium	38.820	16.930
Oil and Grease	826.100	495.600
Total suspended solids	1,693.000	805.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Melt cell wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	9.352	3.826
Lead	8.927	4.251
Nickel	40.810	26.990
Titanium	19.980	8.714
Oil and Grease	425.100	255.000
Total suspended solids	871.400	414.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Chlorine liquefaction wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	130.900	53.560
Lead	125.000	59.510
Nickel	571.300	377.900
Titanium	279.700	122.000
Oil and Grease	5,951.000	3,571.000
Total suspended solids	12,200.000	5,702.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Sodium reduction container reconditioning wash water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.564	0.231
Lead	0.538	0.256
Nickel	2.461	1.628
Titanium	1.205	0.526
Oil and Grease	25.640	15.380
Total suspended solids	52.560	25.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Chip crushing wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	10.090	4.126
Lead	9.627	4.584
Nickel	44.010	29.110
Titanium	21.550	9.398

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Oil and Grease	458.400	275.100
Total suspended solids	939.800	447.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Acid leachate and rinse water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	5.210	2.131
Lead	4.973	2.368
Nickel	22.730	15.040
Titanium	11.130	4.854
Oil and Grease	236.800	142.100
Total suspended solids	485.400	230.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Sponge crushing and screening wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	2.847	1.165
Lead	2.717	1.294
Nickel	12.420	8.217
Titanium	6.082	2.653
Oil and Grease	129.400	77.640
Total suspended solids	265.300	126.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Acid pickle and wash water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium pickled	
Chromium (total)	0.027	0.011
Lead	0.026	0.012
Nickel	0.117	0.077
Titanium	0.057	0.025
Oil and Grease	1.220	0.732
Total suspended solids	2.501	1.190
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(l) Scrap milling wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap milled	
Chromium (total)	0.995	0.407
Lead	0.950	0.452
Nickel	4.341	2.671
Titanium	2.125	0.927
Oil and Grease	45.220	27.130
Total suspended solids	92.700	44.090
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(m) Scrap detergent wash water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap washed	
Chromium (total)	7.948	3.252
Lead	7.587	3.613
Nickel	34.680	22.940
Titanium	16.980	7.406
Oil and Grease	361.300	216.800
Total suspended solids	740.600	352.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(n) Casting crucible wash water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	0.210	0.086
Lead	0.200	0.095
Nickel	0.916	0.606
Titanium	0.448	0.196
Oil and Grease	9.540	5.724
Total suspended solids	19.560	9.302
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(o) Casting contact cooling water.

BPT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	321.100	131.400
Lead	306.500	145.900
Nickel	1,401.000	926.800
Titanium	685.900	299.200
Oil and Grease	14,590.000	8,757.000
Total suspended solids	29,920.000	14,230.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.303 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Chlorination off-gas wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.346	0.140
Lead	0.262	0.122
Nickel	0.515	0.346
Titanium	0.496	0.215

(b) Chlorination area-vent wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.385	0.156
Lead	0.291	0.135
Nickel	0.572	0.385
Titanium	0.551	0.239

(c) $TiCl_4$ handling wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ handled	
Chromium (total)	0.069	0.028
Lead	0.052	0.024
Nickel	0.103	0.069
Titanium	0.099	0.043

(d) Reduction area wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	1.528	0.620
Lead	1.156	0.537
Nickel	2.272	1.528
Titanium	2.189	0.950

(e) Melt cell wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.787	0.319
Lead	0.595	0.276
Nickel	1.169	0.787
Titanium	1.127	0.489

(f) Chlorine liquefaction wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	11.010	4.463
Lead	8.332	3.868
Nickel	16.370	11.010
Titanium	15.770	6.844

(g) Sodium reduction container reconditioning wash water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.474	0.192
Lead	0.359	0.167
Nickel	0.705	0.474
Titanium	0.679	0.295

(h) Chip crushing wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.848	0.344
Lead	0.642	0.298
Nickel	1.261	0.848
Titanium	1.215	0.527

(i) Acid leachate and rinse water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	4.381	1.776
Lead	3.315	1.539
Nickel	6.512	4.381
Titanium	6.275	2.723

(j) Sponge crushing and screening wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.239	0.097
Lead	0.181	0.084
Nickel	0.356	0.239
Titanium	0.343	0.149

(k) Acid pickle and wash water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium pickled	
Chromium (total)	0.023	0.009
Lead	0.017	0.008
Nickel	0.034	0.023
Titanium	0.032	0.014

(l) Scrap milling wet air pollution control.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap milled	
Chromium (total)	0.084	0.034
Lead	0.064	0.030
Nickel	0.125	0.084
Titanium	0.120	0.052

(m) Scrap detergent wash water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap washed	
Chromium (total)	6.684	2.710
Lead	5.058	2.348
Nickel	9.935	6.684
Titanium	9.574	4.155

(n) Casting crucible wash water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	0.176	0.072
Lead	0.134	0.062
Nickel	0.262	0.176
Titanium	0.253	0.110

(o) Casting contact cooling water.

BAT Limitations for the Primary and Secondary Titanium Subcategory

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	27.000	10.950
Lead	20.430	9.486
Nickel	40.140	27.000
Titanium	38.68	16.78

§ 421.304 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Chlorination off-gas wet air pollution control.

NSPS LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.346	0.140
Lead	0.262	0.122
Nickel	0.515	0.346
Titanium	0.496	0.215
Oil and Grease	9.360	9.360
Total suspended solids	14.040	11.230
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Chlorination area-vent wet air pollution control.

NSPS LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.385	0.156
Lead	0.291	0.135
Nickel	0.572	0.385
Titanium	0.551	0.239
Oil and Grease	10.400	10.400
Total suspended solids	15.600	12.480
pH	(1)	(1)

(1) Within the range of 7.0 to 10.0 at all times.

(c) $TiCl_4$ handling wet air pollution control.

NSPS LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ handled	
Chromium (total)	0.069	0.028
Lead	0.052	0.024
Nickel	0.103	0.069
Titanium	0.099	0.043
Oil and Grease	1.870	1.870
Total suspended solids	2.805	2.244
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Reduction area wet air pollution control.

NSPS LIMITATIONS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	1.526	0.620
Lead	1.156	0.537
Nickel	2.272	1.528
Titanium	2.189	0.950
Oil and Grease	41.300	41.300
Total suspended solids	61.950	49.560
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Melt cell wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.787	0.319
Lead	0.595	0.276
Nickel	1.169	0.787
Titanium	1.127	0.489
Oil and Grease	21.260	21.260
Total suspended solids	31.890	25.510
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(f) Chlorine liquefaction wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pound per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000
Oil and Grease	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(g) Sodium reduction container reconditioning wash.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pound per million pounds) of titanium produced	
Chromium (total)	0.474	0.192
Lead	0.359	0.167
Nickel	0.705	0.474
Titanium	0.679	0.295
Oil and Grease	12.820	12.820
Total suspended solids	19.230	15.380
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(h) Chip Crushing wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pound per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Oil and Grease	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(i) Acid leachate and rinse water.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pound per million pounds) of titanium produced	
Chromium (total)	4.381	1.776
Lead	3.315	1.539
Nickel	6.512	4.381
Titanium	6.275	2.723
Oil and Grease	118.400	118.400
Total suspended solids	177.600	142.100
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(j) Sponge crushing and screening wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000
Oil and Grease	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(k) Acid pickle and wash water.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium pickled	
Chromium (total)	0.023	0.009
Lead	0.017	0.008
Nickel	0.034	0.023
Titanium	0.032	0.014
Oil and Grease	0.610	0.610
Total suspended solids	0.915	0.732
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(l) Scrap milling wet air pollution control.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap milled	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000
Oil and Grease	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(m) Scrap detergent wash water.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap washed	
Chromium (total)	6.684	2.710
Lead	5.058	2.348
Nickel	9.935	6.684
Titanium	9.574	4.155
Oil and Grease	180.600	180.600
Total suspended solids	271.000	216.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(n) Casting crucible wash water.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	0.176	0.072
Lead	0.134	0.062
Nickel	0.262	0.176
Titanium	0.253	0.110
Oil and Grease	4.770	4.770
Total suspended solids	7.155	5.724
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(o) Casting contact cooling water.

NSPS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	27.000	10.950
Lead	20.430	9.486
Nickel	40.140	27.000
Titanium	38.680	16.780
Oil and Grease	729.700	729.700
Total suspended solids	1,095.000	875.700
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.305 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in primary and secondary titanium process wastewater introduced into a POTW must not exceed the following values:

(a) Chlorination off-gas wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of TiO_2 produced	
Chromium (total)	0.346	0.140
Lead	0.262	0.122
Nickel	0.515	0.346
Titanium	0.496	0.215

(b) Chlorination Area-vent wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of TiO_2 produced	
Chromium (total)	0.385	0.156
Lead	0.291	0.135
Nickel	0.572	0.385
Titanium	0.551	0.239

(c) $TiCl_4$ handling wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ handled	
Chromium (total)	0.069	0.028
Lead	0.052	0.024
Nickel	0.103	0.069
Titanium	0.099	0.043

(d) Reduction area wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	1.528	0.620
Lead	1.156	0.537
Nickel	2.272	1.528
Titanium	2.189	0.950

(e) Melt cell wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.787	0.319
Lead	0.595	0.276
Nickel	1.169	0.787
Titanium	1.127	0.489

(f) Chlorine liquefaction wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	11.010	4.463
Lead	8.332	3.868
Nickel	16.370	11.010
Titanium	15.770	6.844

(g) Sodium reduction container reconditioning wash water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.474	0.192
Lead	0.359	0.167
Nickel	0.705	0.474
Titanium	0.679	0.295

(h) Chip crushing wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.848	0.344
Lead	0.642	0.298
Nickel	1.261	0.848
Titanium	1.215	0.527

(i) Acid leachate and rinse water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	4.381	1.776
Lead	3.315	1.539
Nickel	6.512	4.381
Titanium	6.275	2.723

(j) Sponge crushing and screening wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.239	0.097
Lead	0.181	0.084
Nickel	0.356	0.239
Titanium	0.343	0.149

(k) Acid pickle and wash water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium pickled	
Chromium (total)	0.023	0.009
Lead	0.017	0.008
Nickel	0.034	0.023
Titanium	0.032	0.014

(l) Scrap milling wet air pollution control.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap milled	
Chromium (total)	0.084	0.034
Lead	0.064	0.030
Nickel	0.125	0.084
Titanium	0.120	0.052

(m) Scrap detergent wash water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap washed	
Chromium (total)	6.684	2.710
Lead	5.058	2.348
Nickel	9.935	6.684
Titanium	9.574	4.155

(n) Casting crucible wash water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	0.176	0.072
Lead	0.134	0.062
Nickel	0.262	0.176
Titanium	0.253	0.110

(o) Casting contact cooling water.

PSES FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	27.000	10.950
Lead	20.430	9.486
Nickel	40.140	27.000
Titanium	38.680	16.760

§ 421.306 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary and secondary titanium process wastewater introduced into a POTW shall not exceed the following values:

(a) Chlorination off-gas wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.346	0.140
Lead	0.262	0.122
Nickel	0.515	0.346
Titanium	0.496	0.215

(b) Chlorination area-vent wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ produced	
Chromium (total)	0.385	0.156
Lead	0.291	0.135
Nickel	0.572	0.385
Titanium	0.551	0.239

(c) $TiCl_4$ handling wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of $TiCl_4$ handled	
Chromium (total)	0.069	0.028
Lead	0.052	0.024
Nickel	0.103	0.069
Titanium	0.099	0.043

(d) Reduction area wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	1.528	0.620
Lead	1.156	0.537
Nickel	2.272	1.528
Titanium	2.189	0.950

(e) Melt cell wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.787	0.319
Lead	0.595	0.276
Nickel	1.169	0.787
Titanium	1.127	0.489

(f) Chlorine liquefaction wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000

(g) Sodium reduction container reconditioning wash water.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.474	0.192
Lead	0.359	0.167
Nickel	0.705	0.474
Titanium	0.679	0.295

(h) Chip crushing wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000

(i) Acid leachate and rinse water

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	4.381	1.776
Lead	3.315	1.539
Nickel	6.512	4.381
Titanium	6.275	2.723

(j) Sponge crushing and screening wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium produced	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000

(k) Acid pickle and wash water.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium pickled	
Chromium (total)	0.023	0.009
Lead	0.017	0.008
Nickel	0.034	0.023
Titanium	0.032	0.014

(l) Scrap milling wet air pollution control.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap milled	
Chromium (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Titanium	0.000	0.000

(m) Scrap detergent wash water.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of scrap washed	
Chromium (total)	6.684	2.710

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Lead	5.058	2.348
Nickel	9.935	6.684
Titanium	9.574	4.155

(n) Casting crucible wash water.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	0.176	0.072
Lead	0.134	0.062
Nickel	0.262	0.176
Titanium	0.253	0.110

(o) Casting contact cooling water.

PSNS FOR THE PRIMARY AND SECONDARY TITANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of titanium cast	
Chromium (total)	27.000	10.950
Lead	20.430	9.486
Nickel	40.140	27.000
Titanium	38.680	16.780

§ 421.307 [Reserved]

Subpart AC—Secondary Tungsten and Cobalt Subcategory

§ 421.310 Applicability: Description of the secondary tungsten and cobalt subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of tungsten or cobalt at secondary tungsten and cobalt facilities processing tungsten or tungsten carbide scrap raw materials.

§ 421.311 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 421.312 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application

of the best practicable technology currently available:

(a) Tungsten detergent wash and rinse.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten scrap washed	
Copper	0.371	0.195
Nickel	0.374	0.248
Ammonia (as N)	25.990	11.430
Cobalt	0.041	0.018
Tungsten	1.357	0.542
Oil and grease	3.900	2.340
Total suspended solids	7.995	3.803
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Tungsten leaching acid.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	4.885	2.571
Nickel	4.937	3.265
Ammonia (as N)	342.700	150.700
Cobalt	0.540	0.231
Tungsten	17.890	7.147
Oil and grease	51.420	30.850
Total suspended solids	105.400	50.140
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Tungsten post-leaching wash and rinse.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	9.772	5.143
Nickel	9.875	6.532
Ammonia (as N)	685.600	301.400
Cobalt	1.080	0.463
Tungsten	35.800	14.300
Oil and grease	102.900	61.720
Total suspended solids	210.900	100.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Synthetic scheelite filtrate.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of synthetic scheelite produced	
Copper	31.660	16.880
Nickel	31.990	21.160
Ammonia (as N)	2,221.000	976.300
Cobalt	3.499	1.500
Tungsten	116.000	46.320
Oil and grease	333.200	200.000
Total suspended solids	683.100	324.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Tungsten carbide leaching wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide scrap leached	
Copper	3.327	1.751
Nickel	3.362	2.224
Ammonia (as N)	233.400	102.600
Cobalt	0.368	0.158
Tungsten	12.190	4.868
Oil and grease	35.020	21.010
Total suspended solids	71.790	34.150
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Tungsten carbide wash water.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide produced	
Copper	15.830	6.333
Nickel	16.000	10.580
Ammonia (as N)	1,111.000	488.300
Cobalt	1.750	0.750
Tungsten	58.000	23.170
Oil and grease	166.700	100.000
Total suspended solids	341.700	162.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Cobalt sludge leaching wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced from cobalt sludge	
Copper	67.990	35.780
Nickel	68.700	45.440
Ammonia (as N)	4,770.000	2,097.000
Cobalt	7.514	3.220

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Tungsten	249.000	99.470
Oil and grease	715.600	429.400
Total suspended solids	1,467.000	697.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Crystallization decant.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	79.140	41.650
Nickel	79.970	52.900
Ammonia (as N)	5,552.000	2,441.000
Cobalt	8.747	3.749
Tungsten	289.900	115.800
Oil and grease	833.000	499.800
Total suspended solids	1,708.000	812.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Acid wash decant.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	36.220	19.060
Nickel	36.600	24.210
Ammonia (as N)	2,541.000	1,117.000
Cobalt	4.003	1.716
Tungsten	132.700	52.990
Oil and grease	381.300	228.800
Total suspended solids	781.600	371.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Cobalt hydroxide filtrate.

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	107.600	56.650
Nickel	108.600	71.940
Ammonia (as N)	7,551.000	3,320.000
Cobalt	11.900	5.098
Tungsten	394.300	157.500
Oil and grease	1,133.000	679.800
Total suspended solids	2,323.000	1,105.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Cobalt hydroxide filter cake wash

BPT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	207.200	109.100
Nickel	209.400	138.500
Ammonia (as N)	14,530.000	6,389.000
Cobalt	22.900	9.813
Tungsten	758.900	303.100
Oil and grease	2,181.000	1,309.000
Total suspended solids	4,471.000	2,126.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.313 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Tungsten detergent wash and rinse.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten scrap washed	
Copper	0.250	0.119
Nickel	0.107	0.072
Ammonia (as N)	25.990	11.430
Cobalt	0.027	0.014
Tungsten	0.679	0.302

(b) Tungsten leaching acid.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	3.291	1.589
Nickel	1.414	0.951
Ammonia (as N)	342.700	150.700
Cobalt	0.360	0.180
Tungsten	8.947	3.985

(c) Tungsten post-leaching wash and rinse.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	6.583	3.137
Nickel	2.829	1.903
Ammonia (as N)	685.600	301.400
Cobalt	0.720	0.360
Tungsten	17.900	7.972

(d) Synthetic scheelite filtrate.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of synthetic scheelite produced	
Copper	21.330	10.170
Nickel	9.164	6.165
Ammonia (as N)	2,221.000	976.300
Cobalt	2.333	1.166
Tungsten	57.980	25.820

(e) Tungsten carbide leaching wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide scrap leached	
Copper	2.241	1.068
Nickel	0.963	0.648
Ammonia (as N)	233.400	102.600
Cobalt	0.245	0.123
Tungsten	6.093	2.714

(f) Tungsten carbide wash water.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide produced	
Copper	10.670	5.083
Nickel	4.583	3.083
Ammonia (as N)	1,111.000	488.300
Cobalt	1.167	0.583
Tungsten	29.000	12.920

(g) Cobalt sludge leaching wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced from cobalt sludge	
Copper	45.50	21.80
Nickel	19.68	13.24
Ammonia (as N)	4,770.00	2,097.00
Cobalt	5.01	2.51
Tungsten	124.50	55.46

(h) Crystallization decant.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	53.310	25.410
Nickel	22.910	15.410
Ammonia (as N)	5,552.000	2,441.000
Cobalt	5.831	2.916
Tungsten	144.900	64.560

(i) Acid wash decant.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	24.400	11.630
Nickel	10.490	7.053
Ammonia (as N)	2,541.000	1,117.000
Cobalt	2.669	1.335
Tungsten	66.340	29.550

(j) Cobalt hydroxide filtrate.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	72.510	34.560
Nickel	31.160	20.960
Ammonia (as N)	7,551.000	3,320.000
Cobalt	7.931	3.965
Tungsten	197.100	87.800

(k) Cobalt hydroxide filter cake wash.

BAT LIMITATIONS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	139.600	66.510
Nickel	59.970	40.340
Ammonia (as N)	14,530.000	6,389.000
Cobalt	15.270	7.633
Tungsten	379.400	169.000

§ 421.314 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Tungsten detergent wash and rinse.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten scrap washed	
Copper	0.250	0.119
Nickel	0.107	0.072
Ammonia (as N)	25.990	11.430
Cobalt	0.027	0.014
Tungsten	0.679	0.302
Oil and Grease	1.950	1.950
Total suspended solids	2.925	2.340
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Tungsten leaching acid.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	3.291	1.569
Nickel	1.414	0.951
Ammonia (as N)	342.700	150.700
Cobalt	0.360	0.180
Tungsten	8.947	3.985
Oil and Grease	25.710	25.710
Total suspended solids	38.570	30.850
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Tungsten post-leaching wash and rinse.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	6.583	3.137
Nickel	2.829	1.903
Ammonia (as N)	685.600	301.400
Tungsten	17.900	7.972
Cobalt	0.720	0.360
Oil and Grease	51.430	51.430
Total suspended solids	77.150	61.720
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Synthetic scheelite filtrate.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of synthetic scheelite produced	
Copper	21.330	10.170
Nickel	9.164	6.165
Ammonia (as N)	2,221.000	976.300
Cobalt	2.333	1.166
Tungsten	57.980	25.820
Oil and Grease	166.600	166.600
Total suspended solids	249.900	199.900
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Tungsten carbide leaching wet air pollution control.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide scrap leached	
Copper	2.241	1.068
Nickel	0.963	0.648
Ammonia (as N)	233.400	102.600
Cobalt	0.245	0.123
Tungsten	6.093	2.714
Oil and Grease	17.510	17.510
Total suspended solids	26.270	21.010
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Tungsten carbide wash water.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide produced	
Copper	10.670	5.083
Nickel	4.583	3.083
Ammonia (as N)	1,111.000	488.300
Cobalt	1.167	0.583
Tungsten	29.000	12.920
Oil and Grease	83.330	83.330

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Total suspended solids	125.000	100.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Cobalt sludge leaching wet air pollution control.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced from cobalt sludge	
Copper	45.80	21.83
Nickel	19.68	13.24
Ammonia (as N)	4,770.00	2,097.00
Cobalt	5.01	2.51
Tungsten	124.50	55.46
Oil and Grease	357.80	357.80
Total suspended solids	536.70	429.40
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Crystallization decant.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	53.310	25.410
Nickel	22.910	15.410
Ammonia (as N)	5,552.000	2,441.000
Cobalt	5.831	2.916
Tungsten	144.900	64.560
Oil and Grease	416.500	416.500
Total suspended solids	624.800	499.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Acid wash decant.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	24.400	11.630
Nickel	10.490	7.053
Ammonia (as N)	2,541.000	1,117.000
Cobalt	2.669	1.335
Tungsten	66.340	29.550
Oil and Grease	190.600	190.600
Total suspended solids	285.900	228.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Cobalt hydroxide filtrate.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	72.510	34.560
Nickel	31.160	20.960
Ammonia (as N)	7,551.000	3,320.000
Cobalt	7.931	3.965
Tungsten	197.100	87.800
Oil and Grease	566.500	566.500
Total suspended solids	849.700	679.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Cobalt hydroxide filter cake wash.

NSPS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	139.600	66.510
Nickel	59.970	40.340
Ammonia (as N)	14,530.000	6,389.000
Cobalt	15.270	7.633
Tungsten	379.400	169.000
Oil and Grease	1,090.000	1,090.000
Total suspended solids	1,636.000	1,308.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.315 Pretreatment standards for existing sources.

Except as provided in 40 CFR 403.7, any existing source subject to this subpart which introduces polutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for existing sources. The mass of wastewater pollutants in secondary tungsten and cobalt process wastewater introduced into a POTW shall not exceed the following values:

(a) Tungsten detergent wash and rinse.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten scrap washed	
Copper	0.250	0.119
Nickel	0.107	0.072
Ammonia (as N)	25.990	11.430
Cobalt	0.027	0.014
Tungsten	0.679	0.302

(b) Tungsten leaching acid.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	3.291	1.569
Nickel	1.414	0.951
Ammonia (as N)	342.700	150.700
Cobalt	0.360	0.180
Tungsten	8.947	3.985

(c) Tungsten post-leaching wash and rinse.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	6.583	3.137
Nickel	2.829	1.903
Ammonia (as N)	685.600	301.400
Cobalt	0.720	0.360
Tungsten	17.900	7.972

(d) Synthetic scheelite filtrate.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of synthetic scheelite produced	
Copper	21.330	10.170
Nickel	9.164	6.165
Ammonia (as N)	2,221.000	976.300
Cobalt	2.333	1.166
Tungsten	57.980	25.820

(e) Tungsten carbide leaching wet air pollution control.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide scrap	
Copper	2.241	1.068
Nickel	0.963	0.648
Ammonia (as N)	233.400	102.600
Cobalt	0.245	0.123
Tungsten	6.093	2.714

(f) Tungsten carbide wash water.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide produced	
Copper	10.670	5.083
Nickel	4.583	3.083
Ammonia (as N)	1,111.000	488.300
Cobalt	1.167	0.583
Tungsten	29.000	12.920

(g) Cobalt sludge leaching wet air pollution control.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced from cobalt sludge	
Copper	45.800	21.830
Nickel	19.680	13.240
Ammonia (as N)	4,770.000	2,097.000
Cobalt	5.010	2.510
Tungsten	124.500	55.460

(h) Crystallization decant.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	53.310	25.410
Nickel	22.910	15.410
Ammonia (as N)	5,552.000	2,441.000
Cobalt	5.831	2.916
Tungsten	144.9	64.56

(i) Acid wash decant.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	24.400	11.630
Nickel	10.490	7.053
Ammonia (as N)	2,541.000	1,117.000
Cobalt	2.669	1.335
Tungsten	66.34	29.55

(j) Cobalt hydroxide filtrate.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	72.510	34.560
Nickel	31.160	20.960
Ammonia (as N)	7,551.000	3,320.000
Cobalt	7.931	3.965
Tungsten	197.1	87.8

(k) Cobalt hydroxide filter cake wash.

PSES FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	139.600	66.510
Nickel	59.970	40.340
Ammonia (as N)	14,530.000	6,383.000
Cobalt	15.270	7.633
Tungsten	379.400	169.000

§ 421.316 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary tungsten and cobalt process wastewater introduced into a POTW shall not exceed the following values:

(a) Tungsten detergent wash and rinse.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten scrap washed	
Copper	0.250	0.119
Nickel	0.107	0.072
Ammonia (as N)	25.990	11.430
Cobalt	0.027	0.014
Tungsten	0.679	0.302

(b) Tungsten leaching acid.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	3.291	1.569
Nickel	1.414	0.951
Ammonia (as N)	342.700	150.700
Cobalt	0.360	0.180
Tungsten	8.947	3.985

(c) Tungsten post-leaching wash and rinse.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten produced	
Copper	6.583	3.137
Nickel	2.829	1.903
Ammonia (as N)	685.600	301.400
Cobalt	0.720	0.360
Tungsten	17.900	7.792

(d) Synthetic scheelite filtrate.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of synthetic scheelite produced	
Copper	21.330	10.170
Nickel	9.164	6.165
Ammonia (as N)	2,221.000	976.300
Cobalt	2.333	1.166
Tungsten	57.980	25.820

(e) Tungsten carbide leaching wet air pollution control.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide scrap leached	
Copper	2.241	1.068
Nickel	0.963	0.648
Ammonia (as N)	233.400	102.600
Cobalt	0.245	0.123
Tungsten	6.093	2.714

(f) Tungsten carbide wash water.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of tungsten carbide produced	
Copper	10.670	5.083
Nickel	4.583	3.083
Ammonia (as N)	1,111.000	488.300
Cobalt	1.167	0.583
Tungsten	29.000	12.920

(g) Cobalt sludge leaching wet air pollution control.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced from cobalt sludge	
Copper	45.800	21.830
Nickel	19.680	13.240
Ammonia (as N)	4,770.000	2,097.000
Cobalt	5.010	2.510
Tungsten	124.500	55.460

(h) Crystallization decant.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	53.310	25.410
Nickel	22.910	15.410
Ammonia (as N)	5,552.000	2,441.000
Cobalt	5.831	2.916
Tungsten	144.900	64.560

(i) Acid wash decant.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	24.400	11.630
Nickel	10.490	7.053
Ammonia (as N)	2,541.000	1,117.000
Cobalt	2.669	1.335
Tungsten	66.340	29.550

(j) Cobalt hydroxide filtrate.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	72.510	34.560
Nickel	31.160	20.960
Ammonia (as N)	7,551.000	3,320.000
Cobalt	7.931	3.965
Tungsten	197.100	67.800

(k) Cobalt hydroxide filter cake wash.

PSNS FOR THE SECONDARY TUNGSTEN AND COBALT SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of cobalt produced	
Copper	139.600	66.510
Nickel	59.970	40.430
Ammonia (as N)	14,530.000	6,369.000
Cobalt	15.270	7.633
Tungsten	379.400	169.000

§ 421.317 [Reserved]

Subpart AD—Secondary Uranium Subcategory

§ 421.320 Applicability: Description of the secondary uranium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of uranium (including depleted uranium) by secondary uranium facilities.

§ 421.321 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 421.322 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practiacable technology currently available:

(a) Refinery sump filtrate.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium	32.270	13.200
Copper	139.300	73.340
Nickel	140.800	93.140
Fluoride	2,567.000	1,459.000
Total suspended solids	3,007.000	1,430.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Slag leach reslurry.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	2.009	0.822
Copper	8.675	4.566
Nickel	8.767	5.799
Fluoride	159.800	90.860
Total suspended solids	187.200	89.040
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(c) Solvent extraction raffinate filtrate.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	2.802	1.146
Copper	12.100	6.369
Nickel	12.230	8.089
Fluoride	222.900	126.700
Total suspended solids	261.100	124.200
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(d) Digestion wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(e) Evaporation and denitration wet air pollution control.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium trioxide produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(f) Hydrofluorination alkaline scrubber.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.009	0.004
Copper	0.038	0.020
Nickel	0.038	0.025
Fluoride	0.700	0.398
Total suspended solids	0.820	0.390
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(g) Hydrofluorination water scrubber.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(h) Magnesium reduction and casting floor wash.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.013	0.005
Copper	0.057	0.030
Nickel	0.058	0.038
Fluoride	1.054	0.599
Total suspended solids	1.234	0.587
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(i) Laundry wastewater.

BPT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.064	0.035
Copper	0.365	0.192
Nickel	0.369	0.244
Fluoride	6.720	3.621
Total suspended solids	7.872	3.744
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

§ 421.323 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Refinery sump filtrate.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	27.14	11.00
Copper	93.68	44.74
Nickel	40.34	27.14
Fluoride	2,567.00	1,459.00

(b) Slag leach reslurry.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	1.689	0.685
Copper	5.844	2.785
Nickel	2.511	1.689
Fluoride	159.800	90.860

(c) Solvent extraction raffinate filtrate.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	2.357	0.955
Copper	8.152	3.885
Nickel	3.503	2.357
Fluoride	222.900	126.700

(d) Digestion wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(e) Evaporation and denitration wet air pollution control.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium trioxide produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(f) Hydrofluorination alkaline scrubber.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.007	0.003
Copper	0.026	0.012
Nickel	0.011	0.007
Fluoride	0.700	0.398

(g) Hydrofluorination water scrubber.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(h) Magnesium reduction and casting floor wash.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.011	0.005
Copper	0.039	0.018
Nickel	0.017	0.011
Fluoride	1.054	0.599

(i) Laundry wastewater.

BAT LIMITATIONS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.036	0.014
Copper	0.123	0.059
Nickel	0.053	0.036
Fluoride	3.360	1.910

§ 421.324 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Refinery sump filtrate.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	27.14	11.00
Copper	93.88	44.74
Nickel	40.34	27.14
Fluoride	2,567.00	1,459.00
Total suspended solids	1,100.00	680.10
pH	(1)	(1)

(1) Within the range of 7.5 to 10.0 at all times.

(b) Slag leach reslurry.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	1.689	0.685
Copper	5.844	2.785
Nickel	2.511	1.689
Fluoride	159.800	90.860
Total suspended solids	68.490	54.790
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Solvent extraction raffinate filtrate.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	2.357	0.955
Copper	8.152	3.885
Nickel	3.503	2.357
Fluoride	222.900	126.700
Total suspended solids	95.540	76.430
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) Digestion wet air pollution control.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Evaporation and denitration wet air pollution control

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium trioxide produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Hydrofluorination alkaline scrubber.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.007	0.003
Copper	0.026	0.012
Nickel	0.011	0.007
Fluoride	0.700	0.398
Total suspended solids	0.300	0.240
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Hydrofluorination water scrubber.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) magnesium reduction and casting floor wash.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.011	0.005
Copper	0.039	0.018
Nickel	0.017	0.011
Fluoride	1.054	0.599
Total suspended solids	0.452	0.361
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Laundry wastewater.

NSPS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.036	0.014
Copper	0.123	0.059
Nickel	0.053	0.036
Fluoride	3.360	1.910
Total suspended solids	1.440	1.152
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.325 [Reserved]

§ 421.326 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in secondary uranium process wastewater introduced into a POTW shall not exceed the following values:

(a) Refinery sump filtrate.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	27.14	11.00
Copper	93.68	44.74
Nickel	40.34	27.14
Fluoride	2,567.00	1,459.00

(b) Slag leach reslurry.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	1.689	0.685
Copper	5.844	2.785
Nickel	2.511	1.689
Fluoride	159.800	90.860

(c) Solvent extraction raffinate filtrate.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	2.357	0.955
Copper	8.152	3.885
Nickel	3.503	2.357
Fluoride	222.900	126.700

(d) Digestion wet air pollution control.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium processed in the refinery	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(e) Evaporation and denitration wet air pollution control.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium trioxide produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(f) Hydrofluorination alkaline scrubber.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.007	0.003
Copper	0.026	0.012
Nickel	0.011	0.007
Fluoride	0.700	0.398

(g) Hydrofluorination water scrubber.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium tetrafluoride produced	
Chromium (total)	0.000	0.000
Copper	0.000	0.000
Nickel	0.000	0.000
Fluoride	0.000	0.000

(h) Magnesium reduction and casting floor wash.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium trioxide produced	
Chromium (total)	0.011	0.005
Copper	0.039	0.018
Nickel	0.017	0.011
Fluoride	1.054	0.599

(i) Laundry wastewater.

PSNS FOR THE SECONDARY URANIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of uranium produced by magnesium reduction	
Chromium (total)	0.036	0.014
Copper	0.123	0.059
Nickel	0.053	0.036
Fluoride	3.360	1.910

§ 421.327 [Reserved]

Subpart AE—Primary Zirconium and Hafnium Subcategory

§421.330 Applicability: Description of the primary zirconium and hafnium subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of zirconium or hafnium at primary zirconium and hafnium facilities. There are two levels of BPT, BAT, NSPS, PSES and PSNS provisions for this subpart. Facilities which only produce zirconium or zirconium/nickel alloys by magnesium reduction of zirconium dioxide are exempt from regulations. All other facilities are subject to these regulations.

§ 421.331 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations, and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 421.332 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable technology currently available:

(a) Sand drying wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.250	0.102
Cyanide (total)	0.165	0.068
Lead	0.239	0.114
Nickel	1.091	0.721
Ammonia (as N)	75.710	33.280
Total suspended solids	23.290	11.080
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Sand chlorination off-gas wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	19.130	7.825
Cyanide (total)	12.610	5.216
Lead	18.260	8.694
Nickel	83.460	55.210
Ammonia (as N)	5,795.000	2,547.000
Total suspended solids	1,782.000	847.700
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Sand chlorination area-vent wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.751	1.534
Cyanide (total)	2.472	1.023
Lead	3.580	1.705
Nickel	16.370	10.830
Ammonia (as N)	1,136.000	449.500
Total suspended solids	349.500	166.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) $SiCl_4$ purification wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.299	1.350
Cyanide (total)	2.174	0.900
Lead	3.149	1.500
Nickel	14.400	9.522
Ammonia (as N)	999.500	439.400
Total suspended solids	307.400	146.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Feed makeup wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.501	1.023
Cyanide (total)	1.648	0.682
Lead	2.387	1.137
Nickel	10.910	7.217
Ammonia (as N)	757.500	333.000
Total suspended solids	233.000	110.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Iron extraction (MIBK) steam stripper bottoms.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.987	0.404
Cyanide (total)	0.651	0.269
Lead	0.942	0.449
Nickel	4.308	2.850
Ammonia (as N)	299.100	131.500
Total suspended solids	92.000	43.760
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Zirconium filtrate.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	17.070	6.982
Cyanide (total)	11.250	4.655
Lead	16.290	7.758
Nickel	74.480	49.260

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
Ammonia (as N)	5,171.000	2,273.000
Total suspended solids	1,590.000	756.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Hafnium filtrate.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Calcining caustic wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.959	1.619
Cyanide (total)	2.609	1.080
Lead	3.779	1.799
Nickel	17.270	11.430
Ammonia (as N)	1,199.000	527.200
Total suspended solids	368.900	175.400
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Pure chlorination wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	16.860	6.897
Cyanide (total)	11.110	4.598
Lead	16.090	7.663
Nickel	73.570	48.660
Ammonia (as N)	5,108.000	2,245.000
Total suspended solids	1,571.000	747.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Reduction area-vent wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	1.622	0.663
Cyanide (total)	1.069	0.442
Lead	1.548	0.737
Nickel	7.077	4.681
Ammonia (as N)	491.300	216.000
Total suspended solids	151.100	71.880
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(l) Magnesium recovery off-gas wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	9.123	3.732
Cyanide (total)	6.013	2.488
Lead	8.708	4.147
Nickel	39.810	26.330
Ammonia (as N)	2,764.000	1,215.000
Total suspended solids	850.100	404.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(m) Magnesium recovery area-vent wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	5.068	2.073
Cyanide (total)	3.340	1.382
Lead	4.838	2.304
Nickel	22.110	14.630
Ammonia (as N)	1,535.000	675.000
Total suspended solids	472.200	224.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0.

(n) Zirconium chip crushing wet air pollution control.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(1)	(1)

1 Within the range of 7.5 to 10.0 at all times.

(o) Acid leachate from zirconium metal production.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	12.970	5.304
Cyanide (total)	8.545	3.536
Lead	12.380	5.893
Nickel	56.570	37.420
Ammonia (as N)	3,928.000	1,727.000
Total suspended solids	1,208.000	574.600
pH	(1)	(1)

1 Within the range of 7.5 to 10.0 at all times.

(p) Acid leachate from zirconium alloy production.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	6.939	2.839
Cyanide (total)	4.574	1.893
Lead	6.624	3.154
Nickel	30.280	20.030
Ammonia (as N)	2,102.000	924.200
Total suspended solids	646.600	307.600
pH	(1)	(1)

1 Within the range of 7.5 to 10.0 at all times.

(q) Leaching rinse water from zirconium metal production.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium produced	
Chromium (total)	25.930	10.610
Cyanide (total)	17.090	7.072
Lead	24.750	11.790
Nickel	113.200	74.840
Ammonia (as N)	7,856.000	3,453.000
Total suspended solids	2,416.000	1,149.000
pH	(1)	(1)

1 Within the range of 7.5 to 10.0.

(r) Leaching rinse water from zirconium alloy production.

BPT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium in alloys produced	
Chromium (total)	0.347	0.142
Cyanide (total)	0.229	0.095
Lead	0.331	0.158
Nickel	1.515	1.002
Ammonia (as N)	105.200	46.240
Total suspended solids	32.350	15.390
pH	(1)	(1)

1 Within the range of 7.5 to 10.0 at all times.

§ 421.333 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable:

(a) Sand drying wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.210	0.085
Cyanide (total)	0.114	0.045
Lead	0.159	0.074
Nickel	0.312	0.210
Ammonia (as N)	75.710	33.280

(b) Sand chlorination off-gas wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	16.080	6.521
Cyanide (total)	8.694	3.478
Lead	12.170	5.651
Nickel	23.910	16.080
Ammonia (as N)	5,795.000	2,547.000

(c) Sand chlorination area-vent wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.154	1.279
Cyanide (total)	1.705	0.682
Lead	2.387	1.108
Nickel	4.688	3.154
Ammonia (as N)	1,136.000	499.500

(d) $SiCl_4$ purification wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.774	1.125
Cyanide (total)	1.500	0.600
Lead	2.099	0.975
Nickel	4.124	2.774
Ammonia (as N)	999.500	439.400

(e) Feed makeup wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.103	0.852
Cyanide (total)	1.137	0.455
Lead	1.591	0.739
Nickel	3.126	2.103
Ammonia (as N)	757.500	333.000

(f) Iron extraction (MIBK) steam stripper bottoms.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.830	0.337
Cyanide (total)	0.449	0.180
Lead	0.628	0.292
Nickel	1.234	0.830
Ammonia (as N)	299.100	131.500

(g) Zirconium filtrate.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	14.350	5.819
Cyanide (total)	7.758	3.103
Lead	10.860	5.043
Nickel	21.330	14.350
Ammonia (as N)	5,171.000	2,273.00

(h) Hafnium filtrate.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000

(i) Calcining caustic wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.329	1.350
Cyanide (total)	1.799	0.720
Lead	2.519	1.170
Nickel	4.948	3.329
Ammonia (as N)	1,199.000	527.200

(j) Pure chlorination wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	14.180	5.748
Cyanide (total)	7.663	3.065
Lead	10.730	4.981
Nickel	21.070	14.180
Ammonia (as N)	5,108.000	2,245.000

(k) Reduction area-vent wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	1.364	0.553
Cyanide (total)	0.737	0.295
Lead	1.032	0.479
Nickel	2.027	1.364
Ammonia (as N)	491.300	216.000

(l) Magnesium recovery off-gas wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	7.671	3.110
Cyanide (total)	4.147	1.659
Lead	5.805	2.695
Nickel	11.400	7.671
Ammonia (as N)	2,764.000	1,215.000

(m) Magnesium recovery area-vent wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	4.262	1.728
Cyanide (total)	2.304	0.921
Lead	3.225	1.497
Nickel	6.335	4.262
Ammonia (as N)	1,535.000	675.000

(n) Zirconium chip crushing wet air pollution control.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000

(o) Acid leachate from zirconium metal production.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	10.900	4.420
Cyanide (total)	5.893	2.357
Lead	8.250	3.831
Nickel	16.210	10.900
Ammonia (as N)	3,928.000	1,674.000

(p) Acid leachate from zirconium alloy production.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	5.835	2.366
Cyanide (total)	3.154	1.262
Lead	4.416	2.050
Nickel	8.674	5.835
Ammonia (as N)	2,102.000	895.000

(q) Leaching rinse water from zirconium metal production.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	21.810	8.840
Cyanide (total)	11.790	4.715
Lead	16.500	7.661
Nickel	32.410	21.810
Ammonia (as N)	7,856.000	3,453.000

(r) Leaching rinse water from zirconium alloy production.

BAT LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	0.292	0.118
Cyanide (total)	0.158	0.063
Lead	0.221	0.103
Nickel	0.434	0.292
Ammonia (as N)	105.200	46.240

§ 421.334 Standards of performance for new sources.

Any new source subject to this subpart shall achieve the following new source performance standards:

(a) Sand drying wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.210	0.085
Cyanide (total)	0.114	0.045
Lead	0.159	0.074
Nickel	0.312	0.210
Ammonia (as N)	75.710	33.260
Total suspended solids	8.520	6.816
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(b) Sand chlorination off-gas wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	16.080	6.521
Cyanide (total)	8.694	3.478
Lead	12.170	5.651
Nickel	23.910	16.080
Ammonia (as N)	5,795.000	2,547.000
Total suspended solids	652.100	521.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(c) Sand chlorination area-vent wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.154	1.279
Cyanide (total)	1.705	0.682
Lead	2.387	1.108
Nickel	4.688	3.154
Ammonia (as N)	1,136.000	499.500
Total suspended solids	127.900	102.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(d) SiC_{14} purification wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.774	1.125
Cyanide (total)	1.500	0.600
Lead	2.099	0.975
Nickel	4.124	2.774
Ammonia (as N)	999.500	439.400
Total suspended solids	112.500	89.980
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(e) Feed makeup wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.103	0.852
Cyanide (total)	1.137	0.455
Lead	1.591	0.739
Nickel	3.126	2.103
Ammonia (as N)	757.500	333.000
Total suspended solids	85.250	68.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(f) Iron extraction (MIBK) steam stripper bottoms.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.830	0.337
Cyanide (total)	0.449	0.180
Lead	0.628	0.292
Nickel	1.234	0.830
Ammonia (as N)	299.100	131.500
Total suspended solids	33.660	26.930
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(g) Zirconium filtrate.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	14.350	5.819
Cyanide (total)	7.758	3.103
Lead	10.860	5.043
Nickel	21.330	14.350
Ammonia (as N)	5,171.000	2,273.000
Total suspended solids	581.900	465.500
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(h) Hafnium filtrate.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(i) Calcining caustic wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.329	1.350
Cyanide (total)	1.799	0.720
Lead	2.519	1.170
Nickel	4.948	3.329
Ammonia (as N)	1,199.000	527.200
Total suspended solids	135.000	108.000
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(j) Pure chlorination wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	14.180	5.748
Cyanide (total)	7.663	3.065
Lead	10.730	4.981
Nickel	21.070	14.180
Ammonia (as N)	5,108.000	2,245.000
Total suspended solids	574.800	459.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(k) Reduction area-vent wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	1.364	0.553
Cyanide (total)	0.737	0.295
Lead	1.032	0.479
Nickel	2.027	1.364
Ammonia (as N)	491.300	216.000
Total suspended solids	55.290	44.230
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(l) Magnesium recovery off-gas wet air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	7.671	3.110
Cyanide (total)	4.147	1.659
Lead	5.805	2.695
Nickel	11.400	7.671
Ammonia (as N)	2,764.000	1,215.000
Total suspended solids	404.300	248.800
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(m) Magnesium recovery area-vent wet air pollution control.

NSPS LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	4.262	1.728
Cyanide (total)	2.304	0.921
Lead	3.225	1.497
Nickel	6.335	4.262
Ammonia (as N)	1,535.000	675.000
Total suspended solids	172.600	138.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(n) Zirconium chip crushing west air pollution control.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000
Total suspended solids	0.000	0.000

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY—Continued

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(o) Acid leachate from zirconium metal production.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	10.900	4.420
Cyanide (total)	5.893	2.357
Lead	8.250	3.831
Nickel	16.210	10.900
Ammonia (as N)	3,928.000	1,674.000
Total suspended solids	442.000	353.600
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(p) Acid leachate from zirconium alloy production.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	5.835	2.366
Cyanide (total)	3.154	1.262
Lead	4.416	2.050
Nickel	8.674	5.835
Ammonia (as N)	2,102.000	695.800
Total suspended solids	236.600	189.300
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(q) Leaching rinse water from zirconium metal production.

NSPS LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	21.810	8.840
Cyanide (total)	11.790	4.715
Lead	16.500	7.661
Nickel	32.410	21.810
Ammonia (as N)	7,856.000	3,453.000
Total suspended solids	884.000	707.200
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

(r) Leaching rinse water from zirconium alloy production.

NSPS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	0.292	0.118
Cyanide (total)	0.158	0.063
Lead	0.221	0.103
Nickel	0.434	0.292
Ammonia (as N)	105.200	46.240
Total suspended solids	11.840	9.468
pH	(1)	(1)

[1] Within the range of 7.5 to 10.0 at all times.

§ 421.335 [Reserved]

§ 421.336 Pretreatment standards for new sources.

Except as provided in 40 CFR 403.7, any new source subject to this subpart which introduces pollutants into a publicly owned treatment works must comply with 40 CFR Part 403 and achieve the following pretreatment standards for new sources. The mass of wastewater pollutants in primary zirconium and hafnium process wastewater introduced into a POTW shall not exceed the following values:

(a) Sand drying wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.210	0.085
Cyanide (total)	0.114	0.045
Lead	0.159	0.074
Nickel	0.312	0.210
Ammonia (as N)	75.710	33.260

(b) Sand chlorination off-gas wet air pollution control

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	16.080	6.521
Cyanide (total)	8.690	3.478
Lead	12.170	5.651
Nickel	23.910	16.080
Ammonia (as N)	5,795.000	2,547.000

(c) Sand chlorination area vent wet air pollution control

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.154	1.278
Cyanide (total)	1.705	0.682
Lead	2.387	1.108
Nickel	4.688	3.154
Ammonia (as N)	1,136.000	499.500

(d) $SiCl_4$ purification wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.774	1.125
Cyanide (total)	1.500	0.600
Lead	2.099	0.975
Nickel	4.124	2.774
Ammonia (as N)	999.500	439.400

(e) Feed makeup wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	2.103	0.852
Cyanide (total)	1.137	0.455
Lead	1.591	0.739
Nickel	3.126	2.103
Ammonia (as N)	757.500	333.000

(f) Iron extraction (MIBK) steam stripper bottoms.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.830	0.337
Cyanide (total)	0.449	0.180
Lead	0.628	0.292
Nickel	1.234	0.830
Ammonia (as N)	299.100	131.500

(g) Zirconium filtrate.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	14.350	5.819
Cyanide (total)	7.758	3.103
Lead	10.860	5.043
Nickel	21.340	14.350
Ammonia (as N)	5,171.000	2,273.000

(h) Hafnium filtrate

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000

(i) Calcining caustic wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium dioxide and hafnium dioxide produced	
Chromium (total)	3.329	1.350
Cyanide (total)	1.799	0.720
Lead	2.519	1.170
Nickel	4.948	3.329
Ammonia (as N)	1,199.000	527.200

(j) Pure chlorination wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	14.180	5.748
Cyanide (total)	7.663	3.065
Lead	10.730	4.981
Nickel	21.007	14.180
Ammonia (as N)	5,108.000	2,245.000

(k) Reduction area-vent wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	1.364	0.553
Cyanide (total)	0.737	0.295
Lead	1.032	0.479
Nickel	2.027	1.364
Ammonia (as N)	491.300	216.000

(l) Magnesium recovery off-gas wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	7.671	3.110
Cyanide (total)	4.147	1.659
Lead	5.805	2.695
Nickel	11.400	7.671
Ammonia (as N)	2,764.000	1,215.000

(m) Magnesium recovery area-vent wet air pollution control.

PSNS LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	4.262	1.728
Cyanide (total)	2.304	0.921
Lead	3.225	1.497
Nickel	6.335	4.262
Ammonia (as N)	1,535.000	675.00

(m) Zirconium chip crushing wet air pollution control.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium and hafnium produced	
Chromium (total)	0.000	0.000
Cyanide (total)	0.000	0.000
Lead	0.000	0.000
Nickel	0.000	0.000
Ammonia (as N)	0.000	0.000

(o) Acid leachate from zirconium metal production.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	10.900	4.420
Cyanide (total)	5.893	2.357
Lead	8.250	3.831
Nickel	16.210	10.900
Ammonia (as N)	3,928.000	1,674.00

(p) Acid leachate from zirconium alloy production.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	5.835	2.366
Cyanide (total)	3.154	1.262
Lead	4.416	2.050
Nickel	8.674	5.835
Ammonia (as N)	2,102.000	895.800

(q) Leaching rinse water from zirconium metal production.

PSNS LIMITATIONS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of pure zirconium produced	
Chromium (total)	21.810	8.840
Cyanide (total)	11.790	4.715
Lead	16.500	7.661
Nickel	32.410	21.810
Ammonia (as N)	7,856.000	3,453.000

(r) Leaching rinse water from zirconium alloy production.

PSNS FOR THE PRIMARY ZIRCONIUM AND HAFNIUM SUBCATEGORY

Pollutant or pollutant property	Maximum for any 1 day	Maximum for monthly average
	mg/kg (pounds per million pounds) of zirconium contained in alloys produced	
Chromium (total)	0.292	0.118
Cyanide (total)	0.158	0.063
Lead	0.221	0.103
Nickel	0.434	0.292
Ammonia (as N)	105.200	46.240

§ 421.337 [Reserved]

[FR Doc. 85-21288 Filed 9-19-85; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
September 20, 1985

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations. Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations. Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decision

Washington: WA85–5037.

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA85–5034	Aug 23, 1985.
Iowa: IA84–4042	June 15, 1984.
Michigan: MI85–5022	June 7, 1985.
Nevada: NV84–5014	June 8, 1984.
Pennsylvania: PA85–3030	June 21, 1985.
Utah: UT83–5120	Sept. 30, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

California: (CA85–5036).	CA84–5022	Oct. 5, 1984.
Missouri: (MO85–4031).	MO84–4110	Dec. 21, 1984.
New York:		
NY81–3061 (NY85–3042)		Sept. 11, 1981.
NY81–3046 (NY85–3042)		July 17, 1981.
Texas: TX84–4104 (TX85–4039).		Nov. 30, 1984.

Signed at Washington, D.C. this 13th day of September 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

NEW DECISION

STATE: WASHINGTON
DECISION NUMBER: WA85-5037
DESCRIPTION OF WORK: Building Projects (Does not include single-family homes and apartments up to and including four stories)

COUNTIES: Chelan, Clallam, *Douglas, Grays Harbor, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, *Okanogan, *Pacific, Pierce, Snohomish, and Thurston

*Includes the areas of Douglas and Okanogan Counties which lie West of the 120th Meridian, and Pacific County North of the Wahkiakum County northern boundary extended Westward to the Pacific Ocean

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$21.07	$1.30
BOILERMAKERS	21.52	3.54
BRICKLAYERS:		
Area 1	17.84	2.29
Area 2	18.45	3.18
Area 3:		
Masonry contracts under $100,000	13.31	3.40
Masonry contracts over $100,000	16.64	3.40
Area 4	18.18	3.50
CARPENTERS:		
Area 1:		
Buildings under $500,000 and Bridges under $350,000 (Except King County): All Classifications	15.90	2.96
All other work:		
Carpenters & Drywall Applicator	17.32	2.96
Carpenter on creosoted material	17.42	2.96
Sawfilers, stationary power saw, floor finisher, floor layer, shingler, floor sander and other stationary power woodworking tools	17.45	2.96
Millwright & Machine Erector	17.82	2.96
Piledriver, bridge, dock and wharf builder	17.52	2.96
Acoustical worker	17.48	2.96
Area 2:		
Carpenters, Lathers, Sawfiler Stationary power saw, floor-layer, floor finisher, floor-sander, and stationary wood working tools	14.00	2.96
Piledriver, Bridge, Dock, and Wharf builder	17.52	2.96
Acoustical Workers	14.16	2.96
CEMENT MASONS:		
Area 1:		
Group 1	15.62	3.80
Group 2	16.12	3.80
Group 3	16.62	3.80

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS (Cont'd):		
Area 2:		
Cement Masons	17.86	3.45
Composition, Color, Mastic, Trowel Machine, Grinder, Power Tool, Gunnite nozzle	18.11	3.45
Area 3:		
Cement Masons	16.95	3.00
Composition, color, mastic, trowel machine, grinder, power tool, gunnite nozzle	17.20	3.00
ELECTRICIANS:		
Area 1:		
Electricians	18.76	3%+3.61
Cable Splicers	19.70	3%+3.61
Area 2:		
Electricians	20.03	3%+2.56
Cable Splicers	22.03	3%+2.56
Area 3:		
Electricians	17.62	3%+3.385
Cable Splicers	19.38	3%+3.385
Area 4:		
Electricians	18.70	3%+3.20
Cable Splicers	20.57	3%+3.20
Area 5:		
Electricians	21.00	3%+3.20
Cable Splicers	23.10	3%+3.20
ELECTRONIC TECHNICIANS:		
Area 1	13.66	2.63
Area 2	14.00	7.4%
ELEVATOR MECHANICS:		
Area 1	19.855	a+3.29
Area 2	20.76	a+3.00
Elevator Helpers Areas 1 & 2: 70% of journeyman rate plus full fringes. Probationary Helpers 50% no fringe.		
GLAZIERS:		
Area 1	10.91	2.51
Area 2	16.84	b+2.68
Area 3	13.06	2.03
INSULATION APPLICATORS	14.22	2.66
IRONWORKERS	18.26	4.71
LATHERS:		
Area 1	17.27	3.05

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Area 1:		
Brush	15.97	7.58
Drywall Taper	14.67	2.59
Steel, Spray, Steam Cleaning	16.47	2.59
Swing Stage or high work over 30 ft	16.67	2.59
Bituminastic, Sandblasting, Bridge, tanks on legs, Tower, Stacks, Steeples	16.77	2.59
TV, Radio and Electrical Transmission Towers	17.47	2.59
Area 2:		
General Painter	17.24	2.72
Drywall Tapet	18.12	2.72
Industrial Painter	17.64	2.72
PLASTERERS:		
Area 1	15.88	3.20
Area 2	17.31	3.62
PLUMBERS:		
Area 1	17.25	6.82
Area 2	19.43	7.23
Area 3	19.89	6.76
Area 4	19.00	6.82
ROOFERS:		
Area 1	14.56	4.10
Area 2	16.48	2.55
Area 3:		
Roofers, Waterproofers	18.85	2.57
Slate & Tile Roofers	19.10	2.57
Area 4:		
Roofers, Waterproofers	16.75	3.04
Slate & tile roofers	17.00	3.04
SHEET METAL WORKERS:		
Area 1	17.46	3%+3.08
Area 2	21.54	3%+2.24
Area 3	19.65	3%+2.33
Area 4	20.71	3%+3.07
SOFT FLOOR LAYERS:		
Area 1	15.00	2.34
Area 2	17.30	2.34
Area 3	14.454	2.65+c
Area 4	15.98	2.82
SPRINKLER FITTERS:		
Area 1	20.99	6.91
Area 2	19.17	3.23

	Basic Hourly Rates	Fringe Benefits
TERRAZZO WORKERS; TILE SETTERS:		
Area 1	17.74	2.29
Area 2	17.69	3.12
Area 3	16.64	3.40
Area 4	17.44	3.43
TILE, MARBLE, & TERRAZZO FINISHERS:	14.77	2.22
LANDSCAPE CONSTRUCTION:		
Laborers	8.46	3.30
Plumbers	10.62	2.31
Power Equipment Operators	11.18	3.80
LATHERS:		
Area 1:		
Chelan, Douglas, Kittitas, & Okanogan Counties. (See Footnote "d")		
Group 1	8.46	3.43
Group 2	9.60	3.43
Group 3	9.60	3.43
Group 4	9.98	3.43
Group 5	10.27	3.43
All other work not covered by Footnote "d"		
Group 1	8.46	3.43
Group 2	10.78	3.43
Group 3	12.00	3.43
Group 4	12.48	3.43
Group 5	12.84	3.43
Area 2:		
Remaining Counties (See Footnote "c"		
Group 1	8.46	3.43
Group 2	10.78	3.43
Group 3	12.69	3.43
Group 4	13.20	3.43
Group 5	13.40	3.43
All other work not covered by Footnote "c"		
Group 1	8.46	3.43
Group 2	10.78	3.43
Group 3	14.96	3.43
Group 4	15.44	3.43
Group 5	15.80	3.43

	Basic hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Area 1:		
Chelan, Douglas, Kittitas & Okanogan Counties.		
On projects as described in Footnote "d", the rate for each group shall be 65% of the base rate plus full fringe benefits. On all other work, the following rates apply:		
Group 1	16.73	4.16
Group 2	16.23	4.16
Group 3	15.74	4.16
Group 4	15.43	4.16
Group 5	15.11	4.16
Group 6	13.33	4.16
Area 2:		
Remaining Counties:		
On projects as described in Footnote "d", the rate for each group shall be 85% of the base rate plus full fringe benefits.		
On all other work, the following rates apply:		
Group 1	18.73	4.16
Group 2	18.23	4.16
Group 3	17.79	4.16
Group 4	17.43	4.16
Group 5	17.13	4.16
Group 6	15.33	4.16

	Basic Hourly Rate	Fringe Benefits
TRUCK DRIVERS:		
On projects as described in Footnote "d", the rate for each group shall be 85% of the base rate plus full fringe benefits. On all other work, the following rates apply:		
Group 1	17.06	3.64
Group 2	17.11	3.64
Group 3	17.16	3.64
Group 4	17.27	3.64
Group 5	17.33	3.64
Group 6	17.37	3.64
Group 7	17.38	3.64
Group 8	17.44	3.64
Group 9	17.49	3.64
Group 10	17.51	3.64
Group 11	17.54	3.64
Group 12	17.64	3.64
Group 13	17.66	3.64
Group 14	17.70	3.64
Group 15	17.82	3.64
Group 16	17.86	3.64
Group 17	17.98	3.64
Group 18	18.03	3.64
Group 19	18.19	3.64
Group 20	18.35	3.64
Group 21	18.51	3.64
Group 22	12.00	3.64
Group 23	15.25	3.64

WELDERS receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTES:

a. Employer contributes 9% of basic hourly rate for over 5 years service and 6% for 6 months to 5 years service as vacation pay credit. Paid holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Day

b. Two weeks vacation with pay after 1 year employment. Paid holidays: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, and Christmas Day

c. Reduced rates as indicated in the wage decision may be paid on projects which have a total value of less than $3 million excluding the cost of electrical, mechanical, and utilities. Utilities include sanitary and storm sewerage and facilities for the delivery of water, electity, gas, and communications.

d. Reduced rates as indicated in the wage decision may be paid on the following:
   1. Projects involving work on structures such as buildings & bridges whose total value is less than $1.5 million excluding mechanical, electrical, and utility portions of the contract. Utilities include sanitary & storm sewerage and facilities for the delivery of water, gas, electricity, and communications.
   2. Projects of less than $1 million where no building is involved. Surfacing & paving included, but utilities excluded.
   3. Marine projects (docks, wharfs etc) less than $150,000

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AREA DESCRIPTIONS

BRICKLAYERS; MARBLE SETTERS:
Area 1: Chelan, Douglas, and Okanogan Counties
Area 2: Clallam, Jefferson, King, Kitsap, and Snohomish Counties
Area 3: Kittitas County
Area 4: Grays Harbor, Lewis, Mason, Pacific, Pierce, and Thurston Counties

CARPENTERS:
Area 1: Clallam, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific & Pierce
Area 2: Chelan, Kittitas, Okanogan, and Douglas Counties

CEMENT MASONS:
Area 1: Chelan, Douglas, Kittitas (except area lying one mile west of Easton), and Okanogan Counties
Area 2: Clallam, Grays Harbor, Jefferson, King (Southern portion), Kitsap, Kittitas (Western portion lying one mile West of the City of Easton), Lewis, Mason, Pacific, Pierce, and Thurston Counties
Area 3: Island, San Juan, Skagit, Snohomish, King,(Northern portion) & Whatcom Cos.

ELECTRICIANS:
Area 1: Kittitas County
Area 2: Chelan, Douglas, and Okanogan Counties
Area 3: Clallam, Jefferson, King, and Kitsap Counties
Area 4: Grays Harbor, Lewis, Mason, Pierce, Pacific, and Thurston Counties
Area 5: Snohomish County

ELECTRONIC TECHNICIANS: Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of journeyman electricians
Area 1: Clallam, Jefferson, King, and Kitsap Counties
Area 2: Grays Harbor, Lewis, Mason, Pacific, Pierce, and Thurston

ELEVATOR MECHANICS:
Area 1: Douglas, Okanogan Counties
Area 2: Chelan, Clallam, Grays Harbor, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, Snohomish, and Thurston Counties

GLAZIERS:
Area 1: Chelan, Douglas, and Okanogan County
Area 2: Clallam, Jefferson, Grays Harbor, King, Kitsap, Lewis, Mason, Pacific, Pierce Snohomish, Thurston Counties
Area 3: Kittitas County

LATHERS:
Area 1: Clallam, Jefferson, King, Kitsap, Lewis, Pacific, and Pierce Counties

PAINTERS:
Area 1: Chelan, Douglas, Kittitas, Okanogan Counties
Area 2: Clallam, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pierce, Pacific, Snohomish, and Thurston Counties

PLASTERERS:
Area 1: Chelan, Douglas, Kittitas, Okanogan Counties
Area 2: Clallam, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason & Pacific Cos.

PLUMBERS:
Area 1: Chelan, Kittitas (North of 47° 15' Latitude), Douglas, Okanogan Counties
Area 2: Kittitas County (South of 47° 15' Latitude)
Area 3: Grays Harbor, Kitsap, Lewis, Mason, Pierce, Snohomish, and Thurston Counties
Area 4: Clallam, King, and Jefferson Counties

ROOFERS:
Area 1: Chelan, Douglas & Okanogan Counties
Area 2: Kittitas County
Area 3: Clallam, Jefferson, King, Kitsap, Mason, and Snohomish Counties
Area 4: Cowlitz, Grays Harbor, Lewis, Pacific, Pierce and Thurston Counties

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AREA DESCRIPTIONS

SHEET METAL WORKERS:
Area 1: Chelan, Douglas, Okanogan Counties
Area 2: Clallam, Jefferson, Kitsap, and Mason Counties
Area 3: Grays Harbor, Lewis, Pacific, Pierce, and Thurston Counties
Area 4: King, Kittitas, and Snohomish Counties
SOFT FLOOR LAYERS:
Area 1: Chelan, Douglas, and Okanogan County
Area 2: King, Kitsap, and Snohomish Counties
Area 3: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties
Area 4: Kittitas County
SPRINKLER FITTERS:
Area 1: Snohomish, King, Kitsap, Pierce, and Thurston Counties
Area 2: Remaining Counties
TERRAZZO WORKERS: TILE SETTERS:
Area 1: Chelan, Douglas, and Okanogan Counties
Area 2: Clallam, Jefferson, King, Kitsap, and Snohomish
Area 3: Kittitas County
Area 4: Grays Harbor, Lewis, Mason, Pierce, and Thurston Counties

GROUP DESCRIPTIONS

CEMENT MASONS (AREA 1)

Group 1: Journeyman cement mason includes but not limited to: Rocking, tamping, Floating, Troweling, Patching, Stoning, rubbing, sack rubbing, all exposed aggregate finishing, setting of screeds, screed forms, curb and gutter and sidewalk forms, preparation of all concrete for caulking of the joints and the caulking of expansion joints, preparation of concrete for the application of hardeners, sealers and curing compounds and their application; grouting and dry packing of machine base, removal of snap ties and she-bolts prior to patching of concrete

Group 2: Power troweling machine operator, troweling of magnesite, terrazzal or material with epoxy base or enychloride base, all power grinders, brushing hammer, chipping gun, gunnite nozzleman, all sandblasting for architectural finishes and exposing of aggregate for finish, concrete sawing and cutting for expansion joints and scoring for decorative patterns, operating of clary-type floats, longitudinel floats, rodding machines and belting machines, scarifiers

Group 3: Grinding, brushing or chipping of toxic materials or high density concrete, operating power tools on a scaffold

LABORERS (AREAS 1 and 2)

Group 1: Fence laborer, window washer

Group 2: Batch weighman, crusher feeder, pilot car, tool room man at job site,

Group 3 General laborer,: air, gas, or electric vibrating screed; Ballast regulator machine; carpenter tender; chipping gun; chuck tender; concrete form stripper; cement finisher tender; curing labor; demolition, wrecking, and moving including charred material, epoxy technician; gabian basket builders; grinders; pot tender; powderman's tender; stake hopper; toprail tailman; tugger operator

GROUP DESCRIPTIONS (CONT'D)

LABORERS AREAS 1 and 2 (CONT'D)

Group 4: Cement dumper-paving; Clary power spreader; concrete saw operator; faller and bucker chain saw; grade checker; high scaler; jackhammer; manhole builder; mortarman and hodcarrier; nozzleman (concrete pump, green cutter when using combination of high pressure air & water on concrete and rock, sandblast, gunnite, shotcrete) water blaster; pavement breaker; pipe layer & caulker; Pipe reliner (not insert type); Railroad spike puller (power); raker-asphalt; spreader (concrete); timberman-sewer (lagger, shorer & cribber); track liner (power); tamper (multiple and self-propelled); tamper & similar electric, air & gas operated tools; vibrator; wagon driller & air track operator; well point laborer

Group 5: Caisson worker; miner; powderman; re-timberman

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)

Group 1: Cranes, 100 tons and over or 200ft of boom including jib and over; Loaders, 8 yards and over; shovels and attachments 6 yds and over

Group 2: Cableways; cranes, over 45 tons up to 100 tons or over 150 ft including jib; rollagon; tower crane; helicopter, winch; remote control operator; loader, overhead, 4 yds up to 8 yds; shovels, backhoes over 3 yds to 6 yds; slipform pavers; scrapers, self-propelled, 45 yds and over; Quad 9, HD 41, D-10

Group 3: Concrete batch plant operator; bump cutter; cranes 20 tons to 45 tons; Hydralifts; chipper; crushers; derricks; drilling machine; finishing machine; loaders, overhead, under 6 yds; mechanics; mixers, asphalt plant; motor patrol graders, finishing; pump truck mounted concrete pump with boom attachment; pileDriver operator; screed man; shovels, backhoes 3 yds and under; sidegrader, trimmer; tractors, backhoes over 60 hp; scrapers, self-propelled, under 45 yds

Group 4: Broom; dozers, D-9 and under; pavdozers; A-frame crane;cranes up to 20 tons; conveyors; hoists, air tugger; loaders, elevating type; fork lifts; motor patrol grader, non-finishing; mucking machine; concrete pumps; roller, plant mix or multi-lift materials; saws, concrete; scrapers, carryall; spreaders, blaw knox; trenching machines; equipment service engineer; oiler driver on truck cranes over 45 tons; tractor, backhoe 60 hp and under

Group 5: Oiler driver on truck cranes, 45 tones and under; oil distributors, blower; assistant engineer; jabement breaker; postHole digger, mechanical; power plant; wheel tractors, farmall type; pumps, water; rollers other than plant mix

Group 6: Gradechecker and stakeman

TRUCK DRIVERS

Group 1: Leverman and Loaders at Bunkers and Batch Plants; Swampers; and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site (warehousing); Dumpsters and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks, side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yds.; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Trucks, up to 1,600 gallons; Winch Truck, single rear axle; Wrecker, Tow Truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Trucks, 1,6000 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yds. to and including 12 yds.; Explosive Truck (field mix) anmilar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters and similar equipment (as listed in Group 3) - over 16 yds. to and including 20 yds.; Water Wagon and Trank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4 yds. to and including 6 yds.

Group 12: "A" Frame or Hydralift Trucks or similar equipment

TRUCK DRIVERS (Cont'd)

Group 13: Dumpster and similar equipment (as listed in Group 3) - over 20 yds. to and including 30 yds.; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yds. to and including 8 yds.

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yds. to and including 40 yds.; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yds. to and including 10 yds.

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yds. to and including 55 yds.

Group 18: Transit-mix, over 10 yds. to and including 12 yds.

Group 19: Transit-mix, over 12 yds. to and including 16 yds.

Group 20: Transit-mix, over 16 yds. to and including 20 yds.

Group 21: Transit-mix, over 20 yds.

Group 22: Escort or Pilot Car

Group 23: Flat bed (single rear axle); pickup truck

MODIFICATIONS P. 1

DECISION NO. IA84-4042 -
MOD. #4
(49 FR 24855 - 6/15/84)
Woodbury County, Iowa

Change:
Carpenters:
All other construction:
On projects $750,000 & under:

	Basic Hourly Rates	Fringe Benefits
Carpenters, drywall hangers & lathers	$10.80	2.36
Millwrights & pile-drivermen	11.30	2.36
On projects over $750,000:		
Carpenters, drywall hangers & lathers	12.30	2.36
Millwrights & pile-drivermen	12.80	2.36
Electricians	15.34	2.07+ 3.75%
Ironworkers	12.89	1.795
Plumbers & pipefitters	13.59	3.25
Sprinkler Fitters	17.00	3.40

DECISION NO. CA85-5034 -
Mod. #1
(50 FR 34341 - August 23, 1985)
San Diego County, CA

Change:
Footnotes:
Change Footnote b to read: 5 years but less than 10 years $1.48 per hour to Vacation Fund.

DECISION NO. MI85-5022 -
Mod. #1
(50 FR 24116 - June 7, 1985)
Macomb, Monroe, Oakland, Washtenaw and Wayne Counties, Michigan

Change:
Carpenters:
Area 2:

	Basic Hourly Rates	Fringe Benefits
Building construction	$16.69	$$1.7(+22%
Residential construction	12.51	2.4(+11%

DECISION NO. NV84-5014 -
Mod. #13
(49 FR 23988 - June 8, 1984)
Statewide (does not include the Test Range, or Building construction in Churchill, Lyon and Mineral Counties, or Highway construction in Douglas County), Nevada

Change:

	Basic Hourly Rates	Fringe Benefits
Bricklayers: Stonemason Area 1	$16.59	
Mason Tenders: Area 1	13.87	

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MODIFICATIONS P. 2

DECISION NO. PA85-3030
MOD. NO. 2
(50 FR 25852 - June 21, 1985)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$18.26	2.04
Electricians	15.91	1.83+ 3 1/4%
Elevator Constructors	16.38	3.58+ a+b
Elevator Constructors Helpers	11.47	3.58+ a+b
Elevator Constructors Helpers (Prob.)	8.19	
Glaziers	13.91	1.96
Line Construction:		
Linemen & Cable Splicers	15.56	.80+ 3 3/8%
Groundman	9.34	.80+ 3 3/8%
Winch truck operator	10.89	.80+ 3 3/8%
Roofers:		
Composition	14.06	2.53
Sprinkler Fitters	17.75	3.40
Terrazzo Workers & Tile Setters	15.02	2.15
Truck Drivers:		
Truck drivers, pick-ups, dump, service trucks, flat trucks, to and including 3 license plates	12.69	f+g
Transit mix, winch trucks, tractor all types euclids, ross lumber and over 3 plates	12.95	f+g

FOOTNOTES:
f. $145.60 per month for employee who have worked sixty hours or more during the month to a Health and Welfare Fund.
g. $96.31 per month for employee who have worked sixty hours or more during the month to a pension fund.

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DECISION NO. UT83-5120-MOD. #13 (48 FR 44992 - Sept. 30, 1983 Statewide, Utah	Basic Hourly Rates	Fringe Benefits
Change:		
BRICKLAYERS:		
Industrial(power plants, Refineries, Smelters and Industrial Refractory Projects)	$15.00	1.57
All other work	11.75	1.57
CARPENTERS:		
Building Construction:		
Carpenters	13.75	2.35
Saw Operators	14.00	2.35
Scafford Builder	14.25	2.35
Millwrights	15.05	2.35
Piledrivermen	20.09	2.35
Heavy and Highway Construction:		
Zone 1:		
Carpenters	15.63	2.35
Saw Operators: Carpenters handling creosote materials	15.88	2.35
Piledrivermen	20.09	2.35
Zone 2:		
Carpenters	16.13	2.35
Saw operators: Carpenters handling creosote materials	18.38	2.35
Piledrivermen	20.09	2.35
DRYWALL INSTALLERS:		
Taping, finishing and texturing (hand or machine)	12.00	1.44
ELEVATOR CONSTRUCTORS:		
Mechanics	15.82	3.58+a
Helpers	11.07	3.58+a
Probationary Helpers	7.91	

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CON-STRUCTION:	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2
GROUP 1	$16.22	$19.22
GROUP 2	16.57	19.57
GROUP 3	16.75	19.75
GROUP 4	16.86	19.86
GROUP 5	17.32	20.32
GROUP 6	17.47	20.47
GROUP 6A	17.58	20.58
GROUP 7	17.88	20.88
GROUP 7A	17.94	20.94
GROUP 8	18.00	21.00
GROUP 9	18.16	21.16
GROUP 10	18.60	21.60
GROUP 10A	19.56	22.56
GROUP 10B	20.01	23.01
GROUP 11	20.17	23.17
STEEL ERECTION:		
GROUP 1	16.36	
GROUP 2	16.94	
GROUP 3	18.58	
GROUP 4	18.79	
GROUP 4A	19.30	
GROUP 5	20.09	
GROUP 6	20.77	
GROUP 7	21.25	
GROUP 8	21.71	
GROUP 9	23.37	
PILEDRIVING:		
GROUP 1	15.61	
GROUP 1A	16.16	
GROUP 1B	16.47	
GROUP 2A	16.47	
GROUP 2B	17.33	
GROUP 2C	17.67	
GROUP 2D	17.91	
GROUP 3	18.14	
GROUP 3A	18.83	
GROUP 4	19.70	
GROUP 5	19.98	
GROUP 6	21.37	
FRINGE BENEFITS: $6.26		

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DECISION NO. UT83-5120 Mod. #13 Cont'd	Basic Hourly Rates	Fringe Benefits
Omit:		
PAINTERS:		
Area's - 1 and 2		
Add:		
PAINTERS:		
STATEWIDE:		
Commercial Construction		
Brush and Roller	$13.50	$1.62
Walloovering Hanger	13.75	1.62
Spray: Sandblast; Swing Stage and Steeplejack; Open Steel	13.80	1.62
Industrial and Bridge Construction:		
Brush and Roller	13.80	1.62
Spray: Sandblast and Swing Stage	14.05	1.62
Special Coatings applicator, Applicator of Creosote and all chemical coatings such as Coal Tars; Bitumistics; Epoxies; Curing Agents; Catalysis Base Materials; Open Steel (walked or Cooned)	14.30	1.62

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Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: California
COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba
DECISION NUMBER: CA85-5036 DATE: Date of Publication
Supersedes Decision No. CA84-5022, dated October5, 1984, in 49 FR 39416.
DESCRIPTION OF WORK: Building construction (excluding Amador and Tulare Counties); Heavy construction (excluding Water Well Drilling); Highway construction; and Residential construction (excluding Alpine, Amador, Butte, Colusa, Fresno, Glenn, Kings, Lake, Lassen, Madera, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Stanislaus, Tehama, Trinity and Tulare Counties). This decision does not include the installation of solar energy systems.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$23.85	$5.61
BOILERMAKERS:		
Boilermakers	21.60	4.25
Boilermaker-Blacksmith (storage tank erection)	17.25	4.00
Boilermaker-Blacksmith (storage tank repair)	16.05	4.00
BRICKLAYERS; STONEMASONS:		
Area 1	19.75	7.25
Area 2	20.05	4.95
Area 3	17.85	3.30
Area 4	16.53	2.82
Area 5	19.57	3.53
Area 6	20.10	3.87
Area 7	17.57	4.04
BRICK TENDERS:		
Area 1	13.80	3.46
Area 2	15.49	6.18
Area 3	16.24	4.91
Area 4	16.99	5.46
Area 5	17.99	5.46
Area 6	14.19	6.10
Area 7	15.55	4.45
Area 8	16.05	4.45
Area 9 (Residential construction 2 stories or less)	14.30	5.46
CARPENTERS:		
Area 1:		
Carpenters	21.21	6.455
Hardwood Floorlayers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erector and Steel Shoring	21.36	6.455
Millwrights	22.11	7.855
CARPENTERS (Cont'd):		
Area 1 (Cont'd):		
Piledriver, Bridge, Wharf and Dock Builders	$19.38	$9.715
Area 2:		
Carpenters	18.58	6.455
Hardwood Floorlayers; Power Saw Operator; Saw Filer; Shinglers; Steel Scaffold Erectors and Steel Shoring	18.73	6.455
Millwrights	19.48	7.855
Piledrivers, Bridge, Wharf and Dock Builders	19.38	9.715
Area 3 (Residential)	11.80	6.205
Area 4 (Residential)	12.00	6.205
Area 5 (Residential):		
Carpenters	19.67	6.455
Hardwood Floorlayers; Power Saw Operator; Saw Filers; Shinglers; Steel Scaffold Erector and Steel Shoring	19.82	6.455
CEMENT MASONS:		
Cement Masons	16.92	6.18
Swing or slip form scaffolds; Mastic, Magnesite, gypsum, epoxy, polyester, resin and all composition	17.16	6.18
DIVERS:		
Divers	31.63	8.485
Diver Tender	20.38	8.485
Assistant Tender	19.38	8.485

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	Basic Hourly Rates	Fringe Benefits
DRYWALL INSTALLER/LATHER:		
Area 1:		
Drywall Installer/Lather	$20.30	$6.485
Drywall Stocker, Scrapper & Clean-up	10.15	3.335
Area 2:		
Drywall Installer/Lather	18.14	6.485
Drywall Stocker, Scrapper & Clean-up	9.07	3.335
ELECTRICIANS:		
Area 1	23.06	7.798 +3%
Area 2:		
Electricians	16.30	3.38 +3%
Cable Splicers	17.93	3.38 +3%
Residential Electrician	12.50	3.30
Sound and Signal Technician	15.15	1.50
Area 3	16.36	4.41 +3%
Area 4:		
Building contracts over $100,000:		
Electricians	20.03	5.15 +3%
Cable Splicers	22.53	5.15 +3%
Building contracts $100,000 or less:		
Electricians	16.03	3.65 +3%
Cable Splicers	18.03	3.65 +3%
Area 5:		
Electricians	25.16	6.45 +3%
Cable Splicers	27.16	6.45 +3%
Area 6:		
Electricians	17.00	5.44 +3%
Cable Splicers	18.36	5.44 +3%
ELECTRICIANS (Cont'd):		
Area 7:		
Contracts over $100,000:		
Electricians	$18.20	$4.51 +3%
Cable Splicers	20.02	4.51 +3%
Contracts $100,000 or less:		
Electricians	16.20	4.51 +3%
Cable Splicers	17.82	4.51 +3%
Sound Technician	11.00	.50
Residential Electrician	10.00	3%
Area 8:		
Electricians	22.85	4.74 +3%
Cable Splicers	25.14	4.74 +3%
Area 9:		
Zone 1:		
Electricians	19.37	4.45 +3.25%
Cable Splicers	21.31	4.45 +3.25%
Zone 2:		
Electricians	21.12	4.45 +3.25%
Cable Splicers	23.06	4.45 +3.25%
Zone 3:		
Electricians	22.37	4.45 +3.25%
Cable Splicers	24.31	4.45 +3.25%
Area 10:		
Electrician	15.00	6.71 +3%
Cable Splicers	16.88	6.71 +3%
Residential Electrician	7.50	6.64 +4%

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (Cont'd):		
Area 11:		
Building contracts over $100,000:		
Electricians	$23.34	$5.05 +3%
Cable Splicers	26.26	5.05 +3%
Building contracts $100,000 or less: and residential construction:		
Electricians	17.57	5.05 +3%
Area 12:		
Electricians	25.20	7.55 +3%
Cable Splicers	28.35	7.55 +3%
Area 13:		
Electrician	25.965	7.26 +3%
Cable Splicers	29.21	7.26 +3%
Area 14	25.00	5.42 +3%
Area 15	21.69	4.41 +3%
ELEVATOR CONSTRUCTORS:		
Mechanics	29.39	3.29 +a
Helpers	20.57	3.29 +a
Probationary Helpers	14.695	
GLAZIERS:		
Area 1	21.38	5.88
Area 2	15.75	6.44
Area 3 (Residential)	10.00	2.72
Area 4 (Residential)	9.82	1.70
Area 5	19.36	4.17
Area 6	13.58	3.04
IRONWORKERS:		
Fence Erectors	18.01	8.93
Ornamental, Reinforcing, and Structural	18.90	8.93
LINE CONSTRUCTION:		
Area 1:		
Ground	18.87	5.45 +3%

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (Cont.)		
Area 1 (Cont'd):		
Line Equipment Operator	$22.64	$5.45 +3%
Line worker	25.16	5.45 +3%
Cable Splicers	27.16	5.45 +3%
Area 2:		
Zone 1:		
Group 1	20.03	3.25 +3.5%
Group 2	18.11	3.25 +3.5%
Group 3	16.35	3.25 +3.5%
Group 4	15.61	2.55 +3.5%
Group 5	13.66	2.55 +3.5%
Group 6	13.66	2.55 +3.5%
Group 7	12.84	2.55 +3.5%
Zone Differential:		
Add to Zone 1 rate:		
Zone 2 - $2.40		
Zone 3 - $3.15		
Zone 4 - $3.90		
Zone 5 - $5.15		
Area 3:		
Ground	17.38	4.21 +3%
Line worker	18.20	4.21 +3%
Area 4:		
Ground	14.86	4.24 +3.5%
Line Equipment Operators	17.83	4.24 +3.5%
Line worker	19.81	4.24 +3.5%
Cable Splicers	22.29	4.24 +3.5%

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (Cont'd):		
Area 5:		
Ground	$11.60	$2.75 +3.25%
Line worker	15.47	2.75 +3.25%
Cable Splicers	17.02	2.75 +3.25%
Area 6	23.34	5.05 +3%
Area 7:		
Ground	12.57	4.41 +3%
Line worker: Equipment Operators	15.71	4.41 +3%
Cable Splicers	17.28	4.41 +3%
Area 8	23.06	7.75@ +3%
Area 9:		
Ground	16.54	5.00 +3.5%
Equipment Operators	18.61	5.00 +3.5%
Line worker	20.68	5.00 +3.5%
Cable Splicers	22.75	5.00 +3.5%
Area 10:		
Ground	21.25	5.42 +3%
Line Equipment Operators	22.50	5.42 +3%
Line worker	25.00	5.42 +3%
Area 11:		
Ground	13.60	4.66 +3%
Heavy Equipment Operators	15.30	5.04 +3%
Line worker	17.00	5.41 +3%
Cable Splicers	18.36	5.41 +3%
Area 12:		
Ground	22.07	7.26 +3%

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (Cont'd):		
Area 12 (Cont'd):		
Line worker: Technicians	$25.965	$7.26 +3%
Cable Splicers	29.21	7.26 +3%
Area 13:		
Ground	21.42	7.42 +3%
Line worker; Line Equipment Operators	25.20	7.42 +3%
Cable Splicers	28.35	7.42 +3%
Area 14:		
Ground	18.28	4.74 +3%
Heavy Equipment Operator	20.57	4.74 +3%
Line worker	22.85	4.74 +3%
Cable Splicers	25.14	4.74 +3%
MARBLE FINISHERS:		
Area 1	13.92	3.67
MARBLE SETTERS AND TERRAZZO WORKERS:		
Area 1	20.75	7.15
Area 2	17.57	4.04
MARBLE, TERRAZZO AND TILE SETTERS:		
Area 1	20.51	3.69
PAINTERS:		
Area 1:		
Brush	13.39	4.60
Spray	14.14	4.60
Sandblaster; Scaffold; Sheetrock; Structural Steel; Swing Stage; Taper	13.79	4.60
Area 2:		
Brush; Roller; Taper	15.22	1.59
Bazooka Operators; Paperhangers; Sandblasters; Spray; Structural Steel	15.72	1.59

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	Basic Hourly Rates	Fringe Benefits
PAINTERS (Cont'd):		
Area 3:		
Brush	$16.20	$2.57
Hazardous Coating	17.20	2.57
Sandblasting; Spray; Taping	16.70	2.57
Area 4:		
Brush	21.23	4.70
Tapers	22.03	4.70
Residential Painter	17.92	4.70
Area 5:		
Brush	21.23	4.70
Tapers	22.03	4.70
Residential Painter	17.32	4.70
Area 6:		
Brush and Roller	17.45	1.95
Paperhanger; Sandblaster; Spray; Taper	17.95	1.95
Brush - steel; Brush - swing stage up to 40 ft.	17.70	1.95
Spray - steel; Spray - swing stage up to 40 ft.	18.20	1.95
Area 7:		
Brush	20.78	4.68
Drywall Finisher	21.78	4.68
Paperhangers	21.78	4.68
Sandblasting; Spray; Steam Cleaning	21.28	4.68
Area 8:		
Brush; Pot Tenders; Rollers	9.80	1.35
Sandblaster; Spray; Structural Steel; Swing Stage; Tapers	10.30	1.35
Area 9-A:		
Brush	19.29	6.23
Spray	19.79	6.23
Paperhangers and Spray Coatings	20.04	6.23
Tapers	20.83	6.23
Area 9-B:		
Brush and Paperhangers	14.66	6.23
Spray	15.66	6.23
Tapers	20.83	6.23
Area 10:		
Brush and Roller	12.24	2.41
PAINTERS (Cont'd):		
Area 10 (Cont'd):		
Paperhangers; Sandblasters; Spray; Structural Steel; Swing Stage; Taper	$12.49	$2.41
PARKING LOT STRIPING WORK AND/OR HIGHWAY MARKERS:		
Area 1:		
Traffic Delineating Device Applicator	14.83	2.00+b
Striper; Traffic Surface Sandblaster; Wheel Stop Installer	14.30	2.00+b
Slurry Seal Operation:		
Mixer Operator	13.95	2.00+b
Applicator Operator; Shuttle and Squeegee	12.37	2.00+b
Top	10.39	2.00+b
Area 2:		
Traffic Delineating Device Applicator	14.83	2.00+b
Sandblaster; Striper; Wheel Stop Installer	14.30	2.00+b
Slurry Seal Operation:		
Applicator Operator; Shuttle; Squeegee	12.37	2.00+b
Compactor, Top, Traffic Control, Service and Spreader	10.39	2.00+b
Mixer operator	13.95	2.00+b
Traffic Surface Protective Coating Applicator	14.48	2.00+b

	Basic Hourly Rates	Fringe Benefits
PLASTERERS:		
Area 1	$19.63	$5.88
Area 2	20.83	8.40
Area 3	17.36	6.35
Area 4	16.63	5.44
Area 5	18.25	8.95
Area 6	16.55	6.94
Area 7	19.43	7.01
Area 8	14.30	7.45
PLASTERERS' TENDERS:		
Area 1	18.25	8.04
Area 2	16.85	5.01
Area 3	19.09	4.93
Area 4	17.50	4.05
Area 5	14.95	1.40
PLUMBERS:		
Area 1	26.50	5.88
Area 2	25.86	7.34
PLUMBERS; STEAMFITTERS:		
Area 1	19.72	6.71
Area 2	20.34	2.43
Area 3:		
Plumber	31.80	9.405
Plumber on single family homes and apartments up to and including 2 stories	30.00	9.405
Area 4	22.03	6.35
Area 5	26.40	5.84
Area 6	16.47	9.45
Area 7	24.97	11.00
Area 8:		
Work on single family homes and duplexes	18.85	5.64
All other construction	23.36	7.08
Air Conditioning and Refrigeration	24.91	7.08
Landscape and Irrigation work	20.56	7.08
ROOFERS:		
Area 1:		
Roofers	17.37	6.75
Mastic Workers; Kettle tender (2 kettles without pumps)	17.62	6.75
Bitumastic; Coal Tar Build-up; Enameler; Pipewrappers	19.37	6.79
ROOFERS (Cont'd):		
Area 2	$16.94	$3.15
Area 3:		
Roofers (slate, tile and composition)	14.75	3.64
Enameler and Pitch	16.25	3.64
Area 4	15.80	3.85
Area 5	19.10	4.00
Area 6:		
Roofers	17.00	7.09
Mastic Workers; Kettle tender (2 kettles without pumps)	17.25	7.09
Bitumastic; Coal Tar; Enamelers; Pipewrappers	19.00	7.09
Area 7:		
Roofers (slate, tile and composition)	14.90	7.64
Enameler and Pitch	17.65	7.64
Area 8:		
Roofer; Kettle tender (1 kettle)	16.23	6.22
Kettle tender (2 kettles)	17.23	6.22
Bitumastic; Coal Tar; Enamelers; Mastic and Pitch	18.23	6.22
SHEET METAL WORKERS:		
Area 1	26.87	6.76
Area 2	18.03	4.55
Area 3	18.37	5.06*
Area 4	21.46	7.50
Area 5	18.65	4.42
Area 6	27.17	6.48
Area 7	18.38	4.22
Area 8	26.70	7.16
Area 9	27.05	6.70
Area 10	22.92	6.86
Area 11	25.64	9.21
SOFT FLOOR LAYERS:		
Area 1	16.01	3.00
Area 2	16.74	1.58
Area 3	18.19	6.16
Area 4	12.94	3.27 +8%
Area 5	17.85	6.50

*plus 12%.

	Basic Hourly Rates	Fringe Benefits
SPRINKLER FITTERS:		
Area 1	$26.72	$7.29
Area 2	21.87	3.23
TERRAZZO FINISHERS:		
Area 1:		
Base Machine Operator	16.72	3.95
Terrazzo Finishers	16.02	3.95
TERRAZZO WORKERS AND TILE SETTERS:		
Area 1	16.45	2.90
TILE FINISHERS:		
Area 1	15.49	3.34 +10%
Area 2	10.68	1.65
Area 3	13.00	1.65
TILE SETTERS:		
Area 1	22.00	4.23
Area 2	18.92	3.29
Area 3	16.45	4.55
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service, and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

b. Employer contributes $.80 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years 1.13 per hour to Vacation Fund; 5 years but less than 10 years 1.48 per hour to Vacation Fund; over 10 years 1.83 per hour to Vacation Fund

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	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
LABORERS:			
TUNNEL & SHAFT LABORERS:			
Group 1	$19.63		
Group 2	19.05		
Group 3	18.78		
Group 4	18.60		
LABORERS:	AREA 1	AREA 2	AREA 3
Group 1	16.31	15.31	12.11
Group 1-a	16.535	15.535	12.31
Group 1-b	*	*	*
Group 1-c	16.36	15.36	12.16
Group 1-d	16.56	15.56	12.36
Group 1-e	16.86	15.86	12.59
Group 1-f	16.895	15.895	12.62
Group 1-g **			
Group 2	16.16	15.16	11.98
Group 3	16.06	15.06	11.88
Group 4	9.75	9.75	8.46
Gunnite Laborers:			
Group 1	16.77	15.77	12.52
Group 2	16.18	15.18	12.00
Group 3	16.06	15.06	11.88
Wrecking Work:			
Group 1	16.31	15.31	12.11
Group 2	16.16	15.16	11.98
Group 3	16.06	15.06	11.88

*See Group 1-b under the group descriptions.

**(Contra Costa County only).....$16.51

FRINGE BENEFITS:

$5.36.

LABORERS:			
Work on single family homes and apartments not exceeding 2 stories:			
Group 1	$8.00		
Group 2	10.00		
Hod Carriers	11.00		

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	Basic Hourly Rates	Fringe Benefits

DECISION NO. CA85-5036

POWER EQUIPMENT OPERATORS*:	AREA 1	AREA 2			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Group 1-A	$11.76	$13.76			
Group 1	15.54	17.54			
Group 2	16.09	18.09			
Group 3	16.42	18.42			
Group 4	17.27	19.27			
Group 5	17.60	19.60			
Group 6	17.83	19.83			
Group 7	18.08	20.08			
Group 8	18.76	20.76			
Group 9	19.10	21.10			
Group 10	19.45	21.45			
Group 10-A	19.64	21.64			
Group 11	19.91	21.91			
Group 11-A	21.71	23.71			
Group 11-B	22.14	24.14			
Group 11-C	22.65	24.65			

FRINGE BENEFITS:
$9.60

*Residential Construction 3 stories and under to be paid the Area 1 rate.

POWER EQUIPMENT OPERATORS: Clamshell and Dipper Dredging: Hydraulic Suction Dredging:	AREA 1	AREA 2	AREA 3	AREA 4
Group 1	$15.79	$17.26	$17.69	$18.13
Group 2	17.28	18.75	19.18	19.62
Group 3:				
Clamshell and Dipper Dredging - new construction	18.78	20.24	20.67	21.11
All other clamshell and dipper dredging, and Hydraulic Suction Dredging	18.33	19.79	20.22	20.66
Group 4:				
Clamshell and Dipper Dredging - new construction	21.72	23.19	23.62	24.06
All other clamshell and dipper dredging, and Hydraulic Suction Dredging	19.94	21.41	21.84	22.28
Group 5	24.84	25.98	26.41	27.03

FRINGE BENEFITS:
$9.41

DECISION NO. CA85-5036

	Basic Hourly Rates	Fringe Benefits
PILEDRIVING:		
Group 1	$15.61	$9.60
Group 1A	16.16	9.60
Group 1B	16.47	9.60
Group 2A	16.47	9.60
Group 2B	17.33	9.60
Group 2C	17.67	9.60
Group 2D	17.91	9.60
Group 3	18.14	9.60
Group 3A	18.83	9.60
Group 4	19.70	9.60
Group 5	19.98	9.60
Group 6	21.77	9.60
STEEL ERECTION:		
Group 1	16.36	9.60
Group 2	16.94	9.60
Group 3	18.56	9.60
Group 4	18.79	9.60
Group 4A	19.30	9.60
Group 5	20.09	9.60
Group 6	20.77	9.60
Group 7	21.25	9.60
Group 8	21.71	9.60
Group 9	23.37	9.60

TRUCK DRIVERS:	B.H.R. Area 1	B.H.R. Area 2
Group 1	$14.28	$16.80
Group 2	14.35	16.88
Group 3	14.37	16.90
Group 4	14.37	16.91
Group 5	14.38	16.92
Group 6	14.39	16.93
Group 7	14.41	16.95
Group 8	14.42	16.97
Group 9	14.43	16.98
Group 10	14.45	17.00
Group 11	14.46	17.01
Group 12	14.49	17.05
Group 13	14.50	17.06
Group 14	14.51	17.07
Group 15	14.54	17.10
Group 16	14.54	17.11
Group 17	14.55	17.12
Group 18	14.57	17.14
Group 19	14.58	17.15
Group 20	14.59	17.16
Group 21	14.63	17.21
Group 22	14.65	17.24
Group 23	14.66	17.25
Group 24	14.74	17.34
Group 25	14.75	17.35
Group 26	14.77	17.38
Group 27	14.79	17.40
Group 28	14.82	17.44
Group 29	14.83	17.45
Group 30	14.86	17.48
Group 31	14.91	17.54
Group 32	14.95	17.47
Group 33	15.04	17.69
Group 34	15.12	17.79
Group 35	15.16	17.84
Group 36	15.29	17.99
Group 37	15.42	18.14
Group 38		

FRINGE BENEFITS:
$7.04

AREA DESCRIPTIONS

BRICKLAYERS; STONEMASONS:
Area 1: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Cos.
Area 2: Alameda and Contra Costa Counties
Area 3: Fresno, Kings, Madera, Mariposa, and Merced Counties
Area 4: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Benito and Santa Clara Counties
Area 7: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties

BRICK TENDERS:
Area 1: Alpine, Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Fresno, Kings, Madera, and Tulare Counties
Area 4: Calaveras, Del Norte, Humboldt, Lake, Mariposa, Mendocino, Merced, Monterey, Napa, San Joaquin, Solano, Sonoma, Stanislaus and Tuolumne Counties
Area 5: Marin County
Area 6: Alameda and Contra Costa Counties
Area 7: Santa Cruz County
Area 8: San Benito and Santa Clara Counties
Area 9: (Residential construction of 2 stories or less) Lake, Monterey and Napa Counties

CARPENTERS:
Area 1: Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties
Area 2: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Monterey, Nevada, Placer, Plumas, Sacramento, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties
Area 3: (Residential) Calaveras, Mariposa and Merced Counties
Area 4: (Residential) Del Norte and Humboldt Counties
Area 5: (Residential) Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties

DRYWALL INSTALLERS LATHERS:
Area 1: Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma Counties
Area 2: Remainder of Counties

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AREA DESCRIPTIONS

ELECTRICIANS:
Area 1: Alameda County
Area 2: Alpine, Amador, Colusa, El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo and Yuba Counties
Area 3: Butte County, Glenn County, Lassen County (excluding the Sierra Army Depot/Herlong), Modoc County, Plumas County, Shasta County, Siskiyou County, Tehama County and Trinity County
Area 4: Calaveras and San Joaquin Counties
Area 5: Contra Costa County
Area 6: Del Norte and Humboldt Counties
Area 7: Fresno, Kings, Madera and Tulare Counties
Area 8: Lake, Marin, Mendocino and Sonoma Counties
Area 9: Mariposa, Merced, Stanislaus and Tuolumne Counties
Definition of Zones:
Zone 1: Eight (8) road miles from the City Halls of Merced, Modesto, and Turlock; 0-2 air miles from the intersection of Washington St. and Stockton Rd., Sonora; all of Merced and Stanislaus Counties to that point 200 yds. west of and parallel to Highway I-5.
Zone 2: 2-4 air miles from the intersection of Washington St. and Stockton Rd., Sonora.
Zone 3: All of Mariposa, Merced, Stanislaus and Tuolumne Counties not in Zones 1 or 2.
Area 10: Monterey, San Benito and Santa Cruz Counties
Area 11: Napa and Solano Counties
Area 12: Santa Clara County
Area 13: San Francisco County
Area 14: San Mateo County
Area 15: Sierra Army Depot (Herlong) in Lassen County

GLAZIERS:
Area 1: Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma Counties
Area 2: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties
Area 3: (Residential) Sutter and Yuba Counties
Area 4: (Residential) Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Solano, Tuolumne and Yolo Counties
Area 5: Fresno, Kings, Madera, Merced, and Tulare Counties
Area 6: Del Norte and Humboldt Counties

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AREA DESCRIPTIONS (Cont'd)

LINE CONSTRUCTION:
Area 1: Contra Costa County
Area 2: Del Norte County
Group 1: Cable Splicer, Lead Pole Sprayer
Group 2: Line worker, Pole Sprayer, Heavy Line Equipment operator, Certified Line Welder
*Group 3: Tree Trimmer
Group 4: Line Equipment operator
Group 5: Head Ground, Powder, Jackhammer operator
*Group 6: Head Ground (Chipper)
Group 7: Ground
*Groups 3 and 6 receive BASE RATE (ZONE 1) ONLY (no Zone Differential)
Zone Definitions:
Zone 1: 0-3 miles radius from the geographical center of Alturos and Yreka, California
Zone 2: 3 to 20 miles radius
Zone 3: 20 to 35 miles radius
Zone 4: 35 to 50 miles radius
Zone 5: Over 50 miles radius
BASE RATE (Zone 1) is paid when working out of employer's permanent shop.
Area 3: Fresno, Kings, Madera and Tulare Counties
Area 4: Calaveras and San Joaquin Counties
Area 5: Mariposa, Merced, Stanislaus and Tuolumne Counties
Area 6: Napa and Solano Counties
Area 7: Butte, Glenn, Lassen, Plumas, Shasta, Tehama, and Trinity Counties
Area 8: Alameda County
Area 9: Amador, Colusa, Sacramento, Sutter, Yolo and Yuba Counties: Alpine, El Dorado, Nevada, Placer, and Sierra Counties (those portions west of the Main Sierra Mountain Watershed)
Area 10: San Mateo County.
Area 11: Humboldt County
Area 12: San Francisco County
Area 13: Santa Clara County
Area 14: Lake, Marin, Mendocino and Sonoma Counties

MARBLE FINISHERS:
Area 1: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties

MARBLE SETTERS AND TERRAZZO WORKERS:
Area 1: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties
Area 2: Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties

MARBLE, TERRAZZO AND TILE SETTERS:
Area 1: Monterey and Santa Cruz Counties

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AREA DESCRIPTIONS (Cont'd)

PAINTERS:
Area 1: Alpine, Amador, Calaveras and San Joaquin Counties
Area 2: Fresno, Kings, Madera and Tulare Counties
Area 3: Mariposa, Merced, Stanislaus, and Tuolumne Counties
Area 4: San Benito, San Mateo and Santa Clara Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: Lassen County (that portion that lies eastward of Highway #395, northward to and including Honey Lake); Lake Tahoe Area
Area 7: Lake, Marin, Mendocino, San Francisco and Sonoma Counties
Area 8: Butte, Colusa, and Glenn Counties: Lassen County (excluding the extreme SE corner); Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Area 9-A: Alameda, Contra Costa, Napa and Solano Counties
Area 9-B: El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties
Area 10: Del Norte and Humboldt Counties

PARKING LOT STRIPING WORK AND/OR HIGHWAY MARKERS:
Area 1: Fresno, Kings and Tulare Counties
Area 2: Remaining Counties

PLASTERERS:
Area 1: Alameda and Contra Costa Counties
Area 2: San Francisco and San Mateo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Yolo and Yuba Cos.
Area 4: Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Solano, and Sonoma Counties
Area 5: San Benito, Santa Clara, and Santa Cruz Counties
Area 6: Fresno, Kings, Madera, and Tulare Counties
Area 7: Monterey County
Area 8: Mariposa, Merced, Stanislaus, and Tuolumne Counties

PLASTERERS' TENDERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Fresno, Kings, Madera, and Tulare Counties
Area 3: San Francisco and San Mateo Counties
Area 4: Monterey County
Area 5: Napa County

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AREA DESCRIPTIONS (Cont'd)

PLUMBERS:
Area 1: Alameda County
Area 2: Contra Costa County

PLUMBERS; STEAMFITTERS:
Area 1: Amador County (northern half); El Dorado, Nevada, Sacramento, and Yolo Counties (excluding Lake Tahoe Area), Sierra County
Area 2: Lake Tahoe Area
Area 3: Marin, Mendocino, San Francisco, and Sonoma Counties
Area 4: Alpine County; Amador County (southern portion); Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties
Area 5: Napa, and Solano Counties
Area 6: Del Norte and Humboldt Counties
Area 7: San Benito and Santa Clara Counties
Area 8: San Mateo County

ROOFERS:
Area 1: Alameda, Contra Costa, Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Area 2: Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Area 4: Fresno, Kings, Madera and Tulare Counties
Area 5: Monterey and Santa Cruz Counties
Area 6: San Francisco and San Mateo Counties
Area 7: Amador, Sacramento and Yolo Counties
Area 8: San Benito and Santa Clara Counties

SHEET METAL WORKERS:
Area 1: Alameda and Contra Costa Counties
Area 2: Alpine, Calaveras, and San Joaquin Counties
Area 3: Amador, Butte, Colusa, El Dorado, Glenn, Modoc, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Sutter, Tehama, Yolo, and Yuba Counties
Area 4: Monterey and San Benito Counties
Area 5: Del Norte, Humboldt and Trinity Counties
Area 6: San Mateo County
Area 7: Fresno, Kings and Madera Counties
Area 8: San Francisco County
Area 9: Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Area 10: Santa Cruz County
Area 11: Santa Clara County

AREA DESCRIPTIONS (Cont'd)

SOFT FLOOR LAYERS:
Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, and Lassen Counties (excluding Boney Lake Area); Merced County (east of San Joaquin River); Plumas, Sacramento, San Joaquin, Shasta, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties; El Dorado, Nevada, Placer, and Sierra Counties (those portions excluding Lake Tahoe Area)
Area 2: Boney Lake Area and Lake Tahoe Area
Area 3: Lake, Marin, Mendocino, Merced, Monterey, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties
Area 4: Del Norte and Humboldt Counties
Area 5: Alameda, Contra Costa, Napa and Solano Counties

SPRINKLER FITTERS:
Area 1: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
Area 2: Remaining Counties

TERRAZZO FINISHERS:
Area 1: Alameda, Alpine, Amador, Butte, Calaveras, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties

TERRAZZO WORKERS AND TILE SETTERS:
Area 1: Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties

TILE FINISHERS:
Area 1: Alameda, Alpine, Amador, Butte, Calaveras, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties
Area 2: Alpine, Amador, Calaveras, Fresno, Kings, Madera, Mariposa, Merced, San Joaquin, Stanislaus, Tulare and Tuolumne Counties
Area 3: Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Sutter, Tehama, Yolo and Yuba Counties

TILE SETTERS:
Area 1: Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado,

AREA DESCRIPTIONS (Cont'd)

TILE SETTERS (Cont'd):
Area 1 (Cont'd): Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties
Area 2: Alpine, Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne Counties
Area 3: Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties

LABORERS

LABORERS: Work on single family homes and apartments not exceeding 2 stories:
Area 1: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lake, Madera, Mariposa, Merced, Napa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Stanislaus, Sutter, Tulare, Tuolumne, Yolo and Yuba Counties

LABORERS:
Area 1: Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara Counties
Area 2: Del Norte, El Dorado, Fresno, Humboldt, Kings, Lake, Madera, Mendocino, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Joaquin, Santa Cruz, Solano, Sonoma and Yolo Counties
Area 3: Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen, Mariposa, Merced, Modoc, Plumas, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tuolumne and Yuba Counties

DESCRIPTION OF GROUPS

LABORERS - TUNNEL AND SHAFT WORK:

Group 1:Diamond Driller; Ground; Gunite and Shotcrete Nozzle operator; Shaft work and raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powder - heading; Cherry Picker - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed; Grout Pump and Pot; Gunite and Shotcrete Gun and Pot; Header; High Pressure Nozzle operator; Miners - Tunnel, including Top and Bottom on Shaft and raise work; Nipper Nozzle operator on slick line; Sandblaster - Pot (work assignment interchangeable); Steel form raisers and setters; Timber, Retimber - wood or steel or substitute materials therefore; Tugger

Group 3: Cable tender; Chucktender; Powder - Primer House; Vibrator, Pavement Breakers

Group 4: Bull gang - muckers, track; Concrete crew - includes rodding and spreading; Dump (any method); Grout crew rebound; Swamper

LABORERS - DESCRIPTION OF GROUPS (Cont'd)

LABORERS

Group 1: Asphalt Ironers and Rakers; Asphalt Spreader Boxes (all types); Barko, Wacker and similar type Tampers; Buggymobile; Chainsaw, Fallec, Logloader and Bucker; Compactors of all types; Concrete and Magnesite Mixer, 1/2 yd. and under; Concrete Pan Work; Concrete Saw; Concrete Sander; Cribber and/or Shoring; Cut Granite Curb Setter; Form Raisers; Slip Forms; Green Cutters, Headerboardmen, Rubsetters, Aligners; Jackhammer Operators; Jacking of Pipe over 12 inches; Jackson and similar type Compactors; Kettle tender, Pot and workers applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lagging, Sheeting, Whaling, Bracing, Trenchjacking, hand-guided Lagging Hammer; Magnesite, Epoxyresin, Fiberglass, Mastic Workers (wet or dry); Perma Curbs; Precast-manhole Setters; Cast-in-place Manhole Form Setters; Pressure Pipe Tester; Pavement Breakers and Spaders, including Tool Grinder; Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers, Plastic Pipelayers; Post Hole Diggers, air, gas, and electric; Power Broom Sweepers; Power Tampers of all types (except as shown in Group 2); Ram Set Gun and Stud Gun; Riprap-stonepaver and Rock-slinger, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, Multiple Head Concrete Chipper; Davis Trencher, 300 or similar type (and all small Trenchers); Roto and Ditch Witch; Roto-tiller; Sandblasters, Pot, Gun, Nozzle operators; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed, Bull Float in connection with Laborers' work; Vibrators; Dri-pak-it Machine; High Pressure Blow Pipe (1¼" or over, 100 lbs. pressure and over); Hydro Seeder and similar type; Laser Beam in connection with Laborers' work

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LABORERS (Cont'd)

Group 1(a): Joy Drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers, all types regardless of type or method of power; Multiple Unit Drills; Blasters and Powdermen. All work of loading, placing and blasting of all power and explosives of whatever type regardless of method used for such loading and placing; High Scalers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners receive an additional $4.00 per day, $5.00 per day on recently active large diameter sewers or sewer manholes

Group 1(c): Burning and Welding in connection with Laborers' work

Group 1(d): Repair Track and Road Beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in Bell Hole Footings and Shaft

Group 1(f): Wire Winding Machine in Connection with Guniting or Shotcrete - Aligner

Group 1(g): Pipelayers; Caulkers; Banders; Pipewrappers; Conduit Layers and Plastic Pipelayers; Pressure Pipe Tester, no joint pipe and stripping of same, including repair of voids; Precast Manhole Setters; Cast-in-Place Manhole Form Setters

Group 2: Asphalt Shovelers; Cement Dumpers and handling dry cement or gypsum; Choke-setter and Digger (clearing work); Concrete Bucket Dumper and Chute; Concrete chipping and grinding; Concrete Laborers (wet or dry); Chuck tender; High Pressure Nozzle operator, Adductors; Grout-crew; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and hauling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper and similar type Brush Shredders; Sloper; Singlefoot, hand held, Pneumatic Tamper; All pneumatic, air, gas and electric tools not listed in Groups 1 through 1(f); Jacking of Pipe under 12 inches

Group 3: All Cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction Laborers including Bridge and General Laborers; Dump; Load Spotter; Fire Watcher; Street Cleaners; Gardeners, Horicultural and Landscape Laborers; Jetting; Limbers; Brush Loaders; Pilers, Maintenance Landscape Laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad Construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool Room Attendent; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

Group 4: Brick Cleaners; Lumber Cleaners

LABORERS (Cont'd)

GUNNITE

Group 1: Nozzle operator (including Gun, Pot); Ground

Group 2: Rebound

Group 3: General Laborers

WRECKING WORK

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging of other building materials)

Group 3: General Laborer (includes all cleanup work, loading lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS

AREAS 1 AND 2

Group 1-A: Landscape Irrigation Trenchers, Davis Trencher (300 or similar and all small trenchers including all trenching equipment with seats) capacity up to 3 ft. in depth

Group 1: Assistants to Engineers (Brake; Fire fighter; Heavy Duty Repair Tender; Oiler; Deckhand; Signal; Switch; Tar Pot Fire fighter; Parts (heavy duty repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yd.); Conveyor Belt Operator (tunnel); Fire fighter hot plant; Hydraulic Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Box (with screeds); Tar Pot Fire fighter (power agitated)

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 3: Box Operator (bunker); Helicopter Radio Operator (Signal); Motor operator; Locomotive (30 tons or under); Oiler; Rosa Carrier (construction job site); Rotomist Operator; Screed (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (maximum digging capacity 5 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler; Boiler Tender

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Box (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

Group 5: Compressor Operator (over 2); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators; Grouting Machine; Pressweld (air operated); Pumps (over 1); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to Waterliners, Wagon Drills or Jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signal; Locomotives (steam of over 30 tons); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller (except asphalt); Screed (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types; Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractor; Surface Heater; Self-propelled Power Sweeper; Self-propelled Tape Machine; Auger-type drilling equipment, up to and including 30 ft. depth digging capacity M.R.C.

Group 7: Concrete Conveyor or Concrete Pump, Truck or equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-hammer (or similar); Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled Elevating Grader Plane; Slusher Operator; Small Tractor (with boom); Soil Tester; Truck type Loader; Welding Machines (gasoline or diesel)

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 8: Armor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Dozer; Heading Shield Operator; Heavy Duty Repair and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and including 45 cu. yds. "struck" M.R.C) (Euclids, T-Pulls, DW-10, 20, 21, and similar); Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (rubber tired or similar equipment); Tractor drawn Scraper; Tractor; Trenching Machine; Tri-batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (Gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking Machine (rubber tired, rail or track type); Tractor (with boom) (D-6 or larger and similar)

Group 10: Boom-type Backfilling Machine; Bridge Crane; Cary-lift (or similar); Chemical Grouting Machine, truck mounted; Combination Backhoe and Loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 operators required when swing engine remote from Hoist); Derrick Barges (except excavation work); Do-mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (including Caisson Foundation work and Euclid Loader and similar type; Robbins type drills; Koehring Skooper (or similar); Lift Slab Machine; (Vagtborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive, 100 tons (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.)(no tandem Scraper); Pre-stress Wire Wrapping Machine; Reservoir-debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading (paddle wheels, etc.); Shuttle Car (reclaim station); Single engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurrier or other automatic type); Tractor, Compressor Drill Combination; Track Laying type Earth Moving Machine (single engine with Tandem Scrapers); Train Loading Station; Trenching Machine, multi-engine with sloping attachment, Jeffco or similar; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons)

Group 10-A: Backhoe (Hydraulic)(up to and including 1 cu. yd. M.R.C.); Backhoe (cable)(up to and including 1 cu. yd. M.R.C.); Combination Backhoe and Loader (over 3/4 cu. yd. M.R.C.); Continuous Flight Tie Back Auger (Crane attached/separate controls); Cranes not over 25 tons, Hammerhead and Gantry; Gradalls (up to and including 1 cu. yd.); Power Blade Operator (single engine); Power Shovels, Clamshells, Draglines (up to and including 1 cu. yd. M.R.C.)(Long Boom Pay); Rubber-tired Scraper, self-loading (Paddle Wheel, twin engine); Self-propelled Boom-type lifting device (center mount)(over 10 tons up to and including 25 tons); CMI Dual Lane Auto Grader SP-30 or similar

POWER EQUIPMENT OPERATORS (Cont'd)
AREAS I and II (Cont'd)

Group 11: Automatic Concrete Slip-form Paver (Gradesetter, Screed); Automatic Railroad Car Dumper; Canal Trimmer with ditching attachments; Cary Lift, Campbell or similar, Continuous Flight Tie Back Auger (Crane attached, single controls); Cranes (over 25 tons up to and including 125 tons); Drott Travelift 650-A-1 or similar (45 ton or over); Euclid Loader when controlled from the Pullcat; Highline Cableway (over 5 tons); Loader (over 4 cu. yds., up to and including 12 cu. yds.); Miller Formless M-900 Slope Paver or similar (Grade Setter required); Multiple Engine Scraper (when used as Push Pull); Power Blade Operator (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Gradalls (over 1 cu. yd. and up to and including 7 cu. yds. M.R.C., Long Boom Pay); Rubber-tired Earthmoving Machines (multiple propulsion power units and two or more Scrapers) (up to and including 75 cu. yds. Struck M.R.C.); Self-propelled Compactor Boom-type lifting device (center mount) (over 25 tons M.R.C.); Single engine Rubber-tired Earthmoving Machines (with Tandem Scrapers); Slip-form Paver (concrete or asphalt) (Screed required); Tandem Cats; Tower Cranes Mobile (including rail mounted); Trencher (pulling attached shield); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Crane (over 25 tons); Multi-earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Truck mounted Hydraulic Crane when remote control equipped (over 10 tons up to and including 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and including 18 cu. yds.); Power Shovels, Clamshells, Backhoes, Gradalls, and Draglines (over 7 cu. yds. M.R.C.); Rubber-tired Multi-purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel Excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 yards)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

POWER EQUIPMENT OPERATORS (CONT'D)

DREDGING

Clamshell and Dipper Dredging; Hydraulic Suction Dredging:

Area Descriptions:
Area 1: Area up to 20 road miles from centers listed below
Area 2: Area more than 20 road miles up to and including 30 road miles from centers listed below
Area 3: Area over 30 road miles from centers listed below
Area 4: Area extending 25 miles from the shoreline of Lake Tahoe and up to and including 30 road miles from the centers listed below

City Halls of Bodega Bay, Crescent City, Eureka, Fort Bragg and Moss Landing.

Definition of Groups:
Group 1: Bargehand; Deckhand; Fire fighter; Leveehand; Oiler
Group 2: Winch (stern winches on dredge)
Group 3: Booster pump operator; Deck engineer; Deckmate; Welder and/or mechanic on new construction; Watch engineer; Welder
Group 4: Lever; Clamshell operator (up to and including 7 cu. yds. m.r.c.) (long boom pay); Clamshell operator (over 7 cu. yds. m.r.c.) (long boom pay) (on new construction only)
Group 5: Chief Engineer

PILEDRIVING

Group 1: Assistant to Engineer (Fire fighter, Oiler, Deckhand)

Group 1A: Compressor Operator

Group 1B: Assistant to Engineer (Truck Crane Oiler)

Group 2A: Tugger Hoist Operator (hoisting material only)

Group 2B: Forklift Operator

POWER EQUIPMENT OPERATORS (Cont'd)
PILEDRIVING (Cont'd)

Group 2C: Compressor Operator (over 2); Generators; Pumps (over 4); Welding Machines (powered by other than electricity)

Group 2D: A-Frames

Group 3: Deck Engineer (Deck Engineer Operator required when deck engine is used); Self-propelled Boom-type lifting device (center mount) (10 ton capacity or less M.R.C.)

Group 3A: Heavy Duty Repair and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges (Assistant to Engineer required); Operator of diesel or gasoline power Crane Piledriver (without boiler) up to and including 1 cu. yd. rating (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Truck Crane Operator (up to and including 25 tons) (hoisting material only) (Assistant to Engineer required)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (with boiler) over 1 cu. yd. rating (Assistant to Engineer required); Operator of Crane (with steam, flash boiler, pump or compressor attached) (Group 4 Engineer required); Operator of steam powered Crawler or Universal type Driver (Raymond or similar) (Assistant to Engineer required) Truck Crane Operator (over 25 tons) (hoisting material or performing Piledriving work) (Assistant to Engineer required); Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 6: Cranes (over 125 tons) (Assistant to Engineer required)

STEEL ERECTION

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator, Generator, gasoline or diesel driven (100 K.W. or over) (structural steel or tank construction only)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6) (Over 6 additional Engineers required) (structural steel or tank erection only)

Group 4: Heavy Duty Repair, Tractor Operator

Group 4A: Combination Heavy Duty Repair and/or Welder

POWER EQUIPMENT OPERATORS (Cont'd)
STEEL ERECTION (Cont'd)

Group 5: Boom Truck or Dual Purpose A-Frame Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less) (Assistant to Engineer required); Self-propelled Boom type lifting device (center mount) (10 ton capacity or less M.R.C.); Single drum Hoist; Tugger Hoist

Group 6: Cary Lift, Campbell or similar; Crawler Cranes and Truck Cranes (over 15 tons M.R.C.) (Assistant to Engineer required); Derricks (2 Operators when swing engine remote from hoist); Gantry Rider (or similar equipment); Highline Cableway (Signal required); Self-propelled Boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile including rail mounted (Assistant to Engineer required); Tower Cranes, Universal Liebher and similar types (in the erection, dismantling and moving of equipment there shall be an additional Operating Engineer)

Group 7: Self-propelled Boom-type lifting device (center mount) (over 25 tons) (Assistant to Engineer required)

Group 8: Cranes (over 125 tons) (Assistant to Engineer required)

Group 9: Helicopter Operator

TRUCK DRIVERS

Group 1: Bulk Cement Spreader (w/wo Auger, under 4 yds. water level); Bus Driver; Concrete Pump Machine; Concrete Pump Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Nipper Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Pickups; Skids (Debris Box, under 4 yds. water level); Team Drivers; Trucks (Dry Pre-batch Concrete Mix, under 4 yds. water level)

Group 2: Teamster Oiler and/or Greaser and/or Service

Group 3: Bulk Cement Spreader (w/wo Auger, 4 yd. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (Debris Box, 4 yds. and under 6 yds. water level); Single Unit Flat Rack (2 axle unit); Industrial Lift Truck (mechanical Tailgate); Trucks (Dry Pre-batch Concrete Mix, 4 yds. and under 6 yds. water level)

Group 4: Jetting Truck and Water Truck (under 2,500 gallons)

Group 5: Road Oil Trucks or Boot

TRUCK DRIVERS (Cont'd)

Group 6: Lift Jitneys, Fork Lift

Group 7: Transit Mix, Agitator (under 6 yds.)

Group 8: Fuel and/or Grease Truck Driver or Fuel

Group 9: Vacuum Truck, under 3,500 gallons

Group 10: Scissor Truck; Single unit Flat Rack (2 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within Teamsters' jurisdiction)

Group 11: Jetting Truck and Water Trucks, 2,500 gallons and under 4,000 gallons

Group 12: Combination Winch Truck with Hoist; Transit Mix Agitator (6 yds. and under 8 yds.)

Group 13: Vacuum Truck, 3,500 gallons and under 5,500 gallons

Group 14: Rubber-tired Muck Car (not self-loaded)

Group 15: Bulk Cement Spreader (w/wo Auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (Debris Box, 6 yds. and under 8 yds. water level); Trucks (Dry Pre-batch Concrete Mix 6 yds. and under 8 yds. water level)

Group 16: A-Frame, Winch Truck; Buggymobile; Jetting and Water Truck (4,000 gallons and under 5,000 gallons); Rubber tired Jumbo

Group 17: Heavy Duty Transport (high bed)

Group 18: Rose Hyster and similar Straddle Carrier

Group 19: Transit Mix Agitator (8 yds. through 10 yds.)

Group 20: Vacuum Truck (5,500 gallons and under 7,500 gallons)

Group 21: Jetting Truck and Water Truck (5,000 gallons and under 7,000 gallons)

Group 22: Combination Boot and Road Oiler

Group 23: Transit Mix Agitator (over 10 yds. through 12 yds.)

Group 24: Bulk Cement Spreader (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled Street Sweeper with self-contained refuse bin; Skids (Debris Box, 8 yds. and including 12 yds. water level); Snow Go and/or Snow Plow; Truck (Dry Pre-batch Concrete Mix, 8 yds. and including 12 yds. water level)

TRUCK DRIVERS (Cont'd)

Group 25: Heavy Duty Transport (Gooseneck Lowbed)

Group 26: Transit Mix Agitator (over 12 yds. through 17 yds.)

Group 27: Ammonia Nitrate Distributor Driver and Mixer; Bulk Cement Spreader (w/wo Auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds., and including 18 yds. water level); Dumpcrete over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Truck (Dry Pre-batch Concrete Mix, over 12 yds. and including 18 yds. water level)

Group 28: Double Gooseneck (7 or more axles); Heavy Duty Transport Tiller Man

Group 29: P.B. or similar type self-loading Truck

Group 30: Transit Mix Agitator (over 14 yds. through 16 yds.)

Group 31: Bulk Cement Spreader (w/wo Auger, over 18 yds. and including 24 yds. water level); Combination Dump and Dump Trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (Debris Box, over 18 yds. and including 24 yds. water level); Transit Mix Agitator (over 12 yds. through 16 yds.); Trucks (Dry Pre-batch Concrete Mix, over 18 yds. and including 24 yds. water level)

Group 32: Bulk Cement Spreader (w/wo Auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar Cat type, Terra Cobra, LeTournapulls, Tournarocker, Euclid and similar type equipment when pulling Fuel and/or Grease Tank Trailers or other misc. Trailers; Skids (Debris Box, over 24 yds. and including 35 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 24 yds. and including 35 yds water level)

Group 33: Truck Repair

Group 34: Bulk Cement Spreader (w/wo Auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 40 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (Debris Box, over 35 yds. and including 50 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 35 yds. and including 50 yds. water level)

Group 35: DW 10's 20's, 21's and other similar Cat type, Terra Cobra, LeTournapulls, Tournarocker, Euclid and similar type equipment when pulling Aqua/Pak or Water Tank Trailers

TRUCK DRIVERS (Cont'd)

Group 36: Bulk Cement Spreader (w/wo Auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter Pilot (when transporting workers or materials); Skids (Debris Box, over 50 yds. and under 65 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 50 yds. and under 65 yds. water level)

Group 37: Bulk Cement Spreader (w/wo Auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (over 65 yds. and including 80 yds. water level) Skids (Debris Box, 65 yds. and including 80 yds. water level); Trucks (Dry Pre-batch Concrete Mix, 65 yds. and including 80 yds. water level)

Group 38: Bulk Cement Spreader (w/wo Auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (Debris Box, over 80 yds. and including 95 yds. water level); Trucks (Dry Pre-batch Concrete Mix, over 80 yds. and including 95 yds. water level)

AREA DESCRIPTIONS
FOR
POWER EQUIPMENT OPERATORS
AREAS I and II

**AREA I: All areas included in the description defined below which is based upon Township and Range Lines of AREAS I and II.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line to Township 19S, crossing the Mt. Diablo Meridian to the S.W. corner of Township 19S, range 6E, Mt. Diablo Base Line and Meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thense Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly Line of Kings County, thence Easterly along the Southerly Boundary of Kings County and the Southerly Boundary of Tulare County, to the S.E. corner of township 24S, range 29E,

AREA DESCRIPTIONS (Cont'd)
FOR
POWER EQUIPMENT OPERATORS
AREAS I and II

Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E.
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the S.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo Baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.E. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 14E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern Line to township 12N to the Eastern Boundary of the State of California, to the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,

AREA DESCRIPTIONS (Cont'd)
FOR
POWER EQUIPMENT OPERATORS
AREAS I and II

Thence Westerly to the N.W. corner of township 20N, range 20E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo Meridian to the N.E. corner of Township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to theN.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 17N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern Line to range 12W, to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo Baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,

AREA DESCRIPTIONS (Cont'd)
for
POWER EQUIPMENT OPERATORS
AREAS I and II

Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.

AREA 1: also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on a extension of the Southerly line to township 2N, Humboldt Baseline and Meridian:
Thence Easterly along the Southerly line to Township 2N, to the S.W. corner of Township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt Baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt Baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt Baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.

AREA I: also includes that portion of Northern California included within the following lines:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo Baseline and Meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

AREA II: All areas not inlcuded within AREA I as defined.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren, and City and County of St. Louis

DECISION NUMBER: MO85-4031

DATE: Date of Publication

Supersedes Decision No. MO84-4110, dated December 21, 1984, in 49 FR 49822.

DESCRIPTION OF WORK: Building projects, excluding single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Asbestos Workers	$20.57	$ 3.48
Swing Stage of Bosun's Chair	21.23	3.48
BOILERMAKERS	17.495	3.25
BRICKLAYERS, STONEMASONS	16.45	3.77
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN:		
Zone 1	17.81	3.17
CARPENTERS:		
Zone 2:		
Contracts $500,000.00 and under	16.11	3.17
Contracts over $500,000.00	17.81	3.17
Zone 3:		
Contracts $500,000.00 and under	16.11	3.17
Contracts over $500,000.00	17.81	3.17
CEMENT MASONS:		
Zone 1	15.35	2.60
Zone 2:		
Projects less than $700,000.00	14.65	2.60
Projects over $700,000.00	15.35	2.60
ELECTRICIANS:		
Zone 1	18.20	2.20
Zone 2	18.20	+ 28½% 2.20
Zone 3	14.78	+ 28½% 2.20
		+ 28½%
ELEVATOR CONSTRUCTORS	18.47	3.29+a
ELEVATOR CONSTRUCTORS' HELPERS	70%FR	3.29+a
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	
GLAZIERS	17.20	7.15
		+13.2%
IRONWORKERS	17.225	2.99
LABORERS:		
Zone 1:		
General Laborers	15.275	2.58
Wrecking Laborers	15.15	2.58
Plasterers' Tenders	15.675	2.50
Mason Tenders, Brick	14.40	2.50
Plumber, Labor	15.65	2.50
Site Improvement labor	14.425	2.50
Zone 2:		
Contracts $500,000.00 or less:		
General Laborers	14.00	2.10
Mason Tenders, Plumbers' Laborers, Plaster Tender	14.20	2.10
Contracts over $500,000.00:		
General Laborers	15.50	2.10
Mason Tenders, Plumbers' Laborers, Plaster Tender	15.70	2.10
Zone 3:		
Contracts less than $500,000.00:		
General Laborer	13.60	2.30
Powderman	14.35	2.30
Mason Tenders:		
Plaster Tenders; Grade Checker; Pipelayers	14.10	2.30
Contracts $500,000.00 or over:		
General Laborer	14.95	2.50
Powderman	15.70	2.50
Mason Tenders:		
Plaster Tenders; Grade Checker; Pipelayers	15.45	2.50
Zone 4:		
General Laborer	16.02	2.80
Plumber Laborer	13.57	2.55

DECISION NO.: MO85-4031

	Basic Hourly Rates	Fringe Benefits
LABORERS (CONT'D):		
Zone 5:		
General Laborer projects under $1.5 Million	15.02	2.80
General Laborer projects $1.5 Million to 15 Million	15.52	2.80
General Laborer projects over $15 Million	16.02	2.80
Plumber Laborer	13.07	2.55
MARBLE SETTERS	15.96	3.145
MARBLE FINISHERS	17.50	
PAINTERS:		
Brush	16.00	2.53
Spray & Sandblasting	18.00	2.53
PIPEFITTERS:		
Zone 1	19.85	6.08
PIPEFITTERS AND PLUMBERS:		
Zone 1	19.85	6.08
PLASTERERS	17.195	3.03
PLUMBERS:		
Zone 1	17.105	4.55
POWER EQUIPMENT OPERATORS:		
Group I	16.32	4.04
Group II	16.32	4.04
Group III	15.02	4.04
Group III (a)	13.95	4.04
Group IV	14.57	4.04
Group IV (a)	13.49	4.04
Group V:		
(a)	17.02	4.04
(b)	17.87	4.04
(c)	18.32	4.04
(d)	19.07	4.04
ROOFERS:		
Composition, Slate & Tile	16.75	2.35
SHEET METAL WORKERS	18.44	3.10+ 3%
SPRINKLER FITTERS	21.11	3.42
TERRAZZO WORKERS	20.55	
TILE SETTERS	15.93	3.145
TILE WORKERS' FINISHERS	14.12	2.605
TRUCK DRIVERS:		
Group 1 - Trucks or trailers of a water level capacity of 11.99 cu. yds. or less	15.17	.80 per hr. + 55.00 per wk +b
TRUCK DRIVERS (CONT'D):		
Group 2 - Fork lift trucks (single axle), job site ambulances & pick-up trucks and flat bed trucks	14.00	.80 per hr. + 55.00 per/wk +b
Group 3 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace and similar equipment of same capacity and compressors	15.37	.80 per hr. + 55.00 per/wk +b
Group 4 - Trucks or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers, boom trucks, winch trucks, including small trailers, farm wagons, tilt-top trailers, tool trailers, concrete pumps, concrete conveyors & gasoline tank trailers	15.47	.80 per hr. + 55.00 per/wk +b

FOOTNOTES

ELEVATOR CONSTRUCTORS:
a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit, also (7) Paid Holidays A thru G.

TRUCK DRIVERS:
b. Paid vacation of 3 days for 600 hours of service in any one contract year; 4 days paid vacation for 800 hours of service in any one contract year; 5 days paid vacation for 1,000 hours of service in any one contract year. Also 7 paid holidays A thru G.
A-Christmas Day, B-New Year's Day, C-Independence Day, D-Memorial Day, E-Labor Day, F-Thanksgiving Day, G-Friday After Thanksgiving.
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

ZONE DESCRIPTIONS

CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN:
Zone 1: St. Louis City and County, and St. Charles County
Zone 2: Franklin, Lincoln, and Warren Counties
Zone 3: Jefferson County

CEMENT MASONS:
Zone 1: St. Louis City and County, Jefferson and St. Charles Counties
Zone 2: Franklin, Lincoln, and Warren Counties

ELECTRICIANS:
Zone 1: City and County of St. Louis, andSt. Charles County
Zone 2: Franklin, Jefferson, Lincoln, and Warren Counties where the electrical contracts exceeds $15,000.00
Zone 3: Franklin, Jefferson, Lincoln, and Warren Counties where the electrical contract does not exceed $15,000.00

LABORERS:
Zone 1: City and County of St. Louis
Zone 2: Franklin County
Zone 3: Jefferson County
Zone 4: St. Charles County
Zone 5: Lincoln and Warren Counties

PIPEFITTERS:
Zone 1: Franklin, Jefferson, St. Charles, St. Louis City and County and Warren Counties

PIPEFITTERS AND PLUMBERS:
Zone 1: Lincoln County

PLUMBERS:
Zone 1: Franklin, Jefferson, St. Charles, St. Louis City and County and Warren Counties

Power Equipment Operators Zone 1
Group I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric, or other powers); switch boat; whirley
Group II - air tuggerw/air compressor; anchor-placing barge; asphalt spreader; athey force feeder loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (jobsite); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer (such as mixermobile); compressors, two, not more than 50 ft. apart; compressor (when operator runs throttle); compressor-generator combination, compressor-pump combination; generators, two 30 KW or over, or any number developing over 30 KW; generator-pump combination; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pump-crete machine; concrete spreader; conveyor, large (not self-propelled), hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines,self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); elevating grader; engineman, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages or concrete skips operating in or on tower, towermobile, or similar equipment); hoist; stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machines; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant power, generating-job site; pumps, two self-powered over 2" through 6"; pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine
Group III - Conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; mixer two or more mixers of one bag capacityor less, air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck; concrete saw, self-propelled;curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist; one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are

Group III - (Cont'd):
used by one employer on job an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader,regardless of size, not paver; oiler on dredge; oiler on truck crane pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from trucks; scissor lift (used for hoisting); tractor, small wheel type 50 h.p. & under with grader blade & similar equipment

Group III(a) - Truck crane and dredge

Group IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardlessof how used; oiler; sweeper, floor

Group IV(a) - Crawler type

Group V - (a) Air pressure, oiler engineer, operating under ten pounds (b) air pressure, oiler engineer operating over ten pounds (c) air pressure engineer operating under ten pounds (d) air pressure engineer operating over ten pounds (e) crane-piledriving and extracting; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing such as Linden); derrick, diesel, gas or electric hoisting material and erecting steel - 150' or more above ground; hoists, three or more drums; scoop,tandem; tractor, tandem crawler

Crane with boom (including jib), over 100' from pin to pin (add 1¢ per foot to maximum of $2.00) above basic rate for crane

Work in tunnel or tunnel shaft, .50¢ above base rate

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY85-3042
COUNTIES: CLINTON & ESSEX
DATE: Date of Publication
Supersedes Decision No. NY81-3061 dated September 11, 1981 in 46 FR 45525 and Decision No. NY81-3046 dated July 17, 1981 in 46 FR 37199.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories), Heavy Construction (except water well drilling) & Highway Constructions Projects.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	17.60	2.86
BOILERMAKERS	18.93	1.875 +10%
BRICKLAYERS; STONE MASONS; CEMENT MASONS (BUILDING); PLASTERERS; MARBLE, TILE & TERRAZZO WORKERS	13.48	2.50+a
CARPENTERS (Building):		
Carpenters & Soft Floor Layers	13.25	2.255
Millwrights	13.50	2.255
Piledrivermen	13.40	2.255
CARPENTERS (Heavy & Highway)	15.17	2.525 +c
CEMENT MASONS (Heavy & Highway)	15.01	2.40+d
ELECTRICIANS		
Area 1	16.90	3.20% +e
Area 2:		
Electricians	16.30	3.97+ 3%
Towers & Smokestacks Over 100'	16.95	3.97+ 3%
Over 30' above floor on toothpicks, structural steel, boatswain chair, and swing scaffold	16.45	3.97+ 3%
Shafts over 25' deep & tunnels over 50' long	19.14	3.97+ 3%
Area 3		
Electricians	14.70	2.70+ 4%+f
Cable Splicers	15.00	2.70+ 4%+f
Area 4:		
Electricians	15.50	2.70+ 4%+f
Cable Splicers	15.80	2.70+ 4%+f
Area 5:		
Electricians	16.30	2.70+ 4%+f
Cable Splicers	16.60	2.70+ 4%+f
GLAZIERS:		
Area 2	12.78	1.01+g
IRONWORKERS:		
Structural, ornamental, reinforcing, rodman, machinery mover, rigger, fence erectors and stone derrickman	15.45	2.49
Sheeter	14.95	2.49
Sheeter, bucker-up	14.825	2.49
LABORERS (BUILDING):		
Class 1	11.37	2.15
Class 2	11.52	2.15
Class 3	11.67	2.15
Class 4	11.82	2.15
LABORERS (HEAVY & HIGHWAY):		
Class 1	12.74	2.15+h
Class 2	12.94	2.15+h
Class 3	13.14	2.15+h
Class 4	13.34	2.15+h
LINE CONSTRUCTION:		
Substations and switching structures; Pipe-type cable installation and maintenance jobs or projects; Railroad Catenary installation and maintenance; Bonding of rails:		
Lineman; Technician	17.75	4.15+i +6.25%

DECISION NO. NY85-3042

	Basic Hourly Rates	Fringe Benefits
Cable Splicer	19.525	4.35+i +6.25%
Groundman digging machine operator; dynamite man	15.975	4.35+i +6.25%
Groundman truck driver (tractor trailer unit)	15.088	4.35+i +6.25%
Mobile equipment operator; groundman truck driver; mechanic	13.464	4.35+i +6.25%
Groundman	10.098	4.35+i +6.25%
Overhead transmission line work (where no other work is or has been involved; Overhead & underground distribution work:		
Lineman; Technician	16.83	4.35+i +6.25%
Groundman digging machine operator; groundman dynamite man	15.147	4.35+i +6.25%
Groundman truck driver (tractor trailer unit)	14.306	4.35+i +6.25%
Groundman mobile equipment operator; groundman truck driver; mechanic	13.464	4.35+i +6.25%
Groundman	10.098	4.35+i +6.25%
Overhead transmission line work (where other work is or has been involved);		
Lineman; Technician	19.61	4.35+i +6.25%
Groundman digging machine operator; dynamite man	17.649	4.35+i +6.25%
Groundman truck driver (tractor trailer unit)	16.669	4.35+i +6.25%
Mobile equipment operator; groundman truck driver; mechanic	15.688	4.35+i +6.25%
Groundman	10.098	4.35+i +6.25%
PAINTERS:		
Area 1:		
Brush	12.00	2.00
Drywall taping; roller (handle extension over 6 ft.) vinyl wall-covering	12.25	2.00
Spray; power roller; sandblasting; water-blasting	12.90	2.00
Swing scaffold; bosun chair; window jacks; structural steel and iron; water towers; tanks; flag poles; bridges	12.40	2.00
Area 2:		
Brush	12.78	1.01+g
Taping; paperhanging; spray cup and continuous spray machine	13.83	1.01+g
Swinging scaffold; boatswain chair; hanging scaffold; sandblasting	14.08	1.01+g
Seamless floor material	13.83	1.01+g
PLUMBERS & STEAMFITTERS: Plumbing in connection with sewers and water mains on highways and roadways up to 5 ft. of any building	11.36	2.60
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):		
Class 1	14.91	4.75+h
Class 2	15.80	4.75+h
Class 3	16.31	4.75+h
Class 4	16.50	4.75+h
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing structure which is intended for predominantly residential use:		
Class 1	11.18	4.75+h
Class 2	11.85	4.75+h
Class 3	12.23	5.75+h
Class 4	12.38	5.75+h

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DECISION NO. NY85-3042

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Class 1	17.12	4.00+h
Class 2	16.55	4.00+h
Class 3	14.94	4.00+h
Class 4	13.52	4.00+h
ROOFERS		
Area 1:		
Roofers	14.50	3.58
Pitch & Asbestos	15.00	3.58
SHEET METAL WORKERS	16.87	3.24+j
Light commercial (40 tons or less of air conditioning and/or heating; shoping centers - 20 tons or less of air conditioning per store; ventilation for kitchen hoods)	10.97	.30+k
Multiple family housing units where each individual family apartment is individually conditioned by a separate and independent unit or system	10.97	.30+k
SPRINKLER FITTERS	17.75	3.40
TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION):		
Class 1	13.49	2.45+h
Class 2	13.54	2.45+h
Class 3	13.59	2.45+h
Class 4	13.74	2.45+h
Class 5	13.69	2.45+h

WELDERS - Rate for craft to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

FOOTNOTES:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Paid Holidays: B, C, and D, provided the employee has been on the payroll 5 days prior to the holiday and reports to work the day following the holiday.

b. Paid Holidays: B, D and E, provided the employee was on the payroll the calander week preceeding the holiday or any of the holiday week preceeding the holiday.

c. Paid Holidays: C and D, provided the employee works his scheduled day before and his scheduled day after the holiday and is on the payroll in the payroll week in which the holiday falls.

d. Paid Holidays: B, C and D, provided the employee has been on the payroll the week before the holiday and works the day following the holiday.

e. Paid Holiday: E.

f. Paid Holidays: B, C, D, E and F.

g. Paid Holidays: B, C, D and F, provided the employee has worked the last working day prior to and the first working day following such holiday; and an employee shall have 2 consecutive hours off in which to vote on Election Day. (53)

h. Paid Holidays: A through F, provided the employee has worked the day before and the day after the holiday.

i. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, and Election Day for the President of the United States and the Election Day for the Governor of New York State, provided the employee works the day before or the day after the holiday.

j. The last 2 hours off with pay on the first Tuesday after the first Monday in November, provided the employees are working on a job beyond 50 miles from the shop.

k. Blue-Cross or Blue Shield, Plan B, or equal.

AREA DESCRIPTIONS

ELECTRICIANS:

AREA 1: ESSEX (Portion east of State highway 28N and south of a line drawn from Tahawas east to U.S. highway 9, south on 9 to State highway 74, east on 74 to State highway 22 near Ticonderoga, north on 22 to and including Crown Point).

AREA 2: ESSEX (Newcomb and Minerva Twps. south and west of State highway 28N, excluding Tahawas).

AREA 3: CLINTON (City of Plattsburgh).

AREA 4: CLINTON (Beekmantown, Peru, Plattsburgh and Schuyler Falls Twps.).

AREA 5: CLINTON (Remainder of County); ESSEX (Remainder of County).

GLAZIERS: See "Painters & Glaziers," below.

LABORERS:

AREA 1: CLINTON.

AREA 2: ESSEX.

PAINTERS & GLAZIERS:

AREA 1: ESSEX (Ticonderoga, North Hudson, Schroon, Minerva, Newcomb and Tahawas Twps).

AREA 2: CLINTON; ESSEX (Remainder of County).

CLASSIFICATION DESCRIPTIONS

LABORERS (BUILDING):

CLASS 1: Common laborers; self-propelled equipment operator.

CLASS 2: Concrete or plaster pump operator; all men working on building demolition or wrecking.

CLASS 3: Sandblasters on construction clean-up; drillers, wagon jack or wagon drill operator; metal form and curb setter; asphalt raker; tail or screw man on paving machine.

CLASS 4: Acelylene torch operator on demolition work and cutting of pipes; blasters.

LABORERS (HEAVY & HIGHWAY):

CLASS 1: Laborers; drill helpers; flagmen; outboard and hand boats.

CLASS 2: Bull float; chain saw; concrete aggregate; bin concrete bootman; gin buggy; hand or machine vibrator; jackhammer; mason tender; mortar mixer; pavement breaker; handlers of all steel mesh; small generators for laborers' tools; installation of bridge drainage pipe; pipelayers; vibrator type rollers; tamper; drill doctor; tail or screw operator on asphalt paver; water pump operator (1.5" and single diaphram); nozzle (asphalt, gunnite, seeding and sandblasting); laborers on chain link fence erection; rock splitter and power unit; pusher type concrete saw and all other gas, electric, oil and air tool laborers; wrecking laborers.

CLASS 3: All rock or drill machine operators (except quarry master and similar type); acetylene torch operator; asphalt raker; powderman.

CLASS 4: Blasters; form setters; stone or granite curb setters.

POWER EQUIPMENT OPERATORS (BUILDING):

CLASS 1: Oiler fireman and heavy-duty greaser, boilers, and steam generators, pump, vibrator, mortar mixer, air compressor, dust collector, welding machine, well point, mechanical heater, generators, temporary light plants, concrete pumps, electric submersible pump 4" and over, Murphy type diesel generator, conveyor, elevators, concrete mixer and beltcrete power pack (Belcrete system).

POWER EQUIPMENT OPERATORS (BUILDING) (CONTINUED)

CLASS 2: Bulldozer, push cat, tractor, traxcavator scraper, LeTourneau grader, form fine grader, road roller, blacktop roller, blacktop spreader, power brooms, sweepers, trenching machine, Barber Green loader, side booms, hydro hammer, concrete spreader, concrete finishing machine, high lift, fork lift, one drum hoist, power hoisting (single drum), hoist - two drum or more, three drum engine power hoisting (two drum and over), two drum and swinging engine, three drum swinging engine, hod hoist, A-L frame winches, core and well drillers (one drum), post hole digger, model CH8 vibro-tamp or similar machine, batch bin and plant operator, dinkey locomotive, seeding and mulching machines.

CLASS 3: Crane, hydraulic cranes, tower crane, locomotive crane, piledriver, cableway, derricks, whirlies, dragline, shovel, backhoe, gradalls, power road grader, all CMI equipment, front-end rubber tire loader, tractor-mounted drill (quarry master), mucking machine, concrete central mix plant, concrete pump, Belcrete system, automated asphalt concrete plant and tractor road paver.

CLASS 4: Maintenance engineer.

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):

CLASS 1: Automated concrete spreader (CMI), Automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated) (gradall or similar), fork lift (factory rated 15 ft. and over) front end loader (4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), Holland loader mine hoist, mucking machine or mole, over-head crane (gantry or straddle type), piledriver, power grader, quad 9, quarry master (or equivalent), scraper, shovel, side boom, slip form paver, tractor drawn belt-type loader, truck crane, truck or trailer mounted log chipper (self feeder), tug operator (except manned rented equipment); tunnel shovel.

CLASS 2: Backhoe (tractor mounted, rubber tire), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 1000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum) Kblman plant loader and similar type loaders, L.C.M. work boat operator, locomotive, maintenance engineer/greaseman/welder, mixer (for stabilized base self-propelled),

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY) (CONTINUED)

monrail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), sea mule tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat.

CLASS 3: A-frame truck, ballast regulator (ride-on), compressors (4 not to exceed 2000 C.F.M. combined capacity; or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), dust collectors, generators, pumps, welding machines, light plants (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), grout pump gunite machine, hammers (hydraulic-self-propelled), hydra-spiker (ride-on), hydro-blaster water, post hole digger and post driver, power sweeper, roller (grade and fill), scarifier (ride-on), span-saw (ride-on), submersible electric pump (when used in lieu of well point system), tamper (ride-on), tie extractor (ride-on), tie handler, tie inserter (ride-on), tie spacer (ride-on), track liner, tractor with towed accessories, vibratory compactor, vibro tamp, well point.

CLASS 4: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), dust collectors, generators, pumps, welding machines, light plants (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), light plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, Revinius widener, shell winder, steam cleaner, tractor.

TRUCK DRIVERS (HEAVY & HIGHWAY CONSTRUCTION):

CLASS 1: Pick-ups, panel trucks, flatboy materials trucks (straight jobs), single axle dump trucks, dumpsters and receivers, greasers, truck fireman.

CLASS 2: Tandems, batch truck, mechanics.

CLASS 3: Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumpcrete type vehicles, truck mechanic and fuel truck.

CLASS 4: Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self-loaded, straddle (ross) carrier, and self-contained concrete unit.

CLASS 5: Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded.

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX85-4039
Supersedes Decision No. TX84-4104, dated November 30, 1984, in 49 FR 47164.
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

COUNTIES: Statewide
DATE: Date of Publication

	ZONES 1 & 2	ZONES 3 & 4	ZONES 5 & 6	ZONES 7 & 8	ZONES 9 & 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Operator	6.00	-	-	-	6.50
Asphalt Heater Operator	-	5.50	5.50	6.05	-
Asphalt Raker	6.85	6.00	6.20	6.10	6.20
Asphalt Shoveler	6.35	-	-	-	5.20
Batching Plant Scale Operator	7.10	6.30	6.00	-	6.50
Batterboard Setter	-	-	-	-	-
Carpenter	7.80	7.30	7.30	7.25	6.75
Carpenter Helper	6.35	6.00	6.35	5.60	5.55
Concrete Finisher (Paving)	8.95	7.40	-	6.50	6.75
Concrete Finisher Helper (Paving)	-	-	-	5.50	6.00
Concrete Finisher (Structures)	7.35	7.45	7.10	5.50	6.40
Concrete Finisher Helper (Structures)	6.65	6.35	6.20	5.15	5.45
Concrete Rubber	-	-	-	-	-
Electrician	-	-	11.70	12.30	11.45
Electrician Helper	-	-	-	-	6.40
Form Builder (Structures)	6.25	-	6.75	5.35	6.85
Form Builder Helper (Structures)	-	-	5.50	4.65	5.30
Form Liner (Paving & Curb)	-	-	-	-	-
Form Setter (Paving & Curb)	-	7.10	7.00	-	7.00
Form Setter Helper (Paving & Curb)	-	-	5.75	-	4.80
Form Setter (Structures)	7.80	7.50	7.20	6.40	6.75
Form Setter Helper (Structures)	6.35	6.40	6.00	5.55	5.50
Laborer, Common	5.30	5.10	5.25	4.65	4.80
Laborer, Utility	5.85	5.95	6.35	5.50	5.25
Manhole Builder, Brick	-	-	-	-	-
Mechanic	9.25	9.15	7.65	7.85	7.65
Mechanic Helper	7.35	6.20	6.75	-	6.80
Oiler	6.65	6.00	6.00	6.35	6.60
Servicer	7.30	7.00	6.15	5.80	6.05
Painter (Structures)	-	-	-	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriver Person	-	-	-	-	-
Pipelayer	-	-	-	5.50	5.90
Pipelayer Helper	-	-	-	-	4.95
Blaster	7.25	-	7.25	-	6.50

	ZONES 1 & 2	ZONES 3 & 4	ZONES 5 & 6	ZONES 7 & 8	ZONES 9 & 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Reinforcing Steel Setter (Paving)	-	-	-	5.85	6.45
Reinforcing Steel Setter (Structures)	6.25	6.50	7.20	6.20	6.25
Reinforcing Steel Setter Helper	5.70	-	5.75	4.65	5.35
Steel Worker (Structural)	-	-	-	-	6.60
Steel Worker Helper (Structural)	-	-	-	-	5.90
Sign Erector	6.55	-	-	-	-
Spreader Box Man	7.10	6.60	6.90	6.95	5.60
Swamper	-	5.10	-	-	-
Power Equipment Operators:					
Asphalt Distributor	7.55	7.50	7.30	6.50	6.45
Asphalt Paving Machine	7.50	-	6.90	6.45	6.75
Broom or Sweeper Operator	6.75	5.10	6.35	5.80	5.80
Bulldozer 150 HP & Less	7.00	6.50	6.80	6.00	6.85
Bulldozer over 150 HP	7.85	7.25	7.15	6.95	7.35
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	7.00	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	7.00
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	7.40	7.30	7.00	6.85	7.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	8.90	9.15	7.85	7.55	7.95
Crusher or Screening Plant Operator	7.60	-	6.45	7.50	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	12.50
Foundation Drill Operator (Truck Mounted)	-	-	-	-	12.00
Foundation Drill Operator Helper	-	-	-	-	8.00
Front End Loader (2½ CY & less)	6.90	6.45	6.60	5.45	6.15
Front End Loader (Over 2½ CY)	7.50	7.30	7.75	7.00	6.95
Mixer (Over 16 CF)	-	8.00	-	-	-
Mixer (16 CF & Less)		6.00			

	ZONES 1 & 2	ZONES 3 & 4	ZONES 5 & 6	ZONES 7 & 8	ZONES 9 & 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Motor Grader Operator, Fine Grade	9.25	9.35	9.15	8.70	8.30
Motor Grader Operator	8.45	8.15	8.60	7.75	7.20
Roller, Steel Wheel (Plant-Mix Pavements)	6.15	6.85	6.00	5.45	5.15
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	6.75	5.85	5.55	5.35	5.45
Roller, Pneumatic (Self-Propelled)	5.85	5.50	5.55	5.50	5.15
Scrapers (17 CY & Less)	6.75	6.15	6.00	6.10	5.75
Scrapers (Over 17 CY)	7.70	7.05	6.50	6.45	6.45
Self-Propelled Hammer	-	5.40	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	5.30	-	-	5.50	-
Tractor (Crawler Type) over 150 HP	7.70	7.50	6.75	6.35	6.25
Tractor (Pneumatic) 80 HP & Less	6.50	5.75	-	5.50	5.50
Tractor (Pneumatic) over 80 HP	6.65	6.50	6.50	6.25	6.00
Traveling Mixer	-	-	-	-	-
Trenching Machine, Light	-	-	-	-	5.85
Trenching Machine, Heavy	-	-	-	5.95	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	6.30	-	6.95	-	5.95
Truck Drivers:					
Single Axle, Light	5.95	5.70	5.85	5.70	5.15
Single Axle, Heavy	6.45	6.65	6.00	6.35	5.85
Tandem Axle or Semitrailer	6.35	6.70	6.15	6.30	5.50
Lowboy-Float	-	-	-	6.30	5.70
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	-
Welder	8.50	8.00	7.60	6.80	7.50
Welder Helper	-	-	6.75	5.65	6.10

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

	ZONES 11 & 12	ZONES 13 & 14	ZONES 15 & 16	ZONES 17 & 18	ZONES 19 & 20
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Operator	-	-	-	-	-
Asphalt Heater Operator	5.50	-	5.25	6.25	5.90
Asphalt Raker	5.35	5.05	6.10	6.30	7.70
Asphalt Shoveler	5.55	-	-	-	6.40
Batching Plant Scale Operator	5.75	6.50	-	-	7.50
Batterboard Setter	-	-	-	-	-
Carpenter	6.40	7.60	7.00	8.05	7.65
Carpenter Helper	5.10	5.85	5.90	6.30	5.95
Concrete Finisher (Paving)	5.90	-	8.00	-	8.05
Concrete Finisher Helper (Paving)	4.90	-	6.65	-	6.60
Concrete Finisher (Structures)	6.00	6.95	6.80	7.20	7.75
Concrete Finisher Helper (Structures)	-	5.90	5.25	6.20	6.05*
Concrete Rubber	4.95	-	6.50	-	6.45
Electrician	-	-	9.90	-	9.45
Electrician Helper	-	-	-	-	7.50
Form Builder (Structures)	6.25	7.55	7.00	6.75	7.90
Form Builder Helper (Structures)	-	5.50	6.25	6.05	6.55
Form Liner (Paving & Curb)	-	-	-	-	-
Form Setter (Paving & Curb)	6.00	-	-	5.50	7.65
Form Setter Helper (Paving & Curb)	4.95	-	-	-	6.05
Form Setter (Structures)	6.35	7.75	6.85	6.80	7.60
Form Setter Helper (Structures)	5.55	5.85	6.05	5.25	6.30
Laborer, Common	4.60	5.00	5.25	5.05	5.25
Laborer, Utility	5.45	5.55	5.95	5.55	5.80
Manhole Builder, Brick	-	-	-	-	-
Mechanic	7.50	7.65	7.80	8.20	8.95
Mechanic Helper	5.75	5.70	6.20	6.50	-
Oiler	-	6.15	-	-	7.20
Servicer	6.20	6.30	6.10	6.25	7.00
Painter (Structures)	-	-	8.00	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriver Person	-	-	-	-	8.25
Pipelayer	5.25	6.00	-	-	-
Pipelayer Helper	4.95	5.00	-	-	-
Blaster	-	-	-	-	-
Reinforcing Steel Setter (Paving)	-	-	7.00	-	-
Reinforcing Steel Setter (Structures)	6.30	6.90	7.25	6.40	6.85
Reinforcing Steel Setter Helper	-	5.55	5.65	5.35	6.00
Steel Worker (Structural)	-	-	-	5.75	6.50
Steel Worker Helper (Structural)	-	-	-	-	5.25
Sign Erector	-	6.00	-	-	7.10

	ZONES 11 & 12	ZONES 13 & 14	ZONES 15 & 16	ZONES 17 & 18	ZONES 19 & 20
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Operator	5.95	6.25	6.65	6.45	6.60
Swamper	-	-	-	5.80	-
Power Equipment Operators:					
Asphalt Distributor	6.50	6.45	6.75	6.40	7.00
Asphalt Paving Machine	5.30	6.95	7.05	6.40	7.40
Broom or Sweeper Operator	5.50	5.20	5.40	5.45	6.00
Bulldozer 150 HP & Less	5.80	6.80	7.05	6.65	7.40
Bulldozer Over 150 HP	6.60	7.40	7.95	7.35	8.05
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	-	7.50
Concrete Paving Joint Machine	-	-	-	-	6.50
Concrete Paving Joint Sealer	-	-	-	-	5.50
Concrete Paving Saw	-	-	-	-	7.50
Concrete Paving Spreader	-	-	-	-	-
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1¼ CY)	6.10	7.10	7.60	7.70	7.85
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY & Over)	7.00	8.45	8.00	8.75	8.65
Crusher or Screening Plant Operator	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	-
Foundation Drill Operator (Truck Mounted)	-	-	-	-	10.20
Foundation Drill Operator Helper	-	-	-	-	7.50
Front End Loader (2½ CY & Less)	5.70	5.65	6.60	6.10	7.20
Front End Loader (Over 2½ CY)	6.65	6.50	7.50	7.35	7.95
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	7.35	8.35	8.75	8.50	8.90
Motor Grader Operator	6.75	7.80	7.95	7.95	8.35
Roller, Steel Wheel (Plant-Mix Pavement)	5.00	6.50	6.10	5.95	6.85
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.90	5.50	5.70	5.45	6.55
Roller, Pneumatic (Self-Propelled)	4.85	5.00	5.90	5.20	6.40
Scrapers (17 CY & Less)	5.40	6.20	6.35	6.05	7.25
Scrapers (Over 17 CY)	6.45	7.30	6.80	6.85	8.00
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	5.80	-	5.25

	ZONES 11 & 12	ZONES 13 & 14	ZONES 15 & 16	ZONES 17 & 18	ZONES 19 & 20
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Tractor (Crawler Type) 150 HP & Less	5.10	6.00	6.35	-	6.50
Tractor (Crawler Type) Over 150 HP	6.75	6.25	7.35	-	8.00
Tractor (Pneumatic) 80 HP & Less	4.90	6.05	-	5.05	6.50
Tractor (Pneumatic) Over 80 HP	5.55	6.50	6.35	6.00	7.60
Traveling Mixer	5.10	6.00	-	-	-
Trenching Machine, Light	6.15	-	-	-	-
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	5.25	-	-
Truck Drivers:					
Single Axle, Light	4.65	5.60	5.45	5.60	6.10
Single Axle, Heavy	4.95	5.70	6.30	5.80	6.85
Tandem Axle or Semi-Trailer	5.35	5.95	5.95	5.70	6.50
Lowboy-Float	-	-	6.25	-	-
Transit-Mix	-	-	-	-	-
Winch	-	-	-	-	-
Welder	7.50	7.95	-	-	7.70
Welder Helper	5.80	6.50	-	-	-

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

	ZONE 21	ZONES 22 & 23	ZONE 24	ZONES 25 & 26	ZONES 27 & 28
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Operator	-	-	5.50	-	7.50
Asphalt Heater Operator	-	6.00	-	5.15	-
Asphalt Raker	8.00	7.00	5.65	5.55	-
Asphalt Shoveler	-	-	-	-	-
Batching Plant Scale Operator	7.75	7.90	-	-	8.00
Batterboard Setter	-	-	-	5.50	-
Carpenter	7.75	7.30	8.00	8.30	9.50
Carpenter Helper	6.05	6.00	6.70	-	7.30
Concrete Finisher (Paving)	8.35	7.75	7.75	6.75	8.20
Concrete Finisher Helper (Paving)	6.80	6.15	-	6.00	6.90
Concrete Finisher (Structures)	7.65	7.00	7.90	7.90	8.05
Concrete Finisher Helper (Structures)	6.70	6.15	6.15	7.00	6.95
Concrete Rubber	6.25	-	6.10	-	7.00
Electrician	11.05	-	-	14.00	13.40
Electrician Helper	6.50	-	-	9.25	9.20
Form Builder (Structures)	7.75	7.05	7.05	6.85	8.10
Form Builder Helper (Structures)	6.40	5.95	5.85	6.00	5.70
Form Liner (Paving & Curb)	8.00	7.30	-	-	8.30
Form Setter (Paving & Curb)	7.50	7.75	-	6.75	8.15
Form Setter Helper (Paving & Curb)	6.70	6.00	-	6.35	6.35
Form Setter (Structures)	7.70	7.45	6.75	8.05	7.90
Form Setter Helper (Structures)	6.00	5.95	5.50	6.05	5.85
Laborer, Common	5.30	5.10	5.35	4.95	5.60
Laborer, Utility	5.70	6.00	5.95	5.75	6.45
Manhole Builder, Brick	6.30	-	-	-	6.55
Mechanic	8.30	7.90	8.35	8.50	9.65
Mechanic Helper	6.50	-	6.85	7.00	7.60
Oiler	7.00	6.50	-	6.35	7.40
Servicer	7.15	6.30	6.60	7.00	7.25
Painter (Structures)	-	7.00	-	10.00	-
Painter Helper (Structures)	-	6.00	-	-	-
Piledriver Person	-	-	-	-	8.95
Pipelayer	6.70	5.50	-	5.50	6.40
Pipelayer Helper	5.70	-	-	-	5.60
Blaster	-	-	-	-	-
Reinforcing Steel Setter (Paving)	6.30	6.95	-	6.60	6.95
Reinforcing Steel Setter (Structures)	7.85	7.50	8.00	7.25	8.60
Reinforcing Steel Setter Helper	6.05	6.10	6.00	5.75	6.30
Steel Worker (Structural)	-	7.70	-	-	9.30
Steel Worker Helper (Structural)	-	-	-	-	6.25
Sign Erector	7.15	-	-	-	6.55

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	ZONE 21	ZONES 22 & 23	ZONE 24	ZONES 25 & 26	ZONES 27 & 28
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	-	6.25	-	6.15	7.50
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	7.35	7.65	7.00	6.80	-
Asphalt Paving Machine	7.95	7.75	7.20	6.70	-
Broom or Sweeper Operator	-	5.25	6.00	4.95	-
Bulldozer 150 HP & Less	7.25	7.10	7.45	6.75	7.85
Bulldozer over 150 HP	7.80	7.75	7.95	7.85	9.15
Concrete Paving Curing Machine	7.50	7.00	-	-	7.00
Concrete Paving Finishing Machine	7.25	5.50	-	-	8.15
Concrete Paving Joint Machine	-	-	-	-	8.30
Concrete Paving Joint Sealer	-	-	-	6.50	-
Concrete Paving Saw	7.50	7.00	-	-	7.90
Concrete Paving Spreader	7.50	-	-	-	8.25
Paving Sub Grader	-	8.00	-	-	-
Crane,Clamshell,Backhoe,Derrick, Dragline,Shovel(less than 1¼ CY)	7.95	7.60	7.55	7.00	8.75
Crane,Clamshell,Backhoe,Derrick, Dragline,Shovel(1¼ CY & Over)	8.40	7.95	8.00	9.50	9.60
Crusher or Screening Plant Op.	6.00	-	-	-	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	8.00	-	-	-	-
Foundation Drill Operator (Truck Mounted)	8.95	10.00	10.50	-	9.00
Foundation Drill Operator Helper	7.75	8.00	7.50	-	-
Front End Loader (2¼ CY & Less)	6.85	6.80	6.85	6.35	7.30
Front End Loader (Over 2¼ CY)	7.70	8.00	7.05	7.45	8.00
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	-	-	-	-	5.75
Motor Grader Operator, Fine Grade	8.90	8.65	8.00	8.90	9.10
Motor Grader Operator	8.00	7.70	7.85	7.70	8.55
Roller, Steel Wheel (Plant-Mix Pavement)	7.75	6.20	6.10	5.40	6.75
Roller, Steel Wheel (other-Flat Wheel or Tamping)	7.50	6.55	6.55	5.95	6.40
Roller, Pneumatic (Self-Propelled)	6.55	6.25	6.40	5.50	6.50
Scrapers (17 CY & Less)	7.10	6.60	6.35	6.40	6.70
Scrapers (Over 17 CY)	7.40	7.00	7.25	7.45	7.95
Self Propelled Hammer	-	7.00	-	-	-
Side Boom	-	6.25	-	-	-
Tractor (Crawler Type) 150 HP & Less	6.75	6.25	-	-	-

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	ZONE 21	ZONES 22 & 23	ZONE 24	ZONES 25 & 26	ZONES 27 & 28
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Tractor (Crawler Type) Over 150 HP	7.90	7.50	-	-	8.08
Tractor (Pneumatic) 80 HP & Less	6.00	6.00	-	-	6.25
Tractor (Pneumatic) Over 80 HP	6.80	6.60	-	-	-
Traveling Mixer	6.60	6.50	6.50	5.25	-
Trenching Machine, Light	-	-	-	-	-
Trenching Machine, Heavy	-	7.50	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	-	-	-
Truck Drivers:					
Single Axle, Light	6.35	5.85	6.30	5.75	6.70
Single Axle, Heavy	6.45	6.65	6.30	6.25	6.90
Tandem Axle or Semi-trailer	6.40	6.30	6.55	6.45	7.05
Lowboy-Float	7.45	6.50	7.20	-	7.00
Transit-Mix	6.65	-	-	-	7.15
Winch	7.00	-	-	-	-
Welder	-	7.50	-	-	8.70
Welder Helper	-	-	-	-	7.00

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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	ZONES 29 & 30				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Operator	-				
Asphalt Heater Operator	-				
Asphalt Raker	8.00				
Asphalt Shoveler	-				
Batching Plant Scale Operator	-				
Batterboard Setter	-				
Carpenter	9.20				
Carpenter Helper	7.00				
Concrete Finisher (Paving)	8.85				
Concrete Finisher Helper (Paving)	7.75				
Concrete Finisher (Structures)	8.70				
Concrete Finisher Helper (Structures)	-				
Concrete Rubber	-				
Electrician					
Electrician Helper	-				
Form Builder (Structures)	8.65				
Form Builder Helper (Structures)	7.75				
Form Lines (Paving & Curb)	-				
Form Setter (Paving & Curb)	8.50				
Form Setter Helper (Paving & Curb)	-				
Form Setter (Structures)	8.00				
Form Setter Helper (Structures)	6.20				
Laborer, Common	6.20				
Laborer, Utility	6.45				
Manhole Builder, Brick	-				
Mechanic	10.90				
Mechanic Helper	8.20				
Oiler	-				
Servicer	9.00				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledriver Person	8.45				
Pipelayer	-				
Pipelayer Helper	-				
Pneumatic Mortar Operator	-				
Blaster	-				
Blaster Helper	-				
Reinforcing Steel Setter (Paving)	7.25				
Reinforcing Steel Setter (Structures)	8.40				
Reinforcing Steel Setter Helper	6.10				
Steel Worker (Structural)	-				
Steel Worker Helper (Structural)	-				

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	ZONES 29 & 30				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Sign Erector	-				
Spreader Box Operator	8.00				
Swamper					
Power Equipment Operators:					
Asphalt Distributor	8.00				
Asphalt Paving Machine	-				
Broom or Sweeper Operator	7.75				
Bulldozer 150 HP & Less	8.55				
Bulldozer Over 150 HP	10.00				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	-				
Concrete Paving Joint Machine	-				
Concrete Paving Joint Sealer	-				
Concrete Paving Spreader	-				
Paving Sub Grader	-				
Crane,Clamshell,Backhoe,Derrick, Dragline,Shovel (Less than 1½ CY)	8.90				
Crane,Clamshell,Backhor,Derrick, Dragline,Shovel(1½ CY & Over)	9.80				
Crusher or Screening Plant Op.	-				
Foundation Drill Operator(Crawler Mounted)	-				
Foundation Drill Operator (Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY & Less)	7.00				
Front End Loader (Over 2½ CY)	9.00				
Mixer (Over 16 CF)	-				
Mixer (16 CF & Less)	-				
Motor Grader Operator, Fine Grade	10.00				
Motor Grader Operator	8.30				
Roller, Steel Wheel (Plant-Mix Pavements)	-				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	-				
Roller, Pneumatic (self-Propelled)	6.50				
Scrapers (17 CY & Less)	-				
Scrapers (Over 17 CY)	-				
Side Boom	-				
Tractor (Crawler Type) 150 HP & Less	-				
Tractor (Crawler Type) Over 150 HP	-				

	ZONES 29 & 30				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Tractor (Pneumatic) 80 HP & Less	-				
Tractor (Pneumatic) Over 80 HP	-				
Traveling Mixer	-				
Trenching Machine, Light	-				
Trenching Machine, Heavy					
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Driver:					
Single Axle, Light	7.00				
Single Axle, Heavy	7.50				
Tandem Axle or Semitrailer	-				
Lowboy-Float	10.90				
Transit-Mix	-				
Winch	-				
Welder	8.85				
Welder Helper	-				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Roberts, Sherman, Swisher, Wheeler & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Potter, Randall & Wichita Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Lubbock County

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 5 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Mills*, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)
*Not to be used for work on water or sewage treatment plants or lift/pump stations in Mills County

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ZONE 6 - Ector, Midland, Taylor & Tom Green Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects does not include building structures in rest area projects)

ZONE 7 - Brewster, Culberson, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 8 - El Paso County

DESCRIPTION OF WORK: Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Atascosa, Bandera, Dimmit, Edwards, Frio, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Bexar, Comal & Guadalupe Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 11 - Brooks, Duval, Jim Hogg, Kenedy, Starr, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) and Incidental Shore Work

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ZONE 12 - Cameron, Hidalgo & Webb Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) and Incidental Shore Work

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ZONE 13 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak and Refugio Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) and Incidental Shore Work

ZONE 14 - Nueces, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 15 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Lee, Llano & Mason Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

Zone 16 - Hays, Travis & Williamson* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

*Not to be used on work on sewage or water treatment plants or lift/pump stations in Williamson County

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ZONE 17 - Bosque, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work on water or sewage treatment plants or lift/pump stations) and Highway Projects (does not include building structures in rest area projects)

ZONE 18 - Bell, Coryell & McLennan Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work on water or sewage treatment plants or lift/pump stations) and Highway Projects (does not include building structures in rest area projects)

ZONE 19 - Cooke, Hood, Jack, Palo Pinto, Somervell & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 20 - Denton, Johnson, Parker & Tarrant* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

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ZONE 21 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Water & Sewer Lines and Highway Projects Only

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ZONE 22 - Camp, Cass, Delta, Fannin, Franklin, Hopkins, Hunt, Lamar, Marion, Morris, Rains, Red River, Rusk, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 23 - Bowie, Gregg, Harrison, Kaufman & Smith Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 24 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 25 - Burleson, Grimes, Leon*, Madison, Milam*, Robertson*, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

*Not to be used for work on water or sewage treatment plants or lift/pump stations in Leon, Milam & Robertson Counties

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ZONE 26 - Brazos County

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 27 - Matagorda & Wharton Counties

DESCRIPTION OF WORK: Highway Construction Projects Only

ZONE 28 - Brazoria, Fort Bend, Galveston, Harris, Montgomery & Waller Cos.

DESCRIPTION OF WORK: Highway Construction Projects Only

ZONE 29 - Chambers County

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 30 - Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Counties

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federal register

Friday
September 20, 1985

Part IV

Department of Health and Human Services

Health Resources and Services Administration

List of Designated Primary Care Health Manpower Shortage Areas (HMSAs); List of Withdrawals From Primary Care HMSA Designation; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

List of Designated Primary Care Health Manpower Shortage Areas (HMSAs); List of Withdrawals From Primary Care HMSA Designation

SUMMARY: This notice provides two lists. This first is a list of all areas, population groups or facilities designated as primary care health manpower shortage areas (HMSAs) as of June 30, 1985. Second is a list of previously-designated primary care HMSAs that have been found to no longer meet the HMSA criteria and are therefore being withdrawn from the HMSA list. HMSAs are designated or withdrawn by the Secretary of HHS under the authority of section 332 of the Public Health Service Act.

FOR FURTHER INFORMATION CONTACT: Richard. C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8–57, 5600 Fishers Lane, Rockville, Maryland 20857 (301–443–6932).

SUPPLEMENTARY INFORMATION:

1. Background

Section 332 of the Public Health Service Act provides that the Secretary of Health and Human Services shall designate health manpower shortage areas based on criteria established by regulation. Health manpower shortage areas (HMSAs) are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health manpower. Section 332 further requires that the Secretary publish a list of the designated geographic areas, population groups and facilities. The list of areas is to be reviewed at least annually and revised as necessary. The Health Resources and Services Administration's Bureau of Health Professions has been assigned the responsibility for designating these areas.

Public or nonprofit entities in (or with a demonstrated interest in) these areas are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide health services in, or to, the areas. These areas are also eligible obligated service areas for certain Public Health Service scholarship, loan repayment and nurse practitioner traineeship programs, and entities located in the areas are eligible to apply for (or receive preference for) certain Public Health Service grant programs.

2. Development of the Designation and Withdrawal Lists

Criteria for designating HMSAs were first published by the Department of Health, Education, and Welfare as Interim-Final regulations (42 CFR Part 5) in the **Federal Register** of January 10, 1978. Final regulations, revised as warranted by public comments received, were published in the **Federal Register** on November 17, 1980. Criteria are defined for each of seven health manpower types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary manpower).

The first list of HMSAs developed under these criteria by the Bureau of Health Professions, with the review and recommendations of the appropriate Health Systems Agencies (HSAs), State Health Planning and Development Agencies (SHPDAs) and Governors, was published in 1978. Since then, updated lists have been published approximately annually to reflect changes which occur as a result of the continuous shortage area designation process. Individual requests received for designation or withdrawal of particular areas, population groups or facilities are routinely submitted to the appropriate HSAs, where active, and to SHPDAs, Governors and other interested organizations or individuals for their review and recommendations. Requests regarding primary medical care manpower are also provided to the appropriate State medical society for comment.

Annually, the Bureau of Health Professions also provides data listings to all SHPDAs, HSAs, State medical societies and others showing the latest data contained in the HMSA data base for each county and designated HMSA within their State, requesting their review and update of the data, and seeking their recommendations regarding new additions to, continuations of, and/or withdrawals from the HMSA list.

The Bureau of Health Professions reviews each designation or withdrawal request, together with any recommendations received on individual requests or on the annual review data listings, and determines whether or not each area involved meets the shortage criteria. The results of these reviews are provided by letter to the agency or individual requesting action or providing data; copies are sent to the other commenting agencies as well as to other interested organizations and individuals. These letters constitute the official notice of designation as a HMSA or rejection of recommendations for such a designation, and/or constitute advance notice of pending withdrawals from the list. Designations (or revisions of designations) are effective as of the date of the letter making (or revising) the designation; withdrawals are effective when published in the **Federal Register.**

The first list below ("List of Designated Primary Care HMSAs") includes all those areas, population groups and facilities which were designated as primary care HMSAs by the Bureau of Health Professions as of June 30, 1985. This list incorporates our recent review of all HMSAs designated or most recently updated in 1981 and supersedes the primary care HMSA list which appeared in the **Federal Register** on February 15, 1985. (The February list was the result of the previous review of all primary care HMSAs designated in 1978, 1979 and 1980.)

The second list below ("List of Withdrawals from Primary Care HMSA Designation") includes those areas, population groups and facilities which had previously been designated as primary care HMSAs but were found, between April 15, 1984 and June 30, 1985, to no longer meet the HMSA criteria and therefore were indicated as scheduled for withdrawal from the HMSA list in letters from the Bureau of Health Professions. This list does not include any former HMSAs which were already listed in the withdrawal notice previously published in the **Federal Register** on May 17, 1984.

Some service area definitions have been modified in such a way that portions of some areas have effectively been withdrawn. The list of withdrawals below does not include such technical withdrawals, but rather consists of those whole counties, service areas, population groups, and facilities that have been completely withdrawn. However, the list of designated HMSAs below includes the current definitions for each designated service area, excluding any portions withdrawn.

3. Format of Lists

a. List of Designated Primary Care HMSAs

The list of primary care HMSAs is arranged by State. Within each State, the list is first presented by county. If only a portion (or portions) of a county has been designated, or if the county is part of a larger designated service area, or if a population group residing in the county or a facility located in the county

has been designated, the name of the service area, population group, or facility involved is listed under the county name.

Following the county listing, a list of any designated service areas is presented identifying their component parts in terms of counties, towns, townships, census tracts (CTs), minor civil divisions (MCDs), census county divisions (CCDs), enumeration districts (EDs), magisterial districts, or other definable geographic divisions recognized by the Bureau of the Census. Following the service area listing, a list of any designated population groups is presented identifying each such group and the geographic area wherein it resides. Following the population group listing, a list by name and location of any separately designated facilities (including prisons, correctional institutions, health centers, or hospitals) is presented.

Beside each designated area, population group or facility the appropriate "degree-of-shortage" group is indicated, corresponding to the criteria for these groupings contained in the regulations. (Group 1 represents areas with the highest degree of shortage, Group 2 with next highest degree of shortage, etc.) These groups have been defined for use in determining relative priorities for placement of NHSC personnel; however, these groupings represent only part of the process of making placement decisions, which includes other considerations relating to need, demand, and attractiveness of the various designated areas.

In addition to the specific listings included in this notice, all Indian tribes which meet the definition of such tribes referenced in section 4(d) of Pub. L. 94–437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with primary medical care and dental manpower shortages. Such Indian tribes are automatically considered assigned to degree-of-shortage Group 4 (unless otherwise indicated in this listing based on specific data provided for this purpose).

b. List of Withdrawals From Primary Care HMSA Designation

Withdrawals from the list of primary care HMSAs are arranged by State. Within each State whole counties being withdrawn are presented first. Following the county listing, a list of service areas, population groups, and facilities withdrawn is presented identifying their component parts in terms of counties and subparts of counties.

4. Future Updates of List of Designated Areas

The list of primary care HMSAs below consists of all those which were designated as of June 30, 1985. It should be noted that additional areas have been designated by letter since June 30, 1985, and the appropriate agencies and individuals notified of the action. Although official, these actions are not included in the list below, because they had not yet been added to the computerized data base at the time this list was generated.

Any designated area listed below is subject to possible future withdrawal from designation if new information is received by the Bureau of Health Professions indicating that the situation in the area has changed or that erroneous or incomplete data were used in making the original designation. Interested parties will be notified by mail of any such pending withdrawal, which will become effective only upon publication in a future **Federal Register** listing of withdrawals (or upon publication of a future **Federal Register** listing of primary care HMSAs which does not include the area).

For further information on the HMSA designations and withdrawals listed below, or to request additional designations or withdrawals or reinstatement of a withdrawn HMSA, please contact Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, at the address listed above. All requests for designations or withdrawals should be based on the criteria in the regulations as published on November 17, 1980.

Dated: July 29, 1985.

John H. Kelso,

Acting Administrator.

LIST OF DESIGNATED HEALTH MANPOWER STORAGE AREAS

PRIMARY CARE: Alabama

County Name	Degree of shortage group
Autauga	01
Baldwin:	
Service Area: Bay Minette	03
Barbour Service Area: Clayton	01
Bibb	01
Blount	02
Bullock	02
Chambers:	
Service Area: La Fayette	01
Chilton	03
Choctaw	02
Clarke:	
Service Area: Thomasville	03
Cleburne	03
Colbert:	
Service Area: Cherokee	01
Conecuh	01
Coosa	01

PRIMARY CARE: Alabama—Continued

County Name	Degree of shortage group
Crenshaw	02
Dale	02
Elmore	02
Elowah:	
Population Group: Poverty Population	01
Geneva	03
Greene	02
Hale	02
Henry	02
Houston	
Service Area: Gordon	01
Jackson:	
Service Area: Paint Rock Valley	01
Service Area: Sand Mountain	01
Lamar	03
Lauderdale:	
Service Area: Waterloo	01
Service Area: West Limestone	03
Limestone:	
Service Area: West Limestone	03
Lowndes	01
Macon	03
Marengo:	
Service Area: Thomasville	03
Marion	03
Mobile:	
Service Area: Bayou La Batre	02
Population Group:	
E. Mobile/Proverty Pop	01
Facility:	
Univ. S. Ala. Childrens MC	01
Montgomery:	
Population Group: Medically Indigent Pop	03
Pickens	04
Pike	04
Russell	04
Service Area: Cottonton/Hurtsboro	01
St Clair	02
Shelby:	
Service Area: Westover	01
Sumter:	
Service Area: Black Belt Community	01
Talladega	04
Tallapoosa:	
Service Area: Camp Hill	01
Tuscaloosa:	
Service Area: West Tuscaloosa	01
Washington	01
Wilcox:	
Service Area: Camden	02
Service Area: Thomasville	03
Winston	02

PRIMARY CARE: Alabama

Service Area Listing

Service area name	Degree of shortage group
Bay Minette	03
County—Baldwin:	
Parts: Bay Minette Div.:	
Bayou La Batre	02
County—Mobile:	
Parts:	
C.T. 66 (parts)	
C.T. 67 (parts)	
C.T. 72 (parts)	
C.T. 73 (parts)	
Black Belt Community	01
County—Sumter:	
Parts:	
Gainsville Div.	
Livingston Div. (Epps Twn)	
Pancla/Geiger Div.	
Camden	02
County—Wilcox:	
Parts:	
Camden	
Coy—Fatama	
Pine Apple	
Camp Hill	01
County—Tallapoosa:	
Parts:	
Camp Hill	

PRIMARY CARE: Alabama—Continued

Service Area Listing

Service area name	Degree of shortage group
Dadeville	
Tallassee	
Cherokee	01
County—Colbert:	
Parts: Cherokee CCD	
Clayton	01
County—Barbour:	
Parts:	
Clayton	
Clio	
Louisville	
Cottonton/Hurtsboro	01
County—Russell:	
Parts:	
Cottonton-Seale	
Hurtsboro	
Gordon	01
County—Houston:	
Parts: Gordon	
La Fayette	01
County—Chambers:	
Parts:	
Five points	
Lafayette Div.	
Milltown	
Paint Rock Valley	01
County—Jackson:	
Parts:	
Paint Rock	
Princeton	
Sand Mountain	01
County—Jackson:	
Parts:	
Long Island	
Pisgah	
Section	
Thomasville	03
County—Clarke:	
Parts: Thomasville	
County—Marengo	
Parts:	
Dixons Mill	
Sweetwater	
County—Wilcox	
Parts:	
Alberta	
Pine Hill	
Waterloo	01
County—Lauderdale:	
Parts: Waterloo CCD	
West Limestone	03
County—Lauderdale:	
Parts: C.T. 117-118	
County—Limestone:	
Parts: C.T. 202-203	
West Tuscaloosa	01
County—Tuscaloosa:	
Parts: C.T. 116-119	
Westover	01
County—Shelby:	
Parts: C.T. 301-303	

PRIMARY CARE: Alabama

Population Group Listing

Population group	Degree of shortage group
E. Mobile/Poverty Pop	01
County—Mobile:	
Parts:	
C.T. 1-3	
C.T. 4.01-4.02	
C.T. 5-6	
C.T. 7.01-7.02	
C.T. 8	
C.T. 10.01-10.02	
C.T. 11	
C.T. 12.01	
C.T. 13.01-13.02	
C.T. 14	
C.T. 15.01-15.02	
C.T. 23.01-23.02	
C.T. 26	

PRIMARY CARE: Alabama—Continued

Population Group Listing

Population group	Degree of shortage group
C.T. 38.01	
C.T. 39.01-39.02	
C.T. 40-50	
Medically Indigent Pop	03
County—Montgomery	
Poverty Population	01
County—Etowah:	
Parts: C.T. 1-17	

PRIMARY CARE: Alabama

Facility Listing

Facility	Degree of shortage group
Univ. S. Ala. Childrens MC	01
County—Mobile	

PRIMARY CARE: Alaska

County name	Degree of shortage group
Aleutian Island Area:	
Service Area: Peninsula	01
Anchorage Borough:	
Population group: Medicaid Eligibles/Anch. City	03
Facility:	
Hiland Mtn/Meadow Crk Corr Ctr	02
3rd Ave/6th Ave Annex/Ridgeview	02
Bethel Area	
Bristol Bay Borough:	
Service Area: Bristol Bay	01
Dillingham Area:	
Service Area:	
Bristol Bay	01
Peninsula	01
Kenai Peninsula Borough:	
Facility: Cook Inlet Pre-Trial Facil	02
Kobuk Area	01
Matanuska-Susitna Borough:	
Facility: Palmer Correctional Ctr	02
Nome Area	01
North Slope Borough	01
Prince of Wales-Outer Ket	02
Southeast-Fairbanks Area	01
Wade Hampton Area	01
Yukon-Koyukuk Area	01

PRIMARY CARE: Alaska

Service Area Listing

Service area name	Degree of shortage group
Bristol Bay	01
County:	
Bristol Bay Borough	
Dillingham Area	
Peninsula	01
County:	
Aleutian Island Area	
Dillingham Area	
Parts: Peninsula	

PRIMARY CARE: Alaska

Population group Listing

Population group	Degree of shortage group
Medicaid Eligibles/Anchorage City	03
County—Anchorage Borough:	
Parts: Anchorage City	

PRIMARY CARE: Alaska

Facility Listing

Facility	Degree of shortage group
Cook Inlet Pre-Trial Facil	02
County—Kenai Peninsula Borough	
Hiland Mtn/Meadow Crk Corr Ctr	02
County—Anchorage Borough	
Palmer Correctional Ctr	02
County—Matanuska-Susitna Borough	
3rd Ave/6th Ave Annex/Ridgeview	02
County—Anchorage Borough	

PRIMARY CARE: Arizona

County name	Degree of shortage group
Apache:	
Service Area:	
Kayenta	01
Puerco Valley	01
St. Johns	01
Population Group:	
Indian Pop.—Grando/Rough Rock	01
Indian Pop. of Jsalle	01
White Mountain Indian Reservation	01
Cochise:	
Service Area:	
Benson	04
Bisbee	04
Bowie	01
Douglas	03
Elfdreida	01
Tombstone City Area	01
Coconino:	
Population Group: Hopi Indian Reservation	01
Maricopa:	
Population Group:	
Gila River Indian Community	01
Med. Ind. Pop.—Guadalupe	01
Pov./Migr. Pop.—El Mirage	01
Facility: Maricopa Co. Jails	02
Mohave:	
Service Area: Dolan Springs	01
Navajo:	
Service Area:	
Heber/Overgaard	01
Kayenta	01
Population Group:	
Hopi Indian Reservation	01
Indian Pop.—Ganado/Rough Rock	01
White Mountain Indian Reservation	01
Pima:	
Service Area:	
Arivaca	01
Continental	01
Marana	01
Population Group: Med. Ind. Pop./South Tucson	02
Pinal:	
Service Area:	
San Pedro Valley	02
Superior	01
Population Group:	
Gila River Indian Community	01
Med. Ind. Pop.—Cent./W Pinal	02
Santa Cruz	04
Yavapai:	
Service Area: Seligman	02
Yuma:	
Service Area:	
Northern Yuma County	02
Wellton	02

PRIMARY CARE: Arizona—Continued

County name	Degree of shortage group
Population Group: Pov. Pop./Somerton Area	01

PRIMARY CARE: Arizona

Service Area Listing

Service area name	Degree of shortage group
Arivaca	01
County—Pima:	
Parts: C.T. 43.05 (E.D. 257-262)	
Benson	04
County—Cochise:	
Parts: Benson CCD	
Bisbee	04
County—Cochise:	
Parts: Bisbee CCD	
Bowie	01
County—Cochise:	
Parts: Bowie CCD	
Continental	01
County—Pima:	
Parts: C.T. 41.02 (E.D. 238-243)	
Dolan Springs	01
County—Mohave:	
Parts:	
E.D. 23 (N. Part)	
E.D. 24-25	
E.D. 33-35	
E.D. 37	
Douglas	03
County—Cochise:	
Parts:	
E.D. 86	
E.D. 90-93	
Eltreida	01
County—Cochise:	
Parts:	
E.D. 87-89	
Heber/Overgaard	01
County—Navajo:	
Parts: Snowflake CCD (E.D. 418-423)	
Kayenta	01
County—Apache:	
Parts: Dennehotso CCD	
County—Navajo:	
Parts: Western CCD	
Marana	01
County—Pima:	
Parts: C.T. 44.05 (N. Part)	
Northern Yuma County	02
County—Yuma:	
Parts: Parker Division	
Puerco Valley	01
County—Apache:	
Parts: Puerco Div	
San Pedro Valley	02
County—Pinal:	
Parts:	
E.D. 76-82 (San Manuel Div)	
E.D. 86-88 (San Manuel Div)	
E.D. 90 (San Manuel Div)	
Seligman	02
County—Yavapai:	
Parts: Ashfork Div	
St. Johns	01
County—Apache:	
Parts: St. Johns Div.	
Superior	01
County—Pinal:	
Parts: E.D. 1-6	
Tombstone City Area	01
County—Cochise:	
Parts: Tombstone Pt. (Pt. Tombstone Div)	02
Wellton	
County—Yuma:	
Parts:	
E.D. 228-229	
E.D. 239-240	

PRIMARY CARE: Arizona

Population group Listing

Population group	Degree of shortage group
Gila River Indian Community	01
County:	
Maricopa	
Pinal	
Hopi Indian Reservation	01
County—Coconino	
Parts: Hopi Div.	
County—Navajo:	
Parts: Hopi Div.	
Indian Pop—Ganado/Rough Rock	01
County—Apache:	
Parts:	
Chinle CCD (S&W Parts)	
Ft. Defiance CCD (W. Part)	
County—Navajo	
Parts:	
Indian Wells CCD (E. Part)	
Pinon CCD (S.E. Part)	
Indian Pop. of Jsaile	01
County—Apache:	
Med. Ind. Pop—Cent/W Pinal	02
County—Pinal:	
Parts:	
Casa Grande	
Coolidge	
Eloy	
Maricopa/Stanfield	
Secaton	
Med. Ind./Pop.—Guadalupe	01
County—Maricopa:	
Parts: C.T. 3200.02	
Med. Ind. Pop/South Tucson	02
County—Pima:	
Parts:	
C.T. 1-5	
C.T. 8-12	
C.T. 13.01-13.02	
C.T. 14	
C.T. 20-24	
C.T. 25.01-25.02	
C.T. 37.01-37.03	
C.T. 38-39	
C.T. 41.03-41.04	
C.T. 43.01	
Pov. Pop./Somerton Area	01
County—Yuma:	
Parts: C.T. 114-116	
Pov./Migr. Pop.—El Mirage	01
County—Maricopa:	
Parts:	
C.T. 405.01	
C.T. 608-609	
C.T. 610.01	
White Mountain Indian Reservation	01
County:	
Apache	
Navajo	

PRIMARY CARE: Arizona

Facility Listing

Facility	Degree of shortage group
Maricopa, Co. Jails	02
County—Maricopa	

PRIMARY CARE: Arkansas

County name	Degree of shortage group
Arkansas:	
Service Area: Arkansas County	01
Ashley:	
Service Area: Portland-Wilmot	02

PRIMARY CARE: Arkansas—Continued

County name	Degree of shortage group
Boone:	
Service Area: Lead Hill	01
Bradley:	
Service Area: Hermitage	01
Calhoun	03
Clay	02
Cleburne:	
Service Area: Greer's Ferry	01
Cleveland	04
Conway	04
Crawford	03
Crittenden:	
Service Area: Parkin	01
Cross:	
Service Area: Parkin	01
Dallas:	
Service Area: Sparkman	01
Desha:	
Service Area: Dumas	03
Faulker:	
Service Area: Vilonia	01
Franklin	03
Fulton:	
Service Area: Horseshoe Bend	01
Grant	03
Izard:	
Service Area: Horseshoe Bend	01
Jefferson:	
Service Area:	
Altheimer	01
North Pine Bluff	02
Redfield	01
Lafayette	02
Lawrence	04
Lee	04
Lincoln:	
Service Area:	
Dumas	03
Starr	02
Marion:	
Service Area: Lead Hill	01
Mississippi:	
Service Area: Osceola/Wilson	03
Monroe:	
Service Area: Clarendon	02
Montgomery	03
Nevada:	
Service Area: Rosston	01
Newton	01
Ouachita:	
Service Area:	
Horseshoe Bend	01
Stephens	01
Perry	02
Phillips:	
Service Area: Elaine	01
Poinsett	04
Polk:	
Service Area: Wickes	02
Pope:	
Service Area: Atkins & Hector	02
Prairie	01
Pulaski:	
Service Area: College Station	01
Scott	04
Searcy	02
Sebastian:	
Service Area: Diamond	03
Sevier:	
Service Area: Wickes	02
Sharp:	
Service Area: Cave	03
Union:	
Service Area: Strong	02
Van Buren	04
Washington:	
Service Area: West Washington	02
Woodruff:	
Service Area: Cotton Plant	01
Yell:	
Service Area: Southern Yell	03

PRIMARY CARE: Arkansas

Service Area Listing

Service area name	Degree of shortage group
Altheimer	01
County—Jefferson:	
Parts:	
C.T. 1	
C.T. 7	
Arkansas County	01
County—Arkansas:	
Parts:	
Arkansas Township	
Barton Township	
Bayou Meto Township	
Brewer Township	
Chester Township	
Crockett Township	
Garland Township	
Keaton Township	
La Grue Township	
Point De Luce Township	
Prairie Township	
Stanley Township	
Atkins & Hector	02
County—Pope:	
Parts:	
Burnett	
Center	
Convenience	
Griffin	
Gum Logg	
Jackson	
Liberty	
Moreland	
Phoenix	
Smyrna	
Valley	
Wilson	
Cave	03
County—Sharp:	
Parts:	
Big Creek	
Cave	
East Sullivan	
Johnson	
Scott	
South Big Rock	
Washington	
West Sullivan	
Clarendon	02
County—Monroe:	
Parts:	
Cache	
Cypress Ridge	
Hindman	
Pine Ridge	
Roc Roe	
College Station	01
County—Pulaski:	
Parts:	
C.T. 2	
C.T. 4	
C.T. 40.01	
C.T. 40.03	
C.T. 40.04	
C.T. 40.05	
C.T. 5	
Cotton Plant	01
County—Woodruff:	
Parts:	
Cache	
Caney	
Cotton Plant	
Franks	
Freeman	
Garden	
Point	
Diamond	03
County—Sebastian:	
Parts:	
Diamond Twp	
Hartford Twp	
Jim Fork Twp	
Mississippi Twp	
Sugarloaf Twp	
Dumas	03
County—Desha:	
Parts:	
Franklin Twp	
Randolph Twp	
Red Fork Twp	

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
Silver Lake Twp	
Walnut Lake Twp	
½ Jefferson (Northern)	
½ Richland (Northern)	
County—Lincoln:	
Parts:	
Auburn Twp	
Gould Twp	
Wells Bayou Twp	
Elaine	01
County—Phillips:	
Parts:	
Jamesbush	
Lake	
Mooney	
Searcy	
Tappan	
Greer's Ferry	01
County—Cleburne:	
Parts:	
California Twp	
Center Post Twp	
Francis Twp	
Giles Twp	
Morgan Twp	
Poff Twp	
Saline Twp	
Sugar Camp Twp	
Hermitage	01
County—Bradley:	
Parts:	
Eagle Twn	
Marion Twn	
Palestine Twn	
Quachita Twp	
River Twp	
Sumpter Twn	
Washington Twn	
Horseshoe Bend	01
County—Fulton:	
Parts:	
Union	
County—Izard:	
Parts:	
Baker	
Franklin	
Jefferson	
New Hope	
Violet Hill	
County—Quachita:	
Parts:	
Liberty	
Lead Hill	01
County—Boone:	
Parts:	
Sugarloaf Twp	
County—Marion	
Parts:	
Crockett	
Franklin	
Keesee	
Sugarloaf	
North Pine Bluff	02
County—Jefferson:	
Parts:	
C.T. 10.00	
C.T. 11.00	
C.T. 12.00	
C.T. 5.01	
C.T. 5.02	
C.T. 6.00	
C.T. 6.99	
C.T. 9.00	
Osceola/Wilson	03
County—Mississippi:	
Parts:	
Carson Lake	
Dyess	
Fletcher	
Golden Lake	
Little River	
McGarock	
Monroe	
Pecan	
Scott	
Swayne	
Troy	
Whitton	

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
Parkin	01
County—Crittenden:	
Parts:	
Tyronza Twp.	
County—Cross	
Parts:	
Tyronza Twp.	
Portland-Willmot	02
County—Ashley:	
Parts:	
Banner Twp	
Bayou Twp	
Beachcreek Twp	
Bearhouse Twp	
De Bastrop Twp	
Montrose Twp	
Portland Twp	
Union Twp	
Willmot Twp	
Redfield	01
County—Jefferson:	
Parts:	
C.T. 2	
C.T. 3.01-3.03	
C.T. 4	
Rosston	01
County—Nevada:	
Parts:	
Alabama Twp	
Caney Twp	
Jackson Twp	
Leake Twp	
Parker Twp	
Taylor Twp	
Southern Yell	03
County—Yell:	
Parts:	
Bluffton Twp	
Briggsville Twp	
Compton Twp	
Crawford Twp	
Danville Twp	
Dutch Creek Twp	
Ferguson Twp	
Gilkey Twp	
Gravely Hill Twp	
Herring Twp	
Ions Creek Twp	
Lamar Twp	
Mason Twp	
Praire Twp	
Reed Keathly Twp	
Richland Twp	
Riley Twp	
Rover Twp	
Ward Twp	
Waveland Twp	
Sparkman	01
County—Dallas:	
Parts:	
Bunn Twp.	
Chester Twp.	
Holly Springs Twp.	
Manchester Twp.	
Nix Twp.	
Owen Twp.	
Princeton Twp.	
Smith Twp.	
Willow Twp.	
Starr	02
County—Lincoln:	
Parts:	
Bartholomew Twp.	
Cane Creek Twp.	
Choctaw Twp.	
Kimbrough Twp.	
Lone Pine Twp.	
Mill Creek Twp.	
Owen Twp.	
Smith Twp.	
Spring Twp.	
Stephens	01
County—Quachita:	
Parts:	
Bragg	
Bridge Creek	
Jefferson	
Lafayette	

PRIMARY CARE: Arkansas—Continued

Service Area Listing

Service area name	Degree of shortage group
Marion	
Smackover	
Strong	02
County—Union:	
Parts:	
Harrison Twp.	
Lapile Twp.	
Vilonia	01
County—Faulker:	
Parts:	
Bristol Twp.	
Cypress Twp.	
Eagle Twp.	
Harve Twp.	
Newton Twp.	
Palarm Twp.	
West Washington	02
County—Washington:	
Parts:	
Boston Twp	
Cane Hill Twp.	
Cove Creek Twp.	
Dutch Mills Twp.	
Illinois Twp.	
Mars Hill Twp.	
Morrow Twp.	
Prairie Grove Twp.	
Price Twp.	
Rheas Hill Twp.	
Starr Hill Twp.	
Valley Twp.	
Vineyard Twp.	
Weddington Twp.	
Wickes	02
County—Polk:	
Parts:	
Ozark	
White	
County—Sevier:	
Parts:	
Jefferson Township	

PRIMARY CARE: California

County name	Degree of shortage group
Alameda:	
Service Area:	
Central Oakland	03
South Oakland	02
West Berkeley	01
Alpine:	
Service Area: Markleeville	01
Population Group: Washoe Indian Reservation	01
Butte:	
Service Area: Feather Falls	02
Calaveras:	
Service Area: West Point/Wilseyville	02
Contra Costa:	
Service Area:	
East Contra Costa	02
Pittsburg	03
Del Norte:	
Population Group: Indian pop. (Trinidad)	01
Fresno:	
Service Area:	
Firebaugh/Mendota	01
Huron	01
Riverdale/Caruthers	02
San Joaquin-Tranquility	01
Sierra	03
Glenn:	
Service Area: Orland	03
Humboldt:	
Service Area: Trinidad	01
Population Group: Indian pop. (Trinidad)	01
Imperial:	
Service Area:	
Calexico	01
Calipatria/Westmorland	02
Inyo:	
Service Area: Southern Inyo	02
Kern:	
Service Area:	
Arvin/Lamont	01
Buttonwillow	01
Frazier Park	02
Lake Isabella	02
Southeast Kern	02
Wasco/Shafter	02
Lassen:	
Service Area:	
Honey Lake	01
North Lassen	02
Los Angeles:	
Service Area:	
Avalon/Goodyear/Main	01
East Compton, Compton City	01
East LA/City Terrace/Maravilla	02
El Monte	03
Figueroa/Firestone/Green Meadows/Watts	03
Florence/Huntington Park	01
Highland Pk/Linc. Hts/Mt. Wash./El Sereno	02
Maywood Bell	01
Santa Catalina Island	03
Venice	02
West Compton, Compton City	01
Mendocino:	
Service Area:	
Covelo	04
Northwest Mendocino	02
Point Arena	01
Potter Valley	02
Merced:	
Service Area: North Central Merced	02
Population Group: Indochinese Population	02
Modoc:	
Service Area:	
Adin-Lookout	01
Surprise Valley	01
Tule Lake-Butte Valley	03
Monterey:	
Service Area: Soledad	03
Orange:	
Facility: Juvenile Detention Facilities	02
Riverside:	
Service Area: Lower Coachella Valley	01
Population Group:	
Morongo Indian Pop.	01
Soboba Indian Pop.	01
Sacramento:	
Population Group: Indochinese Pop. Sacramento area	02
San Bernardino:	
Service Area:	
Arrowhead	04
29 Palms/Morongo Valley	02
Population group:	
Morongo Indian Pop.	01
San Manuel Indian Pop.	01
San Diego:	
Service Area:	
Anza	02
Mountain Empire	01
Palomar-Laguna	02
Pauma	01
Ramona	04
San Ysidro	02
Southwest San Diego	02
Population Group: Indochinese Pov. Pop. (Linda Vista)	02
San Francisco:	
Service Area: Tenderloin	03
San Mateo:	
Service Area: East Palo Alto	02
Santa Barbara:	
Service Area: Cuyama Valley	01
Shasta:	
Service Area:	
Burney Basin	04
Shingletown	01
Sierra	03
Siskiyou:	
Service Area:	
Happy Camp	03
Siskiyou	02
Tule Lake-Butte Valley	03
Solano:	
Service Area:	
Dixon	01
Vacaville	04
Sonoma:	
Service Area:	
Russian River	02
Stewarts Point	01
Trinity:	
Service Area:	
Hayfork	04
Mad River	01
Tulare:	
Service Area:	
Springville	01
Tipton	01
Woodlake	04
Population group: Spanish speaking pop. Porterville	01
Tuolumne:	
Service Area:	
Groveland	01
Stanislaus/Yosemite	01
Yolo:	
Service Area: Esparto/Knights Landing	01
Population group: Indochinese pop. Sacramento Area	02

PRIMARY CARE: California

Service Area Listing

Service area name	Degree of shortage group
Adin-Lookout	01
County—Modoc:	
Parts: Adin-Lookout	
Anza	02
County—San Diego:	
Parts: C.T. 210 (Anza Div.)	
Arrowhead	04
County—San Bernardino:	
Parts: C.T. 101	
Arvin/Lamont	01
County—Kern:	
Parts: C.T. 62-64	
Avalon/Goodyear/Main	01
County—Los Angeles:	
Parts:	
C.T. 2281-2289	
C.T. 2291-2294	
C.T. 2311	
C.T. 2318-2319	
C.T. 2328	
C.T. 2391-2396	
Burney Basin	04
County—Shasta	
Parts:	
E.D. 326-327	
E.D. 329	
E.D. 332-333	
E.D. 335-337	
E.D. 340-341	
Buttonwillow	01
County—Kern:	
Parts: Button Willow	
Calexico	01
County—Imperial:	
Parts: Calexico CCD	
Calipatria/Westmorland	02
County—Imperial:	
Parts: Calipatria/Westmorland CCD	
Central Oakland	03
County—Alameda:	
Parts:	
C.T. 4053-4063	
C.T. 4065	
C.T. 4070-4072	
Covelo	04
County—Mendocino:	
Parts: Covelo	
Cuyama Valley	01
County—Santa Barbara:	
Parts: Cuyama Division	
Dixon	01
County—Solano:	
Parts: C.T. 2533-2534	
East Compton, Compton City	01
County—Los Angeles:	

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
C.T. 5416.01-5416.02	
C.T. 5420	
C.T. 5421.01-5421.02	
C.T. 5422	
C.T. 5424.01-5424.02	
East Contra Costa	02
County—Contra Costa:	
Parts: East Contra Costa CCD	
East LA/City Terrace/Maravilla	02
County—Los Angeles:	
Parts:	
C.T. 5303-5306	
C.T. 5308-5319	
East Palo Alto	02
County—San Mateo:	
Parts: C.T. 6117-6120	
El Monte	03
County—Los Angeles:	
Parts:	
C.T. 4324	
C.T. 4327-4328	
C.T. 4331-4335	
C.T. 4337-4340	
Esparto/Knights Landing	01
County—Yolo:	
Parts: C.T. 114-115	
Feather Falls	02
County—Butte:	
Parts: Feather Falls Div.	
Figueroa/Firestone/Green Meadows/Watts	03
County—Los Angeles:	
Parts:	
C.T. 2397-2399	
C.T. 2401-2409	
C.T. 2411-2418	
C.T. 2421-2429	
C.T. 2431	
C.T. 5349-5350	
C.T. 5351.01-5351.02	
C.T. 5352-5354	
C.T. 5404	
Firebaugh/Mendota	01
County—Fresno:	
Parts:	
Firebaugh Div.	
Mendota Div.	
Florence/Huntington Park	01
County—Los Angeles:	
Parts:	
C.T. 5325-5332	
C.T. 5335	
C.T. 5345-5348	
Frazier Park	02
County—Kern:	
Parts:	
C.T. 33.02	
C.T. 60 (W. ½)	
Groveland	01
County—Tuolumne:	
Parts: Groveland	
Happy Camp	03
County—Siskiyou:	
Parts: Happy Camp CCD	
Hayfork	04
County—Trinity:	
Parts: Hayfork Div.	
Highland Pk/Linc. Hts/Mt Wash./El Sereno	02
County—Los Angeles:	
Parts:	
C.T. 1831-1833	
C.T. 1835-1838	
C.T. 1851-1853	
C.T. 1991-1999	
C.T. 2011-2017	
C.T. 5307	
Honey Lake	01
County—Lassen:	
Parts: Honey Lake Div.	
Huron	01
County—Fresno:	
Parts: Huron CCD	
Lake Isabella	02
County—Kern:	
Parts:	
C.T. 51.01	
C.T. 52	
Lower Coachella Valley	01

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Riverside:	
Parts: C.T. 456.02	
Mad River	01
County—Trinity:	
Parts: Mad River Div.	
Markleeville	01
County—Alpine:	
Parts: Markleeville	
Maywood Bell	01
County—Los Angeles:	
Parts:	
C.T. 5333-5337	
C.T. 5336.01-5336.02	
C.T. 5339-5343	
C.T. 5344.01-5344.02	
Mountain Empire	01
County—San Diego:	
Parts: Mountain Empire Div.	
North Central Merced	02
County—Merced:	
Parts:	
Hilmar-Irwin Division	
Livingston-Delhi	
North Lassen	02
County—Lassen:	
Parts:	
Big Valley	
Madeline Plains	
Northwest Mendocino	02
County—Mendocino:	
Parts: Laytonville-Leggett	
Orland	03
County—Glenn:	
Parts: Orland CCD	
Palomar-Laguna	02
County—San Diego:	
Parts:	
Laguna/Pine Valley CCD	
Palomar/Julian CCD	
Pauma	01
County—San Diego:	
Parts: C.T. 191.01	
Pittsburg	03
County—Contra Costa:	
Parts:	
C.T. 3090	
C.T. 3100	
C.T. 3110	
C.T. 3120	
C.T. 3131-3132	
C.T. 3141-3142	
C.T. 3552	
Point Arena	01
County—Mendocino:	
Parts: Point Arena	
Potter Valley	02
County—Mendocino:	
Parts: E.D. 200-202	
Ramona	04
County—San Diego:	
Parts: Ramona CCD	
Riverdale/Caruthers	02
County—Fresno:	
Parts: C.T. 75-77	
Russian River	02
County—Sonoma:	
Parts:	
C.T. 1537	
C.T. 1543 (South Portion)	
San Joaquin-Tranquility	01
County—Fresno:	
Parts: San Joaquin-Tranquility CCD	
San Ysidro	02
County—San Diego:	
Parts:	
C.T. 100.01-100.07	
C.T. 101.03-101.07	
C.T. 102-105	
Santa Catalina Island	03
County—Los Angeles:	
Parts: C.T. 5990 (Santa Catalina Isl.)	
Shingletown	01
County—Shasta:	
Parts: E.D. 343-347 (Central)	
Sierra	03
County—Sierra	
Parts: Sierra Div.	
Siskiyou	02

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Siskiyou	
Parts:	
Etna	
Ft. Jones	
Soledad	03
County—Monterey:	
Parts: Soledad CCD	
South Oakland	02
County—Alameda:	
Parts:	
C.T. 4073-4075	
C.T. 4084-4097	
C.T. 4102-4104	
Southeast Kern	02
County—Kern:	
Parts:	
C.T. 55.02	
C.T. 56-59	
Southern Inyo	02
County—Inyo:	
Parts:	
Death Valley Div.	
Independence Div. (Pt)	
Lone Pine Div.	
Southwest San Diego	02
County—San Diego:	
Parts:	
C.T. 38	
C.T. 45-54	
Springville	01
County—Tulare:	
Parts: C.T. 27 (Springville)	
Stanislaus/Yosemite	01
County—Tuolumne:	
Parts: Stanislaus/Yosemite	
Stewarts Point	01
County—Sonoma:	
Parts: C.T. 1543 (N. Portion)	
Surprise Valley	01
County—Modoc:	
Parts: Surprise Valley CCD	
Tenderloin	03
County—San Francisco:	
Parts: C.T. 122-125	
Tipton	01
County—Tulare:	
Parts:	
C.T. 32	
C.T. 42-44	
Trinidad	01
County—Humboldt:	
Parts: N. Coastal CCD	
Tule Lake-Butte Valley	03
County—Modoc:	
Parts: Tule Lake	
County—Siskiyou:	
Parts:	
Butte Valley CCD	
Tule Lake CCD	
Vacaville	04
County—Solano:	
Parts: Vacaville CCD	
Venice	02
County—Los Angeles:	
Parts: C.T. 2731-2739	
Wasco/Shafter	02
County—Kern:	
Parts:	
Shafter CCD	
Wasco CCD	
West Berkeley	01
County—Alameda	
Parts:	
C.T. 4218-4223	
C.T. 4230-4234	
C.T. 4240	
West Compton, Compton City	01
County—Los Angeles:	
Parts:	
C.T. 5411-5413	
C.T. 5425-5432	
West Point/Wilseyville	02
County—Calaveras:	
Parts: West Point/Wilseyville	
Woodlake	04
County—Tulare:	
Parts: Woodlake—Three Rivers CCD	
29 Palms/Morongo Valley	02

PRIMARY CARE: California—Continued

Service Area Listing

Service area name	Degree of shortage group
County—San Bernardino:	
Parts:	
C.T. 104.01	
C.T. 104.03–104.04	

PRIMARY CARE: California

Population Group Listing

Population group	Degree of shortage group
Indian pop. (Trinidad)	01
County:	
Del Norte	
Humboldt	
Indochinese Pop. Sacramento Area	02
County—Sacramento:	
Parts:	
Elk Grove CCD	
Folsom CCD	
Mather CCD	
N. Highlands CCD	
Natomas CCD	
Rio Linda CCD	
Sacramento CCD	
San Juan CCD	
Sloughouse CCD	
County—Yolo:	
Parts: East Yolo CCD	
Indochinese population	02
County—Merced:	
Parts:	
Atwater CCD	
Merced CCD	
Indochinese pov. pop. (Linda Vista)	02
County—San Diego:	
Parts:	
C.T. 86 (Linda Vista Hlth Care Ctr)	
C.T. 87.01	
C.T. 88	
C.T. 89.01	
C.T. 90	
C.T. 91.05	
Morongo Indian Pop.	01
County:	
Riverside	
San Bernardino	
San Manuel Indian Pop.	01
County—San Bernardino	
Soboba Indian Pop.	01
County—Riverside	
Spanish Speaking Pop. Porterville	01
County—Tulare:	
Parts: C.T. 33–41	
Washoe Indian Reservation	01
County—Alpine	

PRIMARY CARE: California

Facility Listing

Facility	Degree of shortage group
Juvenile Detention Facilities	02
County—Orange	

PRIMARY CARE: Colorado

County name	Degree of shortage group
Adams:	
Service Area:	
Bennett/Strasburg	02
Commerce City	04

PRIMARY CARE: Colorado—Continued

County name	Degree of shortage group
Arapahoe:	
Service Area: Bennett/Strasburg	02
Baca	01
Bent:	
Service Area: Lamar	04
Boulder:	
Population Group: Med Ind of Lafayette/Louisville	01
Cheyenne:	
Service Area: Kit Carson	01
Conejos:	
Service Area: San Luis Valley	01
Costilla:	
Service Area: San Luis Valley	01
Crowley:	
Service Area: Rock Ford/Ordway	03
Custer	01
Dolores	01
Elbert	01
El Paso:	
Service Area: Calhan-Yoder	02
Population group: Colorado Springs (Med Indigent)	04
Gilpin	01
Hinsdale	01
Huerfano:	
Service Area: Gardner	01
Kiowa	01
Kit Carson:	
Service Area: Flagler	01
Las Animas	04
Lincoln	03
Montrose:	
Service Area: Nucla	03
Otero:	
Service Area: Rocky Ford/Ordway	03
Prowers:	
Service Area: Lamar	04
Pueblo:	
Service Area: Avondale/Boone	01
Rio Blanco:	
Service Area: Rangely	01
Routt:	
Service Area: Oak Creek/Yampa	01
Saguache	02
Sedgwick:	
Service Area: Julesburg	02
Weld:	
Population Group: Mig./Seas. Farmworkers	02
Yuma	02

PRIMARY CARE: Colorado

Service Area Listing

Service area name	Degree of shortage group
Avondale/Boone	01
County—Pueblo:	
Parts: C.T. 32–34 (Avondale)	
Bennett/Strasburg	02
County—Adams:	
Parts: East Adams Div.	
County—Arapahoe:	
Parts: East Arapahoe Div.	
Calhan-Yoder	02
County—El Paso:	
Parts:	
C.T. 39.01	
C.T. 46	
Commerce City	04
County—Adams:	
Parts:	
C.T. 87.03	
C.T. 77.05	
C.T. 77.06	
C.T. 88.01 (Irondale City)	
C.T. 88.02 (Adams City)	
C.T. 89.01 (Commerce City)	
C.T. 89.52 (South Welby)	
Flagler	01
County—Kit Carson:	
Parts: Flagler Div.	
Gardner	01
County—Huerfano:	

PRIMARY CARE: Colorado—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts: Gardner Div.	
Julesburg	02
County—Sedgwick	
Kit Carson	01
County—Cheyenne:	
Parts: Kit Carson Div. (N ¼)	
Lamar	04
County—Bent:	
Parts: McClave Div.	
County—Prowers	
Nucla	03
County—Montrose:	
Parts: Nucla Division	
Oak Creek/Yampa	01
County—Routt:	
Parts:	
Oak Creek Div.	
Yampa Div.	
Rangely	01
County—Rio Blanco:	
Parts: Rangely Div.	
Rocky Ford/Ordway	03
County:	
Crowley	
Otero	
Parts:	
Flower Div.	
Manzanola Div.	
Rocky Ford Div.	
San Luis Valley	01
County:	
Conejos	
Costilla	

PRIMARY CARE: Colorado

Population Group Listing

Population group	Degree of shortage group
Colorado Springs (Med Indigent)	04
County—El Paso:	
Parts:	
C.T. 13.01	
C.T. 14–17	
C.T. 22–23	
C.T. 26–29	
Med. Ind. of Lafayette/Louisville	01
County—Boulder:	
Parts:	
C.T. 129	
C.T. 129.01	
C.T. 129.02	
C.T. 130	
C.T. 131.02–131.05	
Mig./Seas. Farmworkers	02
County—Weld	

PRIMARY CARE: Connecticut

County name	Degree of shortage group
Fairfield:	
Service Area: South West Bridgeport	04
Population Group:	
Poverty pop/Central—East Bridgeport	01
Poverty pop/S.W. Stamford	01
Hartford:	
Service Area:	
Charter Oak/Rice Hts	01
N.-N. Central Hartford	01
Middlesex:	
Population Group: Poverty pop./Middletown	04
New Haven:	
Service Area: Fair Haven	01
Population Group: Poverty pop/Central Waterbury	02
New London:	
Population Group: Poverty pop/New London	01

PRIMARY CARE: Connecticut—Continued

County name	Degree of shortage group
Windham:	
Population Group: Poverty pop/N.E. Windham	01

PRIMARY CARE: Connecticut

Population Group Listing

Population group	Degree of shortage group
Charter Oak/Rice Hts	01
County—Hartford:	
Parts:	
C.T. 5046	
C.T. 5049	
Fair Haven	01
County—New Haven:	
Parts: C.T. 1421-1426	
N.—N. Central Hartford	01
County—Hartford:	
Parts:	
C.T. 5008-5015	
C.T. 5017-5018	
C.T. 5035	
C.T. 5037	
South West Bridgeport	04
County—Fairfield:	
Parts: C.T. 702-710	

PRIMARY CARE: Connecticut

Population Group Listing

Population group	Degree of shortage group
Poverty pop/Central Waterbury	02
County—New Haven:	
Parts:	
C.T. 3501-3505	
C.T. 3508	
C.T. 3512	
C.T. 3514	
Poverty pop/Central-East Bridgeport	01
County—Fairfield:	
Parts:	
C.T. 713-717	
C.T. 735-742	
Poverty pop/Middletown	04
County—Middlesex:	
Parts:	
C.T. 5411-5422	
Poverty pop/N.E. Windham	01
County—Windham:	
Parts:	
Brooklyn Twn	
Canterbury Twn	
Eastford Twn	
Killingly Twn	
Plainfield Twn	
Pomfret Twn	
Putnam Twn	
Sterling Twn	
Thompson Twn	
Woodstock Twn	
Poverty pop/New London	01
County—New London:	
Parts:	
C.T. 6901-6907	
Poverty pop/S.W. Stamford	01
County—Fairfield:	
Parts:	
C.T. 201	
C.T. 214-215	
C.T. 217	
C.T. 222-223	

PRIMARY CARE: Delaware

County name	Degree of shortage group
New Castle:	
Service Area:	
Middletown-Odessa	03
Wilmington-Southbridge	01
Sussex:	
Service area: Mid-Sussex (Indian River)	04

PRIMARY CARE: Delaware

Service Area Listing

Service area name	Degree of shortage group
Mid-Sussex (Indian River)	04
County—Sussex:	
Parts:	
Georgetown Div.	
Millsboro CCD	
Selbyville-Frankford CCD	
Middletown—Odessa	03
County—New Castle:	
Parts: Middletown/Odessa Div.	
Wilmington—Southbridge	01
County—New Castle:	
Parts:	
C.T. 6.01-6.02	
C.T. 9	
C.T. 17	
C.T. 19-20	
C.T. 154-156	

PRIMARY CARE: District of Columbia

County name	Degree of shortage group
District of Columbia:	
Service Area: Anacostia	01
Population Group: Adams-Morgan (Sp. speaking)	01
Facility: D.C. Detention Facility	03

PRIMARY CARE: District of Columbia

Service Area Listing

Service area name	Degree of shortage group
Anacostia	01
Parts:	
C.T. 77.03	
C.T. 77.07-77.09	
C.T. 78.03-78.05	
C.T. 78.07-78.08	
C.T. 96.01-96.04	
C.T. 99.01-99.07	

PRIMARY CARE: District of Columbia

Population Group Listing

Population group	Degree of shortage group
Adams-Morgan (Sp. Speaking)	01
County—Dist of Columbia:	
Parts:	
C.T. 27.2	
C.T. 28.0	
C.T. 37-40	
C.T. 42.1	
C.T. 43.0	

PRIMARY CARE: District of Columbia

Facility Listing

Facility	Degree of shortage group
D.C. Detention Facility	03
County—District of Columbia	

PRIMARY CARE: Florida

County name	Degree of shortage group
Bradford	04
Broward:	
Population Group: Poverty and Migrant Population	01
Clay:	
Service Area: Keystone Heights	01
Collier:	
Service Area:	
Everglades	01
Immokalee	01
Columbia	04
Dade:	
Service Area:	
Model City	01
Southern Dade	01
Population Group: Medically Indigent	02
Facility: Jackson Memorial Hospital	01
Dixie	01
Duval:	
Population Group: Low Income Pop. of Duval	02
Escambia:	
Service Area: Northwestern Escambia	01
Gadsden	01
Gilchrist	02
Glades:	
Service Area: Glades/Hendry	02
Hardee:	
Population Group: Pov. Pop.	01
Hendry:	
Service Area: Glades/Hendry	02
Hernando	03
Highlands:	
Population Group: Pov. Pop.	01
Hillsborough:	
Population Group: Poverty/Migrant Pop.	01
Holmes	01
Jackson:	
Service Area: Sneads	01
Jefferson	02
Lafayette	01
Lake:	
Population Group: Pov./Migr Pop.	03
Lee:	
Population Group: Migrant Population	01
Levy	04
Liberty	02
Madison	01
Manatee:	
Population Group: Poverty/Migrant Pop.	04
Nassau:	
Service Area: Callahan/Hilliard	02
Okeechobee:	
Population Group: Poverty/Migrant	01
Orange:	
Population Group: Pov. Pop.	01
Osceola	03
Palm Beach:	
Service Area:	
Glades	02
West Palm Beach	01
Pasco:	
Population Group: Pov./Migrant Pop.	02
Pinellas:	
Population Group: Pov. Pop. of St. Petersburg	01
Polk:	
Population Group: Pov. Pop.	01
Putnam	02
St Lucie:	
Population Group: Poverty/Migrant Pop.	01
Santa Rosa:	
Service Area: Northern Santa Rosa	03
Seminole:	
Population Group: Pov. Pop.	02
Sumter	02
Suwannee	02
Union	02

PRIMARY CARE: Florida—Continued

County name	Degree of shortage group
Facility: RMC Correctional Inst	02
Wakulla	03
Walton	02
Washington	03

PRIMARY CARE: Florida

Service Area Listing

Service area name	Degree of shortage group
Callahan/Hilliard	02
County—Nassau:	
Parts:	
C.T. 504-505	
Everglades	01
County—Collier:	
Parts:	
C.T. 111	
Glades	02
County—Palm Beach:	
Parts:	
C.T. 80-83	
Glades/Hendry	02
County	
Glades	
Hendry	
Immokalee	01
County—Collier:	
Parts:	
C.T. 112-114	
Keystone Heights	01
County—Clay:	
Parts:	
Keystone Heights	
Model City	01
County—Dade:	
Parts:	
C.T. 5.03	
C.T. 10.04	
C.T. 14	
C.T. 15.01-15.02	
C.T. 17.01-17.02	
C.T. 18.01-18.03	
C.T. 19.01-19.02	
C.T. 20.01-20.02	
C.T. 22.01-22.02	
C.T. 23	
Northern Santa Rosa	03
County—Santa Rosa:	
Parts:	
Jay	
Munson-McLellan	
Northwestern Escambia	01
County—Escambia:	
Parts:	
Century	
Northwestern Escambia	
Sneads	01
County—Jackson:	
Parts:	
Sneads CCD	
Southern Dade	01
County—Dade:	
Parts:	
C.T. 103-105	
C.T. 106.02	
C.T. 107.01	
C.T. 108-114	
West Palm Beach	01
County—Palm Beach:	
Parts:	
C.T. 21-26	

PRIMARY CARE: Florida

Population Group Listing

Population group	Degree of shortage group
Lee Co. Migrant Population	01
County—Lee	
Low Income Pop. of Duval	02
County—Duval:	
Parts:	
C.T. 1-5	
C.T. 9-19	
C.T. 26-29	
C.T. 107-109	
C.T. 112-116	
C.T. 118	
C.T. 121	
Medically Indigent	02
County—Dade:	
Parts:	
C.T. 42-45	
Pov. Pop. of Hardee	01
County—Hardee	
Pov. Pop. of Highlands	01
County—Highlands	
Pov. Pop. of Polk	01
County—Polk	
Pov. Pop. of St. Petersburg	01
County—Pinellas:	
Parts:	
C.T. 201.01	
C.T. 203.01	
C.T. 204-208	
C.T. 209.95	
C.T. 210.95	
C.T. 212-215	
C.T. 216.95	
C.T. 218.95	
C.T. 219.95	
C.T. 220	
C.T. 234-235	
Pov. Pop. Orange	01
County—Orange	
Pov. Pop./Seminole	02
County—Seminole	
Pov./Migrant Pop. (Pasco)	02
County—Pasco:	
Parts:	
C.T. 319-331	
Pov/Migr Pop. of Lake	03
County—Lake	
Poverty and Migrant Population	01
County—Broward:	
Parts:	
C.T. 103.01-103.02	
C.T. 104	
C.T. 107	
C.T. 302-306	
C.T. 307.01-307.02	
C.T. 308.01-308.02	
Poverty/Migrant	01
County—Okeechobee	
Poverty/Migrant Pop. (Hillsborough)	01
County—Hillsborough:	
Parts:	
C.T. 121-141	
Poverty/Migrant Pop. (Manlee)	04
County—Manlee	
Poverty/Migrant Pop (St Lucie)	01
County—St Lucie	

PRIMARY CARE: Florida

Facility Listing

Facility	Degree of shortage group
Jackson Memorial Hospital	01
County—Dade	
RMC Correctional Inst	02
County—Union	

PRIMARY CARE: Georgia

County name	Degree of shortage group
Atkinson	01
Baker	01
Banks	01
Bartow	02
Brantley	01
Brooks	04
Bryan	01
Burke	03
Camden:	
Service Area: Woodbine	01
Charlton	03
Chatham:	
Population Group: Medically Indigent	02
Chattooga	02
Cherokee	02
Clarke:	
Service Area: Athens NHC Target Area	01
Colquitt	02
Crawford	02
Dade	02
Dawson	02
Dekalb:	
Service Area: Dekalb-Grady Clinic	01
Dodge	04
Dooley	03
Dougherty:	
Service area:	
East Albany	01
South Albany	01
Early	02
Effingham	03
Elbert	03
Fayette:	
Service Area: Palmetto	02
Forsyth	04
Franklin:	
Service Area: Franklin/Hart	04
Fulton:	
Service Area:	
Atlanta (Southside)	01
Midwest Atlanta	01
Northwest Atlanta	02
Palmetto	02
West End	02
Population Group: Poverty Population	02
Glascock	01
Hall:	
Population Group: Med. Ind. Pop.	02
Hancock	01
Hart:	
Service Area: Franklin/Hart	04
Henry	04
Irwin	02
Jackson:	
Population Group: Med. Ind. Pop.	02
Jasper	02
Jefferson	04
Johnson	01
Jones	02
Lee	01
Liberty	02
Lincoln	01
Long	01
McDuffie	04
McIntosh	02
Macon	02
Madison	02
Meriwether	03
Mitchell	03
Montgomery:	
Service Area: Montgomery/Wheeler	01
Murray	03
Oglethorpe	01
Paulding	02
Pike	01
Putnam	03
Quitman:	
Service Area: Randolph/Quitman	02
Randolph:	
Service Area: Randolph/Quitman	02
Schley	01
Screven	03
Stewart:	
Service Area: Stewart-Webster	02
Sumter:	
Population Group: Medical Ind. Pop.	01
Talbot	01
Taliaferro	01
Tattnall	02

PRIMARY CARE: Georgia—Continued

County name	Degree of shortage group
Taylor	04
Terrell	02
Towns	03
Union:	
Service Area: Suches	01
Walker:	
Service Area: South Walker	02
Walton	01
Warren	02
Webster:	
Service Area: Stewart-Webster	02
Wheeler:	
Service Area: Montgomery/Wheeler	01
White	02
Wilkinson	02
Worth	04

PRIMARY CARE: Georgia

Service Area Listing

Service area name	Degree of shortage group
Athens NHC Target Area	01
County—Clarke:	
Parts:	
C.T. 2-3	
C.T. 6	
C.T. 9	
Atlanta (Southside)	01
County—Fulton:	
Parts:	
C.T. 44	
C.T. 46.95	
C.T. 48	
C.T. 49.95	
C.T. 50	
C.T. 52-53	
C.T. 55.01-55.02	
C.T. 56-58	
C.T. 63-64	
C.T. 67	
C.T. 68.01-68.02	
C.T. 69-73	
De Kalb-Grady Clinic	01
County—De Kalb:	
Parts:	
C.T. 205-209	
C.T. 227	
C.T. 231.01	
C.T. 235.01-235.02	
C.T. 236-237	
C.T. 238.01-238.03	
East Albany	01
County—Dougherty:	
Parts:	
C.T. 1-2	
C.T. 101-102	
C.T. 103.01-103.02	
C.T. 107-110	
Franklin/Hart	04
County:	
Franklin	
Hart	
Midwest Atlanta	01
County—Fulton:	
Parts:	
C.T. 66.02	
C.T. 78.03-78.04	
C.T. 79-80	
C.T. 81.01-81.02	
C.T. 83.02	
Montgomery/Wheeler	01
County:	
Montgomery	
Wheeler	
Northwest Atlanta	02
County—Fulton:	
Parts:	
C.T. 7-8	
C.T. 82.01-82.02	
C.T. 83.01-83.02	
C.T. 84-85	
C.T. 86.01-86.02	
C.T. 87.01-87.02	

PRIMARY CARE: Georgia—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 88	
Palmetto	02
County—Fayette:	
Parts:	
C.T. 1402	
County—Fulton:	
Parts:	
C.T. 104	
C.T. 105.04-105.06	
Randolph/Quitman	02
County:	
Quitman	
Randolph	
South Albany	01
County—Dougherty:	
Parts:	
C.T. 12	
C.T. 14.01-14.02	
C.T. 15	
C.T. 106.01-106.02	
South Walker	02
County—Walker:	
Parts:	
Kensington	
Lafayette	
Rock Springs	
Villanow	
Stewart-Webster	02
County:	
Stewart	
Webster	
Suches	01
County—Union:	
Parts:	
Suches	
West End	02
County—Fulton:	
Parts:	
C.T. 22-26	
C.T. 36-41	
C.T. 42.95	
C.T. 43	
C.T. 60-62	
Woodbine	01
County—Camden:	
Parts:	
Woodbine	

PRIMARY CARE: Georgia

Population Group Listing

Population group	Degree of shortage group
Med. Ind. Pop. of Hall	02
County—Hall	
Med. Ind. Pop. of Jackson	02
County—Jackson	
Med. Ind. Pop. of Sumter	01
County—Sumter	
Medically Indigent	02
County—Chatham:	
Parts:	
C.T. 1	
C.T. 3	
C.T. 6.01-6.02	
C.T. 8-13	
C.T. 15	
C.T. 17	
C.T. 18-28	
C.T. 32	
C.T. 33.01-33.02	
C.T. 36.01	
C.T. 37	
C.T. 45	
C.T. 101.01	
C.T. 105	
C.T. 106.01	
C.T. 106.03	
C.T. 106.04	
C.T. 106.05	
C.T. 107	
C.T. 108.01-108.02	
Poverty Population	02

PRIMARY CARE: Georgia—Continued

Population Group Listing

Population group	Degree of shortage group
County—Fulton:	
Parts:	
C.T. 65	
C.T. 66.01	
C.T. 74-75	
C.T. 76.01-76.02	
C.T. 77.01-77.02	
C.T. 78.02	
C.T. 106.01-106.02	
C.T. 107-111	
C.T. 112.01-112.02	
C.T. 113.01-113.02	

PRIMARY CARE: Hawaii

County name	Degree of shortage group
Honolulu:	
Service Area: Kalihi Valley	01
Facility: Oahu Comm. Corr. Ctr	02

PRIMARY CARE: Hawaii

Service Area Listing

Service area name	Degree of shortage group
Kalihi Valley	01
County—Honolulu:	
Parts:	
C.T. 63-66	

PRIMARY CARE: Hawaii

Facility Listing

Facility	Degree of shortage group
Oahu Comm. Corr. Ctr	02
County—Honolulu	

PRIMARY CARE: Idaho

County name	Degree of shortage group
Ada:	
Facility: Idaho State Penitentiary	02
Bannock:	
Service Area: Downey/Lava Hot Springs	04
Benewah:	
Service Area: St. Maries	02
Bingham:	
Service Area: American Falls	03
Population Group: MSFW E. Snake River Valley	01
Boise	01
Butte:	
Service Area: Arco/MacKay	02
Camas	01
Canyon:	
Service Area: Nyssa	01
Population Group: MSFW S. Treasure Valley	01
Cassia:	
Service Area: Albion/Malta	01
Oakley	01
Population Group: MSFW E. Magic Valley	01
Clark	01
Custer:	
Service Area:	
Arco/MacKay	02
Challis	01

PRIMARY CARE: Idaho—Continued

County name	Degree of shortage group
Stanley	01
Elmore:	
Service Area: Glenns Ferry	01
Gem:	
Population Group: MSFW N. Treasure Valley	01
Gooding:	
Population Group: MSFW W. Magic Valley	01
Jefferson:	
Service Area: Mud Lake	01
Population Group: MSFW E. Snake River Valley	01
Jerome	04
Population Group: MSFW W. Magic Valley	01
Kootenai:	
Service Area: St. Maries	02
Lewis	02
Lincoln	01
Minidoka:	
Population Group: MSFW E. Magic Valley	01
Oneida	01
Owyhee:	
Service Area: N.W. Owyhee	01
Population Group: MSFW S. Treasure Valley	01
Payette:	
Service Area: New Plymouth	02
Population Group: MSFW N. Treasure Valley	01
Power:	
Service Area: American Falls	03
Population Group: MSFW E. Magic Valley	01
Twin Falls:	
Service Area: Buhl	02
Population Group: MSFW W. Magic Valley	01
Washington	02
Population Group: MSFW N. Treasure Valley	01

PRIMARY CARE: Idaho

Service Area Listing

Service area name	Degree of shortage group
Albion/Malta	01
County—Cassia:	
Parts: Albion Division	
American Falls	03
County—Bingham:	
Parts: Aberdeen Div.	
County—Power:	
Parts:	
American Falls Div.	
Rockland Div.	
Arco/MacKay	02
County:	
Butte	
Custer:	
Parts: MacKay Div	
Buhl	02
County—Twin Falls:	
Parts:	
Buhl Div.	
W. Salmon Falls Div.	
Challis	01
County—Custer:	
Parts: Challis Div.	
Downey/Lava Hot Springs	04
County—Bannock:	
Parts: S. Bannock Div (S. ¾)	
Glenns Ferry	01
County—Elmore:	
Parts: Glenns Ferry	
Mud Lake	01
County—Jefferson:	
Parts: Hammer Div.	
N.W. Owyhee	01
County—Owyhee:	
Parts:	
Homedale Div.	
Marsing Div.	
Murphy Div.	
New Plymouth	02
County—Payette:	
Parts: New Plymouth Div	
Nyssa	01
County—Canyon:	
Parts:	
Parma Div.	

PRIMARY CARE: Idaho—Continued

Service Area Listing

Service area name	Degree of shortage group
Wilder Div.	
Oakley	01
County—Cassia:	
Parts: Oakley Division	
St. Maries	02
County	
Benewah	
Kootenai:	
Parts:	
Harrison Div. (E.D. 44, 46-48)	
Worley Div. (S. ½)	
Stanley	01
County—Custer:	
Parts:	
Stanley Div.	

PRIMARY CARE: Idaho

Population Group Listing

Population group	Degree of shortage group
MSFW E. Magic Valley	01
County:	
Cassia	
Minidoka	
Power	
MSFW E. Snake River Valley	01
County:	
Bingham	
Jefferson	
MSFW. N. Treasure Valley	01
County:	
Gem	
Payette	
Washington	
MSFW. S. Treasure Valley	01
County:	
Canyon	
Owyhee	*
MSFW. W. Magic Valley	01
County:	
Gooding	
Jerome	
Twin Falls	

PRIMARY CARE: Idaho

Facility Listing

Facility	Degree of shortage group
Idaho State Penitentiary	02
County—Ada	

PRIMARY CARE: Illinois

County name	Degree of shortage group
Brown	02
Calhoun:	
Service Area: Hardin	03
Champaign:	
Service Area: Northand-Champaign Urbana	01
City	03
Cook:	
Service Area:	
Austin/Garfield	01
Cabrini-Green/Near North Side	02
Chatham (Near Southeast)	02
Douglas	02
E. Chicago Heights	01
Humboldt/West Town	02
New City/W. Englewood/Englewood	01
Riverdale	01

PRIMARY CARE: Illinois—Continued

County name	Degree of shortage group
Robbins Village	02
Roseland	01
S. Lawndale/Lower W. Side	01
South Chicago	01
South Deering	01
South Shore	04
Southeast Chicago	01
Uptown	01
Facility:	
Cook Co. Dept. of Correction Complex	02
Cook County Hospital	01
Cumberland	04
Edwards	02
Gallatin	04
Greene:	
Service Area: Hardin	03
Henderson	02
Jackson:	
Service Area: Western Jackson	03
Jasper	02
Jersey:	
Service Area: Hardin	03
Jo Daviess:	
Service Area: Stockton/Warren	02
Johnson	01
Kankakee:	
Service Area: Pembroke	01
Macon:	
Service Area: Decatur Inner City	02
Marion:	
Service Area: Salem	04
Mason	01
Massac	02
Mercer	02
Peoria:	
Service Area: S.E. Peoria	03
Pope	01
Rock Island:	
Population Group: Medicaid Elig. Pop. of Quad-Cities	03
St. Clair:	
Service Area: E. St. Louis Hlth Dist	02
Scott	03
Union	02
Wayne	02
Will:	
Service Area: Eastside Joliet	04
Facility:	
Joliet Correctional Inst	02
Statesville Correctional Inst	03
Winnebago:	
Service Area: Rockford inner city	01

PRIMARY CARE: Illinois

Service Area Listing

Service area name	Degree of shortage group
Austin/Garfield	01
County—Cook:	
Parts:	
C.T. 2506-2510	
C.T. 2514-2523	
C.T. 2601-2610	
C.T. 2701-2719	
C.T. 2801-2826	
C.T. 2838-2843	
C.T. 2901-2927	
Cabrini-Green/Near North Side	02
County—Cook:	
Parts:	
C.T. 803-810	
C.T. 817-819	
Chatham (Near Southeast)	02
County—Cook:	
Parts:	
C.T. 4401-4409	
C.T. 4501-4503	
C.T. 4701	
C.T. 6901-6915	
C.T. 7101-7115	
Decatur Inner City	02
County—Macon:	
Parts:	

PRIMARY CARE: Illinois—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 1	
C.T. 6-9	
Douglas	02
County—Cook:	
Parts:	
C.T. 3301-3305	
C.T. 3401-3406	
C.T. 3501-3515	
E. Chicago Heights	01
County—Cook:	
Parts: C.T. 8297 (E. Chicago Heights)	
E. St. Louis Hlth Dist	02
County—St. Clair:	
Parts:	
C.T. 5004-5014	
C.T. 5021-5023	
C.T. 5024.01	
C.T. 5024.03-5024.04	
C.T. 5025	
C.T. 5026.01-5026.03	
C.T. 5027-5030	
C.T. 5041	
C.T. 5042.01-5042.02	
Eastside Joliet	04
County—Will:	
Parts:	
C.T. 8807	
C.T. 8812-8813	
C.T. 8820-8825	
C.T. 8830-8831	
Hardin	02
County:	
Calhoun	
Greene	
Parts: Woodville Twp (West 1/2)	
Jersey	
Parts:	
Quarry Twp	
Richwood Twp	
Rosedale Twp	
Humboldt/West Town	02
County—Cook	
Parts:	
C.T. 2301-2318	
C.T. 2401-2436	
New City/W. Englewood/Englewood	01
County—Cook:	
Parts:	
C.T. 6101-6122	
C.T. 6701-6720	
C.T. 6801-6814	
Northend-Champaign Urbana	01
County—Champaign:	
Parts:	
C.T. 2	
C.T. 53 (BLKGRPS 2 & 3)	
C.T. 7 (BLKGRPS 1 & 2)	
Pembroke	01
County—Kankakee:	
Parts:	
Pembroke Twp	
St. Anne Twp. (E. ½)	
Riverdale	01
County—Cook:	
Parts: C.T. 5401	
Robbins Village	02
County—Cook:	
Parts: Robbins Village	
Rockford Inner City	01
County—Winnebago:	
Parts:	
C.T. 10	
C.T. 21	
C.T. 24-29	
Roseland	01
County—Cook:	
Parts:	
C.T. 4901-4914	
S. Lawndale/Lower W. Side	01
County—Cook:	
Parts:	
C.T. 3001-3020	
C.T. 3101-3115	
S.E. Peoria	03
County—Peoria:	
Parts: C.T. 1-15	
Salem	04
County—Marion:	
Parts:	
Alma Twp	
Beacham Twp	
Foster Twp	
Haines Twp	
Iuka Twp	
Kinmundy Twp	
Omega Twp	
Romine Twp	
Salem Twp	
Stevenson Twp	
Tonti Twp	
South Chicago	01
County—Cook:	
Parts:	
C.T. 4601-4610	
South Deering	01
County—Cook:	
Parts:	
C.T. 5101-5104	
C.T. 5104.99	
C.T. 5105	
South Shore	04
County—Cook	
Parts:	
C.T. 4301-4314	
Southeast Chicago	01
County—Cook:	
Parts:	
C.T. 3601-3615	
C.T. 3701-3704	
C.T. 3801-3820	
C.T. 3901-3903	
C.T. 4001-4008	
Stockton/Warren	02
County—Jo Daviess:	
Parts:	
Apple River Twp	
Berreman Twp	
Derinda Twp	
Nora Twp	
Pleasant Valley Twp	
Rush Twp	
Stockton Twp	
Thompson Twp	
Wards Grove Twp	
Warren Twp	
Woodbine Twp	
Uptown	01
County—Cook:	
Parts:	
C.T. 310-312	
C.T. 315-321	
Western Jackson	03
County—Jackson:	
Parts:	
Bradley Twp	
Degognia Twp	
Fountain Bluff Twp	
Grand Tower Twp	
Kinkaid Twp	
Levan Twp	
Murphysboro Twp	
Ora Twp	
Pomona Twp	
Sand Ridge Twp	
Somerset Twp	
Vergennes Twp	

PRIMARY CARE: Illinois

Population Group Listing

Population group	Degree of shortage group
Medicaid Elig. Pop. of Quad-Cities	03
County—Rock Island	

PRIMARY CARE: Illinois

Facility Listing

Facility	Degree of shortage group
Cook Co. Dept. of Correction Complex	02
County—Cook	
Cook County Hospital	01
County—Cook	
Joliet Correctional Inst	02
County—Will	
Statesville Correctional Inst	03
County—Will	

PRIMARY CARE: Indiana

County name	Degree of shortage group
Adams	03
Brown	02
Clay	03
Crawford:	
Service Area:	
English	01
Fredricksburg	02
Decatur	04
Fayette	03
Franklin	01
Fulton	03
Harrison:	
Service Area:	
Elizabeth	01
Fredricksburg	02
Howard:	
Population Group: Med. Indigent Pop. (Kokomo)	02
Jennings	02
Knox:	
Service Area: Bicknell	02
Lake:	
Service Area: Gary	02
La Porte:	
Facility: Indiana State Prison	02
Marion:	
Service Area:	
Highland-Brookside	01
Near North Side (Indianapolis)	01
South Central Indianapolis	01
Martin	02
Ohio	02
Owen	02
Perry	04
Pike	04
Ripley	03
Scott	03
Spencer	02
Starke	03
Steuben	04
Switzerland	04
Vermillion:	
Service Area: Northern Vermillion	01
Warren	03
Washington:	
Service Area: Fredricksburg	02

PRIMARY CARE: Indiana

Service Area Listing

Service area name	Degree of shortage group
Bicknell	02
County—Knox:	
Parts:	
Vigo Twp	
Washington Twp (E. ½)	
Widner Twp	
Elizabeth	01
County—Harrison:	
Parts:	
Boone Twp	
Posey Twp	
Taylor Twp	
English	01
County—Crawford:	

PRIMARY CARE: Indiana—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Boone Twp	
Jennings Twp	
Johnson Twp	
Ohio Twp	
Paloka Twp	
Sterling Twp	
Union Twp	
Fredricksburg	02
County—Crawford:	
Parts:	
Liberty Twp	
Whiskey Run Twp	
County—Harrison:	
Parts:	
Blue River Twp	
Morgan Twp	
County—Washington:	
Parts: Posey Twp	
Gary	02
County—Lake:	
Parts: C.T. 101-129	
Highland-Brookside	01
County—Marion:	
Parts:	
C.T. 3526-3527	
C.T. 3544-3545	
C.T. 3547-3551	
Near North Side (Indianapolis)	01
County—Marion:	
Parts:	
C.T. 3517-3522	
C.T. 3528-3532	
Northern Vermillion	01
County—Vermillion:	
Parts:	
Eugene Twp	
Highland Twp	
Vermillion Twp	
South Central Indianapolis	01
County—Marion:	
Parts:	
C.T. 3556-3557	
C.T. 3559	
C.T 3562	
C.T. 3569	
C.T. 3570-3572	
C.T. 3576-3580	

PRIMARY CARE: Indiana

Population Group Listing

Population group	Degree of shortage group
Med. Indigent Pop (Kokomo)	02
County—Howard	

PRIMARY CARE: Indiana

Facility Listing

Facility	Degree of shortage group
Indiana State Prison	02
County—La Porte	

PRIMARY CARE: Iowa

County name	Degree of shortage group
Benton:	
Service Area: North Benton	02
Black Hawk:	
Population Group: Poverty Pop	04

PRIMARY CARE: Iowa—Continued

County name	Degree of shortage group
Boone:	
Service Area: Dayton-Gowrie	02
Buchanan	04
Butler	03
Calhoun:	
Service Area: Dayton-Gowrie	02
Cedar:	
Service Area: Lowden/Lost Nation	02
Cerro Gordo:	
Service Area: Sheffield	02
Cherokee Service Area: Kingsley/Anthon/Mapleton	04
Clinton:	
Service Area: Lowden/Lost Nation	02
Delaware:	
Service Area: Center Pt./Central City	03
Franklin:	
Service Area: Sheffield	02
Greene:	
Service Area: Dayton-Gowrie	02
Hamilton:	
Service Area:	
Dayton-Gowrie	02
Hubbart/Eldora	02
Hardin:	
Service Area: Hubbart/Eldora	02
Harrison:	
Service Area:	
Onawa (Iowa/Neb)	03
Woodbine	04
Howard:	
Service Area: Cresco	02
Humboldt	03
Jackson:	
Service Area: Lowden/Lost Nation	02
Jasper:	
Service Area: Monroe	01
Jones:	
Service Area: Lowden/Lost Nation	02
Kossuth:	
Service Area: North Kossuth	01
Linn:	
Service Area: Center Pt./Central City	03
Louisa:	
Service Area: Columbus/Wapello	01
Lucas:	
Service Area: Chariton	04
Lyon:	
Service Area:	
Canton	03
Rock Rapids	04
Marion:	
Service Area: Monroe	01
Mills:	
Service Area: Oakland	02
Monona:	
Service Area:	
Kingsley/Anthon/Mapleton	04
Onawa (Iowa/Neb)	03
Muscatine:	
Service Area: Columbus/Wapello	01
Plymouth:	
Service Area: Kingsley/Anthon/Mapleton	04
Pottawattamie:	
Service Area: Oakland	02
Scott:	
Service Area: Lowden/Lost Nation	02
Population Group: Medicaid Elig Pop of Quad-Cities	03
Sioux:	
Service Area: Canton	03
Story:	
Service Area: Hubbart/Eldora	02
Tama	02
Taylor:	
Service Area: South Taylor	01
Warren:	
Service Area: Chariton	04
Wayne:	
Service Area: Chariton	04
Webster:	
Service Area: Dayton-Gowrie	02
Winneshiek:	
Service Area: Cresco	02
Woodbury:	
Service Area:	
Kingsley/Anthon/Mapleton	04
Onawa (Iowa/Neb)	03

PRIMARY CARE: Iowa

Service Area Listing

Service area name	Degree of shortage group
Canton	03
County—Lyon:	
Parts:	
Centennial Twp	
Logan Twp	
Lyon Twp	
Richland Twp	
County—Sioux:	
Parts: Settlers Twp	
Center Pt./Central City	03
County—Delaware:	
Parts: Ryan	
County—Linn:	
Parts:	
Alburnett	
Center Pt	
Central City	
Coggon	
Marion	
Prairieburg	
Robins	
Walker	
Chariton	04
County—Lucas:	
Parts:	
Benton	
Cedar	
Chariton City	
English	
Jackson (N.E. Parts)	
Liberty	
Lincoln	
Otter Creek	
Pleasant	
Warren (N.E. Parts)	
Washington	
Whitebreast	
County—Warren:	
Parts:	
Liberty (Parts)	
Whitebreast (Part)	
County—Wayne:	
Parts:	
Union (N. Part)	
Washington (S.E. Part)	
Wright (N.W. Part)	
Columbus/Wapello	01
County—Louisa:	
Parts:	
Columbus City Twp	
Concord Twp	
Elm Grove Twp	
Grandview Twp	
Jefferson Twp	
Marshall Twp	
Oakland Twp	
Port Louisa Twp	
Union Twp	
Wapello Twp	
County—Muscatine:	
Parts:	
Cedar Twp	
Orono Twp	
Cresco	02
County—Howard:	
Parts:	
Albion Twp (Cresco)	
Chester Twp	
Forest City Twp	
Howard Center Twp	
Jamestown Twp	
New Oregon Twp	
Oakdale Twp	
Paris Twp	
Saratoga Twp	
Vernon Springs Twp	
County—Winneshiek:	
Parts:	
Fremont Twp	
Orleans Twp	
Dayton-Gowrie	02
County—Boone:	
Parts:	
Dodge Twp	
Grant Twp	
Pilot Mound Twp	
County—Calhoun:	
Parts: Reading Twp	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Greene:	
Parts:	
Dawson Twp	
Paton Twp	
County—Hamilton:	
Parts:	
Marion Twp	
Webster Twp	
County—Webster:	
Parts:	
Burnside Twp	
Clay Twp	
Dayton Twp	
Gowrie Twp	
Hardin Twp	
Lost Grove Twp	
Roland Twp	
Sumner Twp	
Webster Twp	
Yell	
Hubbart/Eldora	02
County—Hamilton:	
Parts:	
Ellsworth	
Lincoln Twp	
Lyon Twp	
Scott Twp	
County—Hardin:	
Parts:	
Concord Twp	
Eldora Twp	
Grant Twp	
Pleasant	
Providence Twp	
Sherman Twp	
Tipton Twp	
Union Twp (W. ½)	
County—Story:	
Parts:	
Lincoln Twp	
Warren Twp (E. ½)	
Kingsley/Anthon/Mapleton	
County—Cherokee:	
Parts: Grand Meadow Twp	
County—Monona:	
Parts:	
Cooper Twp	
Grant Twp	
Maple Twp	
County—Plymouth:	
Parts:	
Elkhorn Twp	
Garfield Twp	
County—Woodbury:	
Parts:	
Arlington Twp	
Banner Twp	
Floyd Twp	
Orange Twp	
Grant Twp	
Kedron Twp	
Liston Twp	
Little Sioux Twp	
Miller Twp	
Morgan Twp	
Moville Twp	
Oto Twp	
Rock Twp	
Rutland Twp	
Union Twp	
West Fork Twp	
Willow Twp (½ pt)	
Wolf Creek Twp	
Lowden/Lost Nation	02
County—Cedar:	
Parts:	
Inland Twp	
Massillon Twp	
Springfield Twp	
County—Clinton:	
Parts:	
Liberty Twp	
Sharon Twp	
Spring Rock Twp	
County—Jackson:	
Parts: Monmouth Twp	
County—Jones:	
Parts:	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Oxford Twp	
Wyoming Twp	
County—Scott:	
Parts: Liberty Twp	
Monroe	01
County—Jasper:	
Parts:	
Fairview Twp	
Palo Alto Twp	
County—Marion:	
Parts:	
Red Rock	
Summit Twp	
North Benton	02
County—Benton:	
Parts:	
Benton Twp	
Big Grove Twp	
Bruce Twp	
Canton Twp	
Cedar Twp	
Eden Twp	
Eldorado Twp	
Freemont (Part)	
Harrison Twp	
Homer Twp	
Jackson Twp	
Monroe Twp	
Polk Twp	
Shellsburg Twp	
Taylor Twp	
Union Twp	
Vinton Twp	
North Kossuth	01
County—Kossuth:	
Parts:	
Buffalo Twp	
Burt Twp	
Eagle Twp	
Fenton Twp	
German Twp	
Grant Twp	
Greenwood Twp	
Harrison Twp	
Hebron Twp	
Ledyard Twp	
Lincoln Twp	
Portland Twp	
Ramsey Twp	
Seneca Twp	
Springfield Twp	
Swea Twp	
Oakland	02
County—Mills:	
Parts:	
Anderson Twp	
Henderson Twn	
County—Pottawattamie:	
Parts:	
Avoca Twn	
Belknap Twp	
Carson Twn	
Carson Twp	
Center Twp	
Grove Twp	
Hancock Twn	
James Twp	
Knox Twp	
Layton Twp	
Lincoln Twp	
Macedonia Twn	
Macedonia Twp	
Oakland Twn	
Pleasant Twp	
Silver Creek Twp	
Valley Twp	
Walnut Twn	
Washington Twp	
Waveland Twp	
Wright Twp	
Onawa (Iowa/Neb)	03
County—Harrison:	
Parts:	
Jackson Twp	
Little Sioux Twp	
County—Monona:	
Parts:	
Ashton Twp	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Belvidere Twp	
Center Twp	
Fairview Twp	
Franklin Twp	
Jordan Twp	
Kennebec Twp	
Lincoln Twp	
Onawa Twp	
Sherman Twp	
Sioux Twp	
Soldier Twp	
Spring Valley Twp	
St. Clair Twp	
West Fork Twp	
Willow Twp	
County—Woodbury:	
Parts:	
Lakeport Twp	
Liberty Twp (Pt)	
Sloan Twp	
Willow Twp (Pt)	
Rock Rapids	04
County—Lyon:	
Parts:	
Allison Twp	
Cleveland Twp	
Dale Twp	
Doon Twp	
Elgin Twp	
Garfield Twp	
Grant Twp	
Larchwood Twp	
Liberal Twp	
Midland Twp	
Riverside Twp	
Rock Twp	
Sioux Twp	
Wheeler Twp	
Sheffield	02
County—Cerro Gordo:	
Parts:	
Dougherty Twn	
Dougherty Twp	
Genesen Twp	
Pleasant Valley Twp	
Swaledale Twn	
Thornton Twn	
County—Franklin:	
Parts:	
Richland Twp	
Ross Twp	
Sheffield Twn	
West Fork Twp	
Wisner Twp	
South Taylor	01
County—Taylor:	
Parts:	
Bedford Twp	
Benton Twp	
Clayton Twp	
Dallas Twp	
Gay Twp	
Jackson Twp	
Jefferson Twp	
Mason Twp	
Polk Twp	
Ross Twp	
Woodbine	04
County—Harrison:	
Parts:	
Allen Twp	
Bayer Twp	
Calhoun Twp	
Cass Twp	
Cincinnati Twp	
Clay Twp	
Douglas Twp	
Dunlap City	
Harrison Twp	
Jefferson Twp	
La Grange Twp	
Lincoln Twp	
Logan City	
Magnolia City	
Magnolia Twp	
Missouri Valley City	
Modale City	
Mondamin City	

PRIMARY CARE: Iowa—Continued

Service Area Listing

Service area name	Degree of shortage group
Morgan Twp	
Raglan Twp	
St. Johns Twp	
Taylor Twp	
Union Twp	
Woodbine City	

PRIMARY CARE: Iowa

Population Group Listing

Population group	Degree of shortage group
Medicaid Elig. Pop. of Quad-Cities	03
County—Scott	
Poverty Pop. of Black Hawk	04
County—Black Hawk	

PRIMARY CARE: Kansas

County name	Degree of shortage group
Coffey	04
Dickinson:	
Service Area: Herrington	02
Ellsworth	04
Geary	04
Jackson	04
Jefferson	02
Lincoln	03
Linn	03
McPherson:	
Service Area: Smokey Hills	04
Marion:	
Service Area: Herrington	02
Marshall:	
Service Area: Southwest Nemaha	01
Morris:	
Service Area: Herrington	02
Nemaha:	
Service Area: Southwest Nemaha	01
Osage	04
Rawlings	03
Saline:	
Service Area: Smokey Hills	04
Wabaunsee	02
Washington	02
Woodson	02

PRIMARY CARE: Kansas

Service Area Listing

Service area name	Degree of shortage group
Herrington	02
County—Dickinson:	
Parts:	
Herrington City	
Hope	
Liberty	
Lyon	
Ridge	
Union	
County—Marion:	
Parts:	
Blaine	
Clear Creek	
Collax	
Lost Spring	
County—Morris:	
Parts:	
Highland	
Overland	
Townships 4–9	

PRIMARY CARE: Kansas—Continued

Service Area Listing

Service area name	Degree of shortage group
Smokey Hills	04
County—McPherson:	
Parts:	
Bonaville Twp	
Gypsum Twp	
Lindsborg City	
Marquette Twp	
Smokey Hill Twp	
Union Twp	
County—Saline:	
Parts:	
Eureka	
Gypsum Twp	
Liberty Twp	
Smokey View Twp	
Smolam Twp	
Walnut Twp	
Southwest Nemaha	01
County—Marshall:	
Parts:	
Cleveland Twp	
Lincoln Twp	
Noble Twp	
County—Nemaha:	
Parts:	
Center Twp	
Harrison Twp	
Home Twp	
Illinois Twp	
Neuchatel Twp	
Red Vermillion Twp	
Reilly Twp	
Wetmore Twp	

PRIMARY CARE: Kentucky

County name	Degree of shortage group
Adair	04
Bath	04
Bell:	
Service Area:	
Southeast Whitley	01
Western Harlan	01
Bracken	04
Breathitt	02
Breckinridge	02
Butler	03
Carlisle	03
Carter	01
Casey	03
Clay	02
Clinton	03
Edmonson	04
Elliott	04
Estill	02
Fayette:	
Population Group: Poverty Pop. of Lexington	04
Fleming:	
Service Area: Flemingsburg	03
Floyd:	
Service Area: Mud Creek	01
Hancock	02
Harlan:	
Service Area: Western Harlan	01
Jackson	03
Jefferson:	
Service Area: West End	01
Knott	03
Knox	02
Laurel	04
Lee	03
Leslie	02
Letcher:	
Service Area: Western Letcher	01
Lewis:	
Service Area:	
Flemingsburg	04
Vanceburg	02
Lincoln:	
Service Area: Crab Orchard	01
Lyon	03
Facility: KY State Penitentiary	02

PRIMARY CARE: Kentucky—Continued

County name	Degree of shortage group
McCreary	04
Magoffin	01
Marion	02
Meade	02
Menifee	01
Monroe	04
Oldnam:	
Facility: KY State Reformatory	02
Owen	01
Owsley	01
Pendleton	02
Perry:	
Service Area:	
Buckhorn	01
Western Letcher	01
Pike:	
Service Area:	
Mud Creek	01
Phelps	01
Powell	01
Robertson	01
Rockcastle	04
Spencer	02
Todd	02
Whitley:	
Service Area: Southeast Whitley	01
Wolfe	04

PRIMARY CARE: Kentucky

Service Area Listing

Service area name	Degree of shortage group
Buckhorn	01
County—Perry:	
Parts:	
Buckhorn CCD	
Krypton CCD E.D. 302	
Crab Orchard	01
County—Lincoln:	
Parts: Crab Orchard	
Flemingsburg	03
County:	
Fleming	
Lewis:	
Parts:	
Tollesboro Div.	
Mud Creek	01
County—Floyd:	
Parts:	
McDowell CCD	
Mud Creek CCD	
Weeksbury CCD	
Wheelwright CCD	
County—Pike:	
Parts: Long Fork CCD	
Phelps	01
County—Pike:	
Parts:	
Feds Creek CCD	
Phelps CCD	
Southeast Whitely	01
County—Bell:	
Parts: Prudent-Fonde CCD	
County—Whitley:	
Parts:	
Pearl CCD	
Saxton CCD	
Siller CCD	
Vanceburg	02
County—Lewis	
Parts:	
Garrison Div.	
Laurel/Petersville Div.	
Vanceburg Div.	
West End	01
County—Jefferson:	
Parts:	
C.T. 1–35	
Western Harlan	01
County—Bell:	
Parts: Tejay CCD	
County—Harlan:	
Parts:	

PRIMARY CARE: Kentucky—Continued

Service Area Listing

Service area name	Degree of shortage group
Alva CCD	
Wallins Creek CCD	
Western Letcher	01
County—Letcher:	
Parts: Blackey Div.	
County—Perry:	
Parts: Daisy Div.	

PRIMARY CARE: Kentucky

Population Group Listing

Population group	Degree of shortage group
Poverty Population of Lexington	04
County—Fayette:	
Parts:	
C.T. 1-5	
C.T. 8-14	
C.T. 16-19	
C.T. 38.01	

PRIMARY CARE: Kentucky

Facility Listing

Facility	Degree of shortage group
KY. State Penitentiary	02
County—Lyon	
KY. State Reformatory	02
County—Oldnam	

PRIMARY CARE: Louisiana

County name	Degree of shortage group
Allen:	
Service Area: Kinder	01
Ascension	03
Assumption	01
Avoyelles	04
Beauregard:	
Service Area: Dequincy	03
Bienville	02
Bossier	02
Calcasieu:	
Service Area:	
DeQuincy	03
North Lake Charles	01
Caldwell	01
Catahoula	04
Claiborne	02
De Soto	01
East Baton Rouge:	
Service Area: Eden Park	03
East Carroll	01
East Feliciana	02
Franklin	02
Grant	01
Iberia:	
Service Area: Teche	03
Jackson	03
Jefferson:	
Service Area: Lafitte	01
Jefferson Davis:	
Service Area: Kinder	01
Lafourche:	
Service Area: S.E. Lafourche	02
Lasalle	03
Livingston	02
Madison	04
Natchitoches	04
Orleans:	
Service Area:	
Desire/Florida	01
Lower 9th Ward	01
Ouachita:	
Facility: E.A. Conway Mem. Hosp	03
Plaquemines	02
Pointe Coupee	03
Rapides:	
Facility: Huey P. Long Hosp	02
Sabine:	
Service Area: Zwolle	01
St Bernard	02
St Charles	03
St Helena	02
St John The Baptist	02
St Landry:	
Service Area: Palmetto	01
St Martin	01
St Mary:	
Service Area: Teche	03
St Tammany:	
Service Area: Northeastern St Tammany	02
Terrebonne:	
Service Area: Dulac	02
Union:	
Service Area: West Union	01
Vernon	01
Webster	02
West Baton Rouge	02
West Carroll	02
Winn	02

PRIMARY CARE: Louisiana

Service Area Listing

Service area name	Degree of shortage group
Dequincy	03
County:	
Beauregard:	
Parts:	
Ward 1	
Ward 6	
Calcasieu:	
Parts:	
Ward 1	
Ward 6	
Desire/Florida	01
County—Orleans:	
Parts:	
C.T. 11 (N. of Derbigny St.)	
C.T. 14.01-14.02	
C.T. 15 (N. of Derbigny St.)	
C.T. 16	
C.T. 17.03	
C.T. 17.14	
Dulac	02
County—Terrebonne:	
Parts:	
Ward 4	
Ward 7	
Eden Park	03
County—East Baton Rouge:	
Parts:	
C.T. 8-10	
C.T. 12-13	
Kinder	01
County—Allen:	
Parts:	
Ward 1-4	
County—Jefferson Davis:	
Parts: Wards 4-5	
Lafitte	01
County—Jefferson:	
Parts: C.T. 277-279	
Lower 9th Ward	01
County—Orleans:	
Parts:	
C.T. 7.01-7.02	
C.T. 8	
C.T. 9.01-9.04	
North Lake Charles	01
County—Calcasieu:	
Parts:	
C.T. 2-4	
C.T. 14-15	
Northeastern St Tammany	02
County—St Tammany:	
Parts:	
C.T. 401	
C.T. 407	
Palmetto	01
County—St Landry:	
Parts:	
E.D. 725-727	
E.D. 730-738	
S.E. Lafourche	02
County—Lafourche:	
Parts:	
S.E. Ward 4	
S.E. Wards 9-10	
Teche	03
County:	
Iberia:	
Parts:	
Ward 1	
Ward 8	
St Mary:	
Parts:	
Wards 1-5	
Wards 7-10	
West Union	01
County—Union:	
Parts:	
Wards 3-4	
Ward 9	
Zwolle	01
County—Sabine:	
Parts:	
Wards 5-6	
Ward 8	

PRIMARY CARE: Louisiana

Facility Listing

Facility	Degree of shortage group
E.A. Conway Mem Hosp	03
County—Ouachita	
Huey B. Long Hosp.	02
County—Rapides	

PRIMARY CARE: Maine

County name	Degree of shortage group
Androscoggin:	
Service Area: Leeds	01
Aroostook:	
Service Area:	
Ashland	02
Danforth	01
Eagle Lake	01
Mars Hill	02
St. Francis	01
Cumberland:	
Service Area: Casco Bay Islands	02
Franklin:	
Service Area: Rangeley	01
Hancock:	
Service Area: Bucksport	02
Kennebec:	
Service Area:	
Leeds	01
Richmond	02
Knox:	
Service Area: Penobscot Bay	01
Lincoln:	
Service Area: Richmond	02
Oxford:	
Service Area:	
Bethel	01
Rangeley	01

PRIMARY CARE: Maine—Continued

County name	Degree of shortage group
Penobscot:	
Service Area:	
Corinth	01
Danforth	01
Dexter	02
Howland	02
Piscataquis:	
Service Area:	
Bingham	02
Dexter	02
Milo	03
Sagadahoc:	
Service Area: Richmond	02
Somerset:	
Service Area:	
Bingham	02
Dexter	02
Jackman	01
Waldo:	
Service Area: Bucksport	02
Washington:	
Service Area:	
Danforth	01
Eastport	02
Jonesport	01
Lubec	01
Milbridge	02
Vanceboro	01

PRIMARY CARE: Maine

Service Area Listing

Service area name	Degree of shortage group
Ashland	02
County—Aroostook:	
Parts:	
Ashland Twn	
Garfield Plantation	
Masardis Twn	
Nashville Plantation	
Oxbow Plantation	
Portage Lake Twn	
Bethel	01
County—Oxford:	
Parts:	
Bethel Twn	
Gilead Twn	
Greenwood	
Newry Twn	
Unorg. Terr. (Oxford)	
Upton Twn	
Woodstock Twn	
Bingham	02
County—Piscataquis:	
Parts: Kingsbury Plt.	
County—Somerset:	
Parts:	
Bingham	
Brighton Plt.	
Caratunk Plt.	
Moscow	
Pleasant Ridge Plt.	
Solon	
The Forks Plt.	
Unorg. Terr. (Somerset)	
West Forks Plt.	
Bucksport	02
County—Hancock:	
Parts:	
Bucksport Town	
Orland Town	
Verona Town	
County—Waldo:	
Parts:	
Frankfort	
Prospect	
Casco Bay Islands	02
County—Cumberland:	
Parts:	
Cliff Island	
Cushing Island	
Great Chebeague Island	
Great Diamond Island	
Little Chebeague Island	
Little Diamond Island	
Long Island	
Peak's Island	
Corinth	01
County—Penobscot:	
Parts:	
Bradford	
Charleston	
Corinth	
Exeter	
Hudson	
Danforth	01
County—Aroostook:	
Parts:	
Bancroft	
Orient	
Weston	
County—Penobscot:	
Parts:	
Drew	
Kingman Unorg.	
Prentiss	
County—Washington:	
Parts:	
Danforth	
Whitney Unorg.	
Dexter Area	02
County—Penobscot:	
Parts:	
Corinna	
Dexter	
Garland	
County—Piscataquis:	
Parts: Wellington	
County—Somerset:	
Parts:	
Athens	
Harmony	
Ripley	
St. Albans	
Eagle Lake	01
County—Aroostook:	
Parts:	
Eagle Lake Twn	
Wallagrass Plantation	
Winterville Plantation	
Eastport	02
County—Washington:	
Parts:	
Eastport	
Pembroke	
Perry	
Pleasant Point	
Howland	02
County—Penobscot:	
Parts:	
Burlington	
Edinburg	
Enfield	
Grand Falls Plt.	
Howland	
LaGrange	
Lowell	
Maxfield	
Passadumkeag	
Seboeis Plt.	
Jackman	01
County—Somerset:	
Parts:	
Dennistown Plant	
Jackman Town	
Moose River Town	
Jonesport	01
County—Washington:	
Parts:	
Addison Twn	
Beals Twn	
Centerville Twn	
Columbia Falls Twn	
Jonesboro Twn	
Jonesport Twn	
Leeds	01
County—Androscoggin:	
Parts:	
Greene Town	
Leeds Town	
Turner Town	
County—Kennebec:	
Parts:	
Monmouth Town	
Wayne Town	
Lubec	01
County—Washington:	
Parts:	
Dennysville Twn	
Edmunds (Unorg.)	
Lubec Twn	
Plantation #14	
Trescott (Unorg.)	
Whiting Twn	
Mars Hill	02
County—Aroostook:	
Parts:	
Blaine	
Bridgewater	
E. Plt.	
Mars Hill	
Westfield	
Milbridge	02
County—Washington:	
Parts:	
Beddington	
Cherryfield Twp	
Columbia Twp	
Deblois Twp	
Harrington Twp	
Milbridge Twp	
Steuben Twn	
Milo	03
County—Piscataquis:	
Parts:	
Atkinson	
Barnard Plt.	
Brownville	
Lakeview Plt.	
Medford	
Milo	
Sebec	
Unorganized Terr. of S.E. Piscataquis	
Penobscot Bay	01
County—Knox:	
Parts:	
Matinicus Island	
Vinalhaven Island	
Rangeley	01
County—Franklin:	
Parts:	
Coplin Plantation	
Dallas Plantation	
Eustis Twn	
Madrid Twn	
N. Franklin (Unorg.)	
Rangeley Plantation	
Rangeley Twn	
Sandy River Plantation	
County—Oxford:	
Parts:	
Lincoln Plantation	
Magalloway Plantation	
N. Oxford (Unorg.)	
Richmond	02
County—Kennebec:	
Parts: Litchfield Twp	
County—Lincoln:	
Parts: Dresden Twp	
County—Sagadahoc:	
Parts:	
Bowdoinham Twp	
Richmond Twp	
St. Francis	01
County—Aroostook:	
Parts:	
Allagash Twn	
St. Francis Plantation	
St. John Plantation	
Vanceboro	01
County—Washington:	
Parts:	
Codyville Plt.	
Dyer Twp	
Fowler Twp	
Grand Lake Stream	
Indian Twp	
Kossuth Twp	
Lambert Lake Twp	

PRIMARY CARE: Maine—Continued

Service Area Listing

Service area name	Degree of shortage group
Talmadge	
Topsfield	
Vanceboro	
Waite	

PRIMARY CARE: Maryland

County name	Degree of shortage group
Allegany:	
Service Area: Hancock	02
Anne Arundel:	
Service Area: Owensville	02
Caroline	02
Cecil:	
Service Area: Cecil/Kent	02
Charles	04
Dorchester:	
Service Area: Northeast Dorchester County	02
Kent:	
Service Area: Cecil/Kent	02
Queen Annes	02
Somerset	02
Washington:	
Service Area:	
Hancock	02
Keedysville	02
Worcester:	
Service Area: Snow Hill/Pokomoke	04
Baltimore City:	
Service Area:	
Cherry Hill	01
Hampden/Woodberry/Remington	04
North Central Baltimore	01
Northwest Baltimore	01
O'Donnell Heights	01
Orleans Square	02
West Baltimore	01
Facility:	
Mercy Hospital	01

PRIMARY CARE: Maryland

Service Area Listing

Service area name	Degree of shortage group
Cecil/Kent	02
County—Cecil:	
Parts: Dist. 1 (Cecilton)	
County—Kent:	
Parts: Dist. 1 (Massey)	
Cherry Hill	01
County—Baltimore City:	
Parts:	
C.T. 2502.01-2502.05	
C.T. 2503.01-2503.03	
Hampden/Woodberry/Remington	04
County—Baltimore City:	
Parts:	
C.T. 1203	
C.T. 1206-1207	
C.T. 1305-1306	
C.T. 1308.03-1308.04	
Hancock Service Area	02
County—Allegany:	
Parts: Dist. 1 (Orleans)	
County—Washington:	
Parts:	
Dist. 15 (Indian Springs)	
Dist. 4 (Clear Spring)	
Dist. 5 (Hancock)	
Keadysville	02
County—Washington:	
Parts:	
Election District 1	
Election District 6	
Election District 8	
Election District 11	

PRIMARY CARE: Maryland—Continued

Service Area Listing

Service area name	Degree of shortage group
Election District 19	
North Central Baltimore	01
County—Baltimore City:	
Parts:	
C.T. 802	
C.T. 803.01-803.02	
C.T. 804-805	
C.T. 901-908	
C.T. 1204	
Northwest Dorchester County	02
County—Dorchester:	
Parts:	
Dist 1-3	
Dist 12	
Dist 15	
Northeast Baltimore	01
County—Baltimore City:	
Parts:	
C.T. 1512-1513	
C.T. 2716-2717	
C.T. 2718.01-2718.02	
O'Donnell Heights	01
County—Baltimore City:	
Parts: C.T. 2606.01-2606.02	
Orleans Square	02
County—Baltimore City:	
Parts:	
C.T. 103	
C.T. 105	
C.T. 201	
C.T. 601-602	
C.T. 701-703	
Owensville Service Area	02
County—Anne Arundel:	
Parts:	
C.T. 7012-7014	
C.T. 7070	
C.T. 7080	
Snow Hill/Pocomoke	04
County—Worcester:	
Parts:	
Dist 1-2	
Dist 7-8	
West Baltimore	01
County—Baltimore City:	
Parts:	
C.T. 1801-1803	
C.T. 1901-1903	
C.T. 2001-2005	

PRIMARY CARE: Maryland

Facility Listing

Facility	Degree of shortage group
Mercy Hospital	01
County—Baltimore City	

PRIMARY CARE: Massachusetts

County name	Degree of shortage group
Barnstable:	
Service Area: Provincetown	03
Bristol:	
Service Area:	
Fall River	01
New Bedford	01
Taunton	02
Dukes:	
Service Area: New Bedford	01
Essex:	
Service Area:	
Lynn	02
North Lawrence	03
Peabody	02
Middlesex	
Service Area:	

PRIMARY CARE: Massachusetts—Continued

County name	Degree of shortage group
East Cambridge	01
Lowell	04
Population Group:	
Portuguese Pop (Hudson)	01
Portuguese Pop/Somerville	01
Norfolk	
Service Area:	
Quincy	02
So. Blackstone Valley	03
Facility: Norfolk-Walpole Correct Inst	03
Plymouth:	
Service Area: Hull	02
Suffolk:	
Service Area:	
Dorchester	01
Jamaica Plain	03
North End Boston	03
Roxbury	02
South Boston	02
Population Group:	
Chinese Pop. (Brighton/Allston)	01
Chinese Pop. (South End Boston)	02
Pov. Pop.—Brighton/Allston	04
Worcester:	
Service Area: So. Blackstone Valley	03

PRIMARY CARE: Massachusetts

Service area Listing

Service Area name	Degree of shortage group
Dorchester	01
County—Suffolk:	
Parts:	
C.T. 1001-1005	
C.T. 901-924	
East Cambridge	01
County—Middlesex:	
Parts:	
C.T. 3521-3522	
C.T. 3524	
C.T. 3527	
C.T. 3530-3531	
C.T. 3535	
C.T. 3539	
Fall River	01
County—Bristol:	
Parts:	
C.T. 6408-6411	
C.T. 6413	
C.T. 6420	
Hull	02
County—Plymouth:	
Parts: Hull Town	
Jamaica Plain	03
County—Suffolk:	
Parts:	
C.T. 1202-1207	
Lowell	04
County—Middlesex:	
Parts:	
C.T. 3101	
C.T. 3104	
C.T. 3107-3112	
C.T. 3118-3122	
C.T. 3124	
Lynn	02
County—Essex:	
Parts:	
C.T. 2061-2063	
C.T. 2068-2070	
C.T. 2072	
New Bedford	01
County—Bristol:	
Parts:	
C.T. 6507-6509	
C.T. 6511-6513	
C.T. 6517-6519	
C.T. 6526-6527	
County—Dukes	
Parts: Gosnold Town	03
North End Boston	
County—Suffolk:	
Parts:	

PRIMARY CARE: Massachusetts—Continued

Service area Listing

Service Area name	Degree of shortage group
C.T. 301-302	
C.T. 304-305	
North Lawrence	03
County—Essex:	
Parts:	
C.T. 2501	
C.T. 2503-2507	
C.T. 2509-2514	
Peabody	02
County—Essex:	
Parts:	
C.T. 2106-2109	
Provincetown	03
County—Barnstable:	
Parts: Provincetown	
Quincy	02
County—Norfolk:	
Parts:	
C.T. 4178	
Roxbury	02
County—Suffolk:	
Parts:	
C.T. 801-821	
So. Blackstone Valley	03
County:	
Norfolk	
Parts:	
Bellingham Town	
Worcester:	
Parts:	
Blackstone Town	
Douglas Town	
Mendon Town	
Millville Town	
Northbridge Town	
Sutton Town	
Uxbridge Town	
South Boston	02
County—Suffolk:	
Parts:	
C.T. 605-611	
Taunton	02
County—Bristol:	
Parts:	
Berkley Town	
Dighton Town	
Raynham Town	
Rehoboth Town	
Taunton City	

PRIMARY CARE: Massachusetts

Population Group Listing

Population group	Degree of shortage group
Chinese Pop (Brighton/Allston)	01
County—Suffolk:	
Parts: C.T. 1-8	
Chinese Pop (South End Boston)	02
County—Suffolk:	
Parts: C.T. 701-712	
Portuguese Pop (Hudson)	01
County—Middlesex	
Portuguese Pop/Somerville	01
County—Middlesex	
Parts: Somerville	
Pov Pop—Brighton/Allston	04
County—Suffolk	
Parts:	
C.T. 1	
C.T. 2.01-2.02	
C.T. 3-5	
C.T. 6.01-6.02	
C.T. 7.01-7.02	
C.T. 8	

PRIMARY CARE: Massachusetts

Facility Listing

Facility	Degree of shortage group
Norfolk—Walpole Correct. Inst	03
County—Norfolk	

PRIMARY CARE: Michigan

County name	Degree of shortage group
Alcona	02
Allegan:	
Service Area: Allegan	03
Antrim:	
Service Area:	
East Jordan	02
Mancelona	02
Arenac:	
Service Area: Sterling	03
Baraga:	
Service Area: L'Anse	01
Bay:	
Service Area: Sterling	03
Cass:	
Service Area:	
Dowagiac	03
Three Rivers	04
Charlevoix:	
Service Area: East Jordan	02
Chippewa:	
Service Area:	
De Tour	02
Kinross/Rudyard	01
Clare:	
Service Area:	
Harrison	01
Marion	01
Clinton:	
Service Area: Laingsburg	02
Drehinson:	
Service Area: Iron River/Crystal Falls	04
Genesee:	
Service Area:	
North Central Flint	01
Otter Lake	03
Gladwin:	
Service Area: Sterling	03
Gogebic:	
Service Area:	
Ewen	01
Ironwood/Hurley	03
Hillsdale	03
Houghton:	
Service Area: L'Anse	01
Huron:	
Service Area: Port Austin	02
Iron:	
Service Area: Iron River/Crystal Falls	04
Jackson:	
Facility: State Prison of South Michigan	02
Kalkaska:	
Service Area: Mancelona	02
Kent:	
Service Area: Northern Kent	02
Population Group: Grand Rapids (Med. Ind.)	01
Keweenaw	01
Lake:	
Service Area: Lake/Newaygo	02
Lapeer:	
Service Area:	
Brown City	03
Marlette-Kingston	02
Otter Lake	03
Leelanau:	
Service Area: Northport/Suttons Bay	03
Mackinac	02
Manistee:	
Service Area: Kaleva	02
Marquette:	
Service Area:	
Gwinn	01
Iron River/Crystal Falls	04
Facility: Marquette Branch Prison	02
Minominee:	
Service Area: Northern Menominee	02

PRIMARY CARE: Michigan—Continued

County name	Degree of shortage group
Missaukee:	
Service Area:	
Houghton Lake	01
Marion	01
Monroe:	
Service Area: Sumpter	02
Population Group: Medicaid Eligible—South Monroe	01
Montmorency	04
Muskegon:	
Service Area: Northern Kent	02
Newaygo:	
Service Area: Lake/Newaygo	02
Ogeman:	
Service Area: Rose City/Lupton	01
Ontanogan:	
Service Area: Ewen	01
Osceola:	
Service Area: Marion	01
Ottawa:	
Service Area: Northern Kent	02
Roscommon:	
Service Area: Houghton Lake	01
Saginaw:	
Service Area: East Side Saginaw	02
St Clair:	
Service Area: Algonac	03
St Joseph:	
Service Area: Three Rivers	04
Sanilac:	
Service Area:	
Brown City	03
Lexington-Croswell	04
Marlette-Kingston	02
Shiawassee:	
Service Area:	
Laingsburg	02
Perry/Morrice	02
Tuscola:	
Service Area:	
Marlette-Kingston	02
Otter Lake	03
Van Buren:	
Service Area: Dowagiac	03
Washtenaw:	
Service Area: Sumpter	02
Wayne:	
Service Area:	
Airport	01
Brooks (W Detroit)	01
Eastside Detroit	03
Nolan/State Fair (N Detroit)	04
Sumpter	02
Tireman/Chadsey (SW Detroit)	02
Wyoming Ave/Mackenzie (W Detroit)	01

PRIMARY CARE: Michigan

Service Area Listing

Service area name	Degree of shortage group
Airport	01
County—Wayne:	
Parts:	
C.T. 5045-5048	
C.T. 5101	
C.T. 5107-5110	
Algonac	03
County—St. Clair:	
Parts:	
Algonac City	
Casco Township	
China Township	
Clay Township	
Columbus Township	
Cotterville Township	
East China Township	
Ida Township	
Marine City	
St. Clair City	
St. Clair Township	
Allegan	03
County—Allegan:	
Parts:	

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
Allegan City	
Allegan Twp	
Cheshire Twp	
Clyde Twp	
Hopkins Twp	
Lee Twp	
Martin Twp	
Monterey Twp	
Trowbridge Twp	
Valley Twp	
Watson Twp	
Wayland City	
Wayland Twp	
Brooks (W Detroit)	01
County—Wayne:	
Parts:	
C.T. 5353-5354	
C.T. 5451-5454	
Brown City	03
County—Lapeer:	
Parts: Burnside	
County—Sanilac:	
Parts:	
Brown City	
Elk Twp	
Flynn Twp	
Maple Valley Twp	
Speaker Twp	
De Tour	02
County—Chippewa:	
Parts:	
De Tour Twp	
De Tour Village	
Drummond Twp	
Raber Twp	
Dowagiac	03
County—Cass:	
Parts:	
Dowagiac City	
Lagrange Twp	
Marcellus Twp	
Newberg Twp	
Penn Twp	
Pokagen Twp	
Silver Creek Twp	
Volinia Twp	
Wayne Twp	
County—Van Buren:	
Parts:	
Decatur Twp	
Hamilton Twp	
Keeler Twp	
Porter Twp	
East Jordan	02
County—Antrim:	
Parts:	
Echo Twp	
Jordan Twp (N ½)	
County—Charlevoix:	
Parts:	
Banks Twp	
East Jordan City	
South Arm Twp	
Wilson Twp (S ½)	
East Side Saginaw	02
County—Saginaw:	
Parts:	
C.T. 1-11	
C.T. 110	
Eastside Detroit	03
County—Wayne:	
Parts: C.T. 5121-5156	
Ewen	01
County—Gogebic:	
Parts:	
Marenisco Twp	
Watersmeet Twp	
County—Ontonagon:	
Parts:	
Bergland Twp	
Haight Twp	
Interior Twp	
Matchwood Twp	
McMillan Twp	
Rockland Twp	
Stannard Twp	
Gwinn	01
County—Marquette:	
Parts:	
Ewing	
Forsyth Twp	
Turin Twp	
Wells Twp	
Harrison	01
County—Clare:	
Parts:	
Arthur Township	
City of Harrison	
Franklin Township	
Freeman Township	
Frost Township	
Greenwood Township	
Hamilton Township	
Hatton Township	
Hayes Township	
Lincoln Township	
Summerfield Township	
Houghton Lake	01
County—Missaukee:	
Parts:	
Butterfield Township	
Enterprise Township	
Holland Township	
County—Roscommon:	
Parts:	
Denton Township	
Lake Township	
Markey Township	
Roscommon Township	
Iron River/Crystal Falls	04
County—Dickinson:	
Parts: Sagola Twp	
County:	
Iron	
Marquette	
Parts: Republic Div	
Ironwood/Hurley	03
County—Gogebic:	
Parts:	
Bessemer City	
Bessemer Twp	
Erwin Twp.	
Ironwood City	
Ironwood Twp	
Wakefield City	
Wakefield Twp	
Kaleva	02
County—Manistee:	
Parts:	
Dickson Twp	
Maple Grove Twp	
Marilla Twp	
Norman Twp	
Springdale Twp	
Kinross/Rudyard	02
County—Chippewa:	
Parts:	
Bay Mills Twp	
Chippewa	
Hulbert Twp	
Kinross Twp	
Rudyard Twp	
Superior Twp	
Trout Lake Twp	
Whitefish Twp	
L'Anse	03
County:	
Baraga	
Houghton	
Parts: Laird Twp	
Laingsburg	01
County—Clinton:	
Parts: Victor Twp	
County—Shiawassee:	
Parts: Sciota Twp	
Lake/Newaygo	02
County—Lake:	
Parts:	
Chase Twp	
Cherry Valley Twp	
Dover Twp	
Eden Twp	
Elk Twp	
Ellsworth Twp	
Lake Twp	
Newkirk Twp	
Peacock Twp	
Pinora Twp	
Pleasant Plains Twp	
Sauble Twp	
Sweetwater Twp	
Webber Twp	
Yates Twp	
County—Newaygo:	
Parts:	
Beaver Twp	
Home Twp	
Lilly Twp	
Merrill Twp	
Monroe Twp	
Troy Twp	
Lexington-Croswell	04
County—Sanilac:	
Parts:	
Buel	
Croswell City	
Fremont Twp	
Lexington	
Worth Twp	
Mancelona	02
County—Antrim:	
Parts:	
Chestonia Twp	
Custer Twp	
Helena Twp	
Jordan Twp (Part)	
Kearney Twp	
Mancelona Twp	
Star Twp	
County—Kalkaska:	
Parts:	
Blue Lake Twp	
Cold Springs Twp	
Rapid River Twp	
Marion	03
County—Clare:	
Parts:	
Redding Twp	
Winterfield Twp	
County—Missaukee:	
Parts:	
Clam Union Twp	
Riverside Twp	
County—Osceola:	
Parts:	
Hartwick Twp	
Highland Twp	
Marion Twp	
Middle Branch Twp	
Marlette-Kingston	02
County—Lapeer:	
Parts: Burlington Twp (N ¼)	
County—Sanilac:	
Parts:	
La Motte Township	
Marlette Township	
County—Tuscola:	
Parts:	
Dayton Township	
Fremont Twp (E ½)	
Kingston Township	
Koylton Township	
Nolan/State Fair (N Detroit)	04
County—Wayne:	
Parts: C.T. 5071-5080	
North Central Flint	01
County—Genesee:	
Parts:	
C.T. 4-7	
C.T. 19-26	
Northern Kent	02
County—Kent:	
Parts:	
Algoma Twp	
Cedar Springs City	
Nelson Twp	
Salon Twp	
Sparta Twp	
Tyrone Twp	
County—Muskegon:	
Parts: Casnovia Twp	
County—Ottawa:	
Parts: Chester Twp	
Northern Menominee	02

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Menominee	
Parts:	
Cedarville Twp	
Daggett Twp	
Faithorn Twp	
Gourley Twp	
Harris Twp	
Holmes Twp	
Lake Twp	
Meyer Twp	
Nadeau Twp	
Spalding Twp	
Stevenson City	
Stevenson Twp	
Northport/Suttons Bay	03
County—Leelanau:	
Parts:	
Centerville Twp	
Cleveland Twp	
Leelanau Twp	
Leeland Twp	
Suttons Bay Twp	
Otter Lake	03
County—Genesee:	
Parts: Forest Township	
County—Lapeer:	
Parts:	
Deerfield Township	
Marathon Township	
Rich Township	
County—Tuscola:	
Parts:	
Arbela Township	
Millington Township	
Watertown Township	
Perry/Morrice	02
County—Shiawassee:	
Parts:	
Antrim Township	
Burns Township	
Perry City	
Perry Township	
Port Austin	02
County—Huron:	
Parts:	
Dwight Twp	
Gore Twp	
Hume Twp	
Huron Twp	
Lake Twp	
Port Austin Twp	
Pte. Au Barques Twp	
Rose City/Lupton	01
County—Ogeman:	
Parts:	
Cumming Twp	
Goodar Twp	
Hill Twp	
Rose City	
Rose Twp	
Sterling	03
County:	
Arenac	
Bay	
Parts: Gibson Township	
County—Gladwin:	
Parts:	
Bourret Township	
Grim Township	
Sumpter	02
County—Monroe:	
Parts:	
C.T. 303 (Ash Twp)	
C.T. 305 (Exeter Twp)	
C.T. 306 (London Twp)	
County—Washtenaw:	
Parts: C.T. 34 (Augusta Twp)	
County—Wayne:	
Parts:	
C.T. 940 (Sumpter Twp)	
C.T. 941 (Huron Twp)	
Three Rivers	04
County—Cass:	
Parts: Porter Twp	
County—St. Joseph:	
Parts:	
Constantine Twp	
Fabius Twp	

PRIMARY CARE: Michigan—Continued

Service Area Listing

Service area name	Degree of shortage group
Florence Twp	
Flowerfield Twp	
Leonidas Twp	
Lockport Twp	
Mendon Twp	
Nottawa Twp	
Park Twp	
Three Rivers City	
Tireman/Chadsey (SW Detroit)	02
County—Wayne:	
Parts:	
C.T. 5251–5260	
C.T. 5262–5264	
C.T. 5335–5337	
C.T. 5345–5346	
C.T. 5665–5666	
Wyoming Ave/Mackenzie (W Detroit)	01
County—Wayne:	
Parts:	
C.T. 5342–5343	
C.T. 5352	
C.T. 5364	
C.T. 5368–5367	
C.T. 5370–5374	

PRIMARY CARE: Michigan

Population Group Listing

Population group	Degree of shortage group
Grand Rapids (Med. Ind.)	01
County—Kent:	
Parts: Grand Rapids City	
Medicaid Eligible—South Monroe	01
County—Monroe:	
Parts:	
Bedford	
Erie	
Ida	
La Salle	
Summerfield	
Whiteford	

PRIMARY CARE: Michigan

Facility Listing

Facility	Degree of shortage group
Marquette Branch Prison	02
County—Marquette	
State Prison of South Michigan	02
County—Jackson	

PRIMARY CARE: Minnesota

County name	Degree of shortage group
Aitkin:	
Service Area:	
Floodwood	02
Mille Lacs	04
Moose Lake	03
Sandstone/Hinckley	04
Beltrami:	
Service Area: Baudette	04
Blue Earth:	
Service Area: Wells	01
Calton:	
Service Area: Moose Lake	03
Cass	04
Clay:	
Service Area: Barnesville	02

PRIMARY CARE: Minnesota—Continued

County name	Degree of shortage group
Cook:	
Service Area: Silver Bay	02
Crow Wing:	
Service Area: Mille Lacs	04
Faribault:	
Service Area: Wells	01
Grant	02
Hennepin:	
Service Area: Near North—Minneapolis	03
Population Group: Am. Ind. in Minneapolis	01
Itasca:	
Service Area:	
Bigfork	01
Floodwood	02
Kanabec:	
Service Area:	
Mille Lacs	04
Sandstone/Hinckley	04
Koochiching:	
Service Area: Baudette	04
Lac Qui Parle	02
Lake:	
Service Area: Silver Bay	02
Lake of the Woods	
Service Area:	
Baudette	04
Warroad	01
Lincoln:	
Service Area: Tyler/Lake Benton	01
Lyon:	
Service Area: Tyler/Lake Benton	01
Mahnomen	03
Marshall:	
Service Area: Warren	03
Mille Lacs:	
Service Area: Mille Lacs	04
Morrison:	
Service Area: Mille Lacs	04
Murray	04
Norman	04
Pine:	
Service Area:	
Moose Lake	03
Sandstone/Hinckley	04
Pipestone:	
Service Area: Tyler/Lake Benton	01
Polk:	
Service Area:	
Fosston	04
Warren	03
Ramsey:	
Service Area: Summit/Dale	01
Red Lake	03
Roseau:	
Service Area:	
Roseau	03
Warroad	01
St. Louis	
Service Area:	
Cook/Orr	04
Floodwood	02
Sibley	04
Wabasha:	
Service Area: Plainview	01
Waseca:	
Service Area: Wells	01
Wilken:	
Service Area: Barnesville	02
Winona:	
Service Area: Plainview	01

PRIMARY CARE: Minnesota

Service area name	Degree of shortage group
Barnesville	02
County:	
Clay:	
Parts:	
Alliance Twp	
Barnesville City	
Barnesville Township	
Comstock City	
Elkton Township	
Holy Cross Township	

PRIMARY CARE: Minnesota—Continued

Service area name	Degree of shortage group
Humboldt Township	
Parke Township	
Skree Township	
Tansem Township	
Wilken:	
Parts:	
Atherton Township	
Deerhorn Township	
Manston Township	
Mitchell Township	
Prairie View Township	
Rothsay City	
Tanberg Township	
Wolverton Township	
Baudette	04
County:	
Beltrami:	
Parts:	
Shotley Brook Unorg	
Shotley Twp	
Upper Red Lake Unorg. (N ½)	
Washkish Twp.	
Koochiching:	
Parts: Northwest Koochiching Unorg (W ½)	
Lake of the Woods	
Parts:	
Baudette City	
Beltrami Forest Unorg. (E ¾)	
Rainy River Unorg. (E ¾)	
Williams City	
Bigfork	01
County—Itasca:	
Parts:	
Balsam Twp	
Bearville Twp	
Bigfork Twp	
Bigfork Village	
Bowstring Twp	
Carpenter Twp	
Effie Village	
Good Hope Twp	
Grattan Twn	
Kinghurst Twp	
Lake Jessie Twp	
Liberty Twp	
Marcell Twp	
Max Twp	
Pomroy Twp	
Sand Lake Twp	
Squaw Lake Village	
Stokes Twp	
Unorg. Terr. N.E. Itasca	
Wirt Twp	
Cook/Orr	04
County—St. Louis:	
Parts:	
Alango Twp	
Angora Twp	
Beatty Twp	
Cook City	
Field Twp	
Gheen	
Lake Vermillian Unorg.	
Leiding Twp	
Linden Grove Twp	
Morcom Twp	
N.E. St. Louis Unorg (W ½)	
N.W. St. Louis Unorg	
Nett Lake Unorg	
Orr City	
Owens Twp	
Portage Twp	
Sturgeon Twp	
Willow Valley Twp	
Floodwood	02
County:	
Aitkin:	
Parks:	
Ball Bluff Twp	
Balsam Twp	
Cornish Twp	
Turner Twp	
Unorg. Terr. (Ne Aitkin)	
Itasca:	
Parts: Wawina Twp	
St. Louis:	
Parts:	
Arrowhead Twp	
Cedar Valley Twp	

PRIMARY CARE: Minnesota—Continued

Service area name	Degree of shortage group
Cotton Twp	
Fine Lakes Twp	
Floodwood City	
Floodwood Twp	
Halden Twp	
Kelsey Twp	
Meadowlands City	
Meadowlands Twp	
Ness Twp	
Northland Twp	
Payne Twp	
Prairie View Twp	
Tiovola Twp	
Unorg. Terr. (Pot Shot Lake)	
Van Buren Twp	
Fosston	04
County—Polk:	
Parts:	
Badger Township	
Brandsvold Twp	
Chester Twp	
Columbia Twp	
Eden Twp	
Erskine City	
Fosston City	
Garden Township	
Gully City	
Gully Twp	
Hill River Twp	
Johnson Twp	
King Twp	
Knute Twp	
Lengby City	
Lessor Twp	
McIntosh City	
Queen Twp	
Rosebud Twp	
Staten Twp	
Trail City	
Winger City	
Winger Twp	
Woodside Twp	
Mille Lacs	04
County:	
Aitkin:	
Parts:	
Hazelton Twp	
Idum Twp	
Jewett Twp	
Lakeside Twp	
Malmo Twp	
McGrath City	
Seavy Twp	
Wealthwood Twp	
Williams Twp	
Crow Wing:	
Parts:	
Garrison City	
Garrison Twp	
Roosevelt Twp	
Kanabec:	
Parts:	
Ford	
Hay Brook Twp	
Hillman Twp.	
Mille Lacs:	
Parts:	
Bradbury Twp	
Dailey Twp	
East Side Twp	
Isle City	
Isle Harbor Twp	
Kathio Twp	
Lewis Twp	
Mudgett Twp	
Onamia City	
Onamia Twp	
South Harbor Twp	
Wahkon Twp	
Morrison:	
Parts:	
Hillman City	
Leigh Twp	
Mount Morris Twp	
Richardson Twp	
Moose Lake	03
County:	
Aitkin:	
Parts:	

PRIMARY CARE: Minnesota—Continued

Service area name	Degree of shortage group
Beaver Twp	
Clark Twp	
Salo Twp	
Tamarack Village	
Carlton:	
Parts:	
Automba Twp	
Barnum City	
Barnum Twp	
Blackhoof Twp (S ½)	
Cromwell City	
Holyoke Twp	
Kaleva Twp	
Kettle River City	
Lakeview Twp	
Mshtowa Twp	
Moose Lake City	
Moose Lake Twp	
Silver Twp	
Skelton Twp	
Split Rock Twp	
Unorg. Terr. Clear Lake	
Unorg. Terr. N.E. Carlton (S ½)	
Wright City	
Pine:	
Parts:	
Birch Creek Twp	
Denham City	
Ferrick Twp	
Kerrick City	
Nickerson Twp	
Sturgeon Lake Twp	
Willow River City	
Near North—Minneapolis	03
County—Hennepin:	
Parts:	
C.T. 13-16	
C.T. 20-23	
C.T. 27-29	
C.T. 32-35	
C.T. 41-42	
Plainview	01
County:	
Wabasha:	
Parts:	
Elgin City	
Elgin Twp	
Highland Twp	
Millville Twp	
Oakwood Twp	
Plainview City	
Plainview Twp	
Watopa Twp	
Winona	
Parts:	
Whitewater Twp	
Roseau	03
County—Roseau:	
Parts:	
Blooming Valley Twp	
Delter Twp	
Grimstad Twp	
Jadis Twp	
Malung Twp	
Mickinock Twp	
Moose Twp	
Nereson Twp	
Pohlitz Twp	
Roseau City	
Ross Twp	
Soler Twp	
Spruce Twp	
Stalford Twp	
Stokes Twp	
Unorg Terr of N. Roseau	
Unorg Terr of N.W. Roseau	
Unorg Terr of S.E. Roseau	
Sandstone Hinckley	04
County:	
Aitkin:	
Parts: Wagner Twp	
Kanabec:	
Parts:	
Kroschel Twp	
Pomroy Twp	
Pine:	03
Parts:	
Arlone Twp	
Arna Twp	

PRIMARY CARE: Minnesota—Continued

Service area name	Degree of shortage group
Askov City	
Barry Twp	
Bremen Twp	
Bruno Twp	
Danforth Twp	
Dell Grove Twp	
Finlayson City	
Finlayson Twp	
Fleming Twp	
Glover Twp	
Hinckley City	
Hinckley Twp	
Kettle River Twp	
New Dorsey Twp	
Norman Twp	
Ogema Twp	
Park Twp	
Partridge Twp	
Pine Lake Twp	
Sandstone City	
Sandstone Twp	
Wilma City	
Silver Bay	02
County:	
Cook:	
Parts:	
Schroeder Twp	
Tofte Twp	
Lake:	
Parts:	
Beaver Bay City	
Beaver Bay Twp (Part)	
Crystal Bay Twp	
Silver Bay City	
Silver Creek Twp	
Summit/Dale	01
County—Ramsey:	
Parts:	
C.T. 326-327	
C.T. 335-340	
C.T. 354-355	
Tyler/Lake Benton	01
County:	
Lincoln:	
Parts:	
Arco City	
Diamond Lake Twp	
Hope Twp	
Lake Benton City	
Lake Benton Twp	
Lake Stay Twp	
Marshfield Twp	
Tyler City	
Lyon:	
Parts:	
Coon Creek Twp	
Florence City	
Shelburne Twp	
Pipestone:	
Parts:	
Aetna Twp	
Fountain Prairie Twp	
Ruthton City	
Warren	03
County:	
Marshall:	
Parts:	
Alma Twp	
Alvarado City	
Argyle City	
Big Woods Twp	
Bloomer Twp	
Boxville	
Comstock Twp	
Foldahl Twp	
McCrea Twp	
Middle River Twp	
Oak Park Twp	
Oslo City	
Parker Twp	
Sinnott Twp	
Stephen City	
Tamarac Twp	
Vega Twp	
Wanger Twp	
Warren City	
Warrenton Twp	
Polk:	
Parts:	
Angus	
Bristlet	
Farley	
Warroad	01
County:	
Lake of the Woods:	
Parts:	
Beltrami Forest Unorg. (W ½)	
Northwest Angle Unorg	
Rainy River Unorg (W ¼)	
Roseau:	
Parts:	
Beaver Twp	
Cedar Bend Twp	
Enstrom Twp	
Falun Twp	
Lake Twp	
Laona Twp	
Moranville Twp	
Reine Twp	
Roosevelt City	
Southeast Roseau Unorg.	
Warroad City	
Wells	01
County:	
Blue Earth:	
Parts:	
Danville Twp	
Faribault:	
Parts:	
Bricelyn City	
Brush Creek Twp	
Clark Twp	
Dunbar Twp	
Easton City	
Foster Twp	
Kiester City	
Kiester Twp	
Lura Twp	
Minnesota Lake City	
Minnesota Lake Twp	
Seely Twp	
Walnut Lake Twp	
Walters City	
Wells City	
Waseca:	
Parts:	
Vivian Twp	
Waldorf City	

PRIMARY CARE: Minnesota

Population Group Listing

Population group	Degree of shortage group
Am Ind. in Minneapolis	01
County—Hennepin	
Parts: Am. Ind. Pop. In Minneapolis	

PRIMARY CARE: Mississippi

County name	Degree of shortage group
Amite	01
Attala	04
Benton	01
Bolivar	02
Calhoun	04
Carroll	01
Claiborne	02
Clarke	04
Clay	02
Coahoma	04
Copiah	04
Covington	04
De Soto:	
Service Area: De Soto/Tate	03
Greene	03

PRIMARY CARE: Mississippi—Continued

County name	Degree of shortage group
Grenada:	
Service Area: Grenada/Yalobusha	03
Hancock	01
Harrison:	
Population Group: Medically Indigent Pop	01
Hinds:	
Service Area:	
Jackson Inner-City	01
South West Rural Hinds	01
Holmes	02
Humphreys	02
Issaquena:	
Service Area: Issaquena/Sharkey	01
Itawamba	01
Jackson:	
Service Area: Wade-Hurley	01
Jasper	03
Jefferson	03
Jefferson Davis	02
Jones:	
Population Group: Pov. Pop.	01
Kemper	02
Lafayette	03
Lamar	01
Lauderdale:	
Population Group: Pov. Pop.	04
Lawrence	03
Leake	03
Madison	03
Marion	02
Marshall	03
Montgomery	04
Neshoba	04
Noxubee	04
Perry	03
Pontotoc	03
Quitman	02
Scott	03
Sharkey:	
Service Area: Issaquena/Sharkey	01
Simpson	04
Smith	04
Stone	04
Sunflower:	
Facility: Mississippi State Penitentiary	02
Tallahatchie	01
Tate:	
Service Area: De Soto/Tate	03
Warren:	
Population Group: Pov. Pop	02
Wayne	04
Webster	01
Winston	04
Yalobusha:	
Service Area: Grenada/Yalobusha	03
Yazoo	02

PRIMARY CARE: Mississippi

Service Area Listing

Service area name	Degree of shortage group
De Soto/Tate	03
County:	
De Soto	
Tate	
Grenada/Yalobusha	03
County:	
Grenada	
Yalobusha	
Issaquena/Sharkey	01
County:	
Issaquena	
Sharkey	
Jackson Inner-City	01
County—Hinds:	
Parts:	
C.T. 5-12	
C.T. 16-21	
C.T. 24-32	
C.T. 102.01	
C.T. 102.03	
C.T. 103.01	
South West Rural Hinds	01

PRIMARY CARE: Mississippi—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Hinds:	
Parts:	
C.T. 105–107	
C.T. 112–113	
Wade-Hurley	01
County—Jackson:	
Parts: C.T. 401–402	

PRIMARY CARE: Mississippi

Population Group Listing

Population group	Degree of shortage group
Medically Indigent Pop.	01
County—Harrison	
Pov. Pop.	01
County—Jones	
Pov. Pop.	04
County—Lauderdale	
Pov. Pop.	02
County—Warren	

PRIMARY CARE: Mississippi

Facility Listing

Facility	Degree of shortage group
Mississippi State Penitentiary	02
County—Sunflower	

PRIMARY CARE: Missouri

County name	Degree of shortage group
Andrew	03
Benton:	
Service Area: Lincoln	02
Bollinger	01
Caldwell	02
Callaway	03
Facility: Renz Correction Center	02
Carter	01
Christian	02
Clark	02
Cole:	
Facility:	
Algoa Correctional Center	02
Central Missouri Corr. Ctr.	02
Missouri State Penitentiary	02
Crawford	03
Dade	04
Dallas	02
Daviess	04
De Kalb	02
Douglas	01
Franklin:	
Facility: Missouri Eastern Corr. Ctr	02
Gasconade:	
Service Area: Southern Gasconade	02
Hickory	01
Holt	04
Jackson:	
Service Area: Richard Cabot	02
Population Group: Poverty Pop. Central K.C.	01
Jefferson:	
Service Area: Hillsboro	02
Johnson	04
Laclede	03
Lewis	02
McDonald	04
Maries	02
Mercer	01
Miller	03
Monroe	03
Montgomery	03
New Madrid	01
Nodaway	04
Oregon	04
Ozark	01
Pemiscot:	
Service Area: Steele	01
Pulaski	02
Putnam	01
Ralls	01
Randolph:	
Facility: Missouri Training Ctr. For Men	02
Reynolds	01
Ripley	02
St. Clair	04
St. Louis:	
Population Group:	
Kinlock/Berkeley Pov. Pop.	01
Poverty Pop. of West St. Louis	01
Shannon	01
Shelby	02
Stone	02
Texas	02
Warren	03
Washington	01
Wayne	03
Webster	03
Worth	04
St. Louis City:	
Service Area:	
East Central St. Louis	02
Grace Hill/Cochran	01
Southeast St. Louis	02
Population Group:	
Poverty Pop. of North St. Louis	02
Poverty Pop. of West St. Louis	01
Poverty Pop. of Yeatman/Union-Sarah	01

PRIMARY CARE: Missouri

Service Area Listing

Service area name	Degree of shortage group
East Central St. Louis	02
County—St. Louis City:	
Parts:	
C.T. 1161–1165	
C.T. 1171–1174	
C.T. 1181	
C.T. 1221–1222	
C.T. 1224	
C.T. 1231–1235	
C.T. 1241–1246	
C.T. 1255–1256	
Grace Hill/Cochran	01
County—St Louis City:	
Parts:	
C.T. 1097	
C.T. 1202–1203	
C.T. 1213–1214	
C.T. 1257	
C.T. 1266–1267	
Hillsboro	02
County—Jefferson:	
Parts:	
Big River	
Central	
Plattin	
Valle	
Lincoln	02
County—Benton:	
Parts:	
Cole Twp	
White twp	
William Twp	
Richard Cabot	02
County—Jackson:	
Parts:	
C.T. 1–4	
C.T. 6–20	
C.T. 22–27	
C.T. 28.01–28.02	
C.T. 29–34	

PRIMARY CARE: Missouri—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 35.01–35.02	
C.T. 36.01–36.02	
C.T. 37–45	
C.T. 59.01	
Southeast St. Louis	02
County—St. Louis City:	
Parts:	
C.T. 1011–1015	
C.T. 1018	
C.T. 1153–1157	
Southern Gasconade	02
County—Gasconade:	
Parts:	
Boeuf Twp	
Boulware Twp	
Bourbois Twp	
Brush Creek Twp	
Canaan Twp	
Clay Twp	
Third Creek Twp	
Steele	01
County—Pemiscot:	
Parts:	
Cooter Twp	
Holland Twp	
Pemiscot Twp	
Virginia Twp	

PRIMARY CARE: Missouri

Population Group Listing

Population group	Degree of shortage group
Kinlock/Berkeley Pov. Pop	01
County—St. Louis:	
Parts:	
C.T 2127–2129	
Poverty Pop. of North St. Louis	02
County—St. Louis City:	
Parts:	
C.T 1061–1067	
C.T 1071–1075	
C.T. 2139–2140	
Poverty Pop. of West St. Louis	01
County—St. Louis:	
Parts:	
C.T 2159–2164	
County—St. Louis City:	
Parts:	
C.T 1051–1055	
C.T 1121	
Poverty Pop. of Yeatman/Union-Sarah	01
County—St. Louis City:	
Parts:	
C.T. 1101–1105	
C.T 1111–1115	
C.T. 1122–1124	
C.T. 1184	
C.T. 1186	
C.T. 1191–1193	
C.T 1201	
C.T. 1211–1212	
Poverty Pop. Central K.C	01
County—Jackson:	
Parts:	
C.T 49–55	
C.T 56.01–56.02	
C.T 57	
C.T 58.01–58.02	
C.T 59.02	
C.T 60–67	
C.T 74–81	
C.T 83	
C.T 87–97	
C.T. 104.01	

PRIMARY CARE: Missouri

Facility Listing

Facility	Degree of shortage group
Algoa Correctional Center	02
County—Cole	
Central Missouri Corr. Ctr	02
County—Cole	
Missouri Eastern Corr. Ctr	02
County—Franklin	
Missouri State Penitentiary	02
County—Cole	
Missouri Training Ctr. for Men	02
County—Randolph	
Renz Correction Center	02
County—Callaway	

PRIMARY CARE: Montana

County name	Degree of shortage group
Big Horn	01
Blaine	03
Chouteau:	
Service Area: Fort Benton	03
Daniels	03
Gallatin:	
Service Area: Ennis/W. Yellowstone	02
Garfield	01
Glacier	01
Golden:	
Valley Service Area: Harlowton	02
Jefferson:	
Service Area: Boulder	01
Judith Basin	01
Lewis & Clark:	
Service Area: Lincoln	01
Madison:	
Service Area: Ennis/W. Yellowstone	02
Meagher	01
Petroleum	01
Phillips	02
Powder River	04
Powell:	
Service Area: Lincoln	01
Prairie	01
Roosevelt:	
Service Area: Poplar/Wolf Point	01
Rosebud:	
Service Area: Forsyth-Colstrip	01
Sheridan	04
Sweet Grass	03
Toole:	
Service Area: Shelby	04
Treasure:	
Service Area: Forsyth-Colstrip	01
Wheatland:	
Service Area: Harlowton	02
Wibaux	01

PRIMARY CARE: Montana

Service Area Listing

Service area name	Degree of shortage group
Boulder	01
County—Jefferson:	
Parts: Boulder Div.	
Ennis/W. Yellowstone	02
County—Gallatin:	
Parts: West Yellowstone	
County—Madison:	
Parts:	
Harrison Div.	
Madison Valley Div.	
Virginia City Div.	
Forsyth-Colstrip	01
County:	
Rosebud	
Treasure	
Fort Benton	03
County—Chouteau:	
Parts:	
Fort Benton Div.	
Geraldine Div.	
Harlowton	02
County:	
Golden Valley	
Wheatland	
Lincoln	01
County—Lewis & Clark:	
Parts: Lincoln Div.	
County—Powell:	
Parts: Helmville Div.	
Poplar/Wolf Point	01
County—Roosevelt:	
Parts: Ft. Peck Reservation Div.	
Shelby	04
County—Toole:	
Parts:	
S. Toole Div. (West 2/3)	
Shelby Div.	
Sunburst Div.	

PRIMARY CARE: Nebraska

County name	Degree of shortage group
Boone:	
Service Area: Albion	01
Burt:	
Service Area: Onawa (Iowa/Neb)	03
Butler	04
Cass	04
Cedar:	
Service Area: Cedar-Dixon	02
Chase	03
Cherry:	
Service Area: Mullen	04
Clay	03
Custer:	
Service Area: Arnold	04
Dawes:	
Service Area: Crawford	04
Deuel:	
Service Area: Julesburg	02
Dixon:	
Service Area: Cedar-Dixon	02
Douglas:	
Service Area: Northeast Omaha	01
Facility: St. Joseph Hospital	01
Fillmore	02
Franklin	02
Grant:	
Service Area: Mullen	04
Greeley:	
Service Area: Albion	01
Service Area: Howard/St. Paul	03
Hayes:	
Service Area: Hayes-Hitchcock	01
Hitchcock:	
Service Area: Hayes-Hitchcock	01
Hooker:	
Service Area: Mullen	04
Howard:	
Service Area: Howard/St. Paul	03
Johnson	02
Lancaster:	
Facility: State Correctional Facilities	02
Lincoln:	
Service Area: Arnold	04
Logan:	
Service Area: Arnold	04
Platte:	
Service Area: Albion	01
Saunders	02
Sioux:	
Service Area: Crawford	04
Stanton	01
Thayer	02
Thomas:	
Service Area: Mullen	04
Thurston:	
Population Group: Winnebago Indian Population	01

Primary Care: Nebraska

Service Area Listing

Service area name	Degree of shortage group
Albion:	01
County:	
Boone	
Greeley	
Parts: Spalding Precincts #1-2	
County—Platte:	
Parts:	
St. Bernard	
Walker	
Arnold	04
County—Custer:	
Parts:	
Arnold	
Cliff	
Delight	
Elim	
Grant	
Hayes	
Triumph	
Wayne	
County—Lincoln:	
Parts:	
Antelope	
Garfield	
County—Logan:	
Parts:	
Gandy	
Logan	
Cedar-Dixon	02
County:	
Cedar	
Dixon	
Crawford	04
County—Dawes:	
Parts:	
Leonard	
North Crawford	
South Crawford	
Whitney	
County—Sioux:	
Parts:	
Bowen	
Hat Creek	
Warbonnet	
Whistle Creek	
Hayes-Hitchcock	01
County:	
Hayes	
Hitchcock	
Howard/St. Paul	03
County—Greeley:	
Parts:	
Greeley Prec.	
Scotia #1 Prec.	
Wolbach Prec.	
County—Howard	
Julesburg	02
County—Deuel	
Mullen	04
County—Cherry:	
Parts:	
Calf Creek	
Goose Creek	
King	
Lackey	
Loup	
Mother Lake	
Wells	
County:	
Grant	
Hooker	
Thomas	
Northeast Omaha	01
County—Douglas:	
Parts:	
C.T. 6-7	
C.T. 9-12	
C.T. 13.01-13.02	
C.T. 14-15	
C.T. 52	
C.T. 60	
Onawa (Iowa/Neb)	03
County—Burt:	
Parts:	
Decatur Twp	
Quinnebaugh Twp	
Riverside Twp	

Primary Care: Nebraska—Continued

Service Area Listing

Service area name	Degree of shortage group
Silver Creek Twp	

PRIMARY CARE: Nebraska

Population Group Listing

Population group	Degree of shortage group
Winnebago Indian Population	01
County—Thurston	

PRIMARY CARE: Nebraska

Facility Listing

Facility	Degree of shortage group
St Joseph Hospital	01
County—Douglas:	
State Correctional Facilities	02
County—Lancaster:	
Parts:	
Diagnostic & Evaluation Center	
Lincoln Correctional Center	
Nebraska State Penitentiary	

PRIMARY CARE: Nevada

County name	Degree of shortage group
Clark:	
Service Area:	
Blue Diamond	01
Cent./N. Cent. Las Vegas	01
Indian Springs	01
Jean-Goodspring	01
Moapa Valley	01
Searchlight/Davis Dam	01
Virgin Valley	01
Facility: Nev. St. Corr. Fac. (South)	02
Douglas:	
Population Group: Washoe Indian Reservation	01
Elko:	
Service Area: Wendover (Utah/Nevada)	01
Esmeralda	01
Eureka	01
Humboldt	03
Lander	01
Lincoln	01
Lyon:	
Service Area: Fernley/Silver Springs/Longshot	02
Mineral	02
Nye:	
Service Area:	
Beatty	01
Pahrump	01
Tonopah	01
Storey	01
Washoe:	
Service Area:	
Gerlach	01
Wadsworth	01
White Pine:	
Service Area: Wendover (Utah/Nevada)	01
Carson City:	
Population Group: Washoe Indian Reservation	01
Facility: Nev. St. Corr. Fac. (North)	01

PRIMARY CARE: Nevada

Service Area Listing

Service area name	Degree of shortage group
Beatty	01
County—Nye:	
Parts: Beatty Twp.	
Blue Diamond	01
County—Clark:	
Parts: C.T. 58 (Central)	
Cent./N. Cent. Las Vegas	01
County—Clark:	
Parts:	
C.T. 3.01-3.02	
C.T. 7	
C.T. 9	
C.T. 11	
C.T. 35-38	
C.T. 46	
Fernley/Silver Springs/Longshot	02
County—Lyon:	
Parts:	
Canal Div.	
Dayton Div. (N. Pt.)	
Gerlach	01
County—Washoe:	
Parts: Gerlach Twp. (C.T. 34)	
Indian Springs	01
County—Clark	
Parts:	
C.T. 58 (North)	
C.T. 59 (Southwest)	
Jean-Goodspring	01
County—Clark	
Parts: Goodsprings Div.	
Moapa Valley	01
County—Clark	
Parts: C.T. 56 (Cent./W. Cent.)	
Pahrump	01
County—Nye	
Parts: Pahrump Twp.	
Searchlight/Davis Dam	01
County—Clark	
Parts: Searchlight Div.	
Tonopah	01
County—Nye	
Parts: Tonopah Twp.	
Virgin Valley	01
County—Clark	
Parts: C.T. 56 (North)	
Wadsworth	01
County—Washoe	
Parts: Wadsworth Twp. (C.T. 31)	
Wendover (Utah/Nevada)	01
County:	
Elko	
Parts:	
East Line Twp.	
Tecoma Twp.	
White Pine	
Parts: Ely Twp. (E. Pt)	

PRIMARY CARE: Nevada

Population Group Listing

Population group	Degree of shortage group
Washoe Indian Reservation	01
County:	
Douglas	
Carson City	

PRIMARY CARE: Nevada

Facility Listing

Facility	Degree of shortage group
Nev. St. Corr. Fac. (South)	02
County—Clark:	
Parts:	
S. Desert Corr. Ctr.	

PRIMARY CARE: Nevada—Continued

Facility Listing

Facility	Degree of shortage group
S. Nev. Corr. Ctr.	
Nev. St. Corr. Fac. (North)	01
County—Carson City:	
Parts:	
N. Nev. Mod. Security Prison	
Nev. Max. Security Prison	
Nev. Women's Corr. Ctr.	

PRIMARY CARE: New Hampshire

County name	Degree of shortage group
Coos:	
Service Area: Upper Connecticut Valley	04
Grafton:	
Service Area: Baker River Valley	01
Hillsboro:	
Service Area:	
Hillsborough	02
Witton/Milford	03
Merrimack:	
Service Area: Hillsborough	02
Rockingham:	
Service Area: North West Rockingham County	02
Sullivan:	
Service Area: Hillsborough	02

PRIMARY CARE: New Hampshire

Service Area Listing

Service area name	Degree of shortage group
Baker River Valley	01
County—Grafton:	
Parts:	
Rumney Twn	
Warren Twn	
Wentworth Twn	
Hillsborough	02
County—Hillsboro	
Parts:	
Deering Twn	
Hillsborough Twn	
Weare Twn (Western Part)	
Windsor Twn	
County—Merrimack:	
Parts: Henniker Twn	
County—Sullivan:	
Parts: Washington Twn	
North West Rockingham County	02
County—Rockingham:	
Parts:	
Deerfield	
Epping	
Fremont	
Nottingham Town	
Raymond	
Upper Connecticut Valley	04
County—Coos:	
Parts:	
Atkinson-Gilman Academy Grant	
Clarksville	
Colebrook Twn	
Columbia Twn	
Dos Grant	
Dixville Twn	
Errol Twn	
Millsfield	
Odell Twn	
Pittsburg Twn	
Second College Grant	
Stewartown Twn	
Stratford Twn	
Wentsworth Location	
Witton/Milford	03
County—Hillsboro:	
Parts:	
Amherst Twp (W ½)	

PRIMARY CARE: New Hampshire—Continued

Service Area Listing

Service area name	Degree of shortage group
Lyndeborough Twn	
Milford Twp	
Mt. Vernon Twp	
Wilton Twp	

PRIMARY CARE: New Jersey

County name	Degree of shortage group
Atlantic:	
Service Area: Atlantic City	02
Camden:	
Service Area: Camden City	02
Cape May:	
Service Area: Lower Cape May	03
Cumberland:	
Service Area: Bridgeton	04
Facility: Leesburg State Prison	02
Essex:	
Service Area:	
Central Newark	01
North Newark	03
South Newark	01
Mercer:	
Population Group: Low Income Pop. of Trenton	02
Passaic:	
Service Area: Northside—Peterson	01
Sussex:	
Service Area: South Sussex	04

PRIMARY CARE: New Jersey

Service Area Listing

Service area name	Degree of shortage group
Atlantic City	02
County—Atlantic:	
Parts: Atlantic City	
Bridgeton	04
County—Cumberland:	
Parts: Bridgeton Township	
Camden City	02
County—Camden	
Parts: C.T. 6001-6020	
Central Newark	01
County—Essex:	
Parts:	
C.T. 13-14	
C.T. 18	
C.T. 26-32	
C.T. 34	
C.T. 38-40	
C.T. 55-60	
C.T. 62-68	
C.T. 80-83	
Lower Cape May	03
County—Cape May:	
Parts:	
Cape May City	
Cape May Point	
Lower Twp	
West Cape May	
North Newark	03
County—Essex:	
Parts:	
C.T. 1-11	
C.T. 15-17	
C.T. 84-97	
Northside—Peterson	01
County—Passaic:	
Parts:	
C.T. 1803-1807	
South Newark	01
County—Essex:	
Parts: C.T. 41-47	
C.T. 48.01-48.02	
C.T. 49-54	

PRIMARY CARE: New Jersey—Continued

Service Area Listing

Service area name	Degree of shortage group
South Sussex	04
County—Sussex:	
Parts:	
Andover	
Branchville	
Byram	
Frankford	
Franklin	
Fredon	
Green	
Hamburg	
Hampton	
Hardyston	
Hoowtcong	
Lafayette	
Newton	
Ogdensburg	
Sparta	
Stanhope	
Stillwater	
Sussex	
Vernon	
Wantage	

PRIMARY CARE: New Jersey

Population Group Listing

Population group	Degree of shortage group
Low Income Pop. of Trenton	02
County—Mercer:	
Parts: C.T. 1-22	

PRIMARY CARE: New Jersey

Facility Listing

Facility	Degree of shortage group
Leesburg State Prison	02
County—Cumberland	

PRIMARY CARE: New Mexico

County name	Degree of shortage group
Bernalillo:	
Service Area: Southwest Valley	01
Catron:	
Service Area: Quemado/Magdalena	01
Chaves:	
Service Area:	
Cloudcroft	01
Dexter—Hagerman	01
Cibola	02
Curry	03
De Baca	01
Dona Ana:	
Service Area:	
Hatch	01
Southern Dona Ana	01
Guadalupe:	
Service Area: Pecos	01
Harding:	
Service Area:	
North Harding/Wagon Mound	01
Quay	04
Hidalgo	01
Lea:	
Service Area: Southern Lea	04
Lincoln:	
Service Area: Torrance/Claunch/Corona	01
Luna	02

PRIMARY CARE: New Mexico—Continued

County name	Degree of shortage group
McKinley:	
Service Area:	
Cuba	02
Northern Gallup	01
Population Group: Navajo Reservation	01
Mora:	
Service Area:	
Mora Division	03
North Harding/Wagon Mound	01
Otero:	
Service Area: Cloudcroft	01
Quay:	
Service Area: Quay	04
Rio Arriba:	
Service Area:	
South Rio Arriba/Taos	01
Tierra Amarilla	01
Roosevelt	02
Sandoval:	
Service Area:	
Cuba	02
Southern Sandoval	01
San Juan:	
Service Area: Cuba	02
Population Group: Navajo Reservation	01
San Miguel:	
Service Area:	
Pecos	01
Quay	04
Santa Fe:	
Service Area: Santa Fe/La Familia	01
Facility: N.M. State Pen. Cerillos	03
Sierra	03
Socorro:	
Service Area:	
Quemado/Magdalena	01
Torrence/Claunch/Corona	01
Taos:	
Service Area:	
Questo/Arroyo Hondo	02
South Rio Arriba/Taos	01
Tierra Amarilla	01
Torrance:	
Service Area: Torrance/Claunch/Corona	01
Valencia:	
Service Area: Los Lunas	02

PRIMARY CARE: New Mexico

Service Area Listing

Service area name	Degree of shortage group
Cloudcroft	01
County—Chaves:	
Parts: S.W. Chaves CCD (West Portion)	
County—Otero:	
Parts:	
E.D. 715	
E.D. 717-720	
E.D. 722-723	
Cuba	02
County—McKinley:	
Parts:	
E.D. 1179A-D	
E.D. 1180A-C	
E.D. 1188	
E.D. 1204B	
County—Sandoval:	
Parts: Cuba CCD	
County—San Juan:	
Parts:	
E.D. 881B	
E.D. 906B	
E.D. 907A	
E.D. 908A	
E.D. 909A-D	
E.D. 910A-C	
Dexter—Hagerman	01
County—Chaves:	
Parts:	
Dexter CCD	
Hagerman CCD	
Hatch	01
County—Dona Ana:	

PRIMARY CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Hatch CCD	
N Dona-Ana Hill	
Los Lunas	02
County—Valencia:	
Parts: Los Lunas CCD	
Mora Division	03
County—Mora:	
Parts: Mora CCD	
North Harding/Wagon Mound	01
County—Harding	
Parts: North Harding	
County—Mora:	
Parts: Wagon Mound CCD	
Northern Gallup	01
County—McKinley:	
Parts: E.D. 99.03-99.05	
Pecos	01
County—Guadalupe:	
Parts: Dilia CCD	
County—San Miguel:	
Parts:	
Pecos	
Villanueva	
Quay	04
County—Harding:	
Parts: South Harding CCD	
County:	
Quay	
San Miguel	
Parts: Conchos CCD	
Quemado/Magdalena	01
County—Catron:	
Parts: Quemado CCD	
County—Socorro:	
Parts: Magdalena CCD	
Questo/Arroyo Hondo	02
County—Taos:	
Parts:	
Arroyo Hondo CCD	
Questo CCD	
Santa Fe/La Familia	01
County—Santa Fe:	
Parts:	
C.T. 3	
C.T. 7-9	
C.T. 12	
South Rio Arriba/Taos	01
County—Rio Arriba:	
Parts:	
Dixon CCD	
South Rio Arriba	
County—Taos	
Parts: Penasco CCD	
Southern Dona Ana	01
County—Dona Ana:	
Parts:	
E.D. 76-77	
E.D. 79	
E.D. 80 (La Mesa)	
E.D. 81	
E.D. 84 (La Union)	
Southern Lea	04
County—Lea:	
Parts:	
Eunice CCD	
Jal CCD	
Southern Sandoval	01
County—Sandoval:	
Parts:	
Bernalillo Div. (Part)	
Jemez Div.	
Santo Domingo Div.	
Southwest Valley	01
County—Bernalillo:	
Parts:	
C.T. 23	
C.T. 24.01-24.02	
C.T. 40	
C.T. 43	
C.T. 44.01-44.02	
C.T. 45.01-45.02	
C.T. 46.01-46.02	
Tierra Amarilla	01
County—Rio Arriba:	
Parts:	
Coyote CCD	
Jicarilla CCD	

PRIMARY CARE: New Mexico—Continued

Service Area Listing

Service area name	Degree of shortage group
Rio Chama CCD	
Tierra Amarilla CCD	
Vallecitos CCD	
Western Rio Arriba	
County—Taos	
Parts: Tres Piedras CCD	
Torrance/Claunch/Corona	01
County—Lincoln:	
Parts: Corona	
County—Socorro:	
Parts: Clauch	
County—Torrance	

PRIMARY CARE: New Mexico

Population Group Listing

Population group	Degree of shortage group
Navajo Reservation	01
County:	
McKinley	
San Juan	

PRIMARY CARE: New Mexico

Facility Listing

Facility	Degree of shortage group
N.M. State Pen. Cerrillos	03
County—Santa Fe	

PRIMARY CARE: New York

County name	Degree of shortage group
Albany:	
Service Area:	
Northeast Albany	04
Southeast Albany City	01
Allegany:	
Service Area:	
Arcade	02
Letchworth	02
Bronx:	
Service Area:	
East Bronx	04
Morris Heights	02
Soundview Area	01
Facility: NYC Corr. Fac./Riker's island	02
Broome:	
Service Area:	
Deposit	02
Cattaraugus:	
Service Area:	
Arcade	02
Randolph-Ellicottville	03
Population Group: Seneca Nation—Allegany Reservation	02
Cayuga:	
Service Area:	
Cato	01
Groton-Moravia	03
Chautauqua:	
Service Area: Westfield	02
Chenango:	
Service Area:	
Cortland/Chenango	01
Greene	02
Hamilton/Sherburne	03
Clinton:	
Service Area:	
Chateaugay	02
Dannemora	01

PRIMARY CARE: New York—Continued

County name	Degree of shortage group
Columbia:	
Service Area: Southeast Columbia	02
Cortland:	
Service Area: Cortland/Chenango	01
Delaware:	
Service Area:	
Deposit	02
Southern Delaware	01
Erie:	
Service Area:	
Black Rock/Riverside	02
Population Group:	
Poverty Pop. (Lower West Side)	03
Poverty Pop. (P.S. 84 Area)	01
Poverty Pop.—Ellicott Neighborhood	03
Tonawanda Indian Pop	01
Essex:	
Service Area:	
Central Adirondack	02
E. Cent. Essex	03
Essex-Warren	04
Franklin:	
Service Area:	
Chateaugay	02
Tupper Lake	02
Fulton:	
Service Area: Barkersville	02
Genesee:	
Population Group: Tonawanda Indian Pop	01
Greene:	
Service Area:	
Cairo	02
Western Greene Co	02
Hamilton:	
Service Area: Central Adirondack	02
Herkimer:	
Service Area:	
Central Adirondack	02
Remsen	03
Jefferson:	
Service Area:	
Alexandria Bay	02
Gouverneur	02
Kings:	
Service Area:	
Bedford/Stuyvesant	04
Brownsville	04
Coney Isl/Brighton Beach/W. Brighton	02
Lewis:	
Service Area:	
Boonville	03
Camden	02
Livingston:	
Service Area: Letchworth	02
Madison:	
Service Area:	
Cortland/Chenango	01
Hamilton/Sherburne	03
Monroe:	
Service Area:	
Jordan (Rochester)	04
Westside (Rochester)	02
Montgomery:	
Service Area: Western Montgomery Co	02
New York:	
Service Area:	
East Harlem	04
Lower East Side	03
Washington Heights—Inwood	04
West Central Harlem	04
Population Group: Chelsea Outreach Trgt Pop	01
Facility: Gouverneur Diag. & Treatment Ctr	03
Niagara:	
Population Group:	
Tonawanda Indian Pop	01
Tuscarora Indian Pop	01
Oneida:	
Service Area:	
Boonville	03
Camden	02
Hamilton/Sherburne	03
Remsen	03
Onondaga:	
Service Area: Southern Onondaga Co	02
Population Group: Poverty Pop.—Central Syracuse	04
Ontario:	
Service Area: Naples/South Bristol	04

PRIMARY CARE: New York—Continued

County name	Degree of shortage group
Orleans:	
Service Area: Oak Orchard	02
Otsego:	
Service Area:	
Cherry Valley	03
Southeast Otsego	03
Southwest Otsego	02
Western Otsego	01
Queens:	
Service Area:	
Central South Jamaica	01
Rockaway Section of Queens	02
Rensselaer:	
Service Area: Eastern Rensselaer	02
St. Lawrence:	
Service Area:	
Alexander Bay	02
Gouverneur	02
Starlake	02
Tupper Lake	02
Saratoga:	
Service Area: Barkersville	02
Schenectady:	
Service Area: Hamilton Hill/Mt. Pleasant	01
Schoharie:	
Service Area:	
Cherry Valley	03
Southern Schoharie	03
Seneca:	
Service Area: South Seneca	02
Steuben:	
Service Area: Elkland (NY/PA)	02
Tompkins:	
Service Area: Groton-Moravia	03
Warren:	
Service Area: Essex-Warren	04
Wayne:	
Service Area: Sodus	04
Westchester:	
Service Area: Peekskill	04
Population Group: Med. Ind. (Mt. Vernon)	04
Wyoming:	
Service Area:	
Arcade	02
Letchworth	02
Facility: Attica Correctional Facility	02
Yates	04

PRIMARY CARE: New York

Service Area Listing

Service area name	Degree of shortage group
Alexandria Bay	02
County—Jefferson:	
Parts:	
Alexandria Twn	
Cape Vincent Twn	
Clayton Twn	
Lyme Twn	
Orleans Twn	
Philadelphia Twn	
Teresa Twn	
County—St. Lawrence:	
Parts: Hammond Twn	
Arcade	02
County—Allegany:	
Parts:	
Centerville	
Rushford	
County—Cattaraugus:	
Parts:	
Farmersville	
Franklinville	
Freedom	
Machias	
Yorkshire	
County—Wyoming:	
Parts:	
Arcade	
Eagle	
Java	
Orangeville	
Sheldon	
Wethersfield	
Barkersville	02
County—Fulton:	
Parts: Broadalbin Twp	
County—Saratoga:	
Parts:	
Galway Twp	
Providence Twp	
Bedford/Stuyvesant	04
County—Kings:	
Parts:	
C.T. 201	
C.T. 227	
C.T. 229	
C.T. 231	
C.T. 233	
C.T. 235	
C.T. 237	
C.T. 239	
C.T. 241	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
C.T. 259.01-259.02	
C.T. 261	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 271.01-271.02	
C.T. 273	
C.T. 275	
C.T. 277	
C.T. 279	
C.T. 281	
C.T. 283	
C.T. 285.01-285.02	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 295	
C.T. 297	
C.T. 299	
C.T. 301	
C.T. 303	
C.T. 307	
C.T. 309	
C.T. 311	
C.T. 365.01-365.02	
C.T. 367	
C.T. 369	
C.T. 371	
C.T. 373	
C.T. 375	
C.T. 377	
C.T. 379	
C.T. 381	
C.T. 383	
C.T. 385	
C.T. 387	
Black Rock/Riverside	02
County—Erie:	
Parts:	
C.T. 55-59	
Boonville	03
County—Lewis:	
Parts:	
Lewis	
Leyden	
Lyonsdale	
West Turin	
County—Oneida:	
Parts:	
Ava	
Boonville	
Forestport	
Brownsville	04
County—Kings:	
Parts:	
C.T. 347	
C.T. 349	
C.T. 357	
C.T. 359	
C.T. 361	
C.T. 363	
C.T. 682	
C.T. 884	
C.T. 886	
C.T. 888	
C.T. 890	
C.T. 892	
C.T. 894	
C.T. 896	
C.T. 898	
C.T. 900	
C.T. 902	
C.T. 904	
C.T. 906	
C.T. 908	
C.T. 910	
C.T. 912	
C.T. 914	
C.T. 916	
C.T. 918	
C.T. 920	
C.T. 1134	
C.T. 1136	
C.T. 1138	
Cairo	02
County—Greene:	
Parts:	
Cairo	
Durham	
Greenville	
Camden	02
County—Lewis:	
Parts: Osceola	
County—Oneida:	
Parts:	
Annsville	
Camden	
Florence	
Vienna	
Cato	01
County—Cayuga:	
Parts:	
Cato	
Conquest	
Ira	
Victory	
Central Adirondack	02
County—Essex:	
Parts: Newcomb Twp	
County—Hamilton:	
Parts:	
Indian Lake Twp	
Inlet	
Long Lake Twp	
County—Herkimer:	
Parts: Webb	
Central South Jamaica	01
County—Queens:	
Parts:	
C.T. 152	
C.T. 154	
C.T. 190	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 208	
C.T. 212	
C.T. 236	
C.T. 238	
C.T. 240	
C.T. 244	
C.T. 246	
C.T. 248	
C.T. 250	
C.T. 252	
C.T. 258	
C.T. 260	
C.T. 262	
C.T. 266	
C.T. 270	
C.T. 272	
C.T. 274	
C.T. 276	
C.T. 278	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 260	
C.T. 264	
C.T. 268	
C.T. 410	
C.T. 414	
C.T. 440	
C.T. 446.01-446.02	
C.T. 460	
Chateaugay	02
County—Clinton:	
Parts: Clinton	
County—Franklin:	
Parts:	
Belmont	
Burke	
Chateaugay	
Cherry Valley	03
County—Otsego:	
Parts:	
Cherry Valley	
Roseboom	
Springfield	
County—Schoharie:	
Parts: Sharon	
Coney Isl/Brighton Beach/W. Brighton	02
County—Kings:	
Parts:	
C.T. 326	
C.T. 328	
C.T. 330	
C.T. 336	
C.T. 340	
C.T. 342	
C.T. 348.01-348.02	
C.T. 350	
C.T. 352	
C.T. 360.01-360.02	
C.T. 362	
C.T. 364	
Cortland/Chenango	01
County—Chenango:	
Parts:	
Lincklaen	
Pitcher	
County—Cortland:	
Parts:	
Cincinnatus Town	
Cuyler Town	
Freetown Town	
Lapeer Town	
Marathon Town	
Taylor Town	
Willet Town	
County—Madison:	
Parts: De Ruyter	
Dannemora	01
County—Clinton:	
Parts:	
Dannemora	
Saranac	
Deposit	02
County—Broome:	
Parts:	
Colesville	
Sanford	
Windsor	
County—Delaware:	
Parts:	
Deposit	
Tompkins	
E. Cent. Essex	03
County—Essex:	
Parts:	
Elizabeth Twn	
Essex	
Keene	
Lewis	
Moriah	
North Hudson	
Westport	
Willsboro	
East Bronx	04
County—Bronx:	
Parts:	
C.T. 44	
C.T. 48	
C.T. 50	
C.T. 52	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 54	
C.T. 56	
C.T. 62	
C.T. 64	
C.T. 66	
C.T. 68	
C.T. 70	
C.T. 214	
East Harlem	04
County—New York:	
Parts:	
C.T. 156.01-156.02	
C.T. 158.02	
C.T. 162	
C.T. 164	
C.T. 166	
C.T. 168	
C.T. 170	
C.T. 172.01-172.02	
C.T. 174.01-174.02	
C.T. 178	
C.T. 180	
C.T. 182	
C.T. 184	
C.T. 188	
C.T. 192	
C.T. 194	
C.T. 196	
C.T. 198	
C.T. 202	
C.T. 204	
C.T. 206	
C.T. 210	
Eastern Rensselaer	02
County—Rensselaer:	
Parts:	
Berlin Twn	
Hoosick Twn	
Petersburg Twn	
Stephentown Twn	
Elkland (NY/PA)	02
County—Steuben:	
Parts:	
Tuscarora Twn	
Woodhill Twn	
Essex-Warren	04
County—Essex:	
Parts: Minerva	
County—Warren:	
Parts:	
Chester	
Horicon	
Johnsburg	
Thurman	
Warrensburg	
Gouverneur	02
County—Jefferson:	
Parts: Antwerp Twn	
County—St. Lawrence:	
Parts:	
Dekalb	
Depeyster (S. ½)	
Edwards	
Fowler	
Gouverneur	
Hermon	
Macomb (S. ½)	
Rossie	
Greene	02
County—Chenango:	
Parts:	
German Twn	
Greene Twn	
McDonough Twn	
Smithville Twn	
Groton-Moravia	03
County—Cayuga:	
Parts:	
Locke	
Moravia	
Sempronius	
Summerhill	
County—Tompkins:	
Parts: Groton	
Hamilton Hill/Mt. Pleasant	01
County—Schenectady:	
Parts:	
C.T. 209	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 210.02	
C.T. 211.03	
C.T. 214-217	
Hamilton/Sherburne	03
County—Chenango:	
Parts:	
Columbus Twn	
Otselic Twn	
Sherburne Twn	
Smyrna Twn	
County—Madison:	
Parts:	
Brookfield	
Eaton	
Georgetown	
Hamilton	
Lebanon	
Madison	
County—Oneida:	
Parts: Sangerfield	
Jordan (Rochester)	04
County—Monroe:	
Parts:	
C.T. 7	
C.T. 13-15	
C.T. 39	
C.T. 43	
C.T. 48-53	
C.T. 55-56	
C.T. 80	
C.T. 91-92	
C.T. 93.01	
Letchworth	02
County—Allegany:	
Parts:	
Allen	
Caneadea	
Granger	
Hume	
County—Livingston:	
Parts:	
Portage:	
County—Wyoming:	
Parts:	
Castile	
Gainesville	
Genesee Falls	
Pike	
Lower East Side	03
County—New York:	
Parts:	
C.T. 2.01-2.02	
C.T. 6	
C.T. 8	
C.T. 10.01-10.02	
C.T. 12	
C.T. 14.01-14.02	
C.T. 16	
C.T. 18	
C.T. 20	
C.T. 22.01-22.02	
C.T. 24-25	
C.T. 26.01-26.02	
C.T. 27-29	
C.T. 30.01-30.02	
C.T. 31-32	
C.T. 34	
C.T. 36.01-36.02	
C.T. 38	
C.T. 40-41	
C.T. 43	
C.T. 45	
Morris Heights	02
County—Bronx:	
Parts:	
C.T. 205	
C.T. 215.01-215.02	
C.T. 239	
C.T. 243	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 257	
Naples/South Bristol	04
County—Ontario:	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Naples	
South Bristol	
Northeast Albany	04
County—Albany:	
Parts:	
C.T. 1-2	
C.T. 7-8	
C.T. 11	
Oak Orchard	02
County—Orleans:	
Parts:	
Albion	
Barre	
Carlton	
Clarendon	
Gaines	
Kendall	
Murray	
Peekskill	04
County—Westchester:	
Parts:	
C.T. 141-145	
Randolph-Ellicottville	03
County—Cattaraugus:	
Parts:	
Cold Spring Twn	
Conewango Twn	
Ellicottville Twn	
Little Valley Twn	
Mansfield Twn	
Napoli Twn	
New Albion Twn	
Randolph Twn	
South Valley Twn	
Remsen	03
County—Herkimer:	
Parts:	
Ohio	
Russia	
County—Oneida:	
Parts:	
Remsen	
Steuben	
Trenton	
Rockaway Section of Queens	02
County—Queens:	
Parts:	
C.T. 916.01-916.02	
C.T. 916.99	
C.T. 918	
C.T. 922	
C.T. 928	
C.T. 934	
C.T. 938	
C.T. 942.01-942.03	
C.T. 952	
C.T. 962	
C.T. 964	
C.T. 972	
C.T. 992	
C.T. 998	
C.T. 1008	
C.T. 1010	
C.T. 1032	
Sodus	04
County—Wayne:	
Parts:	
C.T. 201 (Ontario)	
C.T. 204 (Williamson)	
C.T. 205 (Marion)	
C.T. 208-209 (Sodus)	
C.T. 215—(Huron-Wolcott)	
C.T. 216 (Rose-Butler)	
Soundview Area	01
County—Bronx:	
Parts:	
C.T. 2	
C.T. 4	
C.T. 16	
C.T. 20	
C.T. 24	
C.T. 28	
C.T. 36	
C.T. 38	
C.T. 40.02	
C.T. 46	
C.T. 74	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 84	
C.T. 86	
C.T. 88	
C.T. 98	
C.T. 102	
South Seneca	02
County—Seneca:	
Parts:	
Covert	
Lodi	
Ovid	
Southeast Albany City	01
County—Albany:	
Parts:	
C.T. 23-26	
Southeast Columbia	02
County—Columbia:	
Parts:	
Ancram Tn.	
Copake Tn.	
Gallatin Tn.	
Hillsdale Tn.	
Taghkanic Tn.	
Southeast Otsego	03
County—Otsego:	
Parts:	
Decatur	
Maryland	
Westford	
Worcester	
Southern Delaware	01
County—Delaware:	
Parts:	
Colchester Twp	
Hancock Twp	
Southern Onondaga Co	02
County—Onondaga:	
Parts:	
Fabius	
Lafayette	
Otisco	
Pompey	
Tully	
Southern Schoharie	03
County—Schoharie:	
Parts:	
Blenheim	
Broome	
Conesville	
Fulton	
Gilboa	
Middleburgh	
Southwest Otsego Co.	02
County—Otsego:	
Parts:	
Butternuts Twp	
Morris Twp	
Starlake	02
County—St. Lawrence:	
Parts:	
Clare Twn	
Clifton Twn	
Colton (S. ½)	
Fine Twn	
Pitcairn Twn	
Russell Twn	
Tupper Lake	02
County—Franklin:	
Parts: Altamont Town	
County—St. Lawrence:	
Parts: Piercefield Town	
Washington Heights-Inwood	04
County—New York:	
Parts:	
C.T. 243.01	
C.T. 245	
C.T. 247	
C.T. 249	
C.T. 251	
C.T. 253	
C.T. 255	
C.T. 261	
C.T. 263	
C.T. 265	
C.T. 267	
C.T. 269	
C.T. 271	
C.T. 277	

PRIMARY CARE: New York—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 279	
C.T. 283	
C.T. 285	
C.T. 287	
C.T. 289	
C.T. 291	
C.T. 293	
C.T. 303	
C.T. 311	
West Central Harlem	04
County—New York:	
Parts:	
C.T. 186	
C.T. 190	
C.T. 197.02	
C.T. 200	
C.T. 201.02	
C.T. 207.02	
C.T. 208	
C.T. 209.01-209.02	
C.T. 211-212	
C.T. 213.01-213.02	
C.T. 214	
C.T. 216	
C.T. 217.01-217.02	
C.T. 218-220	
C.T. 221.01-221.02	
C.T. 222-226	
C.T. 227.01-227.02	
C.T. 228-230	
C.T. 231.01-231.02	
C.T. 232-234	
C.T. 235.01-235.02	
C.T. 236-237	
C.T. 239	
C.T. 241	
C.T. 243.02	
Western Greene Co	02
County—Greene:	
Parts:	
Ashland	
Hunter	
Jewett	
Lexington	
Prattsville	
Windham	
Western Montgomery Co	02
County—Montgomery:	
Parts:	
Canajoharie	
Minden	
Palatine	
Root	
St. Johnsville	
Western Otsego	01
County—Otsego:	
Parts:	
Burlington	
Edmeston	
New Lisbon	
Pittsfield	
Plainfield	
Westfield	02
County—Chautauqua:	
Parts:	
Chautauqua Twp	
Ripley Twp	
Sherman Twp	
Westfield Twp	
Westside (Rochester)	02
County—Monroe:	
Parts:	
C.T. 2	
C.T. 16-17	
C.T. 23	
C.T. 27	
C.T. 32	
C.T. 41	
C.T. 64-66	
C.T. 69	
C.T. 95	
C.T. 96.01-96.04	

PRIMARY CARE: New York

Population Group Listing

Population group	Degree of shortage group
Chelsea Outreach Trgt. Pop.	01
County—New York	
Med. Ind. (Mt. Vernon)	04
County—Westchester:	
Parts:	
C.T. 25-36	
C.T. 40-41	
Poverty Pop. (Lower West Side)	03
County—Erie:	
Parts:	
C.T. 68	
C.T. 71.01-71.02	
C.T. 72.01	
Poverty Pop. (P.S. 84 Area)	01
County—Erie:	
Parts:	
C.T. 27.02	
C.T. 32.01	
C.T. 32.02	
C.T. 33.01-33.02	
C.T. 34-36	
C.T. 39-41	
C.T. 44.02	
Poverty Pop.—Central Syracuse	04
County—Onondaga:	
Parts:	
C.T. 5	
C.T. 13	
C.T. 16	
C.T. 22-24	
C.T. 30-35	
C.T. 39-45	
C.T. 51-55	
C.T. 56.01-56.02	
C.T. 57-59	
C.T. 61.01	
Poverty Pop.—Ellicott Neighborhood	03
County—Erie:	
Parts:	
C.T. 12	
C.T. 13.01-13.02	
C.T. 14.01-14.02	
C.T. 15	
C.T. 25.01-25.02	
C.T. 26	
C.T. 27.01	
C.T. 31	
Seneca Nation—Allegany Reservation	02
County—Cattaraugus	
Tonawanda Indian Pop.	01
County:	
Erie	
Genesee	
Niagara	
Tuscarora Indian Pop.	01
County—Niagara	

PRIMARY CARE: New York

Facility Listing

Facility	Degree of shortage group
Attica Correctional Facility	02
County—Wyoming	
Gouverneur Diag. and Treatment Ctr.	03
County—New York	
NYC Corr. Fac./Rikers Island	02
County—Bronx:	
Parts:	
Adolescent Rcpt/Det Ctr.	
Anna M. Kross Corr. Fac.	
Corr. Inst.—Men	
Corr. Inst.—Women	
House of Detention—Men.	

PRIMARY CARE: North Carolina

County name	Degree of shortage group
Anson	02
Ashe	03
Beaufort:	
Service Area: Richland	03
Bertie	01
Bladen	01
Brunswick	02
Buncombe:	
Service Area: Bat Cave	01
Caldwell Service Area: Western Caldwell	01
Caswell	01
Chatham	03
Clay	01
Cleveland:	
Population Group: Medically Indigent Population	02
Columbus	02
Cumberland:	
Service Area: S.E. Cumberland	02
Currituck	02
Dare:	
Service Area:	
Hatteras	02
Manns Harbor	03
Duplin	02
Durham	
Service Area: Lincoln Comm. H. Center	02
Edgecombe	02
Franklin	02
Gates	02
Graham	04
Granville	03
Greene	01
Halifax:	
Service Area: Littleton	01
Harnett:	
Service Area: Western Harnett	01
Henderson:	
Service Area: Bat Cave	01
Hoke	01
Hyde	01
Johnston:	
Service Area: Benson	02
Population Group: Migrant & Seasonal Farmworkers	01
Mecklenburg:	
Service Area: Central Charlotte	01
Mitchell:	
Service Area: Tipton Hill	01
Montgomery	04
Northampton	01
Onslow:	
Service Area:	
Holly Ridge	01
Onslow	04
Orange:	
Service Area: Orange (N. Portion)	03
Pender:	
Service Area:	
Holly Ridge	01
Western Pender	02
Perquimans	01
Person	03
Richmond	03
Robeson:	
Population Group: Poverty Pop.	03
Sampson:	
Population Group: Migrant & Seasonal Farmworkers	01
Stokes	02
Tyrrell	01
Warren:	
Service Area:	
Littleton	01
Warrenton	01
Washington	04
Yancey:	
Service Area: Tipton Hill	01

PRIMARY CARE: North Carolina

Service Area Listing

Service area name	Degree of shortage group
Bat Cave	01
County—Buncombe:	
Parts:	
Broad River Twp	
Fairview Twp	
County—Henderson:	
Parts:	
Clear Creek Twp	
Edneyville Twp	
Benson	02
County—Johnston:	
Parts:	
Banner Twp	
Elevation Twp	
Meadow Twp	
Pleasant Grove Twp	
Central Charlotte	01
County—Mecklenburg:	
Parts:	
C.T. 1	
C.T. 4-8	
C.T. 36-37	
C.T. 38.02	
C.T. 39	
C.T. 40-42	
C.T. 43.01-43.02	
C.T. 44-52	
Hatteras	02
County—Dare:	
Parts:	
Hatteras Twp	
Kennekeet Twp	
Holly Ridge	01
County—Onslow:	
Part: C.T. 4	
County—Pender:	
Parts:	
Holly Twp	
Topsail Twp	
Lincoln Comm. H. Center	02
County—Durham:	
Parts:	
C.T. 8.01-8.02	
C.T. 9	
C.T. 10.01	
C.T. 11	
C.T. 12.01-12.02	
C.T. 13.01-13.02	
C.T. 14	
Littleton	01
County—Halifax:	
Parts:	
Brinkleyville Twp	
Butterworth Twp	
Littleton Twp	
County—Warren:	
Parts:	
Fishing Creek Twp	
Judkins Twp	
Manns Harbor	03
County—Dare:	
Parts:	
Croatan Twp	
East Lake Twp	
Nags Head Twp	
Onslow	04
County—Onslow:	
Parts:	
C.T. 1-3	
C.T. 5-25	
Orange (N. Portion)	03
County—Orange:	
Parts:	
Cedar Grove Twp	
Cheeks Twp	
End Twp	
Hillsborough Twp	
Little River Twp	
Richland	03
County—Beaufort:	
Parts: Richland Twp	
S.E. Cumberland	02
County—Cumberland:	
Parts:	
Cedar Creek	
Eastover Twp	
Grays Creek Twp	
Tipton Hill	01

PRIMARY CARE: North Carolina—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Mitchell:	
Parts:	
Bradshaw	
Harrell	
Popular	
Red Hill	
County—Yancey	
Parts:	
Brush Creek	
Green Mountain	
Jack's Creek	
Ramsey Town	
Warrenton	01
County—Warren:	
Parts:	
Fork Twp	
Hawtree Twp	
Nutbush Twp	
River Twp	
Roanoke Twp	
Sandy Creek Twp	
Shocco Twp	
Skippond Twp	
Smith Creek Twp	
Warrenton Twp	
Western Caldwell	01
County—Caldwell:	
Parts:	
Globe	
Johns River	
Mulberry	
Patterson	
Wilson Creek	
Western Harnett	01
County—Harnett:	
Parts:	
Anderson Creek	
Barbecue	
Johnsonville	
Lillington	
Stewarts Creek	
Upper Little River	
Western Pender	02
County—Pender:	
Parts:	
Bergan Twp	
Canetuck Twp	
Caswell Twp	
Columbia Twp	
Grady Twp	
Long Creek Twp	
Rocky Point Twp	
Union Twp	

PRIMARY CARE: North Carolina

Population Group Listing

Population group	Degree of shortage group
Medically Indigent Population	02
County—Cleveland	
Migrant and Seasonal Farmworkers	01
County:	
Johnston	
Sampson	
Poverty Pop./Robeson	03
County—Robeson:	
Parts:	
Alfordsville Twp	
Back Swamp Twp	
Burnt Swamp Twp	
Fairmont Twp	
Gaddy Twp	
Lumber Bridge Twp	
Marietta Twp	
Maxton Twp	
Orrum Twp	
Parkton Twp	
Pembroke Twp	
Philadelphus Twp	
Raft Swamp Twp	
Redsprings Twp	
Rennert Twp	

PRIMARY CARE: North Carolina—Continued

Population Group Listing

Population group	Degree of shortage group
Rowland Twp	
Saddletree Twp	
Shannon Twp	
Smiths Twp	
St. Paul Twp	
Starlings Twp	
Thompson Twp	
Union Twp	
West Howellsville Twp	

PRIMARY CARE: North Dakota

County name	Degree of shortage group
Adams:	
Service Area: Lemmon	03
Benson	02
Billings:	
Service Area: Belfield/Medora	01
Burke	01
Cavalier	03
Dickey:	
Service Area: Ellendale/Edgely	02
Dunn	01
Eddy	03
Foster:	
Service Area: Carrington	04
Golden Valley	03
Grand Forks:	
Service Area: Northwood	03
Grant	01
Griggs	04
Hettinger	01
Foster:	
Service Area: Carrington	04
La Moure:	
Service Area: Ellendale/Edgely	02
Logan	01
McHenry	04
McKenzie	04
Mercer:	
Service Area: Mercer/Oliver	01
Morton	03
Mountrail	01
Nelson:	
Service Area: Northwood	03
Oliver:	
Service Area: Mercer/Oliver	01
Richland:	
Service Area: Hankinson-Lidgerwood	01
Rolette	04
Sargent	01
Sheridan	01
Sioux	01
Slope	01
Stark:	
Service Area: Belfield/Medora	01
Steele:	
Service Area: Northwood	03
Stutsman:	
Service Area: Carrington	04
Wells:	
Service Area: Carrington	04

PRIMARY CARE: North Dakota

Service Area Listing

Service area name	Degree of shortage group
Belfield/Medora	01
County:	
Billings	
Stark	
Parts:	
Belfield City	
West Stark Unorg. (W. ½)	

PRIMARY CARE: North Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Carrington	04
County—Foster	
Parts:	
Frettim Twp	
Lake Williams Twp	
Petersville Twp	
Pettibone City	
Pettibone Twp	
Rexine Twp	
Wallace Twp	
County—Stutsman	
Parts:	
Conklin Twp	
Corrinne Twp	
Edmunds Twp	
Gerber Twp	
Glacier Twp	
Kensal City	
Kensal Twp	
Lowery Twp	
Marston Moor Twp	
Nogosek Twp	
Pingree City	
Pingree Twp	
Pipestream Valley Twp	
Sirong Twp	
Wadsworth Twp	
Walters Twp	
Woodworth Twp	
County—Wells	
Parts:	
Berlin Twp	
Bilodeau Twp	
Cathay City	
Cathay Twp	
Haaland Twp	
Hawksnest Twp	
Johnson Twp	
Progress	
South Cottonwood Twp	
Speedwell Twp	
Sykeston City	
Sykeston Twp	
West Ontario Twp	
Woodward Twp	
Ellendale/Edgely	02
County—Dickey:	
Parts:	
Ada Twp	
Albertha Twp	
Albion Twp	
Elden Twp	
Ellendale City	
Ellendale Twp	
Elm Twp	
Forbes City	
Fullerton City	
German Twp	
Graird Valley Twp	
Hamburg Twp	
Kent Twp	
Kentner Twp	
Keystone Twp	
Lorraine Twp	
Maple Twp	
Monango City	
Murricourt City	
Northwest Twp	
Porter Twp	
Potsdam Twp	
Spring Valley Twp	
Valley Twp	
Van Meter Twp	
Whitestone Twp	
Wright Twp	
Yorktown Twp	
Young Twp	
County—La Moure:	
Parts:	
Edgely City	
Golgon Glen Twp	
Nora Twp	
Pomona View Twp	
Ray Twp	
Wano Twp	
Willowbank Twp	
Hankinson-Lidgerwood	01
County—Richland:	

PRIMARY CARE: North Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Belford Twp	
Brightwood Twp	
Dexter Twp	
Duen Twp	
Elma Twp	
Grant Twp	
Greendale Twp	
Hankinson City	
La Mars Twp	
Liberty Grove Twp	
Lidgerwood City	
Manitador City	
Morgan Twp	
Waldo Twp	
Lemmon	03
County—Adams:	
Parts:	
East Adams (Unorg.) S. ½	
Gilstrap Twp	
North Lemmon Twp	
Orange Twp	
South Fork Twp	
Mercer/Oliver	01
County:	
Mercer	
Oliver	
Northwood	03
County—Grand Forks:	
Parts:	
Arvilla Township	
Avon Township	
Elm Grove Township	
Grace Township	
Jarimore City	
Jarimore Township	
Linds Township	
Logan Center Township	
Loretta Township	
Moraine Township	
Niagra City	
Niagra Township	
Northwood City	
Northwood Twp	
Pleasant View Twp	
Washington Twp	
County—Nelson:	
Parts:	
Aneta City	
Ora Township	
Rugh Township	
County—Steele	
Parts:	
Beaver Creek Twp	
Newburgh Twp	
Sharm City	
Sharon Township	
Westfield Twp	

PRIMARY CARE: Ohio

County name	Degree of shortage group
Adams	02
Allen:	
Service Area: South Side Lima	01
Ashtabula:	
Service Area: Geneva—Madison	04
Brown	04
Butler:	
Service Area: Hamilton	01
Carroll	04
Clark:	
Population Group: Poverty Pop, Springfield	01
Clermont:	
Service Area: Eastern Clermont Co	02
Columbiana:	
Service Area: East Liverpool	03
Coshocton	02
Crawford:	
Service Area: Willard	03
Cuyahoga:	
Service Area:	
Central/Fairfax/Kinsman	01
Clark Fulton/Denison/Tremont	01
Glenville	01
Hough/Norwood	01
Near West/West Side	02
South Broadway	04
Population Group Poverty Pop.—Collinwood	01
Darke	03
Franklin:	
Service Area: Lower Linden	04
Geauga:	
Service Area: Geneva-Madison	04
Hamilton:	
Service Area:	
East End (Cincinnati)	02
East/Lower Price Hill	01
Millvale	01
Winton Hills (Cincinnati)	01
Hancock:	
Service Area: Tiffin/Fostoria	03
Hardin	03
Harrison	03
Henry	03
Highland:	
Service Area: Greenfield	02
Hocking	02
Holmes	03
Huron:	
Service Area: Willard	03
Jackson	03
Jefferson:	
Service Area: East Liverpool	03
Lake:	
Service Area: Geneva-Madison	04
Lawrence	02
Lucas:	
Service Area:	
Center City/Dorr-Toledo	04
Near:	
South Side-Toledo	03
Mahoning:	
Service Area: Eastside Youngstown	01
Meigs	02
Monroe	
Service Area:	
New Matamoras	03
Woodsfield	02
Montgomery:	
Service Area: West Dayton	02
Morgan	02
Morrow	02
Paulding	03
Perry	02
Pike	02
Putnam	03
Richland:	
Service Area: Willard	03
Ross:	
Service Area: Greenfield	02
Population Group: Medicaid Eligible Pop	02
Sandusky	03
Seneca:	
Service Area:	
Tiffin/Fostoria	03
Willard	03
Tuscarawas	03
Vinton	03
Warren	03
Washington:	
Service Area: New Matamoras	03
Wood:	
Service Area: Tiffin-Fostoria	03

PRIMARY CARE: Ohio

Service Area Listing

Service area name	Degree of shortage group
Center City/Dorr-Toledo	04
County—Lucas:	
Parts:	
C.T. 27-28	
C.T. 31-37	
C.T. 39	

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
Central/Fairfax/Kinsman	01
County—Cuyahoga:	
Parts:	
C.T. 1079	
C.T. 1087-1089	
C.T. 1091-1093	
C.T. 1096-1099	
C.T. 1101-1103	
C.T. 1129	
C.T. 1131-1139	
C.T. 1141-1145	
C.T. 1147-1148	
Clark Fulton/Denison/Tremont	01
County—Cayahoga:	
Parts:	
C.T. 1027-1029	
C.T. 1041-1049	
C.T. 1051-1056	
East End (Cincinnati)	02
County—Hamilton:	
Parts:	
C.T. 43-44	
C.T. 47.02	
East Liverpool	03
County—Columbiana:	
Parts:	
Center Twp	
East Liverpool City	
Elk Run Twp	
Franklin Twp	
Hanover Twp (S. ½)	
Liverpool Twp	
Madison Twp	
Middleton Twp	
St. Clair Twp	
Washington Twp	
Wayne Twp	
Wellsville City	
Yellow Creek Twp	
County—Jefferson:	
Parts:	
Brush Creek Twp	
Saline Twp	
East/Lower Price Hill	01
County—Hamilton:	
Parts:	
C.T. 87 (Fairmont-South)	
C.T. 89 (Fairmont-South)	
C.T. 91 (Price Hill-Tower)	
C.T. 92	
C.T. 93 (Price Hill-East)	
C.T. 94-95	
C.T. 96 (Price Hill-East)	
C.T. 103 (Riverside-Selamsville)	
Eastern Clermont Co	02
County—Clermont:	
Parts:	
C.T. 401 (Batavia)	
C.T. 402 (Franklin)	
C.T. 408 (Goshen)	
C.T. 409 (Jackson)	
C.T. 410 (Monroe)	
C.T. 411 (Ohio)	
C.T. 415 (Pierce)	
C.T. 416 (Stonelick)	
C.T. 417 (Tate)	
C.T. 418 (Washington)	
C.T. 419 (Wayne)	
C.T. 420 (Williamsburg)	
Eastside Youngstown	01
County—Mahoning:	
Parts: C.T. 8001-8008 (Youngstown)	
Geneva-Madison	04
County—Ashtabula:	
Parts:	
Geneva Twp	
Harpersfield Twp	
County—Geauga:	
Parts: Thompson Twp	
County—Lake:	
Parts: Madison	
Glenville	01
County—Cuyahoga:	
Parts:	
C.T. 1114	
C.T. 1161-1168	
C.T. 1181-1185	
Greenfield	02

PRIMARY CARE: Ohio—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Highland:	
Parts:	
Fairfield Twp	
Madison Twp	
Paint Twp	
County—Ross:	
Parts:	
Buckskin Twp	
Paint Twp	
Hamilton	01
County—Butler:	
Parts: C.T. 2-4	
Hough/Norwood	01
County—Cuyahoga:	
Parts:	
C.T. 1112-1113	
C.T. 1115-1119	
C.T. 1121	
C.T. 1123-1126	
C.T. 1186	
C.T. 1189	
Lower Linden	04
County—Franklin:	
Parts:	
C.T. 7.1-7.3	
C.T. 9.1-9.2	
C.T. 14-15	
C.T. 75.11	
C.T. 75.20	
Milvale	01
County—Hamilton:	
Parts:	
C.T. 28	
C.T. 77	
C.T. 85.02	
C.T. 86.01	
Near South Side-Toledo	03
County—Lucas:	
Parts:	
C.T. 39	
C.T. 40-42	
C.T. 54	
Near West/West Side	02
County—Cuyahoga:	
Parts:	
C.T. 1012	
C.T. 1014-1019	
C.T. 1021-1026	
C.T. 1031-1039	
New Matamoras	03
County—Monroe:	
Parts:	
Benton Twp	
Jackson Twp	
County—Washington:	
Parts:	
Grandview Twp	
Independence Twp	
Liberty Twp	
Ludlow Twp	
South Broadway	04
County—Cuyahoga:	
Parts:	
C.T. 1109	
C.T. 1151-1155	
C.T. 1157-1159	
South Side Lima	01
County—Allen:	
Parts:	
C.T. 117	
C.T. 135-136	
Tiffin/Fostoria	03
County—Hancock:	
Parts: Washington Twp	
County—Seneca:	
Parts:	
Adams	
Big Spring Twp	
Bloom Twp	
Clinton	
Eden Twp	
Fostoria City	
Green Springs Vil (Part)	
Hopewell Twp	
Jackson Twp	
Liberty	
Louden Twp	
Pleasant Twp	
Scipio Twp	
Seneca Twp	
Thompson Twp	
Tiffin City	
County—Wood:	
Parts: Perry Twp	
West Dayton	02
County—Montgomery:	
Parts:	
C.T. 5	
C.T. 14.01-14.02	
C.T. 15-17	
C.T. 19-23	
C.T. 25-26	
C.T. 28-33	
Willard	03
County—Crawford:	
Parts: Auburn Twp (N ½)	
County—Huron:	
Parts:	
Fairfield Twp	
Greenfield Twp	
Greenwich Twp	
New Haven Twp	
Norwich Twp	
Richmond Twp	
Ripley Twp	
Willard City	
County—Richland:	
Parts:	
Blooming Grove Twp	
Butler Twp	
Cass Twp (N ½)	
Plymouth Twp (N ½)	
County—Seneca:	
Parts:	
Reed Twp	
Venice Twp	
Winton Hills (Cincinnati)	01
County—Hamilton:	
Parts: C.T. 80 (Winton Hills)	
Woodsfield	02
County—Monroe:	
Parts:	
Adams Twp	
Bethel Twp	
Center Twp	
Franklin Twp	
Green Twp	
Lee Twp	
Malaga Twp	
Ohio Twp	
Perry Twp	
Salem Twp	
Seneca Twp	
Summit Twp	
Sunsburg Twp	
Switzerland Twp	
Washington Twp	
Wayne Twp	

PRIMARY CARE: Ohio

Population Group Listing

Population group	Degree of shortage group
Medicaid Eligible Pop of Ross	02
County—Ross	
Poverty Pop—Collinwood	01
County—Cuyahoga:	
Parts:	
C.T. 1159	
C.T. 1171-1179	
C.T. 1261	
Poverty Pop. Springfield	01
County—Clark:	
Parts:	
C.T. 1-3	
C.T. 8	
C.T. 9.01-9.02	
C.T. 10	
C.T. 11.01-11.02	

PRIMARY CARE: Ohio—Continued

Population Group Listing

Population group	Degree of shortage group
C.T. 12	

PRIMARY CARE: Oklahoma

County name	Degree of shortage group
Adair	04
Atoka	04
Choctaw	03
Cotton	03
Delaware	04
Greer:	
Facility: OK. State Pen (Granite)	02
Harmon	04
Le Flore:	
Service Area: South Le Flore	01
McClain	04
Mayes:	
Service Area: Chelsa/New Alluwe	01
Murray	04
Nowata:	
Service Area: Chelsa/New Alluwe	01
Oklahoma:	
Service Area: S.E. Oklahoma City	01
Osage	03
Pushmataha:	
Service Area: Clayton	01
Rogers:	
Service Area: Chelsa/New Alluwe	01
Seminole	03
Texas:	
Service Area: Texhoma	01
Tillman	03
Tulsa:	
Service Area: North Central Tulsa	02
Population Group: Indian Pop	01
Washita	02

PRIMARY CARE: Oklahoma

Service Area Listing

Service area name	Degree of shortage group
Chelsa/New Alluwe	01
County—Mayes:	
Parts: Adair E.D. 12	
County—Nowata:	
Parts: New Alluwe E.D. 14	
County—Rogers:	
Parts: E.D. 1-4	
Clayton	01
County—Pushmataha:	
Parts: No. Pushmataha Division	
North Central Tulsa	02
County—Tulsa:	
Parts:	
C.T. 2-10	
C.T. 12-14	
C.T. 57	
C.T. 62	
C.T. 79	
C.T. 80.01-80.02	
C.T. 91.01	
S.E. Oklahoma City	01
County—Oklahoma:	
Parts:	
C.T. 1037-1040	
C.T. 1047-1049	
C.T. 1053-1054	
C.T. 1072.09	
C.T. 1073.02	
South Le Flore	01
County—Le Flore:	
Parts:	
South Le Flore	
Talihina	
Texhoma	01
County—Texas:	

PRIMARY CARE: Oklahoma—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts: West Texas CCD	

PRIMARY CARE: Oklahoma

Population Group Listing

Population group	Degree of shortage group
Indian Pop. of Tulsa	01
County—Tulsa	

PRIMARY CARE: Oklahoma

Facility Listing

Facility	Degree of shortage group
OK., State Pen. (Granite)	02
County—Greer	

PRIMARY CARE: Oregon

County name	Degree of shortage group
Baker:	
Service Area: Halfway	01
Benton:	
Service Area:	
Alsea	01
Blodgett/Eddyville	01
Junction City/Harrisburg/Monroe	02
Clackamas:	
Service Area:	
Estacada	02
Mt. Hood	01
Population Group: Migr/Seas Fmwkr Pop	03
Columbia:	
Service Area: Vernonia	01
Coos:	
Service Area: Powers	01
Curry:	
Service Area: Port Orford	02
Gilliam:	
Service Area:	
Arlington	01
Condon	01
Grant:	
Service Area: Long Creek	01
Harney:	
Service Area: South Harney	01
Jackson:	
Service Area:	
Applegate-Williams	01
Shady Cove	01
Jefferson:	
Population Group: Am. Indian Pop—Warm Springs Res	01
Josephi:	
Service Area: Applegate-Williams	01
Klamath:	
Service Area:	
Bly	01
Chiloquin	01
Lake:	
Service Area: Silver Lake	01
Lane:	
Service Area:	
Junction City/Harrisburg/Monroe	02
Lowell	01
McKenzie	01
Oakridge	03
Triangle Lake/Swisshome	02
Veneta	02
Lincoln:	
Service Area: Bloddgett/Edyville	01

PRIMARY CARE: Oregon—Continued

County name	Degree of shortage group
Linn:	
Service Area:	
Brownville	04
Junction City/Harrisburg/Monroe	02
Malheur:	
Service Area:	
Jordan Valley	01
Nyssa	01
Vale	02
Population Group: MSFW N. Treasure Valley	01
Marion:	
Service Area: Detroit	01
Population Group: Migr Seas Fmwkr/Marion-Polk	01
Facility:	
St. Penitentiary/Womens Corr. Ctr	02
State Correctional Inst	02
Morrow:	
Service Area: Boardman	02
Multnomah:	
Facility: Rocky Butte Jail	02
Polk:	
Service Area:	
West Salem	03
Willamina	01
Population Group: Migr Seas Fmwkr/Marion-Polk	01
Sherman:	
Service Area: Moro/Grass Valley	01
Tillamook:	
Service Area: Pacific City/Cloverdale	02
Umatilla:	
Population Group:	
Am. Indian Pop—Umatilla	01
Migr/Seas Farmwkr Pop—W. Umatilla	01
Walla Walla—Migrant & Seasonal Farmwor	01
Union:	
Service Area: Cove/Union	01
Wasco:	
Service Area: Maupin	01
Population Group: Am. Indian Pop—Warm Springs Res	01
Washington:	
Population Group: Migr/Seas Farmwkr Pop	01
Wheeler:	
Service Area:	
Fossil	01
Mitchell	01
Yamhill:	
Service Area: Willamina	01
Population Group: Migr/Seas Fmwkr Pop	01

PRIMARY CARE: Oregon

Service Area Listing

Service area name	Degree of shortage group
Alsea	01
County—Benton:	
Parts: S.W. Benton Div (W ½)	
Applegate-Williams	01
County—Jackson:	
Parts: Southwest Jackson Div (SW Pt)	
County—Josephi:	
Parts: Williams	
Arlington	01
County—Gilliam:	
Parts: Arlington Div.	
Blodgett/Eddyville	01
County—Benton:	
Parts: North Benton Div (W ¼)	
County—Lincoln:	
Parts: Eddyville Div (E ½)	
Bly	01
County—Klamath:	
Parts: Langell CCD	
Boardman	02
County—Morrow:	
Parts: Boardman Div.	
Brownville	04
County—Linn:	
Parts: Brownville CCD	
Chiloquin	01
County—Klamath:	

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Chiloquin Div.	
Cresent Lake Div (S Part)	
Keno Div. (N Part)	
Condon	01
County—Gilliam:	
Parts: Condon Div.	
Cove/Union	01
County—Union:	
Parts:	
Cove Div.	
Union Div.	
Detroit	01
County—Marion:	
Parts: Mill City (E ½)	
Estacada	02
County—Clackamas:	
Parts: Estacada CCD	
Fossil	01
County—Wheeler:	
Parts: Fossil Div.	
Halfway	01
County—Baker:	
Parts:	
Eagle Valley CCD	
Halfway CCD	
Jordan Valley	01
County—Malheur:	
Parts: Jordan CCD	
Junction City/Harrisburg/Monroe	02
County—Benton:	
Parts: SE Benton Div (S ½)	
County—Lane:	
Parts: Junction City Div.	
County—Linn:	
Parts: Harrisburg Div (S ½)	
Long Creek	01
County—Grant:	
Parts: Long Creek Div.	
Lowell	01
County—Lane:	
Parts: Lowell Div.	
Maupin	01
County—Wasco:	
Parts: Dufur Div (S ½)	
McKenzie	01
County—Lane:	
Parts: C.T. 1 (McKenzie)	
Mitchell	01
County—Wheeler:	
Parts: Mitchell Div.	
Monro/Grass Valley	01
County—Sherman:	
Parts: Moro Div.	
Mt. Hood	01
County—Clackamas Div.:	
Parts: Mt. Hood Div.	
Nyssa	01
County—Malheur:	
Parts:	
Adrian Div.	
Nyssa Div.	
Owyhee Div.	
Oakridge	03
County—Lane:	
Parts: Oakridge Div.	
Pacific City/Cloverdale	02
County—Tillamook:	
Parts:	
Beaver CCD (S ½)	
Neskowin CCD	
Port Orford	02
County—Curry:	
Parts: Port Orford Div.	
Powers	01
County—Coos:	
Parts: Powers Div.	
Shady Cove	01
County—Jackson:	
Parts:	
Butte Falls-Prospect Div (N ½)	
Shady Cove Div.	
Silver Lake	01
County—Lake:	
Parts: Silver Lake-Ft Rock CCD	
South Harney	01
County—Harney:	
Parts: Diamond Div.	

PRIMARY CARE: Oregon—Continued

Service Area Listing

Service area name	Degree of shortage group
Triangle Lake/Swisshome	02
County—Lane:	
Parts: Mid. Siuslaw/Tri Lake Div.	
Vale	02
County—Malheur:	
Parts:	
Brogan Div.	
Juntunra Div.	
Vale Div.	
West Vale Div.	
Veneta	02
County—Lane:	
Parts:	
C.T. 8 (W ½)	
C.T. 9.02	
Veneta City.	
Vernonia	01
County—Columbia:	
Parts: Vernonia CCD	
West Salem	03
County—Polk:	
Parts: C.T. 51-52	
Willamina	01
County—Polk:	
Parts: Willamina Div.	
County—Yamhill:	
Parts: Sheridan Div (W ½)	

PRIMARY CARE: Oregon

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop—Umatilla	01
County—Umatilla:	
Parts: Reservation Div.	
Am. Indian Pop—Warm Springs Res	01
County—Jefferson:	
Parts: Warm Spring Div.	
County—Wasco:	
Parts: Warm Springs Div.	
Migr. Seas. Fmwkr/Marion—Polk	01
County:	
Marion	
Polk	
Migr./Seas. Farmwkr. Pop	01
County—Washington	
Migr/Seas. Farmwkr. Pop—W. Umatilla	01
County—Umatilla:	
Parts:	
Northwest Umatilla Div.	
Pendleton Div.	
Pilot Rock Div.	
Migr/Seas Fmwkr. Pop	03
County:	
Clackamas	
Yamhill	
Mstw. N. Treasure Valley	01
County—Malheur	
Walla Walla—Migrant & Seasonal Farmwor	01
County—Umatilla:	
Parts:	
Athens Division	
Northeast Umatilla Division	
Umapine Division	
Weston Division	

PRIMARY CARE: Oregon

Facility Listing

Facility	Degree of shortage group
Rocky Butte Jail	02
County—Multnomah	
St. Penitentiary/Womens Corr. Ctr	02
County—Marion	
State Correctional Inst	02

PRIMARY CARE: Oregon—Continued

Facility Listing

Facility	Degree of shortage group
County—Marion	

PRIMARY CARE: Pennsylvania

County name	Degree of shortage group
Adams:	
Service Area: North Adams	02
Allegheny:	
Service Area:	
Arlington Heights/St. Clair	01
Beltzhoover/Knoxville	03
Hill Dist./Terrace Village	01
Homestead	02
Homewood-Brushton	02
Manchester	01
McKees Rocks-Stowe	02
North Braddock	03
Southwest Pittsburgh	02
Population Group: Medicaid Elig. Pop. of E. Liberty	01
Armstrong:	
Service Area:	
Armstrong-Clarion	02
Butler—NE Portion	02
Dayton Rural Valley	04
Kiski Valley	02
Punxsutawney	04
Beaver:	
Service Area: East Liverpool	03
Bedford:	
Service Area:	
Broad Top (Area 22)	02
Hyndman	02
Butler:	
Service Area: Butler—NE Portion	02
Cambria:	
Service Area: Cent. Cambria (Area 2)	04
Cameron:	
Service Area: Austin-Emporium	03
Carbon:	
Service Area: Kidder	02
Centre:	
Service Area:	
Lamar	02
Penns Valley	03
Snow Shoe	02
Clarion:	
Service Area:	
Armstrong-Clarion	02
Forest-Clarion	02
Clearfield:	
Service Area:	
Mahaffey	01
S. Central Clearfield	03
Snow Shoe	02
Clinton:	
Service Area:	
Austin-Emporium	03
Lamar	02
Renovo	02
Columbia:	
Service Area:	
Benton-Millville	02
Shamokin	03
Crawford:	
Service Area:	
Conneautville	02
East Crawford	02
Population Group: Medicaid Eligible Pop. Meadville	04
Dauphin:	
Service Area:	
Millersburg	03
Williamstown	04
Delaware:	
Service Area: City of Chester	02
Elk:	
Service Area: Forest-Clarion	02
Erie:	
Service Area: Southern Erie	03
Population Group: Medicaid—Elig Pop. of Erie City	03

PRIMARY CARE: Pennsylvania—Continued

County name	Degree of shortage group
Fayette:	
Service Area:	
Connellsville	03
Greenisboro	02
Markleysburg	02
Forest:	
Service Area: Forest-Clarion	02
Franklin:	
Service Area: Valleys Community	01
Fulton:	
Service Area: Hancock	02
Greene:	
Service Area:	
Clay/Battelle	02
Greensboro	02
Huntingdon:	
Service Area:	
Big Valley	02
Broad Top (Area 22)	02
Cromwell (Pinng Area 25)	01
Indiana:	
Service Area:	
Indiana—N Portion	02
Mahaffey	01
Punxsutawney	04
Southern Indiana	03
Jefferson:	
Service Area:	
Punxsutawney	04
Reynoldsville	02
Juniata:	
Service Area: Mt. Pleasant Mills-Middleburg	02
Lackawanna:	
Service Area:	
Carbondale	04
Moscow	02
Lancaster:	
Service Area: Welsh Mountain	02
Population Group: Span. Spk. Pop. of S.E. Lancaster City	01
Lebanon:	
Service Area: Northern Lebanon Co.	02
Luzerne:	
Service Area:	
Benton-Millville	02
Exeter	04
Freeland	02
Kidder	02
Monroe/Noxen	03
McKean:	
Service Area:	
Central McKean	03
Shinglehouse	03
Mercer:	
Population Group: Medicaid Eligible Pop.	02
Mifflin:	
Service Area: Big Valley	02
Monroe:	
Service Area: Kidder	02
Northumberland:	
Service Area:	
Herndon-Mandata	02
Millersburg	03
Shamokin	02
Philadelphia:	
Service Area:	
Lower N. Philadelphia	02
Mantua/Belmont	02
South Philadelphia	04
Upper N. Philadelphia	01
West Philadelphia	01
Potter:	
Service Area:	
Austin-Emporium	03
Galeton	01
Shinglehouse	03
Westfield	02
Schuylkill:	
Service Area:	
Herndon-Mandata	02
Williamstown	04
Snyder:	
Service Area: Mt. Pleasant Mills-Middleburg	02
Somerset:	
Service Area:	
Boswell Area	02
Confluence (Area 7)	02
Hyndman	02
Sullivan	02

PRIMARY CARE: Pennsylvania—Continued

County name	Degree of shortage group
Susquehanna:	
Service Area:	
Carbondale	04
Montrose (Area 14)	03
Tioga:	
Service Area:	
Blossburg	02
Elkland (NY/PA)	02
Mansfield	03
Westfield	02
Washington:	
Service Area: Burgettstown	03
Wayne:	
Service Area:	
Carbondale	04
Mt. Pleasant	02
Westmoreland:	
Service Area:	
Connellsville	03
Kiski Valley	02
Wyoming:	
Service Area:	
Exeter	04
Monroe/Noxen	03
York:	
Service Area:	
Delta	02
York	01

PRIMARY CARE: Pennsylvania

Service Area Listing

Service area name	Degree of shortage group
Arlington Heights/St. Clair	01
County—Allegheny:	
Parts:	
C.T. 1603–1604	
C.T. 1606	
Armstrong-Clarion	02
County—Armstrong:	
Parts:	
Brady's Bend Township	
Madison Township	
Perry Township	
Pine Township	
Sugarcreek Township	
Washington Township	
County—Clarion:	
Parts:	
Brady Township	
East Brady Township	
Madison Township	
Austin-Emporium	03
County:	
Cameron	
Clinton	
Parts: West Keating Twp	
County—Potter:	
Parts:	
Austin Twp	
Keating Twp	
Portage Twp	
Sylvania Twp	
Wharton Twp	
Beltzhoover/Knoxville	03
County—Allegheny:	
Part: C.T. 3001	
Benton-Millville	02
County—Columbia:	
Parts:	
Benton Borough	
Benton Twnship	
Fishing Creek Twnship	
Greenwood Twp	
Jackson Twp	
Madison Twnship (Northern ⅔)	
Millville Borough	
Mt. Pleasant Twnship	
Orange Twnship (Northern ⅓)	
Pine Twnship	
Stillwater Borough	
Sugarloaf Twnship	
County—Luzerne:	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Fairmont Twnship	
Huntington Twnship	
New Columbus Borough	
Big Valley	02
County—Huntingdon:	
Parts:	
Barree Twp	
Brady Twp (N ¼)	
Jackson Twp	
Miller Twp	
County—Mifflin:	
Parts:	
Armagh Twp	
Brown Twp	
Menno Twp	
Union Twp	
Blossburg	02
County—Tioga:	
Parts:	
Bloss Twp	
Blossburg Boro.	
Covington Twp	
Duncan Twp	
Hamilton Twp	
Liberty Boro.	
Liberty Twp (Eastern ¼)	
Putham Boro.	
Union Twp	
Ward Twp	
Boswell Area:	02
County—Somerset:	
Parts:	
Boswell Boro.	
Hooversville Boro.	
Jenner Twp	
Jennerstown Boro.	
Quemahoning Twp	
Stoystown Boro.	
Broad Top (Area 22)	02
County—Bedford:	
Parts—	
Broad Top Twp	
Coaldale Boro.	
Hopewell Boro.	
Liberty Twp	
Saxton Boro.	
County—Huntingdon:	
Parts:	
Broad Top City Boro.	
Carbon Twp	
Cass Twp	
Cassville Boro.	
Coalmont Boro.	
Dudley Boro.	
Hopewell Twp	
Todd Twp	
Wood Twp	
Burgettstown	03
County—Washington:	
Parts:	
Burgettstown Borough	
Cross Creek Twp	
Hanover Twp	
Hopewell Twp	
Independence Twp	
Jefferson Twp	
McDonald Borough	
Midway Borough	
Mt. Pleasant Twp	
Robinson Twp	
Smith Twp	
West Middletown Borough	
Butler—NE Portion	02
County—Armstrong:	
Parts:	
Houey Twp	
Parker City	
County—Butler:	
Parts:	
Allegheny Twp	
Brain Borough	
Cherry Valley Borough	
Chicora Borough	
Concord Twp	
Donegal Twp	
Eau Claire Borough	
Fairview Borough	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Fairview Twp	
Karns City Borough	
Oakland Twp	
Parker Twp	
Petrolia Borough	
Venango Twp	
Washington Twp	
Carbondale	04
County—Lackawanna:	
Parts:	
Archbald Boro.	
Carbondale City	
Carbondale Twp	
Fell Twp	
Greenfield Twp	
Jermyn Boro.	
Mayfield Boro.	
Scott Twp	
Vandling Boro.	
County—Susquehanna:	
Parts:	
Clifford Twp	
Forest City Boro.	
Union Dale Boro.	
County—Wayne:	
Parts:	
Canaan Twp	
Clinton Twp	
Lake Twp	
South Canaan Twp	
Waymart Boro.	
Cent. Cambria-Area 2	04
County—Cambria:	
Parts:	
Blacklick Twp	
Cambria Twp	
Ebensburg Boro.	
Jackson Twp	
Nanty-Glo Boro.	
Vintondale Boro.	
Central McKean	03
County—McKean:	
Parts:	
Annin Twp	
Eldred Boro.	
Eldred Township	
Hamlin Twp (E ½)	
Keating Twp	
Liberty Twp	
Mt. Jewett Twp (E ½)	
Norwich Township	
Otto Township	
Port Allegany Boro.	
Sergeant Township	
Smethport Boro.	
City of Chester	02
County—Delaware:	
Parts:	
C.T. 4048	
C.T. 4049.01–4049.02	
C.T. 4050–4057	
C.T. 4058.01–4058.02	
C.T. 4059–4060	
Clay/Battelle	02
County—Greene:	
Parts:	
Aleppo Twp	
Freeport Township	
Gilmore Township	
Jackson Township	
Springhill	
Confluence (Area 7)	02
County—Somerset:	
Parts:	
Addison Boro.	
Addison Twp	
Casselman Boro.	
Confluence Boro.	
Lower Turkeyfoot Twp	
Upper Turkeyfoot Twp	
Conneautville	02
County—Crawford:	
Parts:	
Beaver Twp	
Conneaut Twp	
Conneautville Boro.	
Cussewago Twp	
Hayfield Twp (W ½)	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Spring Twp	
Springboro Boro.	
Summerhill Twp	
Connellsville	03
County—Fayette:	
Parts:	
Bullskin Twp	
Connellsville City	
Connellsville Twp	
Dawson Boro.	
Dunbar Boro.	
Dunbar Twp	
Everson Boro.	
Lower Tyrone Twp	
S. Connellsville Boro.	
Saltlick Twp	
Springfield Twp	
Upper Tyrone Twp	
Vanderbuilt Boro.	
County—Westmoreland:	
Parts:	
E. Huntingdon Twp	
Mt. Pleasant Boro.	
Mt. Pleasant Twp	
New Stanton Boro.	
S. Huntingdon Twp	
Scottsdale Boro.	
Smithton Boro.	
Cromwell (Pinng. Area 25)	01
County—Huntingdon:	
Parts:	
Clay Twp	
Cromwell Twp	
Dublin Twp	
Orbisonia Boro.	
Rockhill Boro.	
Saltillo Boro.	
Shade Gap Boro.	
Springfield Twp	
Tell Twp	
Three Springs Boro.	
Dayton Rural Valley	04
County—Armstrong:	
Parts:	
Atwood Borough	
Cowanshannock Township	
Dayton Borough	
Redbank Twp (⅗ Western Portion)	
Rural Valley Borough	
Wayne Township	
Delta	02
County—York:	
Parts:	
Chanceford Twp	
Cross Road Boro.	
Delta Boro.	
East Hopewell Twp	
Fawn Grove Boro.	
Fawn Twp	
Felton Boro.	
Lower Chanceford Twp	
Peachbottom Twp	
East Crawford	02
County—Crawford:	
Parts:	
Athens Twnship	
Bloomfield Twnship	
Centerville Borough	
Richmond Twp	
Rockdale Twnship	
Rome Twnship	
Sparta Twnship	
Spartansburg Borough	
Steuben Twnship	
Townville Borough	
East Liverpool	03
County—Beaver:	
Parts:	
Georgetown Boro.	
Glasgow Boro.	
Greene Twp (W ½)	
Hookstown Boro.	
Ohioville Boro. (W ½)	
Elkland (NY/PA)	02
County—Tioga:	
Parts:	
Deerfield Twp	
Elkland Boro.	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Elkland Twp	
Farmington Twp	
Knoxville Boro.	
Nelson Twp	
Osceola Twp	
Exeter	04
County—Luzerne:	
Parts:	
Exeter Borough	
Exeter Township	
Franklin Township	
West Wyoming	
County—Wyoming:	
Parts:	
Exeter Township	
Falls Twnship	
Forest-Clarion	02
County—Clarion:	
Parts:	
Farmington Twp	
Knox Twp	
Washington Twp	
County—Elk:	
Parts: Millstone Twp	
County—Forest:	
Parts:	
Barnett Twp	
Green Twp	
Howe Twp	
Jenks Twp	
Kingsley Twp	
Freeland	02
County—Luzerne:	
Parts:	
Butler Twp (E Portion)	
Foster Twp (W Portion)	
Freeland Boro.	
Hazel Twp	
Jeddo Boro.	
Galeton	01
County—Potter:	
Parts:	
Abbott Township	
Galeton Borough	
Pike Township	
Stewardson Township	
Ulysses Township	
West Branch Township	
Greensboro	02
County—Fayette:	
Parts:	
German Township	
Masontown Boro.	
Nicholson Township	
Point Marion Borough	
Springhill Township	
County—Greene:	
Parts:	
Dunkard Township	
Greene Township	
Greensboro Borough	
Monogahela Township	
Hancock Service Area	02
County—Fulton:	
Parts:	
Bethel	
Thompson	
Union	
Herndon-Mandata	03
County—Northumberland:	
Parts:	
Herndon Borough	
Jackson Township	
Jordon Township	
Little Mahanoy Twnship	
Lower Mahannoy Twp (N ½)	
Upper Mahanoy Twnship	
Washington Twnship	
West Cameron Twnship	
County—Schuylkill:	
Parts:	
Eldred Twnship	
Upper Mahantango Twnship	
Hill Dist./Terrace Village	02
County—Allegheny:	
Parts:	
C.T. 304-305	
C.T. 401	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 501-504	
C.T. 508-509	
Homestead	02
County—Allegheny:	
Parts:	
C.T. 4823-4824 W. Homestead	
C.T. 4831 Homestead	
C.T. 4836-4837 Homestead	
C.T. 4841-4842 Munhall	
C.T. 4845-4846 Munhall	
C.T. 4850 Whitaker	
C.T. 4867-4869 Duquesne	
C.T. 4881-4884 W. Mifflin	
Homewood-Brushton	02
County—Allegheny:	
Parts:	
C.T. 1207	
C.T. 1301-1306	
Hyndman	02
County—Bedford	
Parts:	
Harrison Twp	
Hyndman Boro.	
Juniata Twp	
Londonderry Twp	
County—Somerset:	
Parts:	
Allegheny Twp	
Fairhope Twp	
New Baltimore Boro.	
Indiana—N Portion	02
County—Indiana:	
Parts:	
Cherry Tree Borough	
Clymer Boro.	
East Mahoning Twp	
Glen Campbell Borough	
Grant Twp	
Green Twp	
Marion Center Borough	
Montgomery Twp	
Pine Twp	
Plumville Borough	
Rayne Twp	
South Mahoning Twp	
Washington Twp	
Kidder	02
County—Carbon:	
Parts:	
East Side Boro.	
Kidder Twp	
Lausanne Twp	
Lehigh Twp	
Penn Forest Twp	
County—Luzerne:	
Parts:	
Buck Twp	
Foster Twp (E Portion)	
White Haven Borough	
County—Monroe:	
Parts:	
Coolbough Township	
Tobyhanna Township	
Tunkhannock Township	
Kiski Valley	02
County—Armstrong:	
Parts:	
Apollo Borough	
Bethel Township	
Burrel Township	
Gilpin Township	
Kiskiminetas Township	
Leechburg Borough	
North Apollo Borough	
Parks Township	
South Bend Township	
County—Westmoreland:	
Parts:	
Allegheny Township	
Avonmore Borough	
Bell Township	
East Vandergrift Borough	
Hyde Park Borough	
Oklahoma Borough	
Vandergrift Borough	
Washington Township	
West Leechburg Borough	
Lamar	02

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Centre:	
Parts: Walker Twp (E ¼)	
County—Clinton:	
Parts:	
Green Twp	
Lamar Twp (W ¾)	
Logan Twp	
Loganton Boro.	
Porter Twp	
Lower N. Philadelphia	02
County—Philadelphia:	
Parts:	
C.T. 125–142	
C.T. 144–157	
C.T. 162–169	
Mahaffey	01
County—Clearfield:	
Parts:	
Bell Twp	
Burnside Boro.	
Burnside Twp	
Ferguson Twp (W ¾)	
Greenwood Twp	
Mahaffey Boro.	
New Washington Boro.	
Newburg Boro.	
County—Indiana:	
Parts:	
Banks Twp (E ¼)	
Glen Campbell Boro.	
Manchester	01
County—Allegheny:	
Parts:	
C.T. 2101–2103	
C.T. 2106	
C.T. 2201–2202	
C.T. 2502	
Mansfield	03
County—Tioga:	
Parts:	
Jackson Twp	
Lawrence Twp	
Lawrenceville Boro.	
Mansfield Boro.	
Richmond Twp	
Roseville Boro.	
Rutland Twp	
Sullivan Twp	
Tioga Boro.	
Tioga Twp	
Mantua/Belmont	02
County—Philadelphia:	
Parts:	
C.T. 90–91	
C.T. 106–110	
Markleysburg	02
County—Fayette:	
Parts:	
Henry Clay Twp	
Markleysburg Boro.	
Ohiopyle Boro.	
Steward Twp	
Wharton Twp	
McKees Rocks-Stowe	02
County—Allegheny:	
Parts:	
C.T. 4621 (Stowe Twp)	
C.T. 4626 (Stowe Twp)	
C.T. 4637–4639 (McKees Rocks Boro.)	
Millersburg	03
County—Dauphin:	
Parts:	
Berrysburg Borough	
Elizabethville Borough	
Gratz Borough	
Halifax Borough	
Halifax Township	
Jackson Township	
Jefferson Township	
Lykens Township	
Mifflin Township	
Millersburg Borough	
Reed Township	
Upper Paxton Township	
Washington Township	
Wayne Township	
County—Northumberland:	
Parts: Lower Mahanoy (S ½)	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Monroe/Noxen	03
County—Luzerne:	
Parts: Harvey's Lake Boro.	
County—Wyoming:	
Parts:	
Forkston Twp (S ¾)	
Monroe Twp	
Northmoreland Twp	
Noxen Twp	
Montrose (Area 14)	03
County—Susquehanna:	
Parts:	
Auburn Twp	
Bridgewater Twp	
Brooklyn Twp	
Dimock Twp	
Forest Lake Twp	
Franklin Twp	
Harford Twp	
Hop Bottom Boro.	
Jessup Twp	
Lathrop Twp	
Lenox Twp	
Liberty Twp	
Montrose Boro.	
Rush Twp	
Silver Lake Twp	
Springville Twp	
Moscow	02
County—Lackawanna:	
Parts:	
C.T. 116	
C.T. 129	
Mt. Pleasant	02
County—Wayne:	
Parts:	
Buckingham Twp	
Damascus Twp	
Lebanon Twp	
Manchester Twp	
Mt. Pleasant Twp	
Preston Twp	
Scott Twp	
Starrucca Boro.	
Mt. Pleasant Mills-Middleburg	02
County—Juniata:	
Parts:	
Monroe Township	
Susquehanna Twp	
County—Snyder:	
Parts:	
Beaver Township	
Beavertown Borough	
Centre Township	
Chapman Township	
Franklin Township	
Freeburg Township	
Middleburg Township	
Perry Township	
Union Township	
Washington Township	
West Perry Township	
North Braddock	02
County—Allegheny:	
Parts:	
C.T. 5041–5043 N. Versailles	
C.T. 5060 Wall	
C.T. 5070 E. McKeesport	
C.T. 5080 Wilmerding	
C.T. 5091–5093 Turtle Creek	
C.T. 5100 E. Pittsburgh	
C.T. 5110 Chalfant	
C.T. 5120 N. Braddock	
C.T. 5128–5129 N. Braddock	
North Adams	03
County—Adams:	
Parts:	
Arendtsville Borough	
Bendersville Borough	
Biglerville Borough	
Butler Township	
Huntington Township	
Menallen Township	
Tyrone Township	
York Springs Borough	
Northern Lebanon Co.	03
County—Lebanon:	
Parts:	
Bethel Twp	
Cold Spring Twp	
East Hanover Twp	
Jonestown Boro.	
Swatara Twp	
Union Twp	
Penns Valley	03
County—Centre:	
Parts:	
Center Hall Borough	
Greg Twnship	
Haines Twnship	
Miles Twnship	
Millheim Borough	
Penn Twnship	
Potter Twnship	
Punxsutawney	04
County—Armstrong:	
Parts: Redbank Twnship (Eastern ½)	
County—Indiana:	
Parts:	
Banks Twnship (Western ¾)	
Canoe Twnship	
Northern Mahoning (Northern ½)	
Smicksburg Borough	
West Mahoning (E ¼)	
County—Jefferson:	
Parts:	
Beaver Twnship (Sourthern ½)	
Bell Twnship	
Big Run Borough	
Gaskill Twnship	
Henderson Twnship	
McCalmont Twp	
Oliver Twnship	
Perry Twnship	
Porter Twnship	
Punxsutawney Borough	
Riggold Twnship	
Timblin Borough	
Worthville Borough	
Young Twnship	
Renovo	02
County—Clinton	
Parts:	
Chapman Township	
East Keating Twnship	
Grugan Twp	
Leidy Township	
Noyes Township	
Renovo Borough	
South Renovo Borough	
Reynoldsville	02
County—Jefferson:	
Parts:	
Knox Twp (E ¼)	
Pine Creek Twp (E ½)	
Reynoldsville	
Washington Twp (S ¼)	
Winslon Twp	
S. Central Clearfield	03
County—Clearfield:	
Parts:	
Beccaria Twp	
Bigler Twp	
Chest Twp	
Coalport Boro.	
Glen Hope Boro.	
Gulich Twp	
Irvona Boro.	
Jordan Twp	
Ramey Boro.	
Westover Boro.	
Shamokin	03
County—Columbia:	
Parts: Cleveland Twp (S ¼)	
County—Northumberland:	
Parts:	
Coal Twp	
Kulpmont Boro.	
Marion Heights Boro.	
Mt. Carmel Twp	
Ralpho Twp	
Shamokin City	
Zerbe Twp	
Shinglehouse	03
County—McKean:	
Parts:	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Ceres Township	
Eldred Twp	
County—Potter:	
Parts:	
Clara Township	
Genesee Township	
Oswayo Borough	
Oswayo Township	
Pleasant Valley Township	
Sharon Township	
Shinglehouse Borough	
Snow Shoe	02
County—Centre:	
Parts:	
Boggs Township (Southern ½)	
Burnside Township	
Curtin Twp (Eastern ½)	
Snow Shoe Borough	
Snow Shoe Township	
Union Township (Southern ½)	
Unionville Borough	
County—Clearfield:	
Parts:	
Cooper Township (Northern ½)	
Covington Township	
Karthaus Township	
South Philadelphia	04
County—Philadelphia:	
Parts:	
C.T. 13-14	
C.T. 19-22	
C.T. 33	
Southern Erie	03
County—Erie:	
Parts:	
Albion Borough	
Conneaut Township	
Cranesville Borough	
Elk Creek Township	
Franklin Township	
Platea Borough	
Springfield Township	
Southern Indiana	03
County—Indiana:	
Parts:	
Armagh Boro.	
Black Lick Twp	
Blairsville Boro.	
Burrell Twp	
Conemaugh Twp	
East Wheatfield Twp	
Jacksonville Boro.	
Saltsburg Boro.	
West Wheatfield Twp	
Young Twp	
Southwest Pittsburgh	02
County—Allegheny:	
Parts:	
C.T. 2001	
C.T. 2004-2008	
C.T. 2013-2016	
C.T. 2805	
C.T. 2807-2812	
Upper N. Philadelphia	01
County—Philadelphia:	
Parts:	
C.T. 170-176	
C.T. 194-205	
Valleys Community	01
County—Franklin:	
Parts:	
Fannet Twnship	
Metal Twnship	
Welsh Mountain	02
County—Lancaster:	
Parts:	
Caernarvon Twp	
Earl Twp	
East Earl Twp	
Salisbury Twp	
West Philadelphia	01
County—Philadelphia:	
Parts:	
C.T. 92-96	
C.T. 100-105	
C.T. 111-113	
Westfield	02
County—Potter:	

PRIMARY CARE: Pennsylvania—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Harrison Twp (½)	
Hector Twp (½)	
County—Tioga:	
Parts:	
Brookfield Twp	
Chatham Twp (½)	
Clymer Twp (½)	
Westfield Boro.	
Westfield Twp	
Williamstown	04
County—Dauphin:	
Parts:	
Jackson Twp (E ½)	
Jefferson Twp (E ½)	
Lykens Boro.	
Rush Twp	
Wiconisco Twp	
Williams Twp	
Williamstown Boro.	
County—Schuylkill:	
Parts:	
Porter Twp	
Tower City	
York	01
County—York:	
Parts:	
C.T. 1-3	
C.T. 5	
C.T. 7	
C.T. 10	
C.T. 15-16	

PRIMARY CARE: Pennsylvania

Population Group Listing

Population group	Degree of shortage group
Medicaid—Elig. Pop. of Erie City	03
County—Erie	
Medicaid Elig. Pop. E. Liberty	01
County—Allegheny:	
Parts:	
C.T. 808	
C.T. 1006-1007	
C.T. 1104	
C.T. 1109-1110	
C.T. 1201-1204	
C.T. 1208	
Medicaid Eligible Pop. Meadville	04
County—Crawford:	
Parts: Meadville	
County—Mercer:	
Parts:	
Farrell City	
Sharon City	
Span. Spk. Pop. of SE. Lancaster City	01
County—Lancaster:	
Parts:	
C.T. 8-9	
C.T. 15-16	

PRIMARY CARE: Rhode Island

County name	Degree of shortage group
Bristol:	
Population Group: Poverty Pop.—Bristol/E. Providence	01
Providence:	
Service Area:	
Central Falls/Central Pawtucket	03
Northwest Providence	03
Northwest Woonsocket	01
Population Group:	
Poverty Pop.—Bristol/E. Providence	01
Poverty Population/Central Providence	04
Facility: Med/Max Securities Inst.	03

PRIMARY CARE: Rhode Island—Continued

County name	Degree of shortage group
Washington:	
Population group:	
Poverty Pop./East Washington 14	01
Poverty Pop./W. Washington	02

PRIMARY CARE: Rhode Island

Service Area Listing

Service area name	Degree of shortage group
Central Falls/Central Pawtucket	03
County—Providence:	
Parts:	
C.T. 108-111	
C.T. 149	
C.T. 151-154	
C.T. 161	
C.T. 164	
Northwest Providence	03
County—Providence:	
Parts:	
Burrillville Twn	
Foster Twn	
Glocester Twn	
Northwest Woonsocket	01
County—Providence:	
Parts:	
C.T. 172	
C.T. 174	
C.T. 176	
C.T. 178-179	
C.T. 180-183	

PRIMARY CARE: Rhode Island

Population Group Listing

Population group	Degree of shortage group
Proverty Pop.—Bristol/E. Providence	01
County:	
Bristol	
Providence:	
Parts:	
C.T. 101.01	
C.T. 101.02	
C.T. 102-104	
C.T. 105.01	
C.T. 105.02	
C.T. 106	
C.T. 107.01	
C.T. 107.02	
Poverty Pop./East Washington 14	01
County—Washington:	
Parts:	
Jamestown	
Narragansett	
North Kingstown	
South Kingstown	
Poverty Pop./W. Washington	02
County—Washington:	
Parts:	
Charlestown	
Exeter	
Hopkinton	
Richmond	
Westerly	
Poverty Population/Central Providence	04
County—Providence:	
Parts:	
C.T. 2-14	
C.T. 16-20	
C.T 22	
C.T. 25-27	
C.T. 30-31	
C.T. 36	

PRIMARY CARE: Rhode Island

Facility Listing

Facility	Degree of shortage group
Med/Max Securities Inst. (Cranston)	03
County—Providence	

PRIMARY CARE: South Carolina

County name	Degree of shortage group
Abbeville:	
Service Area: Hodges/Princeton	02
Service Area: Isla	02
Allendale	02
Anderson:	
Service Area: Isla	02
Facility: Perry Correctional Inst	03
Beaufort:	
Service Area:	
Sheldon	02
St. Helena	02
Berkeley	02
Calhoun	02
Charleston:	
Service Area:	
McClellanville	02
Poverty Population of Charleston	03
Sea Island	02
Chesterfield:	
Service Area:	
Sandhills	01
Society Hill	01
Clarendon	02
Darlington:	
Service Area: Society Hill	01
Dillion	03
Dorchester:	
Service Area: St. George	02
Edgefield:	
Service Area: Johnston/Merwether	03
Fairfield	04
Florence:	
Service Area: Brittons Neck	01
Greenwood:	
Service Area: Hodges/Princeton	02
Horry:	
Service Area:	
Little River	01
Loris	02
Jasper	02
Kershaw:	
Service Area:	
Bethune/Mt. Pisgah	01
Heath Springs	03
Lancaster:	
Service Area: Heath Springs	03
Laurens:	
Service Area: Hodges/Princeton	02
Lee	02
Lexington:	
Service Area:	
Batesburg	03
Chapin	03
McCormick	02
Marion:	
Service Area: Brittons Neck	01
Marlboro	02
Orangeburg:	
Service Area: Orangeburg	02
Richland:	
Service Area: Richland	02
Facility:	
Central Correctional Inst	02
Kirkland Correctional Inst	03
Manning Correctional Inst	02
Women's Correctional Inst	02
Saluda	01
Union	03
Williamsburg	02
York:	
Service Area: Western York Co	04

PRIMARY CARE: South Carolina

Service Area Listing

Service area name	Degree of shortage group
Batesburg	03
County—Lexington:	
Parts:	
Batesburg-Leesville CCD	
Gilbert CCD	
Bethune/Mt. Pisgah	01
County—Kershaw:	
Parts:	
Bethune	
Mt. Pisgah	
Brittons Neck	01
County—Florence:	
Parts: Johnsonville	
County—Marion:	
Parts:	
Brittons Neck	
Centenary	
Chapin	03
County—Lexington:	
Parts: Chapin	
Heath Springs	03
County—Kershaw:	
Parts: Westville	
County—Lancaster:	
Parts:	
Heath Springs Div	
Kershaw Div	
Hodges/Princeton	02
County—Abbeville:	
Parts: Donalds	
County—Greenwood:	
Parts: Ware/Shoals/Hodges	
County—Laurens:	
Parts: Princeton	
Isla	02
County—Abbeville:	
Parts:	
Antreville-Lowndesville	
Calhoun Falls	
County—Anderson:	
Parts:	
Iva	
Starr	
Johnston/Merwether	03
County—Edgefield:	
Parts:	
Johnston	
Stevens Creek	
Trenton	
Little River	01
County—Horry:	
Parts: E.D. 680-684 (Little River Div)	
E.D. 689 (Longs Div)	
E.D. 693 (Longs Div)	
E.D. 775 (Conway East)	
E.D. 790 (Myrtle Beach)	
Loris	02
County—Horry:	
Parts:	
E.D. 690-692 (Longs Div.)	
E.D. 694-695 (Longs Div.)	
E.D. 726-727 (Aynor Div.)	
E.D. 730-731 (Aynor Div.)	
Floyds Div.	
Loris Div.	
McClellanville	02
County—Charleston:	
Parts:	
C.T. 46.01	
C.T. 50	
Orangeburg	02
County—Orangeburg:	
Parts:	
Bowman Division	
Elloree Division	
Eutaville Division	
Holly Hill Division	
Vance Division	
Poverty Population of Charleston	03
County—Charleston:	
Parts:	
C.T. 1-18	
C.T. 33-37	
C.T. 41-45	
Richland	02
County—Richland:	
Parts:	
Eastover CCD	
Hopkins CCD	
Horrell Hill CCD	
Sandhills	01
County—Chesterfield:	
Parts:	
Jefferson	
Mcbee	
Pageland	
Sea Island	02
County—Charleston:	
Parts:	
Edisto Island	
James Island	
Johns Island	
Wadualaw Island	
Sheldon	02
County—Beaufort:	
Parts: Sheldon	
Society Hill	01
County—Chesterfield:	
Parts:	
E.D. 0463	
E.D. 1233	
County—Darlington:	
Parts: E.D. 0550-0554	
St. George	02
County—Dorchester:	
Parts:	
Harleyville CCD	
Reevesville CCD	
Ridgeville CCD	
St. George CCD	
St. Helena	02
County—Beaufort:	
Parts: St. Helena	
Western York Co	04
County—York:	
Parts:	
Hickory	
Cloner	
McConnell	
York	

PRIMARY CARE: South Carolina

Facility Listing

Facility	Degree of shortage group
Central Correctional Inst	02
County—Richland	
Kirkland Correctional Inst	03
County—Richland	
Manning Correctional Inst	02
County—Richland	
Perry Correctional Inst	03
County—Anderson	
Women's Correctional Inst	02
County—Richland	

PRIMARY CARE: South Dakota

County name	Degree of shortage group
Aurora:	
Service Area: Wessington Springs	03
Bennett:	
Service Area: Martin	02
Bon Homme	02
Brown:	
Service Area:	
Britton	01
Ellendale/Edgely	02
Buffalo:	
Service Area: Wessington Springs	03
Campbell	01
Charles Mix:	
Service Area: Wagner/Lake Andes	03
Clark	01

PRIMARY CARE: South Dakota—Continued

County name	Degree of shortage group
Clay:	
Service Area: Beresford/Alcester	02
Corson:	
Service Area:	
Isabel	01
Lemmon	03
McLaughlin	01
Custer	03
Day	02
Dewey:	
Service Area:	
Eagle Butte	01
Isabel	01
Edmunds:	
Service Area: Bowdle	03
Fall River:	
Service Area: Edgemont	01
Faulk	04
Grant	03
Gregory:	
Service Area: Wagner/Lake Andes	03
Haakon:	
Service Area: Philip	04
Hamlin	01
Hanson:	
Service Area: Salem	03
Harding	01
Hyde:	
Service Area:	
Gettysburg	02
Highmore	01
Jackson:	
Service Area:	
Martin	02
Philip	04
Jerauld:	
Service Area: Wessington Springs	03
Jones	02
Lincoln:	
Service Area:	
Beresford/Alcester	02
Canton	03
Lyman	03
McCook:	
Service Area: Salem	03
Marshall:	
Service Area: Britton	01
Meade:	
Service Area: Faith	01
Mellette:	
Service Area: Winner/White River	02
Miner	01
Moody	02
Pennington:	
Service Area: Philip	04
Perkins:	
Service Area:	
Faith	01
Lemmon	03
Potter:	
Service Area: Gettysburg	02
Sanborn:	
Service Area: Wessington Springs	03
Shannon	01
Sully:	
Service Area: Gettysburg	02
Todd	01
Tripp:	
Service Area: Winner/White River	02
Union:	
Service Area: Beresford/Alcester	02
Walworth:	
Service Area: Bowdle	03
Ziebach:	
Service Area:	
Eagle Butte	01
Faith	01
Isabel	01

PRIMARY CARE: South Dakota

Service Area Listing

Service area name	Degree of shortage group
Beresford/Alcester	02
County: Clay:	
Parts: Glenwood Twp	
Lincoln:	
Parts:	
Berseford City	
Brooklyn Twp	
Pleasant Twp	
Union:	
Parts:	
Alcester City	
Alcester Twp	
Beresford City	
Big Springs Twp	
Emmet Twp	
Prairie Twp	
Virginia Twp	
Bowdle	03
County:	
Edmunds:	
Parts:	
Bowdle City	
Bowdle Twp	
Cloud Valley Twp	
Cottonwood Twp	
Glere Twp	
Glover Twp	
Hosmer City	
Hosmer Twp	
Modena Twp	
Odessa Twp	
Roscoe City	
Sangamon	
Walworth:	
Parts:	
E. Walworth Unorg. (N. 3/4)	
Java City	
Selby City	
Britton	01
County:	
Brown:	
Parts:	
Hecla City	
Hecla Twp	
Lansing Twp	
N. Detroit Twp	
Portage Twp	
S. Detroit Twp	
Marshall	
Canton	03
County—Lincoln:	
Parts:	
Canton	
Canton Twp	
Dayton Twp	
Delaware Twp	
Eden Twp	
Fairview Town	
Fairview Twp	
Grant Twp	
Highland Twp	
Hudson Town	
Lincoln Twp	
Lynn Twp	
Norway Twp	
Worthing Town	
Eagle Butte	01
County:	
Dewey:	
Parts:	
Eagle Butte City	
North Dewey (Unorg.) S. ½	
North Eagle Butte	
South Dewey (Unorg.) S. ½	
Ziebach:	
Parts: South Ziebach (Unorg.) E. ½	
Edgemont	01
County:	
Fall River:	
Parts:	
Ardmore Town	
Argentine Twp	
Cottonwood Twp	
Edgemont City	
Provo Twp	
Unorganized Terr.	
Ellendale/Edgely	02
County—Brown:	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts:	
Allison Twp	
Frederick Town	
Frederick Twp	
Greenfield Twp	
Liberty Twp	
Osceola Twp	
Palmyra Twp	
Richland Twp	
Savo Twp	
Faith	01
County:	
Meade:	
Parts:	
Eagle Twp	
Faith City	
Howard Twp	
North Meade (Unorg.)	
Union Twp	
Upper Red Owl	
Perkins:	
Parts:	
Ada Twp	
Antelope Twp	
Bock Twp	
Brushy Twp	
Chance Twp	
Chandoin Twp	
Duell Twp	
Englewood Twp	
Foster Twp	
Hall Twp	
Highland Twp	
Lane Tree Twp	
Maltby Twp	
Martin Twp	
Moreau Twp	
S.W. Perkins (Unorg.)	
South Perkins (Unorg.)	
Vickers Twp	
Vrooman Twp	
Wells Twp	
West Central Perkins (Unorg.)	
West Perkins (Unorg.)	
Wynadotte Twp	
Ziebach:	
Parts:	
Dupree (Unorg.)	
Dupree City	
North Ziebach (Unorg.) W. ½	
South Ziebach (Unorg.) W. ½	
Gettysburg	02
County:	
Hyde:	
Parts: North Hyde Unorg.	
Potter:	
Parts:	
Central Potter Unorg (S ½)	
East Potter Unorg (S ½)	
Gettysburg City	
Lebanon Town	
Sully:	
Parts:	
Agar Town	
East Sully Unorg (N ½)	
Onida City	
West Sully Unorg (N ½)	
Highmore	01
County—Hyde:	
Parts:	
Central Hyde (Unorg)	
Crow Creek (Unorg)	
Dewey Twp	
Highmore City	
Valley Twp	
Washington Twp	
William Hamilton Twp	
Isabel	01
County:	
Corson:	
Parts:	
Fairview Twp	
Pleasant Ridge Twp	
Dewey:	
Parts:	
Isabel City	
North Dewey (Unorg.) N. ½	
South Dewey (Unorg.) N. ½	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Timber Lake City	
Ziebach:	
Parts: North Ziebach (Unorg.) E. ½	
Lemmon	03
County:	
Corson:	
Parts:	
Custer Twp	
Delaney Twp	
Grand Valley Twp	
Lake Twp	
McIntosh City	
Morristown Town	
Pioneer Twp	
Prairie View Twp	
Riverside Twp	
Rolling Green Twp	
Sherman Twp	
Thunder Hawk Twp	
Twin Butte Twp	
Wautaga Twp	
West Corson (Unorg.)	
Perkins:	
Parts:	
Anderson Twp	
Barrett Twp	
Bison Town	
Bison Township	
Burdick Twp	
Cash Twp	
Castle Butte Twp	
Clark Twp	
Dewitt Twp	
Duck Creek (Unorg.)	
East Perkins (Unorg.)	
Flat Creek Twp	
Fredlund Twp	
Gleno Twp	
Grand River Twp	
Horde Creek Twp	
Hudgins (Unorg.)	
Independence Twp	
Lemmon City	
Liberty Twp	
Lincoln Twp	
Lodgepole Twp	
Marshfield Twp	
Meadow Twp	
Pleasant Valley Twp	
Pleateau Twp	
Rainbow Twp	
Rockford Twp	
Scotch Cap Twp	
Seim Twp	
Sidney Twp	
Strool Twp	
Trail Twp	
Vail Twp	
Viking Twp	
White Butte Twp	
White Hill Twp	
Whitney Twp	
Wilson Twp	
Martin	02
County:	
Bennett	
Jackson	
Parts:	
E. Washabaugh Unorg Terr	
W. Washabaugh Unorg Terr	
McLaughlin	01
County:	
Corson:	
Parts:	
Cadillac Twp	
Central Corson (Unorg)	
Lincoln Twp	
Mahto Twp	
McLunghlin City	
McLunghlin Twp	
N.E. Corson (Unorg)	
Walker Twp	
Philip	04
County:	
Haakon	
Jackson	
Parts:	
Cottonwood Town	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
E. Jackson Unorg. (N. ½)	
Grandview Twp	
Interior Town	
Interior Twp	
Jewett Twp	
Little Buffalo Twp	
N.W. Jackson Unorg.	
Pennington:	
Parts:	
Ash Twp	
Badlands Unorg.	
Castle Butte Twp	
Cedar Butte Twp	
Cheyenne Twp	
Conata Twp	
Crooked Creek Twp	
Daizell Canyon Unorg.	
Fairview Twp	
Flat Butte Twp	
Huron Twp	
Inlay Twp	
Lake Creek Unorg.	
Lake Flat Twp	
Lake Hill Twp	
N.E. Pennington Unorg.	
Owanka Twp	
Peno Twp	
Quinn Town	
Quinn Twp	
Rainey Creek Twp	
Scenic Twp	
Shyne Twp	
Sunnyside Twp	
Wall Town	
Wasta Town	
Wasta Twp	
Salem	03
County:	
Hanson:	
Parts:	
Edeerton Twp	
Emery Twp	
Farmer Town	
Spring Lake Twp	
Taylor Twp	
McCook	
Wagner/Lake Andes	03
County:	
Charles Mix	
Parts:	
Bryan Twp	
Choteau Creek Twp	
Dante Twp	
Geddes City	
Goose Lake Twp	
Highland Twp	
Howard Twp	
Jackson Twp	
Kennedy Twp	
Lake Andes City	
Lawrence Twp	
Lone Tree Twp	
Moore Twp	
Plain Center Twp	
Ravinia Twp	
Ree Twp	
Rouse Twp	
Wagner City	
Wahehe Twp	
White Swan Twp	
Gregory:	
Parts:	
S.E. Gregory	
Star Valley Twp	
Wessington Springs	03
County:	
Aurora:	
Parts:	
Belford Twp	
Bristol Twp	
Cooper Twp	
Crystal Lake Twp	
Eureka Twp	
Firesteel Twp	
Gales Twp	
Hooper Twp	
Lake Twp	
Palatine Twp	

PRIMARY CARE: South Dakota—Continued

Service Area Listing

Service area name	Degree of shortage group
Patten Twp	
Plankinton City	
Plankinton Twp	
Pleasant Lake Twp	
Pleasant Valley Twp	
White Lake City	
White Lake Twp	
Buffalo	
Parts:	
Elvira Twp	
S.E. Buffalo Unorg.	
Jerauld	
Sanborn:	
Parts:	
Floyd Twp	
Jackson Twp	
Logan Twp	
Oneida Twp	
Silver Creek Twp	
Twin Lake Twp	
Union Twp	
Warren Twp	
Woonsocket City	
Woonsocket Twp	
Winner/White River	02
County:	
Mellettee	
Tripp	

PRIMARY CARE: Tennessee

County name	Degree of shortage group
Benton	04
Bledsoe	01
Campbell	02
Cartar:	
Service Area: Roam Mountain	01
Cheatham	02
Claiborne	04
Cocke	01
Crockett	03
Davidson:	
Population Group: Poverty pop	02
Decatur	02
Fayette	01
Grainger	01
Grundy	04
Hamilton:	
Population Group: Poverty Pop. of Chattanooga	01
Hardeman	02
Hardin	04
Hawkins	03
Haywood	03
Henderson	03
Hickman	02
Jackson	01
Lake	03
Lauderdale	02
Lewis	01
Loudon	04
McNairy	04
Macon	04
Meigs	01
Monroe:	
Service Area: Madisonville	01
Morgan	01
Overton	04
Pickett	02
Polk:	
Service Area: West Polk	01
Rhea	03
Roane	03
Robertson:	
Service Area: Highland Ridge	02
Scott	01
Sevier	03
Stewart	02
Sumner:	
Service Area: Highland Ridge	02
Union	01
Van Buren	02
Warren	04

PRIMARY CARE: Tennessee—Continued

County name	Degree of shortage group
Wayne	04

PRIMARY CARE: Tennessee

Service Area Listing

Service area name	Degree of shortage group
Highland Ridge	02
County—Robertson:	
Parts: Orlinda Div.	
County—Sumner:	
Parts:	
Portland Div.	
Westmoreland Div.	
White House Div. (N ½)	
Madisonville	01
County—Monroe:	
Parts:	
Madisonville	
Tellico Plains	
Vonore	
Roam Mountain	01
County—Carter	
Parts:	
Laurel Fork	
Roam Mountain	
Tiger Valley	
West Polk	01
County—Polk:	
Parts:	
Benton CCD	
Parksville CCD	

PRIMARY CARE: Tennessee

Population Group Listing

Population group	Degree of shortage group
Poverty Pop—Davidson County	02
County—Davidson	
Poverty Pop of Chattanooga	01
County—Hamilton:	
Parts:	
C.T. 1-27	
C.T. 31-32	
C.T. 115	

PRIMARY CARE: Texas

County name	Degree of shortage group
Anderson:	
Facility:	
Beto Prison	02
Coffield Prison	03
Archer	02
Armstrong	02
Atascosa	03
Bandera	01
Bexar:	
Service Area:	
East Side (San Antonio)	01
South Side (San Antonio)	01
Southern Rural Bexar (San Antonio)	01
West Side (San Antonio)	02
Blanco	04
Borden	01
Brazoria:	
Facility:	
Clemens Prison	01
Darrington Prison	02
Ramsey I Prison	03
Ramsey II Prison	01
Ramsey III Prison	01
Retrieve Prison	01
Briscoe	01
Cameron	02
Carson	02
Castro	01
Chambers	04
Coryell:	
Facility: Hilltop Prison	01
Crosby	04
Dallas:	
Service Area:	
Fair Park/White Rock Creek Industrial	01
Lisbon	01
Simpson Stuart	01
South Dallas	04
Trinity	02
West Dallas	01
Population Group:	
Indian Pop of Dallas/Ft. Worth	01
Facility:	
Parkland Memorial Hospital	01
Deaf Smith	03
Delta	02
Dickens:	
Service Area: Dickens-King	01
Duval	04
El Paso:	
Service Area:	
South El Paso	01
Southeast El Paso	01
Fort Bend:	
Facility:	
Jester II Prison	02
Jester III Prison	01
Frio	04
Gaines	04
Galveston:	
Service Area: Bolivar Penninsula	01
Glasscock	01
Goliad	04
Gonzales:	
Service Area: Nixon	02
Grimes:	
Facility:	
Pack I Prison	01
Pack II Prison	01
Hale:	
Population Group: Migrant Pop.	01
Hardin	03
Hidalgo	02
Houston:	
Facility: Eastham Prison	02
Hudspeth	01
Jackson	04
Jeff Davis:	
Service Area: Marfa/Fort Davis	02
Jefferson:	
Service Area:	
Beaumont Inner City	04
Port Arthur Inner City	02
Kimble	03
King:	
Service Area: Dickens-King	01
Lampasas	03
La Salle	01
Live Oak	02
Loving	01
Lubbock:	
Service Area: East Lubbock	01
Lynn	02
Madison:	
Facility: Ferguson Prison	02
Mason	01
Maverick	02
Medina	02
Mills:	
Service Area: San Saba-Mills	01
Montgomery	04
Newton	02
Oldham	01
Presidio:	
Service Area:	
Marfa/Fort Davis	02
Presidio	02
Rains	02
Reeves	02
Sabine	02
San Jacinto	01
San Saba:	
Service Area: San Saba Mills	01
Sherman:	
Service Area: Texhoma	01
Starr	02
Swisher	04
Tarrant:	
Service Area:	
Poly	01
Stop Six	04
Population Group:	
Indian Pop. of Dallas/Ft. Worth	01
Terrell	01
Trinity	02
Val Verde	02
Van Zandt	02
Walker:	
Facility:	
Diagnostic Prison	03
Ellis Prison	02
Goree Prison	01
Huntsville Prison	01
Wynne Prison	02
Waller	04
Ward	04
Webb	03
Willacy	01
Wilson	03
Yoakum	01
Zapata	01

PRIMARY CARE: Texas

Service Area Listing

Service area name	Degree of shortage group
Beaumont Inner City	04
County—Jefferson:	
Parts:	
C.T. 7-8	
C.T. 10	
C.T. 15-19	
Bolivar Penninsula	01
County—Galveston:	
Parts: C.T. 1254	
Dickens-King	01
County:	
Dickens	
King	
East Lubbock	01
County—Lubbock:	
Parts:	
C.T. 8-11	
C.T. 12.01-12.02	
East Side (San Antonio)	01
County—Bexar	
Parts: C.T. 1301-1313	
Fair Park/White Rock Creek Industrial	01
County—Dallas	
Parts:	
C.T. 23	
C.T. 25-26	
C.T. 27.01-27.02	
C.T. 28	
C.T. 93.03-93.04	
C.T. 115	
Lisbon	01
County—Dallas:	
Parts:	
C.T. 56-57	
C.T. 59.01-59.02	
C.T. 67.01	
C.T. 87.03-87.05	
C.T. 88.01-88.02	
Marfa/Fort Davis	02
County:	
Jeff Davis	
Presidio	
Parts: Marfa Div.	
Nixon	02
County—Gonzales:	
Parts:	
CCD 020	
CCD 025	

PRIMARY CARE: Texas—Continued

Service Area Listing

Service area name	Degree of shortage group
Poly	01
County—Tarrant:	
Parts:	
C.T. 1014.02	
C.T. 1015	
C.T. 1035	
C.T. 1037.01-1037.02	
C.T. 1046.04	
Port Aurthur Inner City	02
County—Jefferson:	
Parts:	
C.T. 51-53	
C.T. 57-62	
Presidio	02
County—Presidio:	
Parts: Presidio Div.	
San Saba-Mills	01
County:	
Mills	
San Saba	
Simpson Stuart	01
County—Dallas:	
Parts:	
C.T. 112-113	
C.T. 114.01-114.02	
C.T. 167.01-167.02	
C.T. 169.01-169.02	
South Dallas	04
County—Dallas:	
Parts:	
C.T. 29-30	
C.T. 31.02	
C.T. 32.02	
C.T. 33-38	
C.T. 39.01-39.02	
C.T. 40	
South El Paso	01
County—El Paso	
Parts: C.T. 17-21	
South Side (San Antonio)	01
County—Bexar:	
Parts:	
C.T. 1501	
C.T. 1503-1507	
C.T. 1510	
C.T. 1601-1605	
Southeast El Paso	01
County—El Paso:	
Parts:	
C.T. 39-40	
C.T. 104-105	
Southern Rural Bexar (San Antonio)	01
County—Bexar	
Parts:	
C.T. 1314-1315	
C.T. 1316.01-1316.02	
C.T. 1318	
C.T. 1416-1419	
C.T. 1519-1522	
C.T. 1610-1612	
C.T. 1619-1620	
Stop Six	04
County—Tarrant:	
Parts:	
C.T. 1036.01-1036.02	
C.T. 1046.01-1046.03	
C.T. 1061.01-1061.02	
C.T. 1062.01-1062.02	
C.T. 1063-1064	
Texhoma	01
County—Sherman:	
Parts: Stratford East CCD	
Trinity	02
County—Dallas	
Parts:	
C.T. 41	
C.T. 49	
C.T. 54-55	
C.T. 86.01-86.02	
C.T. 89	
West Dallas	01
County—Dallas:	
Parts:	
C.T. 43	
C.T. 101-106	
West Side (San Antonio)	02
County—Bexar:	
Parts:	
C.T. 1606-1607	
C.T. 1701	
C.T. 1703-1704	
C.T. 1707-1712	
C.T. 1715-1716	

PRIMARY CARE: Texas

Population Group Listing

Population group	Degree of shortage group
Indian Pop. of Dallas/Ft. Worth	01
County—Dallas	
County—Tarrant	
Migrant Pop. Hale Co	01
County—Hale	

PRIMARY CARE: Texas

Facility Listing

Facility	Degree of shortage group
Beto Prison	02
County—Anderson	
Clemons Prison	01
County—Brazoria	
Coffield Prison	03
County—Anderson	
Darrington Prison	02
County—Brazoria	
Diagnostic Prison	03
County—Walker	
Eastham Prison	02
County—Houston	
Ellis Prison	02
County—Walker	
Ferguson Prison	02
County—Madison	
Goree Prison	01
County—Walker	
Hilltop Prison	01
County—Coryell	
Huntsville Prison	01
County—Walker	
Jester II Prison	02
County—Fort Bend	
Jester III Prison	01
County—Fort Bend	
Pack I Prison	01
County—Grimes	
Pack II Prison	01
County—Grimes	
Parkland Memorial Hospital	01
County—Dallas	
Ramsey I Prison	03
County—Brazoria	
Ramsey II Prison	01
County—Brazoria	
Ramsey III Prison	01
County—Brazoria	
Retrieve Prison	01
County—Brazoria	
Wynne Prison	02
County—Walker	

PRIMARY CARE: Utah

County name	Degree of shortage group
Daggett	01
Duchesne	02
Emery:	
Service Area:	
Castle Dale	01
Green River	01
Grand:	
Service Area: Green River	01
Tron:	
Service Area: Enterprise	01
Juab:	
Service Area: Wendover (Utah/Nevada)	01
Millard:	
Service Area:	
Delta	04
Fillmore	03
Piute:	
Service Area: Richfield	03
Rich	01
Salt Lake:	
Population Group: Pov Pop-N.W. Salt Lake	04
San Juan:	
Service Area:	
Blanding/Monticello	02
Montezuma Creek	01
Sevier:	
Service Area: Richfield	03
Tooele:	
Service Area:	
Tooele	02
Wendover (Utah/Nevada)	01
Uintah	02
Washington:	
Service Area:	
Enterprise	01
Hurricane	01
Wayne	01
Weber:	
Service Area: Central and West Ogden	01

PRIMARY CARE: Utah

Service Area Listing

Service area name	Degree of shortage group
Blanding/Monticello	02
County—San Juan:	
Parts:	
Blanding Div.	
Monticello Div.	
Castle Dale	01
County—Emery	
Parts:	
Castle Dale-Huntington Div.	
Emery-Ferron Div. (N. 1/2)	
Central and West Ogden	01
County—Weber:	
Parts:	
C.T. 3-4	
C.T. 10-12	
C.T. 18-19	
Delta	04
County—Millard:	
Parts:	
Delta Division	
Oak City (Scipio Div)	
Enterprise	01
County:	
Tron:	
Parts:	
Beryl-Newcastle Div	
Washington	
Parts:	
Enterprise Div	
Fillmore	03
County—Millard:	
Parts:	
Fillmore City	
Holden Twn	
Scipio Twn	
Unicorp Area (Scipio Div)	
Green River	01
County:	
Emery:	
Parts: Green River Division	
Grand:	
Parts: Thompson Div. (N.W. Pt)	
Hurricane	01

PRIMARY CARE: Utah—Continued

Service Area Listing

Service area name	Degree of shortage group
County—Washington	
Parts: Hurricane Div.	
Montezuma Creek	01
County—San Juan	
Parts:	
Oljato Div.	
Red Mesa Div.	
Richfield	03
County:	
Piute:	
Parts: Marysvail Div.	
Sevier	
Tooele	02
County—Tooele	
Parts:	
Onaqui Div.	
Tooele-Grantsville Div.	
Wendover (Utah/Nevada)	01
County:	
Juab:	
Parts: West Juab Div. (W. Pt)	
Tooele	
Parts: Dugway-Wendover Div. (W. Pt)	

PRIMARY CARE: Utah

Population Group Listing

Population group	Degree of shortage group
Pov Pop—N.W. Salt Lake	04
County—Salt Lake:	
Parts:	
C.T. 1001	
C.T. 1003.03	
C.T. 1003.04	
C.T. 1004-1006	

PRIMARY CARE: Vermont

County name	Degree of shortage group
Addison:	
Service Area:	
Otter Creek Valley	02
Route 100	02
Bennington:	
Service Area: Londonderry	03
Caledonia:	
Service Area:	
Hardwick	01
Northeast Kingdom	04
Essex	
Service Area:	
Island Pond	01
Upper Connecticut Valley	04
Franklin:	
Service Area: Richford-Enosburg	02
Grand Isle	03
Lamoille:	
Service Area:	
Hardwick	01
Northeast Kingdom	04
Orleans:	
Service Area:	
Hardwick	01
Northeast Kingdom	04
Rutland:	
Service Area:	
Black River Valley	03
Otter Creek Valley	02
Route 100	02
Washington:	
Service Area:	
Hardwick	01
Mad River Valley	02
Windham:	
Service Area:	
Londonderry	03

PRIMARY CARE: Vermont—Continued

County name	Degree of shortage group
West River Valley	04
Windsor:	
Service Area:	
Black River Valley	03
Londonderry	03
Route 100	02

PRIMARY CARE: Vermont

Service Area Listing

Service area name	Degree of shortage group
Black River Valley	03
County:	
Rutland:	
Parts: Mt Holly Town	
Windsor:	
Parts:	
Cavendish Twn	
Ludlow Twn	
Reading Town	
Weathersfield Twn	
Hardwick	01
County:	
Caledonia:	
Parts:	
Hardwick Twn	
Walden Twn	
Lamoille:	
Parts: Wolcott Twn	
Orleans:	
Parts:	
Craftbury Twn	
Greensboro Twn	
Washington:	
Parts: Woodbury Twn	
Island Pond	01
County—Essex:	
Parts:	
Averys Gore	
Brighton Twn	
Ferdinand Twp	
Lewis Twp	
Norton Twn	
Warners Grant	
Warrens Gore	
Londonderry	03
County:	
Bennington:	
Parts:	
Landgrove Town	
Peru Town	
Winhall Town	
Windham:	
Parts:	
Londonderry Town	
Windham Twn	
Windsor:	
Parts: Weston Town	
Mad River Valley	02
County—Washington:	
Parts:	
Fayston Twp	
Movetown Twp	
Waitsfield Twp	
Warren Twp	
Northeast Kingdom	04
County:	
Caledonia:	
Parts: Newark Twp	
Lamoille:	
Parts:	
Belvidere Twp	
Eden Twp	
Orleans:	
Parts:	
Albany Twp	
Barton Twp	
Brownington Twp	
Charlestown Twp	
Coventry Twp	
Derby Twp	
Glover Twp	
Holland Twp	

PRIMARY CARE: Vermont—Continued

Service Area Listing

Service area name	Degree of shortage group
Irasburg Twp	
Jay Twp	
Lowell Twp	
Morgan Twp	
Newport City	
Newport Twp	
Troy Twp	
Westfield Twp	
Westmore Twp	
Otter Creek Valley	02
County:	
Addison:	
Parts:	
Goshen Twn	
Leicester Twn	
Orwell Twn	
Shoreham Twn	
Whiting Twn	
Rutland:	
Parts:	
Brandon Twn	
Hubbardton Twn	
Pittsford Twn	
Sudbury Twn	
Richford-Enosburg	02
County—Franklin:	
Parts:	
Bakersfield Twn	
Berkshire Twn	
Enosburg Twn	
Fairfield Twn	
Franklin Twn	
Montgomery Twn	
Richford Twn	
Sheldon Twn	
Route 100	02
County:	
Addison:	
Parts:	
Granville	
Hancock Twn	
Rutland:	
Parts:	
Pittsfield Twn	
Windsor:	
Parts:	
Rochester Twn	
Stockbridge Twn	
Upper Connecticut Valley	04
County—Essex:	
Parts:	
Averill Twn	
Bloomfield Twn	
Brunswick Twn	
Canaan Twn	
Lexington Twn	
West River Valley	04
County—Windham:	
Parts:	
Jamaica Twn	
Newfane Twn	
Stratton Twn	
Townshend Twn	
Wardsboro Twn	

PRIMARY CARE: Virginia

County name	Degree of shortage group
Accomack	02
Albemarle:	
Service Area: Southern Albemarle	01
Augusta:	
Service Area:	
Craigsville	02
South River	02
Bath	04
Bedford:	
Service Area: Big Island	02
Bland	01
Brunswick:	
Service Area: South Hill	04

PRIMARY CARE: Virginia—Continued

County name	Degree of shortage group
Buckingham:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01
Caroline	01
Charles City	03
Charlotte:	
Service Area: Drakes Branch	04
Craig	01
Cumberland:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01
Dinwiddie:	
Service Area: McKenney	02
Fluvanna:	
Service Area: Tri-County (Buck/Fluv/Cumb)	01
Franklin	04
Grayson:	
Service Area: Trout Dale/Independence	03
Greene	04
Halifax:	
Service Area: Nathalie	01
Isle of Wight	01
King and Queen:	
Service Area:	
Northern King William	02
West Point	02
King George	02
King William:	
Service Area:	
Northern King William	02
West Point	02
Lee	01
Lunenburg	01
Mecklenburg:	
Service Area: South Hill	04
Nelson	01
Kent:	
Service Area: West Point	02
Northampton	03
Page	02
Patrick	02
Pittsylvania	01
Richmond	02
Rockbridge:	
Service Area:	
Craigsville	02
South River	02
Russell	03
Scott:	
Service Area: Dungannon	01
Smyth:	
Service Area: Saltville Medical	02
Southampton:	
Service Area: Berlin-Ivor	01
Sussex	03
Washington:	
Service Area: Saltville Medical	02
Westmoreland	03
Chesapeake:	
Service Area: Southeast Chesapeake	01
Newport News:	
Service Area: East End	02
Norfolk:	
Service Area:	
Norfolk Area 1	04
Norfolk Area 2	01
Norfolk Area 3	01
Virginia Beach:	
Service Area: Pungo	04

PRIMARY CARE: Virginia

Service Area Listing

Service area name	Degree of shortage group
Berlin-Ivor	01
County—Southampton:	
Parts: Berlin-Ivor	
Big Island	02
County—Bedford:	
Parts:	
Center Dist. (N. ½)	
Jefferson Dist. (N. ½)	
Peaks Dist. (N. ½)	
Craigsville	02
County—Augusta:	
Parts:	
Craigsville Twn	
Pastures Dist	
Riverhead Dist. (Portion)	
County—Rockbridge:	
Parts:	
Goshen Twn	
Kerrs Creek Dist	
Walkers Creek Dist (W Portion)	
Drakes Branch	04
County—Charlotte:	
Parts:	
Bacon Dist.	
Central Dist.	
Roanoke Dist.	
Dungannon	01
County—Scott:	
Parts:	
Dekalb	
Floyd Dist.	
Johnson Dist.	
East End	02
County—Newport News:	
Parts:	
C.T. 302-309	
C.T. 313	
McKenney	02
County—Dinwiddie:	
Parts:	
Darvills Dist.	
Rowanty Dist.	
Nathalie	01
County—Halifax:	
Parts:	
Meadville Dist.	
Staunton Dist.	
Norfolk Area 1	04
County—Norfolk:	
Parts:	
C.T. 32-33	
C.T. 60-61	
Norfolk Area 2	01
County—Norfolk:	
Parts:	
C.T. 34	
C.T. 35.01-35.02	
Norfolk Area 3	01
County—Norfolk:	
Parts:	
C.T. 50	
C.T. 52-53	
Northern King William	02
County—King and Queen:	
Parts:	
Newtown Dist.	
Stevensville Dist. (W. ½)	
County—King William:	
Parts:	
Acquiton Dist. (W. ½)	
Mongohick Dist.	
Pungo	04
County—Virginia Beach:	
Parts:	
C.T. 464 (Pungo)	
C.T. 466 (Blackwater)	
Saltville Medical	02
County—Smyth:	
Parts:	
North Fork Dist.	
Saltville Dist.	
County—Washington:	
Parts: Jefferson Dist.	
South Hill	04
County—Brunswick:	
Mecklenburg	
South River	02
County—Augusta:	
Parts: Riverhead Dist (E ½)	
County—Rockbridge:	
Parts:	
South River Dist.	
Walkers Creek Dist. (E ½)	
Southeast Chesapeake	01
County—Chesapeake:	
Parts:	
C.T. 211.02	
C.T. 212	
Southern Albemarle	01
County—Albemarle:	
Parts: Scottsville Dist.	
Tri-County (Buck/Fluv/Cumb)	01
County:	
Buckingham	
Cumberland	
Fluvanna	
Trout Dale/Independence	03
County—Grayson:	
Parts:	
Elk Creek Dist	
Wilson Creek Dist	
West Point	02
County—King and Queen:	
Parts:	
Buena Vista Dist.	
Stevensville Dist. (E. ½)	
County—King William:	
Parts:	
Acquiton Dist. (E. ½)	
West Point Dist.	
County—New Kent	

PRIMARY CARE: Washington

County name	Degree of shortage group
Adams:	
Service Area:	
Othello	04
Ritzville	01
Benton:	
Population Group:	
Migrant Pop. Benton/Franklin	02
Migrant Pop. Toppenish/Grandview	01
Chelan:	
Population Group: Migr. Seas. Farmworkers Chelan/Douglas	01
Clallam:	
Service Area: Forks	02
Columbia:	
Population Group: Walla Walla—Migrant & Seasonal Farmwork	01
Douglas:	
Service Area: Grand Coulee	03
Population Group: Migr. Seas. Farmworkers Chelan/Douglas	01
Ferry:	
Service Area: Republic	02
Population Group: Am. Indian Pop. (Colville Res.)	01
Franklin:	
Service Area: Othello	04
Population Group: Migrant Pop. Benton/Franklin	02
Grant:	
Service Area:	
Grand Coulee	03
Othello	04
Population Group: Migrants/Seasonal Farmwork	02
Grays Harbor:	
Service Area:	
Copalis Beach	02
McCleary-Elma	02
Jefferson:	
Service Area: Forks	02
King:	
Facility: Seattle and King Co. Jails	01
Lewis:	
Service Area: Pearl	01
Lincoln:	
Service Area:	
Grand Coulee	03
Odessa	01
Ritzville	01
Okanogan:	
Service Area: Grand Coulee	03
Population Group: Am. Indian Pop. (Colville Res.)	01
Pacific:	
Service Area: Naselle/Grays River	01
Pierce:	
Service Area: Long branch	01
Population Group: Med. Ind. Pop. (Pierce)	01

PRIMARY CARE: Washington—Continued

County name	Degree of shortage group
Facility:	
McNeil Island Corr. Ctr.	02
Pierce County Jail	02
Skagit:	
Population Group: Migr./Seas. Frmwrk—Skagit	01
Snohomish:	
Service Area: Darrington	01
Spokane:	
Service Area: Deer Park	03
Population Group: Am. Indian Pop. (Spokane)	01
Stevens:	
Service Area: Deer Park	03
Wahkiakum:	
Service Area: Naselle/Grays River	01
Walla Walla:	
Population Group: Walla Walla—Migrant and Seasonal Farmwork	01
Whatcom:	
Population Group: Migr./Seas. Frmwrk—Whatcom	02
Whitman:	
Service Area: Northeast Whitman	02
Yakima:	
Population Group: Migrant Pop.—Toppemish/Grandview	01

PRIMARY CARE: Washington

Service Area Listing

Service area name	Degree of shortge group
Copalis Beach	02
County—Grays Harbor:	
Parts: North Beach Div.	
Darrington	01
County—Snohomish:	
Parts: Cascade Div.	
Deer Park	03
County—Spokane:	
Parts:	
Deer Park Div. (E.D. 103.01–103.02)	
Deer Park Div. (N.½ E.D. 102)	
County—Stevens:	
Parts: Loon Lake Div. (E.D. 203–204)	
Forks	02
County—Clallam:	
Parts:	
Callam Bay-Neah Bay Div.	
Forks Div.	
County—Jefferson:	
Parts: West End Div.	
Grand Coulee	03
County—Douglas:	
Parts:	
Bridgeport Div.	
Coulee Dam Town—257	
E.D. 256—(Mansfield Tn.)	
E.D. 265 (Waterville Div.)	
County—Grant:	
Parts:	
Coulee City Div. (N. ⅔)	
Grand Coulee Div.	
County—Lincoln:	
Parts: Wilbur Div. (W. ⅔)	
County—Okanogan:	
Parts:	
Colville Res. Div. (Pt)	
Coulee Dam Town	
E.D. 751 (Nespelem Tn) 112	
E.D. 760–761 (Nespelem Tn)	
Elmer City Town	
Longbranch	01
County—Pierce:	
Parts: Lower Peninsula Div.	
McCleary-Elma	02
County—Grays Harbor:	
Parts:	
Elma Div.	
Malone Porter Div.	
McCleary Div.	
Naselle/Grays River	01
County—Pacific:	
Parts: Naselle Div.	
County—Wahkiakum:	

PRIMARY CARE: Washington—Continued

Service Area Listing

Service area name	Degree of shortge group
Parts: Grays River	
Northeast Whitman	02
County—Whitman:	
Parts:	
Rosalia Div.	
Steptoe Div.	
Tekoa Div.	
Odessa	01
County—Lincoln:	
Parts: Odessa Census Div. (pt)	
Othello	04
County—Adams:	
Parts:	
Hatton Town	
Othello Div.	
County—Franklin:	
Parts:	
Cornell Div.	
Kahlotus Div. (N. ½)	
County—Grant:	
Parts:	
Southern Slopes Div.	
Warden Div.	
Peell	01
County—Lewis:	
Parts:	
E.D. 71 of Bunker C.C.D.	
E.D. 76 of Boise FT C.C.D.	
Republic	02
County—Ferry:	
Parts:	
Div. 1 (Orient-Sherman)	
Div. 2 (Curlew)	
Div. 3 (Republic)	
Ritzville	01
County—Adams:	
Parts:	
Lind-Washtucna CCD	
Ritzville CCD	
County—Lincoln:	
Parts: E.D. 551 of Odessa CCD	

PRIMARY CARE: Washington

Population Group Listing

Population group	Degree of shortage group
Am. Indian Pop. (Spokane)	01
County—Spokane	
Am. Indian Pop. (Colville Res.)	01
County:	
Ferry	
Okanogan	
Med. Ind. Pop. (Pierce)	01
County—Pierce	
Migr./Seas. Frmwrk—Skagit	01
County—Skagit	
Migr./Seas. Frmwrk—Whatcom	02
County—Whatcom	
Migr./Seas. Farmworkers Chelan/Douglas	01
County:	
Chelan	
Douglas	
Migrant Pop. Benton/Franklin	02
County:	
Benton	
Franklin	
Migrant Pop.—Toppemish/Grandview	01
County—Benton:	
Parts: N.W. Benton Div. (W. ⅓)	
County—Yakima:	
Parts:	
Mabton Div.	
S. Yakima Div.	
Sunnyside Div.	
Toppemish-Wapato Div.	
Migrants/Seasonal Farmwrk	02
County—Grant	
Walla Walla—Migrant and Seasonal Farmwor	01
County—Columbia	
County—Walla Walla:	
Parts:	
Eureka Flat Division	

PRIMARY CARE: Washington—Continued

Population Group Listing

Population group	Degree of shortage group
Towchet Division	
Waitsburg Division	
Walla Walla—College Place Division	

PRIMARY CARE: Washington

Facility Listing

Facility	Degree of shortage group
McNeil Island Corr. Ctr.	02
County—Pierce	
Pierce County Jail	02
County—Pierce	
Seattle and King Co. Jails	01
County—King	

PRIMARY CARE: West Virginia

County name	Degree of shortage group
Barbour	04
Braxton	01
Cabell:	
Service Area:	
Grant	02
Guyandotte	01
Calhoun	02
Clay	01
Doddridge:	
Service Area: Doddridge/Salem	01
Fayette:	
Service Area:	
New Haven	01
Oak Hill	03
Gilmer	02
Grant:	
Service Area:	
Moorefield	04
Mt. Storm	01
Greenbrier:	
Service Area: Greenbriar/Pocahontas	01
Hampshire:	
Service Area: Capon Bridge	02
Hancock:	
Service Area: East Liverpool	03
Hardy:	
Service Area:	
Baker	03
Moorefield	04
Harrison:	
Service Area:	
Doddridge/Salem	01
Shinnston—Fairmont	03
Jefferson	04
Kanawha:	
Service Area:	
Cabin Creek	02
Cedar Grove	02
Clendenin	02
Pocatalico	03
Lewis	03
Lincoln	01
McDowell	02
Marion:	
Service Area: Shinnston—Fairmont	03
Marshall:	
Service Area: Cameron	01
Mason:	
Service Area: Graham/Waggener	01
Mineral:	
Service Area: Cabin Run	02
Mingo:	
Service Area:	
Gilbert	01
Matewan	01
Mingo	01
Monongalia:	
Service Area: Clay/Battelle	02

PRIMARY CARE: West Virginia—Continued

County name	Degree of shortage group
Monroe	03
Morgan:	
Service Area: Hancock	02
Nicholas:	
Service Area: Summersville	04
Pendleton	03
Pleasants	03
Pocahontas:	
Service Area: Greenbriar/Pocahontas	01
Preston:	
Service Area: Rowlesburg	02
Putnam:	
Service Area: Teays Valley	02
Raleigh:	
Service Area:	
Gulf	03
Northwest Raleigh	02
Shady Spring	01
Ritchie:	
Service Area: Harrisville	02
Roane	02
Summers:	
Service Area: Shady Spring	01
Taylor	01
Upshur:	
Service Area: Rock Cave	01
Wayne	02
Webster	02
Wetzel:	
Service Area: Clay/Battelle	02
Wirt	03
Wyoming	03

PRIMARY CARE: West Virginia

Service Area Listing

Service area name	Degree of shortage group
Baker	03
County—Hardy:	
Part:	
Capon Dist.	
Lost River Dist.	
Cabin Creek	02
County—Kanawha:	
Part: C.T. 121–123	
Cabin Run	02
County—Mineral:	
Part:	
Cabin Run	
Frankfurt	
Cameron	01
County—Marshall:	
Part: Cameron	
Capon Bridge	02
County—Hampshire:	
Part:	
Bloomery	
Capon	
Cedar Grove	02
County—Kanawha:	
Part: C.T. 118–120	
Clay/Battelle	02
County—Monongalia:	
Part: C.T. 114	
County—Wetzel:	
Part:	
Center	
Church	
Clay	
Clendenin	02
County—Kanawha:	
Part: C.T. 112	
Doddridge/Salem	01
County:	
Doddridge	
Harrison	
Part: Salem City	
East Liverpool	03
County—Hancock:	
Part: Grant District	
Gilbert	01
County—Mingo:	
Part: Stafford Dist.	

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
Graham/Waggener	01
County—Mason:	
Part:	
Graham	
Waggener	
Grant	02
County—Cabell:	
Part: Grant Dist.	
Greenbriar/Pocahontas	01
County—Greenbrier:	
Part:	
Anthony Creek	
Falling Springs	
Frankford	
Williamsburg	
County—Pocahontas:	
Part: Little Levels	
Gulf	03
County—Raleigh:	
Part:	
C.T. 111	
Dist. 1 (Trap Hill)	
Guyandotte	01
County—Cabell:	
Part: C.T. 2	
Hancock	02
County—Morgan:	
Part:	
Allen	
Bath	
Rock Gap	
Sleepy Creek	
Harrisville	02
County—Ritchie:	
Part:	
Grant Dist.	
Murphy Dist.	
Union Dist.	
Matewan	01
County—Mingo:	
Part: Magnolia Dist.	
Mingo	01
County—Mingo:	
Part:	
Harvey	
Kermit	
Moorefield	04
County—Grant:	
Part:	
Grant Dist.	
Milroy Dist.	
Petersburg Twn	
County—Hardy:	
Part:	
Moorefield Dist.	
Moorefield Twn	
South Fork Dist.	
Mt. Storm	02
County—Grant:	
Part: Union	
New Haven	02
County—Fayette:	
Part: C.T. 210–211	
Northwest Raleigh	02
County—Raleigh:	
Part:	
C.T. 112	
Dist. 2	
Oak Hill	01
County—Fayette:	
Part: C.T. 201–206	
Pocatalico	02
County—Kanawha:	
Part: C.T. 108	
Rock Cave	01
County—Upshur:	
Part:	
Banks	
Meade	
Washington	
Rowlesburg	02
County—Preston:	
Part:	
Reno Dist.	
Union Dist.	
Shady Spring	01
County—Raleigh:	
Part:	

PRIMARY CARE: West Virginia—Continued

Service Area Listing

Service area name	Degree of shortage group
Richmond Dist.	
Shady Spring Dist.	
County—Summers:	
Part: Jumping Branch Dist.	
Shinnston—Fairmont	03
County—Harrison:	
Part: Northern District	
County—Marion	
Summersville	04
County—Nicholas:	
Part:	
Grant	
Hamilton	
Jefferson	
Kentucky (W⅓)	
Summerville	
Wilderness	
Teays Valley	02
County—Putnam:	
Part:	
Curry Dist.	
Scott District	
Teays Valley District	

PRIMARY CARE: Wisconsin

County name	Degree of shortage group
Adams	02
Ashland:	
Service Area: Park Falls/Phillips	03
Bayfield:	
Service Area: Cable/Hayward	02
Brown Facility: Wisconsin State Reformatory	02
Buffalo:	
Service Area:	
Arcadia	02
Mondovi	02
Burnett	02
Clark	03
Dodge:	
Facility:	
Wisconsin Correctional Inst	03
Wisconsin State Prison	02
Door:	
Service Area: Sister Bay-Wash Isisnd	02
Douglas:	
Service Area: Minong/Solon Springs	01
Dunn:	
Service Area: Mondovi	02
Eau Claire:	
Service Area: Osseo	03
Forest:	
Service Area: Laona	01
Grant:	
Service Area: Platteville/Cuba City	04
Iowa:	
Service Area: Platteville/Cuba City	04
Iron:	
Service Area:	
Ironwood/Hurley	03
Park Falls/Phillips	03
Jackson:	
Service Area: Osseo	03
Juneau:	
Service Area: Hillsboro	04
Kewaunee:	
Service Area: Kewaunee City	02
La Crosse:	
Service Area: Coon Valley/Chaseburg	01
Lafayette:	
Service Area: Platteville/Cuba City	04
Langlade:	
Service Area:	
Elcho	02
Mountain	02
Lincoln:	
Facility: Lincoln Hills School	02
Service Area:	
Athens/Edgar	02
Tigerton/Birnamwood	02
Marinette:	
Service Area: W. Marinette	02

PRIMARY CARE: Wisconsin—Continued

County name	Degree of shortage group
Marquette:	
Service Area: Wautoma/Montello	02
Menominee	04
Milwaukee:	
Service Area:	
Capitol Drive	02
East Silver Spring	02
Inner City North (Milwaukee)	01
Inner City South (Milwaukee)	02
Inner City West	02
Juneautown	01
Population Group: American Indian Pop.—Milwaukee	01
Monroe:	
Service Area:	
Hillsboro	04
Sparta	02
Oconto:	
Service Area:	
Mountain	02
Oconto Falls	03
Oneida:	
Service Area: Elcho	02
Pepin:	
Service Area: Mondovi	02
Pierce:	
Service Area:	
Baldwin	02
Mondovi	02
Portage:	
Service Area: Amherst/Iola	02
Price:	
Service Area: Park Falls/Phillips	03
Richland:	
Service Area: Hillsboro	04
St. Croix:	
Service Area: Baldwin	02
Sauk:	
Service Area: Hillsboro	04
Sawyer:	
Service Area:	
Cable/Hayward	02
Park Falls/Phillips	03
Shawano:	
Service Area: Tigerton/Birnamwood	02
Sheboygan:	
Facility: Kettle Morain Correctional Inst	02
Taylor	04
Trempealeau:	
Service Area:	
Arcadia	02
Galesville Trempealeau	02
Osseo	03
Vernon:	
Service Area:	
Coon Valley/Chaseburg	01
Genoa	01
Hillsboro	04
Vilas:	
Service Area: Land O'Lakes/Presque Isle	01
Washburn:	
Service Area:	
Cable/Hayward	02
Minong/Solon Springs	01
Waupaca:	
Service Area:	
Amherst/Iola	02
Tigerton/Birnamwood	02
Waushara:	
Service Area: Wautoma/Montello	02

PRIMARY CARE: Wisconsin

Service Area Listing

Service area name	Degree of shortage group
Amherst/Iola	02
County—Portage:	
Parts:	
Amherst Junction Vil.	
Amherst Twn	
Amherst Vil.	
Nelsonville Vil.	
County—Waupaca:	
Parts:	
Helvetia Twn	
Iola Twn	
Iola Vil.	
Scandinavia Twn (Pt)	
St. Lawrence Twn (Pt)	
Arcadia	02
County—Buffalo:	
Parts:	
Buffalo Town	
Cross	
Fountain City	
Glencoe	
Milton	
Montana	
Waumandee	
County—Trempealeau:	
Parts:	
Arcadia (City)	
Arcadia (Twn)	
Dodge	
Athens/Edgar	02
County—Marathon:	
Parts:	
Athens Village	
Bern	
Edgar Village	
Fenwood Village	
Frankfort Twn	
Halsey Twn	
Johnson Twn	
Reitbrock Twn	
Wein Town	
Baldwin	02
County—Pierce:	
Parts:	
Elmwood Village	
Gilman Town	
Spring Lake Town	
Spring Valley Village	
County—St. Croix:	
Parts:	
Baldwin Town	
Baldwin Village	
Cady Town	
Eau Galle Town	
Emerald Town	
Glenwood City	
Glenwood Town	
Hammond Town	
Hammond Village	
Pleasant Valley Town	
Rush River Town	
Springfield Town	
Wilson Village	
Woodville Village	
Cable/Hayward	02
County—Bayfield:	
Parts:	
Barnes Twn (S. ½)	
Cable Twn	
Cable Vil.	
Drummond Twn (S. ½)	
Grandview Twn	
Namakagon Twn	
County—Sawyer:	
Parts:	
Bass Lake Twn	
Couderay Twn	
Couderay Vil.	
Hayward City	
Hayward Twn	
Hunter Twn	
Lenroot Twn	
Ojibwa Twn	
Radisson Twn	
Radisson Vil.	
Round Lake Twn	
Sand Lake Twn	
Spider Lake Twn	
County—Washburn:	
Parts:	
Bass Lake Twn	
Stinnett Twn	
Stone Lake Twn	
Capitol Drive	02
County—Milwaukee:	
Parts:	
C.T. 28	
C.T. 39	
C.T. 41-43	
C.T. 45-48	
C.T. 63-65	
Coon Valley/Chaseburg	01
County—La Crosse:	
Parts: Washington Town	
County—Vernon:	
Parts:	
Chaseburg Vil.	
Coon Town	
Coon Valley Vil.	
Hamburg Town	
East Silver Spring	02
County—Milwaukee:	
Parts:	
C.T. 10-12	
C.T. 18-21	
Elcho	02
County—Langlade:	
Parts:	
Ainsworth Twn	
Elcho Twn	
Parrish Twn	
Summit Twn	
Upham Twn	
County—Oneida:	
Parts:	
Enterprise Twn	
Monico Twn (Pt)	
Schoepke Twn	
Galesville/Trempealeau	02
County—Trempealeau:	
Parts:	
Caledonia Town	
Ettrick City	
Ettrick Town	
Gale Town	
Galesville City	
Trempealeau Town	
Trempealeau Village	
Genoa	01
County—Vernon:	
Parts:	
Bergen	
Desoto	
Genoa Tn	
Genoa Village	
Harmony	
Sterling	
Wheatland	
Hillsboro	04
County—Juneau:	
Parts:	
Union Center	
Wonewoc Twn	
Wonewoc Vil.	
County—Monroe:	
Parts:	
Glendale Twn	
Kendall Village	
Sheldon Twn	
Wellington Twn	
County—Richland:	
Parts:	
Bloom Twn	
Cazenovia Village	
Henrietta Twn	
Westford Twn	
Yuba Village	
County—Sauk:	
Parts: Woodland Twn	
County—Vernon:	
Parts:	
Forest Twn	
Greenwood Twn	
Hillsboro City	
Hillsboro Twn	
Ontario Village	
Union Twn	
Whitestown Twn	
Inner City North (Milwaukee)	01
County—Milwaukee:	
Parts:	
C.T. 44	
C.T. 66-72	
C.T. 79-86	

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
C.T. 101-107	
C.T. 114-118	
C.T. 139-142	
C.T. 146-147	
Inner City South (Milwaukee)	02
County—Milwaukee:	
Parts:	
C.T. 155-171	
C.T. 174-180	
Inner City West	02
County—Milwaukee:	
Parts:	
C.T. 62	
C.T. 87-90	
C.T. 96-100	
C.T. 119-125	
C.T. 133-138	
C.T. 148-149	
Ironwood/Hurley	03
County—Iron:	
Parts:	
Anderson Town	
Carey Town	
Gurney Town	
Hurley City	
Kimball Town	
Knight Town	
Mercer Town	
Montreal City	
Oma Town	
Pence Town	
Saxon Town	
Juneautown	01
County—Milwaukee:	
Parts:	
C.T. 108	
C.T. 110-113	
Kewaunee City	02
County—Kewaunee:	
Parts:	
Carlton Twp	
Casco Twp (East ½)	
Casco Village (East ½)	
Franklin Twp (East ½)	
Kewaunee City	
Kewaunee Twp	
Montpelier Twp (East ½)	
Pierce Twp (South ½)	
Land O'Lakes/Presque Isle	01
County—Vilas:	
Parts:	
Land O'Lake Twn	
Presque Isle Twn	
Winchester Twn	
Laona	01
County—Forest:	
Parts:	
Armstrong Creek Town	
Blackwell Town	
Caswell	
Freedom Town	
Laona	
Ross Town	
Wabeno Town	
Minong/Solon Springs	01
County—Douglas:	
Parts:	
Bennett Town	
Dairyland Twn	
Gordon Twn	
Highland Town	
Oakland Twn (S ½)	
Solon Springs Twn	
Solon Springs Village	
Wascott Twn	
County—Washburn:	
Parts:	
Brooklyn Town	
Chicog Town	
Frog Creek Twn	
Gull Lake Town	
Minong Twn	
Minong Village	
Mondovi	02
County—Buffalo:	
Parts:	
Alma City	
Alma Town	
Belvidere Town	
Buffalo City	
Canton Town	
Cochrane Village	
Dover Town	
Gilmanton Town	
Lincoln Town	
Modena Town	
Mondovi City	
Mondovi Town	
Naples Town	
County—Dunn:	
Parts: Eau Galle Town	
County—Pepin:	
Parts: Albany Town	
County—Pierce:	
Parts:	
Bay City Village	
Isabelle Town	
Maiden Rock Village	
Maiden Rock Town	
Plum City Village	
Union Town	
Mountain	02
County—Langlade:	
Parts:	
Evergreen	
Langlade	
White River	
Wolf River	
County—Oconto:	
Parts:	
Armstrong	
Bagley	
Brazeau	
Breed	
Doty	
Lakewood	
Riverview	
Townsend	
Oconto Falls	03
County—Oconto:	
Parts:	
Abrams Twn (Western ½)	
Gillett City	
Gillett Twn	
Green Valley Town	
How Twn	
Lena Twn	
Lena Village	
Maple Valley Twn	
Morgan Twn	
Oconto Falls City	
Oconto Falls Twn	
Shawanmo	
Spruce Twn	
Stiles Twn (Western ½)	
Suring Village	
Underhill Twn	
Osseo	03
County—Eau Claire:	
Parts:	
Augusta Twn	
Bridge Creek Twn	
Clear Creek Twn	
Fairchild Twn	
Fairchild Village	
Otter Creek Twn	
County—Jackson:	
Parts:	
Cleveland Twn	
Garfield Twn	
Northfield Twn	
County—Trempealeau:	
Parts:	
Hale	
Osseo City	
Strum Twn	
Sumner Twn	
Unity Twn	
Park Falls/Phillips	03
County—Ashland:	
Parts:	
Agenda Twn	
Butternut Village	
Chippewa Twn	
Gordon Twn	
Jacobs Twn	
Peeksville Twn	
Shamagolden Twn	
County—Iron:	
Part: Sherman Twn	
County—Price:	
Parts:	
Catawba Twn and Village	
Eisenstein Twn	
Elk Twn	
Emery Twn	
Fifield Twn	
Flambeau Twn	
Georgetown Twn	
Hackett Twn	
Harmony Twn	
Kennan Twn	
Kennan Vil.	
Lake Twn	
Ogema Twn	
Park Falls City	
Phillips City	
Prentice Twn (West ½)	
Prentice Vil.	
Worchester Twn	
County—Sawyer:	
Parts:	
Draper Twn	
Winter Twn	
Winter Village	
Platteville/Cuba City	04
County—Grant:	
Parts:	
Clifton Twn	
Cuba City	
Dickeysville Village	
Ellenborough Town (E ½)	
Harrison Town	
Hazel Green Town	
Hazel Green Village	
Lima Town	
Livington Village	
Paris Town	
Platteville City	
Platteville Town	
Smelser Town	
County—Iowa:	
Parts:	
Mifflin Town	
Rewey Town	
County—Lafayette:	
Parts:	
Belmont Town	
Belmont Village	
Benton Town	
Benton Village	
Elk Grove Town	
New Diggins Town	
Sister Bay-Wash Island	02
County—Door:	
Parts:	
Baileys Harbor Twn	
Ephriam Village	
Gibraltar Twn	
Liberty Grove Twn	
Sister Bay Vil.	
Washington, Twn	
Sparta	02
County—Monroe:	
Parts:	
Angelo Town	
Cashton Vil.	
Jefferson Town	
Lafayette Town	
Leon Town	
Little Falls Town	
Melvina Vil.	
New Lyme Town	
Norwalk Village	
Portland Town	
Ridgeville Town	
Sparta City	
Sparta Town	
Wells Town	
Tigerton/Birnamwood	02
County—Marathon:	
Parts:	
Elderon Town	
Elderon Village	

PRIMARY CARE: Wisconsin—Continued

Service Area Listing

Service area name	Degree of shortage group
Franzen Town	
County-Shawano:	
Parts:	
Almon Town	
Birnamwood Town	
Birnamwood Village	
Bowler Village	
Eland Village	
Fairbanks Town	
Germania Town	
Morris Town	
Tigerton Village	
Wittenberg Town	
Wittenberg Village	
County—Waupaca:	
Parts:	
Big Falls Village	
Harrison Town	
Wyoming Town	
W. Marinette	02
County—Marinette:	
Parts:	
Amberg Twn	
Athelstane Twn	
Beaver Twn	
Coleman Village	
Crivitz Village	
Lake Twn	
Middle River Twn	
Pound Twn	
Pound Village	
Silver Creek Twn	
Stephenson Twn	
Wausaukee Twn	
Wausaukee Village	
Wautoma/Montello	02
County—Marquette:	
Parts:	
Coloma Town	
Coloma Village	
Dakota Town	
Deerfield Twn (S. ½)	
Handcock Twn (S. ½)	
Marion Town	
Richford Town	
Wautoma City	
Wautoma Town (S. ½)	
County—Waushara:	
Parts:	
Crystal Lake Town	
Hanis Town	
Mecan Town	
Montello City	
Montello Town	
Neshkoro Town	
Neshkoro Village	
Newton Town	
Oxford Town	
Oxford Village	
Packwaukee Town	
Shields Town	
Springfield Town	
Westfield Town	
Westfield Village	

PRIMARY CARE: Wisconsin

Population Group Listing

Population group	Degree of shortage group
American Indian Pop.—Milwaukee County—Milwaukee	01

PRIMARY CARE: Wisconsin

Facility Listing

Facility	Degree of shortage group
Kettle Morain Correctional Inst	02
County—Sheboygan	
Lincoln Hills School	02
County—Lincoln	
Wisconsin Correctional Inst	03
County—Dodge	
Wisconsin State Prison	02
County—Dodge	
Wisconsin State Reformatory	02
County—Brown	

PRIMARY CARE: Wyoming

County name	Degree of shortage group
Albany:	
Service Area: Medicine Bow/Rock River	01
Big Horn:	
Service Area: Grey Bull	04
Campbell:	
Service Area: Wright	01
Carbon:	
Service area:	
Medicine Bow/Rock River	01
Saratoga	03
Crook:	
Service area:	
Hulett	01
Moorcroft	01
Freemont:	
Service area: Jeffrey City	01
Population Group: Wind River Indian Reservation	01
Hot Springs:	
Population Group: Wind River Indian Reservation	01
Lincoln:	
Service area:	
Afton	04
Kemmerer	02
Natrona:	
Service Area: Midwest/Edgerton	01
Niobrara	04
Platte	03
Uinta:	
Service Area: Lyman	01
Weston	03

PRIMARY CARE: Wyoming

Service Area Listing

Service area name	Degree of shortage group
Afton	04
County—Lincoln:	
Parts: Afton Div.	
Grey Bull	04
County—Big Horn	
Parts:	
Big Horn (Central Div)	
Big Horn (South Div)	
Hulett	01
County—Crook:	
Parts: Hulett Div	
Jeffrey City	01
County—Fremont:	
Parts: Sweetwater Div	
Kemmerer	02
County—Lincoln:	
Parts:	
Kemmerer West	
Kemmerer East	
Lyman	01
County—Uinta:	
Parts: Bridger Valley Div.	
Medicine Bow/Rock River	01
County:	
Albany:	

PRIMARY CARE: Wyoming—Continued

Service Area Listing

Service area name	Degree of shortage group
Parts: Rock River Div	
Carbon:	
Parts: Hanna CCD	
Midwest/Edgerton	01
County—Natrona:	
Parts: Casper North Div. (N. ¼)	
Moorcroft	01
County—Crook:	
Parts: Moorcroft Div	
Saratoga	03
County—Carbon:	
Parts: Saratoga CCD	
Wright	01
County—Campbell:	
Parts: Gillette South CCD	

PRIMARY CARE: Wyoming

Population Group Listing

Population group	Degree of shortage group
Wind River Indian Reservation	01
County:	
Fremont	
Hot Springs	

PRIMARY CARE: Guam

District name	Degree of shortage group
Agat:	
Service Area: Southern Guam	01
Inarajan:	
Service Area: Southern Guam	01
Merizo:	
Service Area: Southern Guam	01
Santa Rita:	
Service Area: Southern Guam	01
Talofofo:	
Service Area: Southern Guam	01
Umatac:	
Service Area: Southern Guam	01
Yona:	
Service Area: Southern Guam	01

PRIMARY CARE: Guam

Service Area Listing

Service area name	Degree of shortage group
Southern Guam	01
County:	
Agat	
Inarajan	
Merizo	
Santa Rita	
Talofofo	
Umatac	
Yona	

PRIMARY CARE: Puerto Rico

Municipio name	Degree of shortage group
Adjuntas:	
Population Group: Poverty Pop	01
Aguas Buenas:	
Population Group: Poverty Pop	01

PRIMARY CARE: Puerto Rico—Continued

Municipio name	Degree of shortage group
Anasco	01
Arecibo:	
Population Group: Poverty Pop	01
Arroyo:	
Population Group: Poverty Pop	01
Barceloneta	01
Barranquitas	02
Cabo Rojo:	
Population Group: Poverty Pop	03
Camuy	01
Catano:	
Population Group: Poverty Pop	01
Cayey:	
Population Group: Poverty Pop	01
Ceiba:	
Population Group: Poverty Pop	03
Ciales	01
Cidra	01
Coamo:	
Population Group: Poverty Pop	01
Comerio	01
Corozal	01
Dorado:	
Population Group: Poverty Pop	04
Fajardo:	
Population Group: Poverty Pop	01
Florida	01
Guanica:	
Population Group: Poverty Pop	01
Guayama:	
Population Group: Poverty Pop	01
Guayanilla:	
Population Group: Poverty Pop	01
Guaynabo:	
Population Group: Poverty Pop	04
Gurabo:	
Population Group: Poverty Pop	01
Hatillo	01
Hormigueros	01
Humacao:	
Population Group: Poverty Pop	02
Isabela:	
Population Group: Poverty Pop	01
Jayuya:	
Population Group: Poverty Pop	01
Juana Diaz:	
Population Group: Poverty Pop	01
Juncos	03
Lajas	01
Lares	01
Las Marias:	
Population Group: Poverty Pop	03
Las Piedras	01
Loiza:	
Population Group: Poverty Pop	01
Luquillo	02
Manati:	
Population Group: Poverty Pop	01
Maricao:	
Population Group: Poverty Pop	01
Maunabo:	
Population Group: Poverty Pop	02
Mayaguez:	
Population Group: Poverty Pop	01
Moca:	
Population Group: Poverty Pop	01
Morovis	01
Naguabo:	
Population Group: Poverty Pop	01
Naranjito	02
Orocovis	01
Patillas	01
Ponce:	
Population Group: Poverty Pop	04
Quebradillas:	
Population Group: Poverty Pop	02
Rincon	01
Rio Grande:	
Population Group: Poverty Pop	02
Sabana Grande	01
Salinas:	
Population Group: Poverty Pop	01
San German:	
Population Group: Poverty Pop	02
San Juan:	
Service Area: Barrio Obrero	03
San Lorenzo:	
Population Group: Poverty Pop	01
San Sebastian:	
Population Group: Poverty Pop	01
Santa Isabel:	
Population Group: Poverty Pop	01
Toa Alta:	
Population Group: Poverty Pop	01
Trujillo Alto:	
Population Group: Poverty Pop	02
Utuado:	
Population Group: Poverty Pop	01
Vega Alta:	
Population Group: Poverty Pop	01
Vega Baja:	
Population Group: Poverty Pop	01
Yabucoa:	
Population Group: Poverty Pop	01
Yauco:	
Population Group: Poverty Pop	01

PRIMARY CARE: Puerto Rico

Service Area Listing

Service area name	Degree of shortage group
Barrio Obrero	03
County—San Juan:	
Parts:	
C.T. 29-39	
C.T. 44-45	

PRIMARY CARE: Puerto Rico

Population Group Listing

Population group	Degree of shortage group
Poverty Pop/Adjuntas	01
County—Adjuntas	
Poverty Pop/Aguas Buenas	01
County—Aguas Buenas	
Poverty Pop/Arecibo	01
County—Arecibo	
Poverty Pop/Arroyo	01
County—Arroyo	
Poverty Pop/Cabo Rojo	03
County—Cabo Rojo	
Poverty Pop/Catano	01
County—Catano	
Poverty Pop/Cayey	01
County—Cayey	
Poverty Pop/Ceiba	03
County—Ceiba	
Poverty Pop/Coamo	01
County—Coamo	
Poverty Pop/Dorado	04
County—Dorado	
Poverty Pop/Fajardo	01
County—Fajardo	
Poverty Pop/Guanica	01
County—Guanica	
Poverty Pop/Guayama	01
County—Guayama	
Poverty Pop/Guayanilla	01
County—Guayanilla	
Poverty Pop/Guaynabo	04
County—Guaynabo	
Poverty Pop/Gurabo	01
Poverty—Gurabo	
Poverty Pop/Humacao	02
County—Humacao	
Poverty Pop/Isabela	01
County—Isabela	
Poverty Pop/Jayuya	01
County—Jayuya	
Poverty Pop/Juana Diaz	01
County—Juana Diaz	
Poverty Pop/Las Marias	03
County—Las Marias	
Poverty Pop/Loiza	01
County—Loiza	

PRIMARY CARE: Puerto Rico—Continued

Population Group Listing

Population group	Degree of shortage group
Poverty Pop/Manati	01
County—Manati	
Poverty Pop/Maricao	01
County—Maricao	
Poverty Pop/Maunabo	02
County—Maunabo	
Poverty Pop/Mayaguez	01
County—Mayaguez	
Poverty Pop/Moca	01
County—Moca	
Poverty Pop/Naguabo	01
County—Naguabo	
Poverty Pop/Ponce	04
County—Ponce	
Poverty Pop/Quebradillas	02
County—Quebradillas	
Poverty Pop/Rio Grande	02
County—Rio Grande	
Poverty Pop/Salinas	01
County—Salinas	
Poverty Pop/San German	02
County—San German	
Poverty Pop/San Lorenzo	01
County—San Lorenzo	
Poverty Pop/San Sebastian	01
County—San Sebastian	
Poverty Pop/Santa Isabel	01
County—Santa Isabel	
Poverty Pop/Toa Alta	01
County—Toa Alta	
Poverty Pop/Trujillo Alto	02
County—Trujillo Alto	
Poverty Pop/Utuado	01
County—Utuado	
Poverty Pop/Vega Alta	01
County—Vega Alta	
Poverty Pop/Vega Baja	01
County—Vega Baja	
Poverty Pop/Yabucoa	01
County—Yabucoa	
Poverty Pop/Yauco	01
County—Yauco	

PRIMARY CARE: Trust Terr-PAC

District name	Degree of shortage group
Kosrae District	01
Marshall District	01
Palau District	03
Ponape District	01
Truk District	01
Yap District	01

PRIMARY CARE: N. Mariana Is.

District name	Degree of shortage group
Mariana Island Dist	01

PRIMARY CARE: Virgin Islands

Island name	Degree of shortage group
St. Croix:	
Service Area: Fredericksted	01
St. Thomas:	
Service Area: East End St. Thomas	01

PRIMARY CARE: Virgin Islands

Service Area Listing

Service area name	Degree of shortage group
East End St. Thomas Island—St. Thomas:	01
Parts:	
East End	
Southside	
Tutu	
Fredericksted Island—St. Croix:	01
Parts:	
Fredericksted	
Northwest	
Southwest	

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS

Service area	County	Parts
Alabama		
	Butler	All.
	Cherokee	All.
	Fayette	All.
	Lawrence	All.
	Marengo	All.
	Perry	All.
	Wilcox	All.
Childersburg CCD	Talladega	Childersburg Div.
Coffee/Jackson	Clarke	Coffeeville, Div. Jackson N.W., Jackson S.E.
Etowah	Calhoun	Ohatchee Div., Piedmont Div.,
	Etowah	All.
Grant	Marshall	Arab, Grant, Guntersville, Town Creek, Union Grove.
Lincoln-Estaboga CCD.	Talladega	Lincoln-Estaboga Div.
Oxford-S. Anniston	Calhoun	City of Oxford, E.D. 66, 84, 86-90, 92-98
Pratt City	Jefferson	C.T. 10-12, 14.
Roosevelt City	Jefferson	C.T. 105, 131, 133, 136-137.
South Montgomery	Montgomery	Hope Hill Div., Pine Level Div., Ramer Div.
Warrior-Morris	Jefferson	C.T. 113-114.
Weaver/N. Anniston.	Calhoun	City of Weaver, E.D. 58-65, 69-77, 80-81.
Webster Chapel/ Alexandria.	Calhoun	Webster Chapel/ Alexandria Div.
Arizona		
Bullhead City	Mohave	Kingman North (Pt), Kingman South (Pt).
Payson	Gila	Christopher Creek, Gisela, Jakes Corner, Kahls Ranch, Payson, Pine, Rye, Strawberry, Tonto Div., Tonto Village.
South Phoenix	Maricopa	C.T. 1152-1161, 1162.01-1162.02, 1163-1167.
Arkansas		
	Ashley	All.
	Howard	All.
McAlmont	Pulaski	C.T. 38-90.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Perryville	Perry	Aplin, Casa, Cherry Hill, Fourche Lafave, Houston, Kenny, Lake, Maumelle, Perry, Petit Jean, Rankin, Rose Creek, Union, Union Valley, Wye Twps.
Stephens	Nevada	Jackson, Leake Twps.
	Union	Boone, Van Buren Twps.
California		
Cloverdale/ Geyserville.	Sonoma	C.T. 1541-1542.
Lucerne Valley	San Bernardino	E.D. 1181-1188, 1246 (W. ½).
Maple/Santa Barbara.	Los Angeles	C.T. 2214.01-2214.02, 2215.01-2215.02, 2216.01-2216.02, 2217.01-2217.02, 2218-2219, 2221-2227, 2244-2247, 2264-2267.
Mission/Ocean/ Pacific Beach.	San Diego	C.T. 73-78, 79.01-79.02, 80.01-80.02.
N. Central/E. Salinas.	Monterey	C.T. 13, 17, 5-9, 18.
Tri-Community	San Bernardino	E.D. 1246 (E. ½), 1247-1257.
Population Group		
Mig./Sp. Spkg. (Greater Merced).	Merced	Merced, Merced Rural, Planada-La Grand Divs.
Mig./Sp. Spkg. (SW Stanislaus).	Stanislaus	Newman, Patterson.
Pov. Pop. (San Marcos).	San Diego	C.T. 199, 200.04, 200.05, 200.06, 200.07, 200.08.
Colorado		
	Bent	All.
	Ouray	All.
	Rio Blanco	All.
Las Animas	Bent	Las Animas Div., Purgatoire Valley Div.
D.C.		
N. Capital Service Area.	Dist of Columbia	C.T. 33.20, 46, 47 (⅔), 86 (½), 87 (½).
Florida		
	Hardee	All.
	Orange	All.
	St Lucie	All.
	Seminole	All.
	Taylor	All.
Wynwood	Dade	C.T. 26, 27.01-27.02, 28.
Population Group		
Med. Ind. Pop. of Bay.	Bay	All.
Facility		
Sunshine Family Health Center.	Broward	Sunshine Family Health Center.
Georgia		
	Butts	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Grady	All.
	Heard	All.
	Newton	All.
	Peach	All.
	Troup	All.
Marion Extended	Chattahoochee, Marion.	All.
Population Group		
Med. Ind. Pop. of Crisp.	Crisp	All.
Illinois		
	Carroll	All.
	Jo Daviess	All.
Northeast Springfield.	Sangamon	C.T. 7-8, 15-17.
Princeville	Peoria	Akron Twp., Brimfield Twp., Hallock Twp., Jubilee Twp., Millbrook Twp., Princeville Twp.
Indiana		
	Parke	All.
Linton-Jasonville	Greene	Stockton Twp., Wright Twp.
Iowa		
	Audubon	All.
	Monroe	All.
	Wayne	All.
	Worth	All.
Adair/Casey	Adair	All.
	Guthrie	Beaver Twp., Grant Twp., Thompson Twp.
Akron	Plymouth	Grant (½), Hancock, Johnson, Liberty, Perry, Plymouth (½), Portland, Preston, Sioux, Washington (⅓), Westfield.
	Sioux	Logan (½), Washington (½).
Guthrie Center	Guthrie	Baker Twp., Bear Grove Twp., Cass Twp., Dodge Twp., Highland Twp., Jackson Twp., Orange Twp., Seely Twp., Union Twp., Valley Twp., Victory Twp.
Keokuk	Keokuk	Adams Twp., Benton Twp. (Pt.), Clear Creek Twp., East Lancaster Twp., English River Twp., Jackson Twp., Lafayette Twp., Liberty Twp. (Pt.), Plank Twp., Prairie Twp. (Pt.), Richland Twp. (Pt.), Sigourney Twp., Steady Run Twp., Van Buren Twp., Warren Twp., Washington Twp., West Lancaster Twp.
Marcus-Ramsen	Cherokee	Amherst Twp., Marcus Twp., Tilden Twp.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Plymouth	Henry Twp., Meadow Twp., Ramsen Twp.
Mormon Trail	Clarke	Franklin Twp. (Pt).
	Decatur	Center Twp. (Pt), Franklin Twp. (Pt), Garden Grove Twp., High Point Twp. (Pt), Woodland Twp. (Pt).
	Lucas	Jackson Twp. (Pt), Union Twp., Warren Twp. (Pt).
	Wayne	Clay Twp. (Pt), Richman Twp., Washington Twp. (Pt).
Morningside/Sgt. Bluff (IO/NE-Rep S. Sioux).	Woodbury	C.T. 1 (Pt), C.T. 18-21, Concord Twp., Liberty Twp. (Pt), Woodbury Twp. (Pt).
Seymour	Appanoose	Franklin Twp., Independence Twp. (Pt), Johns Twp. (Pt), Lincoln Twp. (Pt), Pleasant Twp. (Cincinnati).
	Wayne	Howard Twp., Jackson Twp. (Pt), Monroe Twp., South Fork Twp., Walnut Twp., Wright Twp. (Pt).
Tama	Black Hawk	Eagle Twp., Lincoln Twp.
	Grundy	Black Hawk Twp.
Facility		
Peoples Comm. Health Center.	Black Hawk	Peoples Comm. Health Center.
Kansas		
	Miami	All.
	Scott	All.
	Smith	All.
	Wichita	All.
Clinicare	Wyandotte	C.T. 400.02, 425.01–425.02, 426–428, 429.01–429.02, 430, 431.02, 433.02.
Garden Plain	Kingman	Allen Twp., Bennett Twp., Dale Twp., Eagle Twp (Pt.), Evan Twp., Galesburg Twp., Vinita Twp., White Twp (Pt.).
	Sedgwick	Afton Twp., Attica Twp., Delano Twp., Eagle Twp., Erie Twp., Garden Plain Twp., Grand River Twp., Illinois Twp., Morton Twp., Ninnescah Twp., Ohio Twp (Pt.), Park Twp., Sherman Twp., Union, Valley Center (Pt.), Viola Twp., Waco Twp.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Sumner	Conway Twp., Eden Twp (Pt.), Illinois Twp (Pt.), London Twp (Pt.), Springdale Twp (Pt.).
Gridley	Coffey	Leroy, Liberty Twp., Neosho Twp., Pleasant Twp., Spring Creek Twp.
	Greenwood	Lane Twp., Shell Rock Twp.
	Lyon	Elmexado Twp.
	Woodson	Everett Twp., Liberty Twp., Neosho Falls Twp., North Twp.
Northeast Topeka	Shawnee	C.T. 2-3, 7-8, 11-12, 14, 31.
Northwest Shawnee.	Shawnee	Dover Twp., Grove Twp., Rossville Twp., Silver Lake Twp.
Southern Marion	Marion	Catlin Twp., Doyle Twp., Fairplay Twp., Florence City, Milton Twp., Peabody City, Summit Twp.
Yates Center	Woodson	Belmont Center Twp., Center Twp., Emerizoe Twp., Owl Creek Twp., Perry Twp., Toronto Twp., Yates Center City.
Kentucky		
	Lewis	All.
Population Group		
Poverty Pop. of Scott.	Scott	All.
Louisiana		
Gueydan	Vermilion	Ward 8.
Population Group		
Shreveport low income.	Caddo	Shreveport (Low Income Pop.).
Massachusetts		
Mattapan	Suffolk	C.T. 1010–1011.
N. Weymouth	Norfolk	C.T. 4226–4228.
Neponset	Suffolk	C.T. 1006–1007.
Michigan		
	Alger	All.
Facility		
Deaconess Hosp.	Wayne	Deaconess Hosp.
Herman Kiefer Health Complex.	Wayne	Herman Kiefer Health Complex.
Mt. Carmel Mercy Hosp.	Wayne	Mt. Carmel Mercy Hosp.
Mississippi		
	Chickasaw	All.
	Choctaw	All.
	Lowndes	All.
	Newton	All.
	Prentiss	All.
	Tunica	All.
	Washington	All.
East Biloxi	Harrison	C.T. 1–3.
N. Gulfport	Harrison	C.T. 16, C.T. 24.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Missouri		
	Benton	All.
	Cedar	All.
	Jefferson	All.
	Schuyler	All.
Arcadia Valley	Iron	All.
	Reynolds	Black River, Carroll Twp., Lesterville Twp.
	Washington	Belgrade Twp., Belleview Twp., Concorde Twp., Harmony Twp.
Big Springs	Reynolds	Jackson Twp., Logan Twp., Webb Twp.
Garden City	Cass	C.T. 607–612.
Potosi	Washington	Johnson, Kingston, Liberty, Preton, Richwoods, Union, Walton.
Shannon	Howell	Chapel Twp., Goldsberry Twp., Hutton Valley Twp.
Warrensburg	Johnson	Centerview, Chilhowee, Columbus, Hazel Hill, Jackson, Jefferson, Kingsville, Madison, Montserrat, Post Oak, Rose Hill, Simpson, Warrensburg, Washington.
Montana		
	Valley	All.
Chester	Hill	Gildford Div., Rudyard Div.
	Liberty	All.
	Toole	South Toole CCD (E ½).
Nebraska		
	Gosper	All.
	Morrick	All.
Colfax/Dodge	Colfax	Adams Precinct, Colfax Precinct, Lincoln Precinct, Maple Creek Precinct, Midland Precinct, Rogers Precinct, Schuyler City, Schuyler Precinct.
	Dodge	Cotterell Twp., Cuming Twp., North Bend City, Pebble Twp., Pleasant Valley Twp., Ridgeley Twp., Scribner City, Union Twp., Webster Twp.
Morningside/Sgt. Bluff (IO/NE-Rep S. Sioux).	Dakota	All.
Oakland	Burt	Arizona Twp., Bell Creek Twp., Craig Twp., Everett Twp., Logan Twp., Oakland City, Oakland Twp., Pershing Twp., Summit Twp., Tekamah City.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Western Holt	Holt	Atkinson Twp., Cleveland Twp., Dustin Twp., Fairview Twp., Francis Twp., Green Valley Twp., Holt Creek Twp., Josie Twp., Sand Creek Twp., Sheridan Twp., Stuart Twp., Swan Twp., Wyoming Twp.
	Keya Paha	All.
	Rock	All.
New Jersey		
Westside of Plainfield.	Union	C.T. 389-390, 393-395.
New Mexico		
	Guadalupe	All.
	Mora	All.
	Sandoval	All.
New York		
	Hamilton	All.
	Schuyler	All.
Blue Stores	Columbia	Clermont Twp., Germantown Twp., Livingston Twp.
Brooklyn (Health Area 60).	Kings	C.T.s 916, 918, 920.
Central S.W. Bronx (ZIP Code: 10455).	Bronx	C.T.s 31, 35, 71, 73, 75, 77, 79, 83, 85.
Cochecton	Sullivan	Cochecton, Delaware, Fremont, Highland, Tusten.
Cornhill (Utica)	Oneida	C.T.s 204, 207.01, 208.03, 210, 212.01, 215.
Luzerne	Saratoga	Corinth, Day, Edinburg, Hadley.
	Warren	Lake Luzerne, Stony Creek, C.T. 87, C.T. 89.
Martin Luther King Service Area.	Bronx	C.T.s 119, 121.01-121.02, 123, 125, 127.01-127.02, 129.01-129.02, 131, 133, 135, 137, 139, 145, 147, 149, 151, 153, 175, 177, 179, 187, 189, 193, 197, 199, 201, 211, 213.01-213.02, 221.
Modena	Ulster	Gardiner, Lloyd, Marlborough, Plattekill, Shawangunk.
Mott Haven	Bronx	C.T.s 11, 17, 23, 25, 27.01, 27.02, 33, 39, 41, 43.
S.W. Bronx (ZIP Code: 10451).	Bronx	C.T. 47, 49, 53, 57, 59.01-59.02, 61, 65, 67, 69, 141, 143, 173, 181, 183, 195.
South Bronx-Fort Apache.	Bronx	C.T.s 155, 161, 359, 361, 363, 365.01, 365.02, 367, 369.01, 369.02, 371, 373.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
South Hamilton	Hamilton	Arietta, Benson, Hope, Lake Pleasant, Morehouse, Wells.
Sunset Park	Kings	C.T.s 2, 18, 20, 22, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100-101, 145.
Tremont	Bronx	C.T.s 163, 165, 167, 169, 171, 217.01-217.02, 223, 225, 227.01-227.02, 227.03, 229.01-229.02, 231, 233.01-233.02, 235.01, 237.01-237.02, 241, 334, 375.01-375.03, 377, 379, 381, 389, 391, 393, 397.
Upper West Side	New York	C.T.s 177, 179, 181, 183, 185, 187, 189, 191, 193, 195.
West Central Bronx.	Bronx	C.T.s 253, 263, 265, 267, 269, 273, 277, 279, 281, 383, 385, 387, 391, 393, 399.01-399.02, 401, 403.01-403.02, 405, 407.01-407.02, 411, 413, 415.
Facility		
Bellevue Hosp. Center.	New York	Bellevue Hosp. Center
North Carolina		
	Dare	All.
	Madison	All.
	Onslow	All.
	Pender	All.
	Yadkin	All.
Balsam Grove	Transylvania	Gloucester, Hog Back.
Danbory	Stokes	Beaver Island, Big Creek, Danbory, Meadows, Peters Creek, Sauratown, Snow Creek, Yadkin.
North Dakota		
	Divide	All.
Park River	Walsh	All.
Ohio		
	Monroe	All.
Oklahoma		
	Latimer	All.
Oregon		
	Gilliam	All.
	Morrow	All.
	Wheeler	All.
Pennsylvania		
	Pike	All.
	Wayne	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
Central Cambria (Area 9).	Cambria	Cassandra Boro., Cresson Boro., Cresson Twp., Lilly Boro., Munster Twp., Portage Boro., Portage Twp., Sankertown Boro., Washington Twp.
Terrace Village II	Allegheny	C.T.s 304.01, 305.04.
Rhode Island		
Olneyville	Providence	C.T. 16-22.
Woodlawn	Providence	C.T.s 151, 161, 164.
Population Group		
Poverty Pop./Kent Co.	Kent	All.
South Carolina		
	Horry	All.
Lake City	Florence	Coward Div, Lake City Div., Olanta Div., Scranton Div.
South Dakota		
	Aurora	All.
	Clay	All.
	Corson	All.
	Dewey	All.
	Hyde	All.
	Meade	All.
	Perkins	All.
	Sanborn	All.
	Sully	All.
	Ziebach	All.
Chamberlain	Brule	All.
Deuel	Deuel	Altamont Town, Altamont Twp., Antelope Valley Twp., Astoria Town, Blom Twp., Brandt Town, Brandt Twp., Clear Lake City, Clear Lake Twp., Glenwood Twp., Goodwin Town, Goodwin Twp., Grange Twp., Havana Twp., Hidewood Twp., Lowe Twp., Portland Twp., Rome Twp., Scandinavia Twp., Toronto Twp.
Facility		
South Dakota State Penitentiary.	Lincoln	State Penitentiary.
Tennessee		
	Clay	All.
	Perry	All.
	Tipton	All.
	Trousdale	All.
	White	All.
	Wilson	All.
Texas		
	Collin	All.
	Cooke	All.
	Hockley	All.
	Liberty	All.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
	Presidio	All.
	Sherman	All.
	Wise	All.
Highland Bayou	Galveston	C.T. 1225–1226.
Western Oklahoma.	Lipscomb	Higgins CCD.
Utah		
	Tooele	All.
N.W./Westside Salt Lake.	Salt Lake	C.T. 1005–1006.
Virginia		
	Amelia	All.
	Buchanan	All.
	Louisa	All.
	Madison	All.
	Scott	All.
Hillsville	Carroll	All.
	Floyd	Bucks Fork Dist., Indian Valley Dist.
Population Group		
Low Income Pop. (Lynchburg).	Lynchburg	Low Income Pop.
Washington		
	Columbia	All.
	San Juan	All.
	Skamania	All.
Concrete	Skagit	Div. 1–2.
Raymond/South Bend.	Pacific	Division 1–4, Raymond Div.

WITHDRAWALS FROM LIST OF PRIMARY MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	County	Parts
West Virginia		
	Nicholas	All.
	Preston	All.
	Ritchie	All.
	Wetzel	All.
Cabell	Cabell	All
Mercer	Mercer	Jumping Branch, Plymouth, Rock.
Upper Tygart Valley.	Randolph	Huttonsville Dist., Mingo Dist.
Wisconsin		
	Lafayette	All.
	Pepin	All.
Ethan Allen School.	Waushakie	Ethan Allen School.
Wyoming		
	Lincoln	All.
	Uinta	All.

WITHDRAWALS FROM PRIMARY LIST OF MEDICAL CARE MANPOWER SHORTAGE AREAS

Service area	Municipio	Parts
Puerto Rico		
	Adjuntas	All.
	Juana Diez	All.
	Las Marias	All.
	Maricao	All.
	Maunabo	All.
	Mayaguez	All.

WITHDRAWALS FROM PRIMARY LIST OF MEDICAL CARE MANPOWER SHORTAGE AREAS—Continued

Service area	Municipio	Parts
	San Sebastian	All.
Florida	Barceloneta	Florida Adentco, Florida Afuero
Guarguao	Adjuntas	Portuguez.
	Penuelas	Rucio.
	Ponce	Guarguao.
Llorens Torres	San Juan	Llorens Torres.
Mayaguez	Cabo Rojo	All.
Playa De Ponce	Ponce	Playa.
Population Group		
Med Ind. of Catano Health Area.	Toa Baja	All.
Med. Ind. of Arecibo Service Area.	Camuy	All.
	Ciales	All.
	Hatillo	All.
	Lares	All.
	Morovis	All.
Med. Ind. of Barranq. Service Area.	Barranquitas	All.
	Comario	All.
	Corozal	All.
	Naranjito	All.
	Orocovis	All.
Med. Ind. of San German Service Area.	Lajas	All.
	Sabana Grande	All.
Med. Ind. Pop. of Cidra.	Cidra	All.
Pov. Pop. of Barceloneta.	Barceloneta	All.

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