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federal register

Friday
July 13, 1984

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Federal Grain Inspection Service
Land Management Bureau

Air Pollution Control
Environmental Protection Agency

Animal Drugs
Food and Drug Administration

Authority Delegations (Government Agencies)
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Disability Benefits
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Defense Department
General Services Administration
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Marketing Agreements
Agricultural Marketing Service

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Selected Subjects

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

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Security Measures
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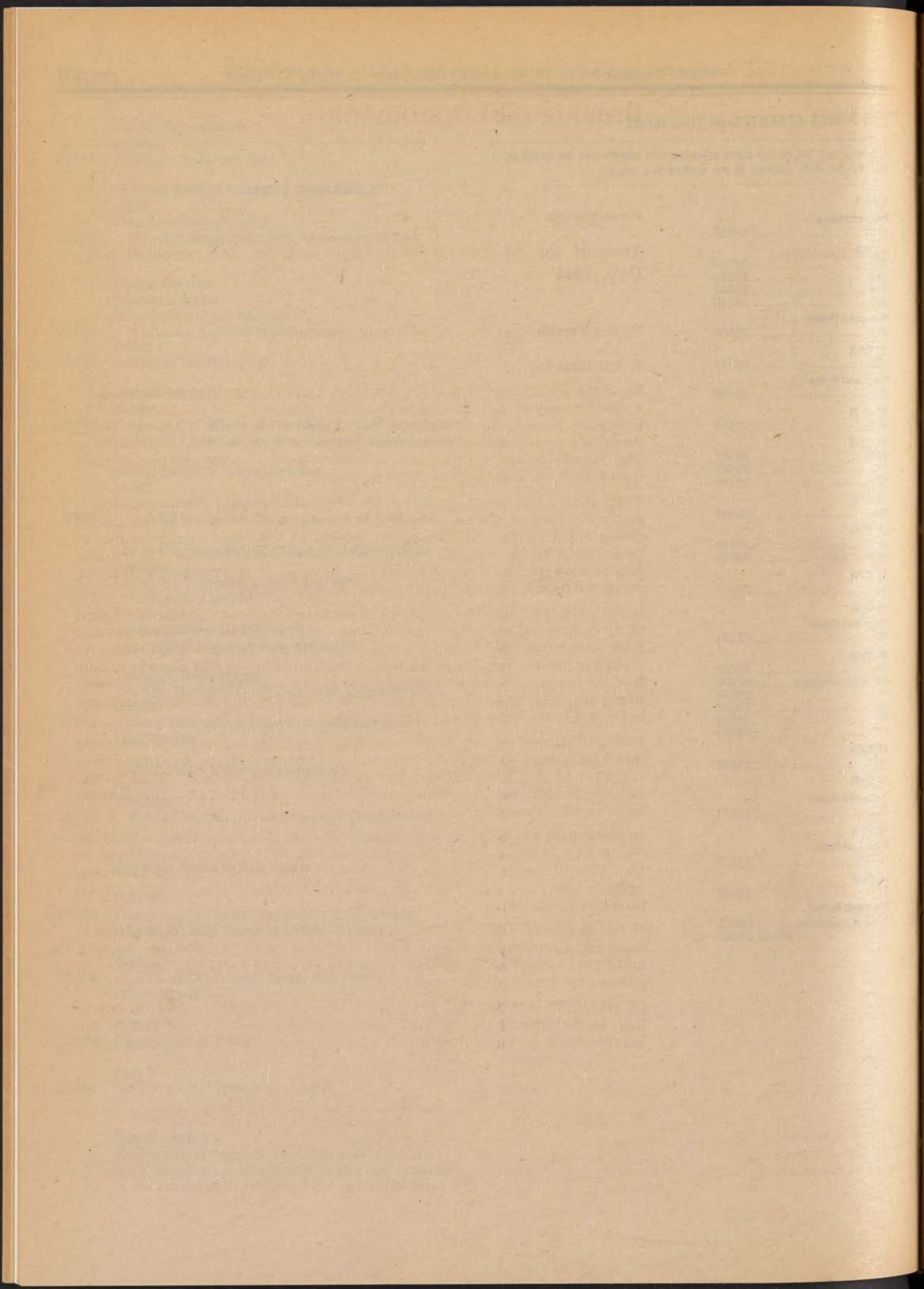

Federal Register
Vol. 49, No. 136
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Presidential Documents

Title 3—

The President

Proclamation 5221 of July 11, 1984

Year of the St. Lawrence Seaway and St. Lawrence Seaway Day, 1984

By the President of the United States of America

A Proclamation

Since the French explorers of the Sixteenth Century, people have searched for a reliable way to sail into the heart of our continent. The opening of the St. Lawrence Seaway in 1959 made this dream a reality and opened North America's agricultural and industrial heartland to deep draft ocean vessels. The Seaway forged the final link in a waterway extending over 2,000 miles from Duluth, Minnesota to the Atlantic Ocean.

The building and operation of the St. Lawrence Seaway, considered one of man's most outstanding engineering feats, was a joint project of the United States and Canada and stands as a symbol of the valued and constructive cooperation which long has existed between the two countries. On the 25th Anniversary of the completion of the Seaway, it is appropriate that we recognize its role in promoting our economic prosperity.

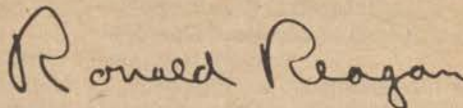
In the quarter century since Queen Elizabeth and President Eisenhower joined in its dedication, more than one billion metric tons of cargo, valued at more than $200 billion, have moved along this trade and transportation route. As grain has moved from the farmlands of the United States and Canada to help feed the hungry around the world, Great Lakes cities have grown into international seaports. The second largest cargo shipped on the Seaway is iron ore, important to the industries of both countries.

I urge all Americans to join with our good neighbors in Canada in observing this Anniversary. Let us celebrate together a quarter century of partnership in the spirit of friendship and cooperation that has long marked United States-Canadian relations, and pledge our continued support of the international Seaway which links our two countries.

In recognition of the valuable contributions of the St. Lawrence Seaway to the Nation, the Congress, by House Joint Resolution 567, has designated 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day," and authorized and requested the President to issue an appropriate proclamation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1984 as the Year of the St. Lawrence Seaway and June 27, 1984, as St. Lawrence Seaway Day, and I urge all Americans to join in appropriate observances.

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



[FR Doc. 84-18788
Filed 7-12-84; 10:10 am]
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Presidential Documents

Proclamation [illegible] of July [illegible], [illegible]

Year of the St. Lawrence Seaway and St. Lawrence Seaway Days, [illegible]

By the President of the United States of America

A Proclamation

[illegible]

Rules and Regulations

Federal Register
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Friday, July 13, 1984

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Grain Standards

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) is including the approved FGIS mission statement as a new section, under its regulations on Administration. The new section incorporates into the regulations certain provisions of the declaration of policy in the United States Grain Standards Act (Act) and describes functions under the Agricultural Marketing Act (AMA) of 1946 delegated to the Administrator, as provided by the delegation of authority in the Act.

EFFECTIVE DATE: August 13, 1984.

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., Information Resources Management Branch, USDA, FGIS, Room 0667 South Building, 14th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: Through this final action, FGIS is adding a new section, § 800.1 Mission to it regulations on Administration. The new section incorporates into the regulations certain provisions of Section 2 of the Act (7 U.S.C. 74), which reflect Congress' declaration of policy as to the Act. Because FGIS' mission is a general statement of policy, this rule is exempt from the general notice of proposed rulemaking provisions in 5 U.S.C. 553 and as such the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) does not apply. This final rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. The action has been classified as nonmajor, because it does not meet the criteria for a major regulation established in the Order.

Section 2 of the Act generally declares it to be the policy of Congress to promote and protect commerce in grain, in the interests of producers, merchandisers, warehousemen, processors, and consumers of grain, and the general welfare of the people of the United States; provide for the establishment of official United States standards for grain and to promote the uniform application thereof by official personnel; provide for an official inspection system for grain, and to regulate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce, in order that grain may be marketed in an orderly and timely manner and that trading in grain may be facilitated. Section 3A of the Act (7 U.S.C. 75a) declares that the Secretary of Agriculture is authorized to delegate to the FGIS Administrator the authority to perform related functions for grain and similar commodities and products thereof under other statutes administered by the Department of Agriculture. This final rule incorporates into the regulations certain provisions from these two sections of the Act.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

Accordingly, FGIS' regulations on Administration are amended by adding a new § 800.1 to read as follows:

Authority: Secs. 2, 4, 18, Pub. L. 94-582, 90 Stat. 2867, 2868, 2884; (7 U.S.C. 74, 75a, 87e) and Sec. 1604, Pub. L. 95-113, 91 Stat. 1026; (7 U.S.C. 75a).

§ 800.1 Mission.

The mission of the Federal Grain Inspection Service is to provide for the establishment of official United States Standards for Grain, to promote the uniform application thereof by official inspection personnel, to provide for an official inspection system for grain, and to regulate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce, as authorized by the U.S. Grain Standards Act, as amended, and the regulations thereof; and to carry out the delegated responsibilities under the Agricultural Marketing Act of 1946.

Dated: July 7, 1984.
K. A. Gilles,
Administrator.

[FR Doc. 84-18480 Filed 7-12-84; 8:45 am]
BILLING CODE 3410-EN-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 472]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 300,000 cartons during the period July 15-21, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: July 15, 1984.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on July 10, 1984, at Los Angeles, California, to consider

the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that lemon demand is easy.

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.772 is added as follows:

§ 910.772 Lemon Regulation 472.

The quantity of lemons grown in California and Arizona which may be handled during the period July 15, 1984, through July 21, 1984, is established at 300,000 cartons.

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

Dated: July 11, 1984.

Thomas R. Clark,

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

[FR Doc. 84–18693 Filed 7–12–84; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Parts 916 and 917

Nectarines Grown in California; Fresh Pears, Plums, and Peaches Grown in California; Amendment of Certified Farmers Markets Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises provisions governing the exemption from regulations for California nectarines, peaches, and plums handled at certified farmers markets. Such provisions are designed to prevent such exempt fruit from entering fresh channels for other than the specified purposes and to ensure that the fruit sold at certified farmers markets is of acceptable quality.

EFFECTIVE DATE: July 13, 1984.

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

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

The final rule is issued under the marketing agreement, as amended, and Marketing Order 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, and under the marketing agreement, as amended, and Marketing Order 917, as amended (7 CFR Part 917), regulating the handling of pears, plums, and peaches grown in California. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The nectarine, peach, and plum committees, which operate under Marketing Orders 916 and 917, recommended the changes in the rules covering fruit that is sold at certified farmers markets at their annual regulatory meetings on May 2 and 3, 1984. This final rule is based upon committee recommendations, information submitted by the committees, and other information, including comments filed by interested persons. The rule would apply to fresh nectarines, peaches, and plums shipped to certified farmers markets within the State of California. Currently, a person who both produces and handles the fruit may sell at a certified farmers market up to 200 pounds of such fruit to any one person during any one day. Such fruit must meet minimum quality requirements specified in the California Food and Agricultural Code. These shipments are exempt under §§ 916.110(b) and 917.143(b) of the marketing orders. The intent of the exemption provision was to help small growers by permitting them to sell fruit directly to consumers at the premises where the fruit is grown, at a nearby packinghouse or retail stand, or at certified farmers markets.

During the past years, commercial packers of nectarines, peaches, and plums have been shipping fruit sorted out at the packinghouse to certified farmers markets in increasing quantities. Since such shipments consist of nectarines, peaches, and plums which are not eligible to be sold in commercial outlets, such fruit tends to be of low quality. Shipment of such fruit was not contemplated when the exemption provision was authorized.

There have been instances of fruit shipped from packinghouses to certified farmers markets which has not met minimum quality requirements. Also, there are indications that some fruit has been reported as handled under the certified farmers market exemption but diverted to commercial fresh market outlets. Because such fruit is shipped from packinghouses and is handled with properly graded fruit, it is difficult to ascertain compliance with marketing order regulations. The rule is designed to prevent such exempt fruit from entering fresh channels for other than the specified purposes and ensure that the fruit sold at certified farmers markets is of acceptable quality.

The final rule restricts the sale of fruit sorted out by a handler and sold at certified farmers markets to fruit which meets all the quality requirements of U.S. No. 1 except that it is soft and overripe. This fruit is of acceptable quality but is too ripe to ship long distances. To provide additional safeguards, all fruit sorted out by a handler (1) would be subject to the inspection and certification, assessment, and reporting requirements of the orders, and (2) must be packed in containers marked clearly that the fruit is for sale only at certified farmers markets. The container marking requirement is intended to assure that the fruit is sold only as specified.

Notice of the proposed amendment of the certified farmers market rule was contained in a proposed rule published in the **Federal Register** (49 FR 24895) on June 18, 1984. The proposed rule provided that interested persons could file comments on the proposals through June 28, 1984. A comment was received from the California Department of Agriculture supporting the amendment in order to ensure that the fruit sold at certified farmers markets is of acceptable quality. Four comments were received from persons who sell or favor the selling of packinghouse culls at farmers markets indicating that they did not favor the amendment as in their opinion there is a good market for cull fruit at farmers markets. After considering all the comments received, along with information and the unanimous recommendations submitted earlier by the committees comprised of nectarine, peach, and plum growers, and

a public representative, the Department has decided that the proposed amendments should be made effective and that the final rule should be issued.

Accordingly, the Secretary finds that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the Federal Register (5 U.S.C. 553) because of insufficient time between the date when information became available upon which this rule is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the requirements specified in this rule at open meetings at which the committees without opposition recommended issuance of such requirements to become effective as soon as possible. California nectarine, peach, and plum handlers have been apprised of the final rule's provisions, shipment of these fruits is currently in progress, and the market is suffering from excessive supplies of substandard fruit. The provisions in the final rule are the same as those in a proposed rule which was published in the Federal Register, and which provided a 10-day comment period. It is found that this final rule will tend to effectuate the declared policy of the Act.

List of Subjects

7 CFR Part 916

Marketing agreements and orders, Nectarines, California.

7 CFR Part 917

Agricultural Marketing Service, Marketing agreements and orders, Pears, Plums, Peaches, California.

This final rule amends § 916.110 (7 CFR Part 916) by revising paragraph (b)(4), and § 917.143 (7 CFR Part 917) by revising paragraph (b)(4) to read as follows:

PART 916—NECTARINES GROWN IN CALIFORNIA

§ 916.110 Exemptions.

* * * * *

(b) * * *

(4) Such nectarines are handled by the person who produced them; and the handling takes place (i) on the premises where grown, (ii) at a packinghouse or retail stand nearby which is operated by said handler, or (iii) at a certified farmers market in compliance with section 1392 of the regulations of the California Department of Food and Agriculture: *Provided*, That the exemption for certified farmers markets shall not apply to nectarines sorted out by a handler unless the nectarines are packed in containers clearly and legibly marked to show that the nectarines contained therein are only to be sold at certified farmers markets, and the handler complies with regulations established under §§ 916.41, 916.52(a)(1), 916.55, and 916.60 except that nectarines may be handled to such markets if the nectarines fail to meet the U.S. No. 1 grade only on account of being soft and overripe.

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

§ 917.143 Exemptions.

* * * * *

(b) * * *

(4) Such pears, plums and peaches are handled by the person who produces them; and the handling takes place (i) on the premises where grown, (ii) at a packinghouse or retail stand nearby which is operated by said handler, or (iii) at a certified farmers market in compliance with section 1392 of the regulations of the California Department of Food and Agriculture: *Provided*, That the exemption for certified farmers markets shall not apply to peaches and plums sorted out by a handler unless such fruit is packed in containers clearly and legibly marked to show that the fruit contained therein is only to be sold at a certified farmers market, and the handler complies with regulations established under §§ 917.37, 917.41(a)(1), 917.45, and 917.50 except that such fruit may be handled to such markets if the fruit fails to meet the U.S. No. 1 grade only on account of being soft and overripe.

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

Dated: July 10, 1984.

Thomas R. Clark,

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

[FR Doc. 84-18638 Filed 7-12-84; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 303

Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations to expand the delegated authority of the Director of the Division of Bank Supervision ("Director") and, where confirmed in writing by the Director, the delegated authority of the appropriate regional director, to act on certain merger applications. The FDIC is also amending its regulations to (1) authorize the Board of Review to deny as well as approve applications made pursuant to section 19 of the Federal Deposit Insurance Act seeking approval of the FDIC for an individual who has been convicted of a criminal offense involving dishonesty or a breach of trust to serve as a director, officer, or employee of an insured bank and (2) authorize the Director and regional directors to approve, but not deny, any such section 19 applications. This set of amendments also delegates to the Board of Review the authority to approve or deny requests seeking exemptions from FDIC's regulation prohibiting certain management official interlocks. These amendments, which expand the delegated authority of the Board of Review, the Director, and the regional directors to act on the above applications and requests, are expected to reduce the time necessary to process such applications and requests and thus benefit insured banks. Lastly, the FDIC is adopting an amendment that will clarify the language of the existing delegations to act on branch and relocation applications, and permit the Director's delegate or delegates to act on all applications the Director may act on pursuant to § 303.11(a).

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Carmen J. Sullivan, Assistant Director, Corporate Applications and Special Activities Section, Division of Bank Supervision, (202) 389-4545. Charles R. Denesia, Chief, Applications Section, Division of Bank Supervision, (202) 389-4345, or Donald F. Pfeiffer, Supervising Review Examiner, Merger Unit, Division of Bank Supervision, (202) 389-4341, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Merger Transactions

Section 303.11(a) of the FDIC's regulations (12 CFR 303.11(a)) sets forth delegations of authority by the Board of Directors of the FDIC to act on certain applications to the Director of the Division of Bank Supervision ("Director") and to the appropriate FDIC regional director where confirmed in writing by the Director. Section 303.11(a)(17) delegates the authority to grant but not deny applications for

permission to merge or consolidate with any other insured bank or, either directly or indirectly, to acquire the assets of or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank ("merger transactions"). These delegations are limited by § 303.12(e) which presently sets out certain criteria that must be met in order for the delegations to be operative. These criteria are as follows (where the applicant is a foreign bank, the criteria apply to its insured branch):

—The conditions set forth in section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) must be satisified.
—All parties to the merger transaction must be insured banks but no party to the transaction may be a savings bank or a mutual savings bank.
—Upon consummation of the merger transaction, the applicant would have no more than 15% of certain deposits in the relevant market, and the merger transaction would not produce a change of more than 113 in the Herfindahl-Hirschman Index.
—Upon consummation of the merger transaction, the applicant would not have more than $1 billion in assets.
—Upon consummation of the merger transaction, the applicant's tangible adjusted equity capital and reserves must be adequate and, in no event, less than 5% of adjusted assets. (If the applicant is a foreign bank, its insured branch must be in compliance with 12 CFR Part 346.)
—The applicant's rating under certain uniform rating systems must be 2 or better upon consummation of the merger transaction.
—The applicant must be in substantial compliance with state and federal laws, rules, and regulations upon consummation of the transaction.
—The requirements of the Community Reinvestment Act must be considered and favorably resolved.
—Upon consummation of the merger transaction, there must remain at least three banks (excluding saving banks and mutual savings banks) other than the applicant in the relevant market.
—The Attorney General (or the FDIC's Legal Division in the absence of a report by the Attorney General within 30 days of a request by FDIC) determines that the merger transaction is not expected to have a significant adverse effect on competition.

The FDIC's experience under the existing merger transaction delegations has shown that many noncontroversial merger cases must still be decided by the Board of Directors when these applications could and should easily have been disposed of at the regional office level or by the Director. The FDIC is therefore amending its regulations to expand the delegated authority of the Director (and the appropriate regional director where the delegation has been confirmed in writing by the Director) to act on merger applications. The expanded delegation will allow the Director and appropriate regional director to approve as well as deny applications for merger transactions subject to the following limitations:

(1) The authority of the Board of Directors to act on merger applications is not delegated (a) where the proposed merger transaction must be acted on immediately to prevent the probable failure of one of the banks involved, (b) where the proposed merger transaction must be handled with expeditious action, as permitted by the Bank Merger Act, due to an existing emergency condition (12 U.S.C. 1828(c)), or (c) where any party to the merger transaction is other than an insured bank.

(2) The delegation to approve a merger transaction is effective only where, upon consummation of the merger transaction, the bank's tangible adjusted equity capital and reserves are determined to be adequate and in no event less than 5% of adjusted assets. (If the applicant is a foreign bank, its insured branch must be in compliance with 12 CFR Part 346.)

(3) The delegation to act on a merger transaction does not extend to instances in which the Attorney General (or the FDIC's Legal Division in the absence of a competitive factors report by the Attorney General within 30 days of a request for such a report by FDIC) determines that the merger transaction may have a significant adverse effect on competition.

(4) The delegation to act on merger transactions is effective only where, upon consummation of the merger transaction, the bank would not have more than 15% of the individual, partnership, and corporate deposits held by banks and/or thrift institutions, as may be appropriate, in the relevant market(s) (except in those cases where the merging institutions do not operate in the same relevant markets). Further, the delegation is only effective if the merger transaction does not produce a change in the Herfindahl-Hirshman Index or more than 113 for any market as measured by the individual, partnership, and corporate deposits held by commercial banks and/or thrift institutions, as may be appropriate.

In addition, the Director's authority (and that of the appropriate regional director where the delegation is confirmed in writing by the Director) to approve or deny merger applications will be limited as follows: (1) The Director or regional director may approve but *not* deny the application where, upon consummation of the merger transaction, the bank would warrant a Uniform Financial Institutions Rating System rating (composite CAMEL), a Uniform Interagency Consumer Compliance Rating System rating (Compliance), and a Community Reinvestment Act (CRA) rating of 1 or 2; (2) the Director or regional director may approve *or* deny the application where, upon consummation of the merger transaction, any one of the bank's composite CAMEL, Compliance, or CRA ratings would warrant a 3 but none of the ratings would warrant a 4 or 5; and (3) the Director or regional director may deny but *not* approve the application where, upon consummation of the merger transaction, any one of the bank's composite CAMEL, Compliance, or CRA ratings would warrant a 4 or 5. This limitation on the Director's and regional directors' delegated authority to act operates, for example, as follows: If an applicant's composite CAMEL, Compliance, and CRA ratings, upon consummation of the merger transaction, would warrant the respective figures 2–3–3, the Director or regional director may approve or deny the application (assuming of course that the other conditions to delegated authority have been met), but if the applicant's composite CAMEL, Compliance, and CRA ratings, upon consummation of the merger transaction, would warrant the respective figures 3–3–4, the Director or regional director may deny but not approve the application. If the Director or regional director should determine that the latter application should be approved, the application would have to be acted on by the Board of Directors as the Director's and regional directors' delegated authority does not extend to approval in such an instance.

Although the current overall limitation that the authority to act on merger applications is only delegated where the conditions set forth in section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1815(c)(5)) are satisfied is being eliminated (this is necessary in order to make the delegation of authority to deny such applications effective), the conditions would, of course, remain the substantive bases of actions taken under delegated authority. The amendment also deletes the clauses limiting the delegation to instances in which the applicant, upon

consummation of the merger transaction, must be in substantial compliance with state and federal laws, rules, and regulations, and in which the requirements of the Community Reinvestment Act were considered and favorably resolved in regard to the resulting bank. These requirements, currently contained in paragraphs (6) and (7) of § 303.12(e), are unnecessary in that compliance and CRA considerations are subsumed within the CAMEL rating and the CRA rating, respectively, that are to be weighed under new paragraph (2)(ii) of § 303.12(e). Lastly, paragraph (a)(2) of § 303.12, which prohibited the Director and regional director from acting on merger applications under delegated authority until the state authority gave all necessary and final approvals, is being deleted. The elimination of the requirement to await state approval before the Director or regional director can act under delegated authority is expected to expedite FDIC action on applications. The merger transaction still could not go forward, however, until all necessary approvals have been obtained from the state authority.

Section 19 Applications

Procedures relating to applications pursuant to section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) are being amended to improve overall processing time by delegating additional authority to the Board of Review, the Director, and the regional directors. In the existing § 303.11(e)(1) of the FDIC's regulations (12 CFR 303.11(e)(1)), the Board of Directors has delegated to the Board of Review the authority to approve, but not deny, applications filed by insured banks with the FDIC pursuant to section 19 seeking the consent of the FDIC for the employment of any director, officer, or employee who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or a breach of trust. This authority to approve specifically includes any director and any officer or employee who has authority to participate or may hereafter participate in policymaking functions of such insured bank or has direct or indirect control of 5 percent or more of the voting rights of any class of voting stock of such insured bank. These amendments delegate the authority to deny as well as to approve such applications to the Board of Review.

In § 303.11(e)(2), the Board of Directors has delegated to the Director, and where confirmed in writing by the Director, to the regional director of the region in which the applicant bank is located, the authority to approve requests for employment filed by insured banks pursuant to section 19 for all other employees and non-policymaking officers. FDIC is expanding this delegated authority to include the approval of applications for employment by directors, officers, and employees who have the authority to participate in policymaking functions or who have direct or indirect control of 5 percent or more of the voting rights of any class of voting stock of the insured bank. This authority extends to the approval but not to the denial of such applications.

Due to the overlap of authority on approvals between the Board of Review on the one hand and the Director or the appropriate regional director on the other hand, current § 303.11(c) has been redesignated as § 303.11(g) and revised to provide that the delegation does not preclude the Director or the Board of Review from acting on any application upon which the regional director may not wish to act under delegated authority. By the same token, the Director may forward any application upon which he or she may not wish to act under delegated authority to the Board of Review.

Management Official Interlock Exemptions

The Board of Directors is amending its regulations to delegate to the Board of Review the authority to approve or deny requests for management official interlock exemptions pursuant to § 348.4(b) of the FDIC's regulations (12 CFR 348.4(b)). The Board of Directors presently retains authority to act on all but one of the exceptions. Section 348.4(b) sets forth exceptions which permit a management official of an insured nonmember bank or any affiliate thereof to enter into, with the prior approval of the FDIC, an otherwise prohibited interlocking relationship with a depository organization which falls within one of the enumerated classifications if the requirements set forth therein are met. It is anticipated that this delgation will improve the overall processing time for exception requests.

Section 303.11(a)(14) currently delegates to the Director and, where confirmed in writing by the Director, to the appropriate regional director, the authority to act on requests for prior approval to establish a management official interlock pursuant to § 348.4(b)(3). Section 348.4(b)(3) permits an otherwise prohibited management official interlock where one of the institutions faces conditions that endanger its safety or soundness. Due to the overlap of approval authority between the Board of Review on the one hand and the director or the appropriate regional director on the other hand with respect to § 348.4(b)(3) requests, which arises because of these amendments, current § 303.11(c) has been redesignated as § 303.11(g) and revised to indicate that the Board of Review may act on any § 348.4(b)(3) request on which the regional director or Director does not wish to act pursuant to delegated authority, and that the Board of Review or the Director may act on any such request on which the regional director does not wish to act pursuant to delegated authority.

Branch and Relocation Applications

The Board of Directors is amending § 303.12(c) to provide that the requisites set forth in paragraphs (1) through (4) of paragraph (c), applicable to the delegation of decisions on branch and relocation applications, must be satisfied only where the Director or regional director wishes to approve such applications. This corrects an inadvertent error committed in the drafting of a recent amendment to the regulations concerning branch and relocation applications (49 FR 21044). Paragraphs (c) (5) and (6) remain applicable to the delegation of authority both to approve and deny.

Delegation of Authority to the Director's Delegate

Section 303.11(a) is being amended to provide that, where confirmed in writing by the Director, the Director's delegate(s) has the authority to act on all applications listed in § 303.11(a) to the same extent that the Director may so act. This delegation will permit, for example, the Associate Director of the Division of Bank Supervision, Administration and Corporate Applications Branch, to act on branch applications where the Director has confirmed the Associate Director's authority in writing. The delegation should expedite processing of affected applications by allowing, for example, the delegate to act in the Director's absence. The amendment will also permit the Director's delegate or delegates to routinely act upon applications and thus additionally expedite processing.

Regulatory Flexibility Act/Paperwork Reduction Act

The above changes to the delegations are being made in an effort to reduce the time involved in processing the applications and requests discussed above. The changes do not affect insured nonmember bank publication

requirements with respect to applications or the public's right to protest any application. Applicants and requesters continue to have the same rights of reconsideration and appeal as prior to these amendments.

The amendments to the regulations are procedural in nature, i.e., the conditions and criteria set out in establishing the delegations are not standards or criteria against which an application or request is to be measured to determine substantively whether the request is to be granted or denied. The restrictions on delegated authority are merely guideposts by which the Board of Review, the Director, and/or the appropriate regional director can determine who has the authority to act on the application or request. The changes do not alter any of the rights or obligations of any applicant bank or individual.

The amendments are being accomplished in final form without opportunity for public comment on the basis of the above under authority of section 553(b)(A) of the Administrative Procedure Act which exempts from required publication for comment interpretive rules, general statements of policy, and rules of agency practice and procedure. The amendments, which constitute nonsubstantive changes to FDIC's rules of practice and procedure, are being made immediately effective inasmuch as the requirement found in section 553(d) of the Administrative Procedure Act that substantive rules be published not less than 30 days prior to their effective date is inapplicable. As these amendments neither alter any existing nor create any new recordkeeping or reporting requirements, the Paperwork Reduction Act is inapplicable. Finally, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments are not subject to required public comment under the Administrative Procedure Act.

List of Subjects in 12 CFR Part 303

Administrative practice and procedure, Authority delegations, Bank deposit insurance, Banks, Banking.

For the reasons set out above, Part 303 of Title 12 of the Code of Federal Regulations is amended as set forth below.

PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

1. The authority citation for Part 303 reads as follows:

Authority: Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9 "Seventh" and "Tenth"), 2(18), 2(19), Pub. L. No. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86–463, 74 Stat. 129; sec. 2, Pub. L. No. 87–827, 76 Stat. 953; Pub. L. No. 88–593, 78 Stat. 940; Pub. L. No. 89–79, 79 Stat. 244; sec. 1, Pub. L. No. 89–356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89–485, 80 Stat. 242; sec. 3, Pub. L. No. 89–597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89–695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90–505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. No. 95–369, 92 Stat. 616–620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95–630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j), 1818, 1819 "Seventh" and "Tenth", 1828, 1829); title I, sec. 108, Pub. L. No. 90–321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 93–495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96–221, 94 Stat. 171 (15 U.S.C. 1607).

2. Section 303.11 is amended by inserting "to the Director's delegate(s) or" immediately prior to the words "to the appropriate regional director" in paragraph (a).

3. Section 303.11 is further amended by revising paragraph (a)(17); by removing paragraph (c); by redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively; by revising newly redesignated paragraph (d); by removing the undesignated paragraph immediately following newly redesignated paragraph (e)(1); and by adding new paragraphs (f) and (g) to read as follows:

§ 303.11 Delegation of authority to act on certain applications and on notices of acquisition of control.

(a) * * *

(17) Applications for permission to merge or consolidate with any other insured bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank: *Provided, however*, That this delegation does not extend to any such application falling within the scope of the "probable failure" or "emergency" provisions of the Bank Merger Act (12 U.S.C. 1828(c)(6)).

* * * * *

(d) *Applications filed pursuant to section 19 of the Federal Deposit Insurance Act.* (1) The Board of Directors of the Federal Deposit Insurance Corporation has delegated to the Corporation's Board of Review the authority on behalf of the Board of Directors to approve or deny any application filed by an insured bank with the Corporation pursuant to section 19 of the Federal Deposit Insurance Act seeking the consent of the Corporation for the employment of any director, officer, or employee who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or a breach of trust: *Provided*, That the insured bank's primary supervisory authority interposes no objection to such application.

(2) The Board of Directors has delegated to the Director of the Corporation's Division of Bank Supervision, and where confirmed in writing by the Director of the Division of Bank Supervision, to the regional director of the region in which the applicant bank is located, the authority on behalf of the Board of Directors to approve but not deny requests for employment filed by insured banks pursuant to section 19 of the Federal Deposit Insurance Act seeking the consent of the Corporation for the employment of any director, officer, or employee who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or a breach of trust: *Provided*, That the applicant bank's primary supervisory authority offers no objection to such application.

* * * * *

(f) The Board of Directors of the Federal Deposit Insurance Corporation has delegated to the Board of Review the authority on behalf of the Board of Directors to act on requests for prior approval to establish a management official interlock pursuant to § 348.4(b) of the Corporation's regulations.

(g) *Special cases.* (1) In special cases, the Director of the Division of Bank Supervision may, in writing, rescind the authority of a regional director to act on an application or request or notice of acquisition of control, and may himself or herself act on the same. In special cases, a regional director may, in writing, recommend that the authority to act on an application or request or notice of acquisition of control not be exercised by him or her; in such cases the authority to act on such application or request or notice of acquisition of control may be exercised by the Director of the Division of Bank Supervision or, in the case of applications or requests considered pursuant to paragraphs (a)(14) and (d)(2) of this section, the Board of Review. In special cases, the Director of the Division of Bank Supervision may, in writing, recommend that the authority to act on an application or request or notice of acquisition of control not be exercised by him or her; in such cases the Board of Directors will act on the application or request or notice of acquisition of control, except that the authority to act on applications or requests considered pursuant to paragraphs (a)(14) and (d)(2)

of this section may be exercised by the Board of Review. Upon determining not to act upon the application or request or notice of acquisition of control under delegated authority, the regional director shall forward to the Director of the Division of Bank Supervision or, in the case of applications or requests considered pursuant to paragraphs (a)(14) and (d)(2) of this section, the Board of Review, the application or request or notice of acquisition of control together with his or her recommendations as to the disposition of such application or request. Upon determining not to act upon the application or request or notice of acquisition of control under delegated authority, the Director of the Division of Bank Supervision shall forward to the Board of Directors or, in the case of applications or requests considered pursuant to paragraphs (a)(14) and (d)(2) of this section, the Board of Review, the application or request or notice of acquisition of control together with his or her recommendations as to the disposition of such application or request.

(2) The delegation of authority to the Board of Review to act on applications and requests pursuant to paragraphs (d), (e), and (f) of this section does not preclude the Board of Directors from acting on any such application or request upon which the Board of Review may not wish to act. Any voting member of the Board of Review attending the meeting at which such application or request is considered may request that the application or request be referred to the Board of Directors for its consideration, and, upon receipt of such request, the Board of Review shall forward the application to the Board of Directors together with its recommendations as to the disposition of such application.

4. Section 303.12 is amended by removing paragraph (a)(2), by redesignating paragraph (a)(1) as paragraph (a), by removing the words "act on" and inserting in their place the word "approve" in the second sentence of paragraph (c), by reserving footnote 11, and by revising paragraph (e) to read as follows:

§ 303.12 Applications where authority is not delegated.

* * * * *

(e) *Conditions precedent to delegation of authority to act on applications for permission to merge or consolidate with any other insured bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank.* (Important: The requirements set forth in this paragraph (e) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.)

(1) Authority to act on applications for permission to merge or consolidate with another bank or, either directly or indirectly, to acquire the assets of, or assume the liability to pay any deposits made in, any other insured bank or insured branch of a foreign bank (hereinafter referred to as "merger transactions") is delegated pursuant to § 303.11(a)(17) only where (i) all parties to the merger transaction are insured banks, and (ii) where, in addition thereto, the criteria set out in paragraph (e)(2) are followed.

(2) Authority to act on applications for merger transactions is delegated only where:

(i) The delegate has reviewed any reports on the competitive factors involved in the merger transaction that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Attorney General may provide in response to a request for such reports by the Corporation. If the Attorney General has determined that the merger transaction may have a significant adverse effect on competition, the delegation provided herein shall be ineffective. If the Corporation does not receive an opinion from the Attorney General within 30 days of the date on which the Corporation has requested the opinion, the delegate shall request the Washington Office of the Corporation's Legal Division to provide a formal opinion on the question whether the merger transaction may have a significant adverse effect on competition. If the delegate has requested the Corporation's Legal Division to provide a formal opinion in accordance with the above, the delegate shall not approve the application until the Legal Division has issued an opinion stating that the merger transaction will have no significant adverse effect on competition. If, however, the Legal Division has determined that the merger transaction may have a significant adverse effect on competition, the delegation provided herein shall be ineffective. Where the Attorney General (or the FDIC's Legal Division in the absence of a competitive factors report by the Attorney General within 30 days of a request for such a report by FDIC) determines that the merger transaction would not have a significant adverse effect on competition, the delegate shall not deny the application based solely upon his or her independent assessment of the competitive factors involved.

(ii) The authority of the Director of the Division of Bank Supervision and the appropriate regional director, where the delegation has been confirmed in writing by the Director of the Division of Bank Supervision, to act on merger transaction applications is limited in accordance with the following: (A) The Director or regional director may approve but not deny any application if, upon consummation of the merger transaction, the bank would warrant a Uniform Financial Institutions Rating System rating (composite CAMEL), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5079, a Uniform Interagency Consumer Compliance Rating System rating (Compliance), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5213, and a Community Reinvestment Act ("CRA") rating of 1 or 2; (B) the Director or regional director may approve or deny an application if, upon consummation of the merger transaction, any one of the bank's composite CAMEL, Compliance, or CRA ratings would warrant a 3, but none of the ratings would warrant a 4 or 5; and (C) the Director or regional director may deny, but not approve an application if, upon consummation of the merger transaction, any one of the bank's composite CAMEL, Compliance, or CRA ratings would warrant a 4 or 5: *Provided, however,* That the delegated authority to approve does not extend to instances, where, upon consummation of the merger transaction, the bank's tangible adjusted equity capital and reserves are determined to be inadequate or, in any event, less than 5% of adjusted assets. (If the applicant is a foreign bank, the delegated authority to approve does not extend to instances where, upon consummation of the merger transaction, the foreign bank's insured branch is not in compliance with 12 CFR Part 346.)

(iii) Except in those cases where the merging institutions do not operate in the same relevant market(s), the delegated authority to act on merger transactions is effective only where the bank, upon consummation of the merger transaction, would not have more than 15% of the individual, partnership, and corporate deposits held by commerical banks and/or thrift institutions, as may be appropriate, in the relevant market(s). Further, the delegated authority to act on merger transactions is effective only where the merger transaction would not produce a change in the Herfindahl-Hirshman Index of

more than 113 of any market as measured by the individual, partnership, and corporate deposits held by commercial banks and/or thrift institutions, as may be appropriate.

[11] [Reserved]

By Order of the Board of Directors, this 2nd day of July 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-18557 Filed 7-12-84; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance Benefits; Insured Status and Quarters of Coverage—Disability Insured Status

AGENCY: Social Security Administration, HHS.

ACTION: Final rules.

SUMMARY: Pub. L. 98-21 (section 332) relaxes the disability insured status requirement for younger workers who become disabled again after termination of a previous period of disability which started before age 31. Under requirements in effect prior to April 20, 1983, the date of enactment of Pub. L. 98-21, many of these workers has not worked long enough to be insured again for disability insurance benefits following a previous period of disability. We are updating our regulations on how we determine disability insured status in order to reflect the changes made by Pub. L. 98-21.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7415.

SUPPLEMENTARY INFORMATION: If you are a disabled worker, you must have worked recently and long enough under Social Security to be insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits. The general rule is that you must be fully insured and also have at least 20 quarters of coverage (QCs) in a 40-quarter period. (A QC is the basic unit of Social Security coverage used in determining a worker's insured status and is based upon earnings covered under Social Security.)

To meet the requirement of having 20 QCs in a 40-quarter period, you generally need credit for at least 5 years of work out of the 10 years ending when you become disabled. This rule is explained in 20 CFR 404.130.

How we determine whether you are fully insured for a period of disability or disability insurance benefits is explained in 20 CFR 404.132. A person who is statutorily blind only needs to be fully insured.

In order to protect younger persons who become disabled before age 31 and who have not worked long enough to obtain 20 QCs, there is a special rule. If you become disabled before age 31, you will be insured for a period of disability and disability insurance benefits if you are fully insured and have QCs in at least one-half of the quarters after you became age 21. However, you must have at least six QCs. In effect, this means that if you become disabled before age 24, you will need credit for one and a half years of work in the three year period ending when your disability starts. On the other hand, if you become disabled at age 24 through age 31, you will need credit for having worked half the time between age 21 and the time you become disabled. This special rule is explained further in 20 CFR 404.130.

Under the special rule, younger workers who become disabled before age 31 need fewer QCs to meet the insured status requirement than older workers. However, a younger worker, insured only under this special rule, who had a prior period of disability terminated and subsequently became disabled again at age 31 or later, frequently had difficulty establishing entitlement to disability insurance benefits again. Because of age, the worker no longer qualified for insured status under the special rule. Also, because of the previous disability, the worker often had not had sufficient time to obtain the necessary QCs required under the general rule before the subsequent disability began.

To correct this inequitable situation, Congress amended sections 216(i)(3) 223(c)(1)(B) of the Social Security Act (the Act). Pub. L. 98-21, section 332, extends the application of the special disability insured status test for workers disabled before age 31. Thus, the Act now provides that if you had a period of disability terminated that began before age 31 and then become disabled again at age 31 or later, you will again be insured for disability insurance benefits and another period of disability if you are fully insured and have QCs in half the calendar quarters after age 21 and through the quarter in which the later period of disability began, up to a maximum of 20 QCs out of 40 calendar quarters. If the number of quarters during this period is an odd number, we reduce the number by one. If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter. We do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC. This provision is effective for benefits payable for May 1983, the month after enactment of Pub. L. 98-21.

A Notice of Proposed Rule Making explaining these changes in the disability insured status requirements was published in the **Federal Register** (48 FR 54072) on November 30, 1983. Interested persons, organizations, and groups were invited to submit data, views or arguments pertaining to the proposed amendments within a period of 60 days from the date of the notice. The comment period ended on January 30, 1984. The comments received were favorable to this change in the disability insured status requirements. Commenters believed that the new rule gives disabled workers an incentive to attempt to reenter the work force. After considering these comments, the proposed amendments are being adopted without any changes.

We are now amending 20 CFR 404.130 and 404.132 to reflect this change in the law pertaining to insured status.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major rule. The cost of implementing this disability insured status provision is negligible. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they only affect a small number of disability claimants.

Paperwork Reduction Act

These regulations impose no reporting/recordkeeping requirements necessitating clearance by the Office of Management and Budget.

List of Subjects in 20 CFR Part 404

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

(Catalog of Federal Domestic Program No. 13.802, Social Security Disability Insurance)

Dated: April 26, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approval: June 13, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950-——)

For the reasons set out in the preamble, Part 404, Subpart B, Chapter III of title 20, Code of Federal Regulations, is amended as set forth below.

Subpart B—Insured Status and Quarters of Coverage

1. The authority citation for Subpart B reads as follows:

Authority: Secs. 205, 212, 213, 214, 216, 217, 223, and 1102 of the Social Security Act, 53 Stat. 1368, 64 Stat. 504 and 505, 68 Stat. 1080, 64 Stat. 512, 70 Stat. 815, and 49 Stat. 647; Sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631. 42 U.S.C. 405, 412, 413, 414, 416, 417, 423, and 1302; 5 U.S.C. Appendix.

2. Section 404.130 is revised to read as follows:

§ 404.130 How we determine disability insured status.

(a) *General.* We have four different rules for determining if you are insured for purposes of establishing a period of disability or becoming entitled to disability insurance benefits. To have disability insured status, you must meet one of these rules and you must be fully insured (see § 404.132 which tells when the period ends for determining the number of quarters of coverage (QCs) you need to be fully insured).

(b) *Rule I—You must meet the 20/40 requirement.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are fully insured; and

(2) You have at least 20 QCs in the 40-quarter period (see paragraph (f) of this section) ending with that quarter.

(c) *Rule II—You become disabled before age 31.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You have not become (or would not become) age 31;

(2) You are fully insured; and

(3) You have QCs in at least one-half of the quarters during the period ending with that quarter and beginning with the quarter after the quarter you became age 21; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one; and

(ii) If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter.

(d) *Rule III—You had a period of disability before age 31.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are disabled again at age 31 or later after having had a prior period of disability established which began before age 31 and for which you were only insured under paragraph (c) of this section; and

(2) You are fully insured and have QCs in at least one-half the calendar quarters in the period beginning with the quarter after the quarter you became age 21 and through the quarter in which the later period of disability begins, up to a maximum of 20 QCs out of 40 calendar quarters; however—

(i) If the number of quarters during this period is an odd number, we reduce the number by one;

(ii) If the period has less than 12 quarters, you must have at least 6 QCs in the 12-quarter period ending with that quarter; and

(iii) No monthly benefits may be paid or increased under Rule III before May 1983.

(e) *Rule IV—You are statutorily blind.* You are insured in a quarter for purposes of establishing a period of disability or becoming entitled to disability insurance benefits if in that quarter—

(1) You are disabled by blindness as defined in § 404.1581; and

(2) You are fully insured.

(f) *How we determine the 40-quarter or other period.* In determining the 40-quarter period or other period in paragraph (b), (c), or (d) of this section, we do not count any quarter all or part of which is in a prior period of disability established for you, unless the quarter is the first or last quarter of this period and the quarter is a QC.

3. Section 404.132 is amended by revising the introductory paragraph to read as follows:

§ 404.132 How we determine fully insured status for a period of disability or disability insurance benefits.

In determining if you are fully insured for purposes of paragraph (b), (c), (d), or (e) of § 404.130 on disability insured status, we use the fully insured status requirements in § 404.110, but apply the following rules in determining when the period of elasped years ends:

* * * * *

[FR Doc. 84-18594 Filed 7-12-84; 8:45 am]

BILLING CODE 4190-11-M

Food and Drug Administration

21 CFR Part 101

[Docket No. 77N-0404]

Food Labeling; Protein Products; Warning Labeling; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that established label warning requirements for certain protein products that may be used to reduce weight. In that document, FDA inadvertently used the word "or" rather than the word "and" in a provision of the codified part of the regulation. This document corrects that error.

EFFECTIVE DATE: August 6, 1984.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Center for Food Safety and Applied Nutrition (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0180.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 6, 1984 (49 FR 13679), FDA published a final rule requiring labeling statements on certain protein products that are used in weight reduction and for food supplementation. In that final rule, FDA inadvertently used the word "or" rather than the word "and" in § 101.17(d)(2) (21 CFR 101.17(d)(2)).

In the **Federal Register** of June 11, 1982 (47 FR 25379), FDA proposed that § 101.17(d)(2) read as follows: "Products described in paragraph (d)(1) of this section are exempt from the labeling requirements of that paragraph if the protein products are promoted as part of a nutritionally balanced diet plan providing 400 or more Calories (kilocalories) per day and the label or labeling of the product specifies the diet plan in detail or provides a brief description of that diet plan and adequate information describing where the detailed diet plan may be obtained and the label and labeling bear the following statement" (47 FR 25383).

In the April 6, 1984 final rule, FDA

inadvertently changed the language in § 101.17(d)(2) by changing "* * * the label and labeling bear * * *" to read "* * * the label or labeling bear * * *." This inadvertent change was contrary to the intention, as reflected in the preamble to the final rule and the final rule itself, to make no change in the wording of this requirement from that stated in the proposed rule. As § 101.17(d)(6) makes clear, "[t]he warning and notice statements required by paragraph (d)(1), (2), and (3) of this section shall appear prominently and conspicuously on the principal display panel of the package label and any other labeling."

Because of this error, the agency will, for a period of 1 year, on a case-by-case basis, consider petitions from manufacturers who need additional time to comply with § 101.17(d)(2) as it applies to labeling other than a product's principal display panel. Such petitions should be submitted in accordance with 21 CFR 10.30. The agency will not grant petitions seeking exemptions from this provision as it applies to a product's principal display panel because permanent placement of the labeling statement required by § 101.17(d)(2) is important to ensure the safe use of protein products in this category. Accordingly, the agency will not grant such exemptions.

Because § 101.17(d)(2) is inconsistent with the intent of the original proposal or with the agency's intent in the issuance of the final rule (which intent is revealed by the preamble), the agency is correcting § 101.17(d)(2). Because the change that is now being made is consistent with the proposed rule and with the evident intent of the final rule, there is no need either to propose the change again or to invoke the exceptions from notice and comment and from delayed effective date in the Administrative Procedure Act (5 U.S.C. 553).

Therefore, in FR Doc. 84-9168 appearing on page 13679 in the issue for Friday, April 6, 1984, the following change in made on page 13690: In the first column under § 101.17 *Food labeling warning and notice statements* in paragraph (d)(2), thirteenth line, "label or labeling" is corrected to read "label and labeling".

Dated: July 6, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18563 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 173

[Docket No. 84F-0216]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Ethyl Acetate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethyl acetate as a solvent in the decaffeination of tea. This action responds to a petition filed by Halssen & Lyon.

DATES: Effective July 13, 1984; objections by August 13, 1984.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Patricia J. McLaughlin, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 27, 1984 (49 FR 26311), FDA announced that a petition (FAP 4A3804) had been filed by Halssen & Lyon, c/o Pine Consultants, Inc., 1905 Pine St., Philadelphia, PA 19103, proposing that § 173.228 *Ethyl acetate* (21 CFR 173.228) be amended to provide for the safe use of ethyl acetate as a solvent in the decaffeination of tea.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed use of the food additive is safe and that the regulation should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Food processing aids.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 173 is amended in § 173.228 by revising paragraph (b) to read as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

§ 173.228 Ethyl acetate.

* * * * *

(b) The additive is used in accordance with current good manufacturing practice as a solvent in the decaffeination of coffee and tea.

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 13, 1984, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective July 13, 1984.

(Secs. 201(s) 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 10, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18675 Filed 7-11-84; 10:10 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxfendazole Powder and Pellets

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 supplemental new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for distribution of oxfendazole powder in a 300-gram packet for use as an anthelmintic in horses.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-145), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3442.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, submitted a supplement to NADA 110-776 to provide for distribution of oxfendazole powder in a 300-gram packet in addition to the 30-gram packet presently approved for use. No other change is being made in the product or use. The supplemental NADA is approved and the regulations are amended to reflect the approval. The amended regulations delete any reference to a container.

This is a Category II supplement (42 FR 64367; December 23, 1977) involving only a change in container size. Therefore, a reevaluation of the underlying safety and effectiveness data was not required.

Approval of this supplement is an administrative action that did not require generation of new effectiveness or safety data. Therefore, a freedom of information summary (pursuant to 21 CFR 514.11(e)(2)(ii)) is not required for this action.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(b)(16) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that is categorically excluded from the requirement for an environmental assessment.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral use.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1628 by revising paragraphs (a) and (c) (1) and (3)(i), to read as follows:

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

§ 520.1628 Oxfendazole powder and pellets.

(a) *Specifications*—(1) *Powder for suspension.* Each gram of powder contains 7.57 percent oxfendazole. (2) *Pellets.* Each gram of pellets contains 6.49 percent oxfendazole.

* * * * *

(c) *Conditions of use*—(1) *Amount.* 10 milligrams per kilogram of body weight.

* * * * *

(3) *Limitations*—(i) *Powder for suspension.* For gravity administration via stomach tube or for positive administration via stomach tube and dose syringe. Discard unused portions of suspension after 24 hours. Mix drug according to directions prior to use. Administer drug with caution to sick or debilitated horses. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date. July 13, 1984.

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

Dated: July 6, 1984.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 84-18584 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

Physical Construction Authorization

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to existing physical construction authorization procedures is intended to simplify existing requirements and to reduce unnecessary delay. In limited cases, the amendment would permit FHWA to authorize physical construction at the same time it authorizes advertisement for bids even though some residentially improved properties have not been vacated. Under the existing regulations, requirements concerning the vacation of residentially improved properties and the establishment of specific dates for termination of business operations may only be waived by the FHWA Regional Administrator after contract award. In addition, this amendment would have the effect of reducing the time required to complete some highway projects consistent with the objectives of section 129 of the Surface Transportation Act of 1982.

EFFECTIVE DATE: August 31, 1984.

FOR FURTHER INFORMATION CONTACT: Paul E. Cunningham, Chief Construction and Maintenance Division, (202) 426-0392, or Reid Alsop, Office of the Chief Counsel, (202) 426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA issued a notice of proposed rulemaking (NPRM) on July 11, 1983 (FHWA Docket No. 83-5, 48 FR 31667) to change requirements, in 23 CFR 635.309(c)(3), that a State must satisfy in order to receive FHWA authorization to advertise for bids, proceed with force account work or begin physical construction. The purpose of this change is to simplify such requirements and to avoid possible project delays that could result from the former procedure. The requirements in § 635.309(c) relate primarily to State compliance with the provisions of the Uniform Relocation Act (42 U.S.C. 4601 *et seq.*).

This section provided that in "very unusual circumstances", FHWA may authorize a State to advertise for bids or to proceed with force account work before the right of occupancy and use of a few parcels has been acquired. Previously, physical construction except for the removal or demolition of permanently vacated units was generally prohibited until the occupants of all residentially improved properties had moved and all businesses had established specific dates for termination of operations. This prohibition could be waived by the Regional Federal Highway Administrator (RFHWA), after contract award, based on a finding that it was in the public interest. Historically, the RFHWA has waived this rule only in very limited situations.

This amendment continues to restrict the approval to proceed with physical construction to the same limited situations. In effect, this amendment

would only shift the approval authority from the RFHWA to the Division Administrator and allow this Approval to be made at the time of authorization rather than after contract award. This will enable the advertisement for bids for physical construction to include a date upon which physical construction may begin. This amendment is consistent with the Uniform Relocation Act and with FHWA implementing regulations in 23 CFR Part 740, and eliminates the procedures for obtaining a post-contractual waiver from the Regional Federal Highway Administrator. The requirements in this amendment that comparable replacement housing must be made available, and that the State must ensure that any remaining residential occupants, businesses, farms and non-profit organizations are protected against unnecessary inconvenience, disproportionate injury or coercive action, adequately protects any such displaced persons.

Eighteen comments were received on the NPRM, 15 from State highway or transportation departments and 3 from county governments. All 18 comments supported adoption of this rule.

One comment suggested that conforming changes might be required in 23 CFR 635.107(h) (1) and (2), which concern statements that must be included in the advertised specifications if the State is proceeding under § 635.309(c)(3). Since § 635.107(h)(1) required a statement supporting the former procedure, it has been revised to reflect the change in § 635.309(c)(3) made by this rule. The statement required by § 635.107(h)(2) concerns any anticipated delay attributable to the fact that acquisition or possession of all necessary parcels has not been completed. Since this change would continue to permit FHWA to authorize advertising and construction before acquisition and possession are completed, this section is considered necessary and appropriate and has been retained.

Another comment suggested that 23 CFR 740.12 of FHWA's relocation regulations be expanded to cover businesses, farms and non-profit organizations. We consider this comment to be directed primarily at the content of FHWA's relocation regulations, which are not the subject of this rulemaking action.

Another comment suggested that this rule be expanded to cover minor strips of land and grading rights where no relocation is involved, and in such cases to allow advertising for bids prior to the completion of "all right-of-way paperwork", and construction after all right-of-way is acquired. It appears that this procedure was permitted by the former regulation, and would continue to be permitted by this amendment.

In addition, several editorial changes were made to improve clarity without changing the meaning or intent of this rule.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. The FHWA has also determined that the change reflected in this action will have only minimal impact on the affected States and public. No new requirements are imposed. Accordingly, for the foregoing reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. The anticipated economic impact of this proposal is so minimal as not to require preparation of a full regulatory evaluation.

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

List of Subjects in 23 CFR Part 635

Government contracts, Grant programs—transportation, Highways and roads, Relocation assistance.

Issued on: July 5, 1984.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

PART 635—[AMENDED]

In consideration of the foregoing, the FHWA hereby amends Chapter I of Title 23, Code of Federal Regulations, Part 635, §§ 635.107 and 635.309 as set forth below.

1. Section 635.107(h)(1) is revised to read as follows:

§ 635.107 Advertising for bids.

* * * * *

(h) * * *

(1) A statement that physical construction may proceed when authorization is granted, but the contractor will take no action that will result in unnecessary inconvenience, disproportionate injury or any action coercive in nature to occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the right-of-way.

* * * * *

(2) Section 635.309(c)(3) is revised to read as follows:

§ 635.309 Authorization.

* * * * *

(c) * * *

(3) The acquisition or right of occupancy and use of a few remaining parcels is not complete, but all occupants of the residences on such parcels have had replacement housing made available to them in accordance with 23 CFR 740.12. The State may request authorization on this basis only in very unusual circumstances. This exception must never become the rule. Under these circumstances, advertisement for bids or force-account work may be authorized if FHWA finds that it will be in the public interest. The physical construction may then also proceed, but the State shall ensure that occupants of residences, businesses, farms, or non-profit organizations who have not yet moved from the right-of-way are protected against unnecessary inconvenience and disproportionate injury or any action coercive in nature. When the State requests authorization to advertise for bids and to proceed with physical construction where acquisition or right of occupancy and use of a few parcels has not been obtained, full explanation and reasons therefor including identification of each such parcel will be set forth in the State's request along with a realistic date when physical occupancy and use is anticipated as well as substantiation that such date is realistic. Appropriate notification shall be provided in the bid proposals identifying all locations where right of occupancy and use has not been obtained.

* * * * *

(23 U.S.C. 112, 114, 315; 42 U.S.C. 3334, 4231–4233, 4601 et seq.; 49 CFR 1.48)

[FR Doc. 84-18559 Filed 7-12-84; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1917

Marine Terminals

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Information Collection Requirements: Final Rule Effective Dates and OMB Control Number.

SUMMARY: On July 5, 1983 the Occupational Safety and Health

Administration (OSHA) issued a Final Rule for Marine Terminals [Docket S-506]. The effective dates for Sections 1917.23, 1917.24, 1917.25, 1917.50 and 1917.116 were delayed pending OMB approval of certain information collection requirements contained in those sections. This document gives notice of the effective dates and of the OMB control number for those sections of the final rule.

EFFECTIVE DATE: This rule was effective October 3, 1983, except §§ 1917.23, 1917.24, 1917.25, 1917.50 and 1917.116, which became effective with OMB approval, April 9, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3637, Washington, D.C. 20210. Telephone: (202) 523-8148.

SUPPLEMENTARY INFORMATION: OSHA's final rule on marine terminals was published on July 5, 1983 (48 FR 30886). That rule contained various information collection requirements. The Paperwork Reduction Act, 44 U.S.C. 3501-3520 (Supp. V 1981) and the Office of Management and Budget's (OMB) regulations, 5 CFR Part 1320 (1983), require that OMB approve information collection requirements imposed by agency rule. On April 9, 1984, OMB approved the information collection requirements in §§ 1917.23, 1917.24, 1917.25, 1917.50 and 1917.116 of the marine terminal standard and issued control number 1218-0003 for those sections. Therefore, 29 CFR Part 1917 is amended as follows:

PART 1917—[AMENDED]

§ 1917.23 [Amended]

1. Section 1917.23 is amended by adding:

"(Approved by the Office of Management and Budget under control number 1218-0003)"

to the end thereof.

§ 1917.24 [Amended]

2. Section 1917.24 is amended by adding:

"(Approved by the Office of Management and Budget under control number 1218-0003)"

to the end thereof.

§ 1917.25 [Amended]

3. Section 1917.25 is amended by adding:

"(Approved by the Office of Management and Budget under control number 1218-0003)"

to the end thereof.

§ 1917.50 [Amended]

4. Section 1917.50 is amended by adding:

"(Approved by the Office of Management and Budget under control number 1218-0003)"

to the end thereof.

§ 1917.116 [Amended]

5. Section 1917.116 is amended by adding:

"(Approved by the Office of Management and Budget under control number 1218-0003)"

to the end thereof.

Authority: This document was prepared under the direction of Patrick R. Tyson, Deputy Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

(Pub. L. 85-742 (33 U.S.C. 941) and Pub. L. 91-596 (29 U.S.C. 655, 657))

Signed at Washington, D.C., this 9th day of July, 1984.

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84-18572 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning August 1, 1984. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

The valuation of plan benefits is necessary because, under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all benefits under the plan that are guaranteed by the PBGC under the Title IV Plan termination insurance program.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after August 1, 1984, and will enable the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until Appendix B of the regulation is again amended.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mrs. Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 611, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202-254-6476 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 28, 1981, the PBGC published a final regulation on Valuation of Plan Benefits in Non-multiemployer Plans (46 FR 9492). That regulation, codified at 29 CFR Part 2619 (1983), sets forth the methods for valuing plan benefits of terminating non-multiemployer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended.* The regulation contains formulas for valuing different types of benefits. Appendix B to the regulation sets forth the interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

As published in the 1983 edition of 29 CFR, Appendix B of Part 2619 contains interest rates and factors for valuing benefits in plans that terminated during various periods from September 2, 1974 through June 1, 1983. The rates and factors adopted for valuing benefits in plans that terminated on or after June 1, 1983 remained in effect until September 1, 1983. On August 15, 1983, the PBGC published new rates and factors for plans that terminated on or after September 1, 1983 (48 FR 36817). That rate remained in effect for plan terminations through the end of January, 1984. In January, February, March, April, and June of 1984 the PBGC published new rates and factors for plans terminating during the months of February through July of 1984 (49 FR 1896, 49 FR 6486, 49 FR 9856, 49 FR 14730, and 49 FR 24721).

At this time, changes in the financial and annuity markets require an increase in the rates used for valuing benefits. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after August 1, 1984,

which set reflects an increase of 1/4 percent in the interest rate.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as PBGC publishes another amendment concerning them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination.

Because of the need to provide immediate guidance for the valuation of benefits of plans that will terminate on or after August 1, 1984, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

PART 2619—[AMENDED]

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041(b), 4044, and 4062(b)(1)(A), Pub. L. 93–406, 88 Stat. 1004, 1020, 1025, 1029 (1974) as amended by Secs. 403(1), 403(d), and 402(a)(7), Pub. L. 96–364, 94 Stat. 1302, 1301, and 1299 (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Rate Set 48 of Appendix B is revised and Rate Set 49 of Appendix B is added to read as follows:

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities				
	On or after	Before		k_1	k_2	k_3	n_1	n_2
*	*	*	*	*	*	*		
48	7-1-84	8-1-84	10.50	1.0975	1.0850	1.0400	7	8
49	8-1-84		10.75	1.1000	1.0875	1.0400	7	8

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-18582 Filed 7-12-84; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY

Secret Service

31 CFR Part 408

Rules Governing Access to the Property and/or Offices of the President and Other Persons Protected by the Secret Service

AGENCY: Secret Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document contains a revision of the rules governing access to the property and/or offices of the various persons receiving protection from the Secret Service. This revision brings the rules into conformity with the statutory changes made by Pub. L. 97–308.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: John M. Meenan, Office of Legal Counsel, United States Secret Service, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, 202–535–5771.

SUPPLEMENTARY INFORMATION: This document contains a revision of regulations located in 31 CFR Part 408. Part 408 is amended to authorize the Secret Service to restrict public access to the property and/or offices of the various persons receiving protection from the Secret Service. Authority for such restrictions was previously vested in the Secret Service for purposes of Presidential security. The designation of the buildings and grounds and the regulations governing ingress or egress contained in this amendment are promulgated pursuant to the authority vested in the Secretary of the Treasury by the Act of January 2, 1971, 84 Stat. 1891, as amended by the Act of October 14, 1982, 96 Stat. 1451 (18 U.S.C. 1752).

Title V of the Act of January 2, 1971, 84 Stat. 1891 as amended by the Act of October 14, 1982, 96 Stat. 1451 (18 U.S.C. 1752) provides for the exercise of Federal criminal jurisdiction over certain conduct relating to the buildings and grounds which are either designated in this regulation or otherwise posted, cordoned off or restricted. It was enacted to enhance the physical security of the President and other protectees of the Secret Service.

Drafting information

The principal author of this document was John M. Meenan, Office of Legal Counsel, United States Secret Service.

Special analyses

For the reasons set forth below no general notice of proposed rulemaking is required by 5 U.S.C. 553. Accordingly, no Regulatory Flexibility Analysis is required for this rule. Further, the Director of the United States Secret Service has determined that this is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Notice

Because this amendment merely conforms the regulation to 18 U.S.C. 1752 as amended by Pub. L. 97–308, notice and public comment thereon is found to be unnecessary and good cause exists for disposing with a delayed effective date under 5 U.S.C. 553.

List of Subjects in 31 CFR Part 408

Federal buildings and facilities, Security measures.

Amendments to Regulations

Accordingly, Chapter IV of Subtitle B, Title 31, Code of Federal Regulations is hereby amended by revising 31 CFR Part 408 to read as follows:

PART 408—DESIGNATION OF TEMPORARY RESIDENCE OF THE PRESIDENT OR OTHER PERSON PROTECTED BY THE SECRET SERVICE AND TEMPORARY OFFICES OF THE PRESIDENT AND STAFF, OR OTHER PERSON PROTECTED BY THE SECRET SERVICE—RULES GOVERNING ACCESS

Sec.
408.1 Authority.
408.2 Designation.
408.3 Rules governing access.

Authority: 18 U.S.C. 1752 (84 Stat. 1891, 96 Stat. 1451).

§ 408.1 Authority.

The designation of the buildings and grounds in this part which constitute the temporary residence of the President or other person protected by the Secret Service and the temporary offices of the President and Presidential staff or of any other person protected by the Secret Service and the regulations governing access to such restricted areas where the President or any other person protected by the Secret Service is or will be temporarily visiting, are promulgated pursuant to the authority vested in the Secretary of the Treasury by 18 U.S.C. 1752 (84 Stat. 1891, 96 Stat. 1451).

§ 408.2 Designation.

(a) For the purpose of 18 U.S.C. 1752, the buildings and grounds which constitute temporary residence of the President are as follows:

Santa Barbara County, California home. That certain tract land in the County of Santa Barbara, State of California, shown and designated as "Parcel 1" on Parcel Map No. 11697 filed January 2, 1973 in Book 11, page 40 of Parcel Maps in the office of the County Recorder of said County.

This property and the related conditions, restrictions, reservations, easements, rights and rights of way of record are more fully described in a Grant Deed recorded with the Santa Barbara County Recorder's Office (Book 2540, Pages 1381–1385).

(b) For the purposes of 18 U.S.C. 1752, the buildings and grounds which constitute temporary residences of other persons protected by the Secret Service shall be that property which each designates for protection by the Secret Service in accord with the provisions of section 3 of Pub. L. 95-524 (90 Stat. 2475). To the extent that a further description of such property may be necessary, such description shall be provided by the Secret Service in the form of a verbal or written notice to prospective visitors at each protective site.

(c) For purposes of 18 U.S.C. 1752, the buildings and grounds which constitute temporary offices of the President and Presidential staff or offices of other persons protected by the Secret Service shall be those offices outside of Washington, D.C., which are either supplied to the individual protectee by the government by virtue of that individual's position/former position with the government or those offices in which the individual conducts/is conducting his or her business affairs. To the extent that a further description of such property may be necessary, such description shall be provided by the Secret Service in the form of a verbal or written notice to prospective visitors at each protective site.

§ 408.3 Rules governing access.

(a) For the purposes of 18 U.S.C. 1752 (84 Stat. 1891, 96 Stat. 1451), ingress or egress to or from the buildings or grounds designated in § 408.2 and any posted, cordoned off, or otherwise restricted areas of a building or grounds where the President or other person protected by the United States Secret Service is or will be visiting is authorized only for the following persons:

(1) Invitees: Persons invited by or having appointments with the protectee, the protectee's family, or members of the protectee's staff;

(2) Members of the protectee's family and staff;

(3) Military and Communications Personnel assigned to the Office of the President;

(4) Federal, State and local law enforcement personnel engaged in the performance of their official duties and other persons, whose presence is necessary to provide services or protection for the premises or persons therein;

(5) Holders of grants of easement to the property, provided such persons or their authorized representatives show title to the grant of easement and obtain authorization from the United States Secret Service.

(b) Authorized persons must possess and display identification documents issued by or satisfactory to the United States Secret Service.

(c) Unauthorized entry is prohibited.

(d) The term "protectee" as used in this rule includes the President and any other person receiving protection from the United States Secret Service as provided by law.

John R. Simpson,
Director.

Approved:

John M. Walker, Jr.,
Assistant Secretary (Enforcement & Operations).

[FR Doc. 84-18690 Filed 7-12-84; 8:45 am]
BILLING CODE 4810-42-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OAR-FRL-2629-8]

Approval and Promulgation of State Implementation Plans Revisions to the Montana Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving revisions to Montana's Air Quality Rules on malfunctions, and is withdrawing its proposal to approve revisions to Montana's New Source Review (permit) rules. These revisions were submitted to EPA by the State of Montana on July 20, 1982, and respond to the requirements of Parts A and D, respectively, of the Clean Air Act. Approval of this revision will aid Montana in attaining and maintaining the National Ambient Air Quality Standards (NAAQS).

EFFECTIVE DATE: This action will be effective on August 13, 1984.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Montana Office, Federal Office Building, 301 S. Park, Helena, Montana 59626

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295

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

The Office of the Federal Register (8:45 a.m. to 5:15 p.m.), 110 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Thomas O. Harris, Air Programs Specialist, Environmental Protection Agency, Montana Office, Federal Office Building, 301 South Park, Helena, Montana 59626, (406) 449-5486.

SUPPLEMENTARY INFORMATION: Montana has revised its air quality rules as follows: (1) ARM 16.8.1109, "Conditions for issuance of Permits," has been revised to specifically preclude the issuance of permits with future effective dates; (2) ARM 16.8.1114, "Transfer of Permit," has been revised to define the conditions under which a permit may be transferred; and (3) ARM 16.8.705, "Malfunctions," has been revised to conform with EPA guidelines. These revisions were submitted to EPA by the State of Montana on July 20, 1982.

These revisions were submitted to fulfill a commitment made to EPA by the Governor of Montana to revise the State's New Source Review (permit) and malfunction rules to make them consistent with Section 173 of the Clean Air Act.

On December 14, 1982, EPA published a notice in the Federal Register (47 FR 55965) proposing to approve the revisions cited above. Public comments were solicited. No comments were received. However, additional review of the State's revisions revealed deficiencies not earlier detected. To bring the regulations into compliance with EPA requirements, the State must undertake the following actions: (1) Amend the regulations to meet all of the requirements of 40 CFR 51.18(j); and (2) interpret § 16.8.1109(2) of the NSR regulations to apply in a manner consistent with 40 CFR 51.18(j). Until the State determines how best to address these changes, EPA will not proceed to act on the regulations. On December 6, 1983, Montana requested that the New Source Review regulations submitted on July 20, 1982 be withdrawn.

Action

EPA today is approving the revisions to the Montana State Implementation Plan concerning malfunctions, and is withdrawing its proposed action on the State's New Source Review regulations.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 11, 1984. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

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

List of Subjects in 40 CFR Part 52

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

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

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

Dated: July 9, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart BB—Montana

1. Section 52.1370 is amended by adding paragraph (c)(13) as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(13) On July 20, 1982 Montana submitted revisions which amended the State's rules relating to malfunctions.

[FR Doc. 84-18621 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[Docket No. AM700PA; OAR-FRL-2627-8]

Standards of Performance for New Stationary Sources; Delegation of Authority to the Commonwealth of Pennsylvania; Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Rule-related notice.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). On February 24, 1983 and December 16, 1983, the Commonwealth of Pennsylvania Department of Environmental Resources requested EPA to delegate to it the authority for additional NSPS source categories. EPA granted the requests on June 30, 1983 and June 11, 1984. The Commonwealth now has authority to implement and enforce NSPS regulations for Surface Coating of Metal Furniture, Lead-Acid Battery Manufacturing Plants, Phosphate Rock Plants, Graphic Arts Industry: Publication Rotogravure Printing, Industrial Surface Coating: Large Appliances, Metal Coil Surface Coating, Asphalt Processing, Asphalt Roofing Manufacturing, Bulk Gasoline Terminals, Beverage Can Surface Coating Industry, Pressure Sensitive Tape and Label Surface Coating Operations, and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry.

EFFECTIVE DATES: June 30, 1983 and June 11, 1984.

ADDRESSES: Applications and reports required under all NSPS source categories for which EPA has delegated authority to the Pennsylvania Department of Environmental Resources to implement and enforce should be addressed to the Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120, rather than to EPA Region III.

Copies of the revision and accompanying documents are available for inspection during normal business hours at the Pennsylvania DER address given above or at the following offices:

U.S. Environmental Protection Agency, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Michael Giuranna (3AM11), Telephone: (215) 597-2842.

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

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

FOR FURTHER INFORMATION CONTACT: Michael Giuranna of EPA Region III's Air Programs Branch, telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: The Commonwealth of Pennsylvania Department of Environmental Resources (Department) was delegated the authority to enforce the New Source Performance Standards promulgated by EPA after January 1, 1981. In response to a Department request dated October 1, 1979, EPA Region III delegated authority to enforce Standards of Performance for New Stationary Source promulgated prior to July 1, 1978 (45 FR 3109), but stipulated that authority to enforce subsequent standards would be delegated only; if specifically requested. In accordance with this stipulation, a request for delegation of seven (7) categories promulgated between July 1, 1978 and January 1, 1981 was submitted February 26, 1981 and granted on July 6, 1981. On February 24, 1983, the Department requested EPA to delegate to it authority to implement and enforce an additional seven categories.

Delegation of the additional standards was made by the following letter on June 30, 1983:

Honorable Nicholas DeBenedictis,
Secretary, Pennsylvania Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120

Dear Mr. DeBenedictis: This is in response to your letter of February 24, 1983, requesting delegation of authority for implementation and enforcement for the following Standards of Performance for New Stationary Sources (NSPS) to the Pennsylvania Department of Environmental Resources (the Department): Surface Coating of Metal Furniture, Lead-Acid Battery Manufacturing Plants, Phosphate Rock Plants, Graphic Arts Industry (Publication Rotogravure Printing), Industrial Surface Coating (Large Appliances), Metal Coil Surface Coating, and Asphalt Processing and Asphalt Roofing Manufacture.

We have reviewed the pertinent laws, rules and regulations of the Commonwealth of Pennsylvania and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate our authority for the implementation and enforcement of the NSPS regulations to the Commonwealth of Pennsylvania as follows:

Authority for all sources located or to be located in the Commonwealth of Pennsylvania, except those located in Allegheny or Philadelphia Counties subject to the Standards of Performance for New Stationary Sources for Surface Coating of Metal Furniture (Subpart EE), Lead-Acid Battery Manufacturing Plants (Subpart KK), Phosphate Rock Plants (Subpart NN), Graphic Arts Industry: Publication Rotogravure Printing (Subpart QQ), Industrial Surface Coating: Large Appliances (Subpart SS), Metal Coil Surface Coating (Subpart TT), and Asphalt Processing and Asphalt Roofing Manufacture (Subpart UU) promulgated in 40 CFR Part 60 as of the date of this letter. This delegation is based upon the following conditions:

1. Quarterly reports, which may be combined with other reporting information, are to be submitted to EPA Region III, Air Enforcement Section (3AW12) by the Commonwealth and should include the following:

a. For New Source Performance Standards:

(i) Sources determined to be applicable during that quarter;

(ii) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(iii) The compliance status of the above, including the summary sheet from the compliance test(s); and

(iv) Any legal actions which pertain to these sources.

2. Enforcement of the NSPS regulations in the Commonwealth of Pennsylvania will be the primary responsibility of the Pennsylvania Department of Environmental Resources (Department). Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the Commonwealth of Pennsylvania subject to NSPS regulations.

3. Acceptance of this delegation for the regulations for the source categories listed above does not commit the Commonwealth of Pennsylvania to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards or amendments to previously delegated standards.

4. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal standards. Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to section 113 of the Clean Air Act. The granting of such a variance by the Agency shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department's.

6. If at any time there is a conflict between a Department regulation and Federal regulation, 40 CFR Part 60, the Federal regulation, must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to these regulations. However, alternatives to continuous monitoring procedures and requirements may be acceptable upon concurrence by EPA as stipulated in 40 CFR 60.13.

8. If the Director of the Air and Waste Management Division determines that a Department program for enforcing or implementing the NSPS regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

9. Information shall be made available to the public in accordance with 40 CFR 60.9.

EPA procedures permit delegation of all the Administrator's authorities under 40 CFR Part 60 except for any which require rulemaking in the **Federal Register** to implement or where Federal overview is the only way to ensure national consistency in the application of standards. Accordingly, the following authorities are not delegable under section 111 of the Clean Air Act, as amended:

1. *Performance Tests, §§ 60.8(b)(2) and 60.8(b)(3).* In order to ensure uniformity and technical quality in the test methods used for enforcement of national standards, EPA will retain the authority to approve alternative and equivalent methods which effectively replace a reference method. This restriction on delegation does not apply to § 60.8(b)(1), which allows for approval of minor modifications to reference methods on a case-by-case basis.

Some subparts include general references to the authority in § 60.8(b) to approve alternative or equivalent standards. Examples include, but are not necessarily limited to, §§ 60.11(b), 60.274(d), 60.396(a)(1), 60.396(a)(2), and 60.393(c)(1)(i). These references are reminders of the provisions of § 60.8 and are not separate authorities which can be delegated.

2. *Compliance with Standards and Maintenance Requirements, § 60.11(e).* The granting of an alternative opacity standard requires a site-specific opacity limit to be adopted under 40 CFR Part 60.

3. *Subpart S, § 60.195(b).* Development of alternative compliance testing schedules for primary aluminum plants is done by adopting site-specific amendments to Subpart S.

4. *Subpart Da, § 60.45a.* Commercial demonstration permits allow an alternative emission standard for a limited number of utility steam generators.

5. *Subpart GG, §§ 60.332(a)(3) and 60.335(a)(ii).* These sections pertain to approval of customized factors (fuel nitrogen content and ambient air conditions, respectively) for use by gas turbine manufacturers in assembly-line compliance testing. Since each approval potentially could affect emissions from equipment installed in a number of States, the decision-making must be maintained at the Federal level to ensure national consistency. Notice of approval must be published in the **Federal Register**.

6. *Equivalency Determinations, section 111(h)(3) of the Clean Air Act.* Approval of alternatives to any design, equipment, work practice, or operational standard [e.g., §§ 60.114(a) and 60.302(d)(3)] is accomplished through the rulemaking process and is adopted as a change to the individual subpart.

7. *Innovative Technology Waiver, section 111(j) of the Clean Air Act.* Innovative technology waivers must be adopted as site-specific amendments to the individual subpart. Any applications or questions pertaining to such waivers should be sent to the Director, Air and Waste Management Division Region III. [States may be delegated the authority to enforce waiver provisions if the State has been delegated the authority to enforce NSPS.]

8. *Determination of Construction or Modification (Applicability), 60.5.* In order to ensure uniformity in making applicability determinations pertaining to sources, EPA will retain this authority. The delegated agency may exercise judgement based on the Compendium of Applicability determinations issued by EPA annually, and updated quarterly. Any applicability determinations not explicitly treated in the EPA Compendium must be referred to EPA for a determination. Also, any determinations made by the State agency based on the

Compendium must be sent to EPA for informational purposes in order for EPA to maintain national consistency.

A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state among other things, that effective immediately, all reports required pursuant to the above enumerated Federal NSPS regulations by sources located in the Commonwealth of Pennsylvania should be submitted to the Commonwealth of Pennsylvania, Department of Environmental Resources, Post Office Box 2063, Harrisburg, Pennsylvania 17120, in addition to EPA, Region III. Any original reports which have been or may be received by EPA, Region III will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the Department will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Stanley L. Laskowski,

Acting Regional Administrator.

In response to the State of Pennsylvania's request of December 16, 1983, delegation of authority was granted by the following letter of June 11, 1984.

Honorable Nicholas DeBenedictis,

Secretary, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17120

Dear Mr. DeBenedictis: This is in response to your letter of December 16, 1983 requesting delegation of authority for the Pennsylvania Department of Environmental Resources to enforce New Source Performance Standards for Bulk Gasoline Terminals, Beverage Can Surface Coating Industry, Pressure Sensitive Tape and Label Surface Coating Operations and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry.

We have reviewed the pertinent laws, rules and regulations of the Commonwealth of Pennsylvania and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate the authority for the implementation and enforcement of the NSPS regulation to the Commonwealth of Pennsylvania as follows:

Authority for all sources located or to be located in the Commonwealth of Pennsylvania subject to the Standards of Performance for New Stationary Sources for Bulk Gasoline Terminals (XX), Beverage Can Surface Coating Industry (WW), Pressure Sensitive Tape and Label Surface Coating Operations (RR) and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry (VV).

This delegation is based upon the conditions given in our June 30, 1983 letter to you which delegated 7 additional NSPS source categories to the Commonwealth of Pennsylvania.

If you need any further information feel free to contact Mike Giuranna at (215) 597-9189.

Sincerely,

W. Ray Cunningham,

Director, Air Management Division.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for Surface Coating of Metal Furniture (EE), Lead-Acid Battery Manufacturing Plants (KK), Phosphate Rock Plants (NN), Graphic Arts Industry: Publication Rotogravure Printing (QQ), Industrial Surface Coating: Large Appliances (SS), Metal Coil Surface Coating (TT), Asphalt Processing and Asphalt Roofing Manufacture (UU), Bulk Gasoline Terminals (Part XX), Beverage Can Surface Coating Industry (Part WW), Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry (Part VV), and Pressure Sensitive Tape and Label Surface Coating Operations (Part RR), should be sent to the Pennsylvania Department of Environmental Resources (address above) rather than to the EPA Region III Office in Philadelphia.

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

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Volatile organic compounds, Waste treatment and disposal, Zinc.

Authority: Sec. 111(c), Clean Air Act (42 U.S.C. 7411(c)).

Dated: June 26, 1984.

Stanley L. Laskowski,

Deputy Regional Administrator.

[FR Doc. 84-18617 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

[Docket No. AM701PA; OAR-FRL-2628-1]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants for Stationary Sources; Delegation of Authority to the City of Philadelphia; Department of Public Health

AGENCY: Environmental Protection Agency.

ACTION: Rule-related notice.

SUMMARY: Section 111(c) and 112(d) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) and 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants for Stationary Sources (NESHAPS) respectively.

On November 3, 1982, the City of Philadelphia Department of Public Health (Department) requested EPA to delegate to it the authority for additional NSPS and NESHAPS categories. EPA granted the request on December 30, 1982. The Department now has the authority to implement and enforce NSPS regulations for Electric Utility Steam Generating Units constructed after September 19, 1978, Storage Vessels for Petroleum Liquids Constructed after May 18, 1978. Ferroalloy Production Facilities, Steel Plants: Electric Arc Furnaces, Kraft Pulp Mills, Glass Manufacturing Plants, Grain Elevators, Stationary Gas Turbines, Lime Manufacturing Plants, Lead-Acid Battery Manufacturing Plants, Automobile and Light-Duty Truck Surface Coating Operations, Phosphate Rock Plants, Ammonium Sulfate Manufacture, and Asphalt Processing and Asphalt Roofing Manufacture and the authority to implement and enforce NESHAPS regulations for Vinyl Chloride.

On April 15, 1983, May 18, 1983, November 7 and November 23, 1983, respectively, the Department requested that EPA delegate to it authority for additional NSPS categories. EPA granted the former two requests on June 30, 1983 and the final two requests on June 11, 1984. The Department now has the authority to implement and enforce NSPS regulations for Industrial Surface Coating: Large Appliances, Metal Furniture Surface Coating, Metal Coil Surface Coating, Bulk Gasoline Terminals, Beverage Can Surface Coating Industry, Pressure Sensitive Tape and Label Surface Coating Operations, and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry.

Applications and reports required under the NSPS and NESHAPS for which EPA has delegated authority to the Department to implement and enforce should be sent to the Department.

EFFECTIVE DATES: December 30, 1982, June 30, 1983, and June 11, 1984.

ADDRESSES: Applications and reports required under all NSPS and NESHAPS

source categories for which EPA has delegated authority to the Department to implement and enforce should be addressed to the Philadelphia Department of Public Health, Air Management Services, 500 S. Broad Street, Philadelphia, PA 19146, rather than to EPA Region III.

Copies of the revision and accompanying documents are available for inspection during normal business hours at the Philadelphia AMS address given above or at the following offices:

U.S. Environmental Protection Agency, Region III; Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Michael Giuranna (3AM11), Telephone: (215) 597-2842.

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

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

FOR FURTHER INFORMATION CONTACT: Michael Giuranna of EPA Region III's Air Programs Branch, telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: On November 3, 1982, April 25, 1983, May 18, 1983, November 7, 1983, and November 23, 1983, the Department requested EPA delegate to it the authority to implement and enforce additional NSPS and Neshaps source categories. The Department requested these delegations to supplement the delegations for other source categories which Philadelphia had already received and for which EPA published in the **Federal Register** at 42 FR 6886 on February 4, 1977.

In response to the Department's request of November 3, 1982, delegation of authority was granted by the following letter of December 30, 1982:

Stuart H. Shapiro, M.D. M.P.H.,

Health Commissioner, City of Philadelphia, Municipal Services Building, Room 540, Philadelphia, PA 19107

RE: Delegation of Authority for New Source Performance Standards pursuant to section 111(c) and National Emission Standards for Hazardous Air Pollutants pursuant to section 112(d) of the Clean Air Act, as amended

Dear Dr. Shapiro: This is in response to your letter of November 3, 1982, requesting delegation of enforcement authority for additional New Source Performance Standards (NSPS) and National Emission Standard for Hazardous Air Pollutants (NESHAP).

We have reviewed the pertinent laws and regulations governing the control of air pollution in the City of Philadelphia and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAP regulations by the Philadelphia Department of Public Health (the Department).

Therefore, I am pleased to delegate authority to the Department, as follows:

The Department is delegated and shall have enforcement authority for the following source categories subject to the requirements in 40 CFR 60.30:

(1) Electric Utility Steam Generating Units Constructed after 9/18/78
(2) Storage Vessels for Petroleum Liquids Constructed after 5/18/78
(3) Ferroalloy Production Facilities
(4) Steel Plants: Electric Arc Furnaces
(5) Kraft Pulp Mills
(6) Glass Manufacturing Plants
(7) Grain Elevators
(8) Stationary Gas Turbines
(9) Lime Manufacturing Plants
(10) Lead-Acid Battery Manufacturing Plants
(11) Automobile and Light-Duty Truck Surface Coating Operations
(12) Phosphate Rock Plants
(13) Ammonium Sulfate Manufacture
(14) Asphalt Processing and Asphalt Roofing Manufacture.

Enforcement authority is also delegated for Vinyl Chloride Plants subject to the requirement in 40 CFR 61 and 60.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by Philadelphia and should include the following:

A. For New Source Performance Standards:

(i) Sources determined to be applicable during that quarter;

(ii) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(iii) The compliance status of the above, including the summary sheet from the compliance test(s); and

(iv) Any legal actions which pertain to these sources.

B. For National Emission Standards for Hazardous Air Pollutants:

(i) NESHAP sources granted a permit to construct;

(ii) NESHAP sources inspected during that quarter and their compliance status (except under § 61.22 (d) and (e));

(iii) The requirements of (A) above.

2. Enforcement of the NSPS and NESHAP regulations in the City of Philadelphia will be the primary responsibility of the Department. Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the City of Philadelphia subject to NSPS and NESHAP regulations.

3. Acceptance of this delegation for the regulations for the source categories listed above does not commit the City of Philadelphia to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards or amendments to previously delegated standards.

4. The Philadelphia Department of Public Health will at no time grant a waiver of compliance under the NESHAP regulations.

5. The Department will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards (Part 60). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

6. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

7. If at any time there is a conflict between a Department regulation and Federal regulation 40 CFR Parts 60 or 61, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. The Department will utilize the methods specified in 40 CFR Parts 60 and 61, in performing source tests pursuant to these regulations.

9. If the Director of the Air and Waste Management Division determines that a Department program for enforcing or implementing the NSPS or NESHAP regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department. A Notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-enumerated Federal NSPS and NESHAP regulations by sources located in the City of Philadelphia should be submitted to the Philadelphia Department of Public Health, Municipal Services Building, Room 540, Philadelphia, Pennsylvania 19107 in addition to EPA Region III. Any original reports which have been or may be received by EPA Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the City of Philadelphia's Department of Public Health will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Stephen R. Wassersug,

Director, Air and Water Management Division.

In response to the City of Philadelphia's requests of April 25, 1983 and May 18, 1983, delegation of authority was granted by the following letter on June 30, 1983:

Stuart W. Shapiro, M.D., M.P.H.,

Health Commissioner, City of Philadelphia, Municipal Services Building, Room 540, Philadelphia, PA 19107

Dear Dr. Shapiro: On September 30, 1976, and December 30, 1982, we delegated to the City of Philadelphia the authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) that had been promulgated by the Environmental Protection Agency. On October 27, 1982, October 29, 1982, and November 1, 1982 EPA promulgated NSPS for Industrial Surface Coating: Large Appliances; Metal Furniture Surface Coating; and Metal Coil Surface Coating; respectively. In your letters of April 25, 1983 and May 18, 1983, you requested that EPA delegate to the City of Philadelphia the authority for implementation and enforcement of these Federal regulations.

We have reviewed the pertinent laws, rules and regulations of the City of Philadelphia and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate our authority for the implementation and enforcement of the NSPS regulations to the City of Philadelphia follows:

Authority for all sources located or to be located in the City of Philadelphia subject to the Standards of Performance for New Stationary Sources for Industrial Surface Coating: Large Appliances (SS), Metal Furniture Surface Coating (EE); and Metal Coil Surface Coating (TT), promulgated in 40 CFR Part 60 as of the date of this letter.

This delegation is based upon the following conditions:

1. Quarterly reports which may be combined with other reporting information are to be submitted to EPA Region III, Air Enforcement section (AW12) by the City of Philadelphia and should include the following:

(i) Sources determined to be applicable during that quarter;

(ii) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(iii) The compliance status of the above, including the summary sheet from the compliance test(s); and

(iv) Any legal actions which pertain to these sources.

2. Enforcement of the NSPS regulations in the City of Philadelphia will be the primary responsibility of the Department of Public Health (the Department). Where the Department determines that such enforcement is not feasible and so notifies EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the City of Philadelphia subject to NSPS regulations.

3. Acceptance of this delegation for the regulations for the source categories listed above does not commit the City of Philidelphia to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any additional standards or amendments to previously delegated standards.

4. The Department of Public Health will not grant a variance from compliance with the applicable NSPS regulations if such variance delays compliance with the Federal Standards. Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variance by the Agency shall also constitute grounds for revocation of delegation by EPA.

5. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

6. If at any time there is a conflict between a Department regulation and Federal regulation 40 CFR Part 60, the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

7. The Department will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to these regulations. However, alternatives to continuous monitoring procedures and requirements may be acceptable upon concurrence by EPA as stipulated in 40 CFR 60.13.

8. If the Director of the Air and Waste Management Division determines that a Department program for enforcing or implementing the NSPS regulations is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

9. Information shall be made available to the public in accordance with 40 CFR 60.9.

EPA procedures permit delegation of all the Administrator's authorities under 40 CFR Part 60 except for any which require rulemaking in the **Federal Register** to implement or where Federal overview is the only way to ensure national consistency in the application of standards. Accordingly, the following authorities are not delegable under Section 111 of the Clean Air Act, as amended.

1. *Performance Tests, Paragraph 60.8(b)(2) and 60.8(b)(3).* Order to ensure uniformity and technical quality in the test methods used for enforcement of national standards, EPA will retain the authority to approve alternative and equivalent methods which effectively replace a reference method. This restriction on delegation does not apply to 60.8(b)(1), which allows for approval of minor modifications to reference methods on a case-by-case basis.

Some subparts include general references to the authority in 60.8(b) to approve alternative or equivalent standards. Examples include, but are not necessarily limited to, paragraphs 60.11(b), 60.274(d), 60.396(a)(1), 60.396(a)(2), and 60.393(c)(1)(i). These references are reminders of the provisions of paragraph 60.8 and are not separate authorities which can be delegated.

2. *Compliance with Standards and Maintenance Requirements, 60.11(e).* The granting of an alternative opacity standard requires a site-specific opacity limit to be adopted under 40 CFR Part 60.

3. *Subpart S, 60.195(b).* Development of alternative compliance testing schedules for primary aluminum plants is done by adopting site-specific amendments to Subpart S.

4. *Subpart Da, 60.45a.* Commercial demonstration permits allow an alternative emission standard for a limited number of utility steam generators.

5. *Subpart GG, 60.332(a)(3) and 60.335(a)(ii).* These sections pertain to approval of customized factors (fuel nitrogen content and ambient air conditions, respectively) for use by gas turbine manufacturers in assembly-line compliance testing. Since each approval potentially could affect the emissions from equipment installed in a number of States, the decision-making must be maintained at the Federal level to ensure national consistency. Notice of approval must be published in the **Federal Register.**

6. *Equivalency Determinations, section 111(h)(3) of the Clean Air Act.* Approval of alternatives to any design, equipment, work practice, or operational standard [e.g., 60.114(a) and 60.302(d)(3)] is accomplished through the rulemaking process and is adopted as a change to the individual subpart.

7. *Innovative Technology Waiver, section 111(j) of the Clean Air Act.* Innovative technology waivers must be adopted as site-specific amendments to the individual subpart. Any applications or questions pertaining to such waivers should be sent to the Director, Air and Waste Management Division, Region III. [States may be delegated that authority to enforce waiver provisions if the State has been delegated the authority to enforce NSPS.]

8. *Determination of Construction or Modification (Applicability), Paragraph, 60.5.* In order to ensure uniformity in making applicability determinations pertaining to sources, EPA will retain this authority. The delegated agency may exercise judgement based on the Compendium of Applicability determinations issued by EPA annually, and updated quarterly. Any applicability determinations not explicitly treated in the EPA Compendium must be referred to EPA for a determination. Also, any determinations made by the State agency based on the Compendium must be sent to EPA for

informational purposes in order for EPA to maintain national consistency.

A notice announcing this delegation will be published in the **Federal Register** in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-enumerated Federal NSPS requlations by sources located in the City of Philadelphia should be submitted to the Department of Public Health, Municipal Services Building (Room 540), Philadelphia, PA. 19107, in addition to EPA Region III. Any original reports which have been or may be received by EPA Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirement that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the Department of Public Health will be deemed to have accepted all of the terms of the delegation.

Sincerely yours,

Stanley L. Laskowski,

Acting Regional Administrator.

In response to the City of Philadelphia's request of November 7, and November 23, 1983, delegation of authority was granted by the following letter of June 11, 1984.

Stuart H. Shapiro,

Health Commissioner, City of Philadelphia, Municipal Services Building, Room 540, Philadelphia, Pennsylvania 19107

Dear Dr. Shapiro: This is in response to your letters of November 7 and 23, 1983, requesting delegation of authority for the Philadelphia Air Management Services to enforce New Source Performance Standards for Bulk Gasoline Terminals, Beverage Can Surface Coating Industry, Pressure Sensitive Tape and Label Surface Coating Operations and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry.

We have reviewed the pertinent laws, rules and regulations of the City of Philadelphia and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate the authority for the implementation and enforcement of the NSPS regulation to the City of Philadelphia as follows:

Authority for all sources located or to be located in the City of Philadelphia subject to the Standards of Performance for New Stationary Sources for Bulk Gasoline Terminals (XX), Beverage Can Surface Coating Industry (WW), Pressure Sensitive Tape and Label Surface Coating Operations (RR) and Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry (VV).

This delegation is based upon the conditions given in our June 30, 1983 letter to you which delegated 7 additional NSPS source categories to the City of Philadelphia.

If you need any further information feel free to contact Mike Giuranna at (215) 597-9189.

Sincerely,

W. Ray Cunningham,

Air Management Division.

For all sources located or to be located in the City of Philadelphia, effective immediately, all applications, reports, and other correspondence required under the NSPS requirements in 40 CFR Part 60 for Electric Utility Steam Generating Units Constructed after September 18, 1978 (Da), Storage Vessels for Petroleum Liquids Constructed after May 18, 1978 (Ka), Ferroalloy Production Facilities (Z), Steel Plants: Electric Arc Furnaces (AA), Kraft Pulp Mills (BB), Glass Manufacturing Plants (CC), Grain Elevators (DD), Metal Furniture Surface Coating (EE), Stationary Gas Turbines (GG), Lime Manufacturing Plants (HH), Lead-Acid Battery Manufacturing Plants (KK), Automobile and Light-Duty Truck Surface Coating Operations (MM), Phosphate Rock Plants (NN), Ammonium Sulfate Manufacture (PP), Industrial Surface Coating: Large Appliances (SS), Metal Coil Surface Coating (TT), Asphalt Processing and Asphalt Roofing Manufacture (UU), Bulk Gasoline Terminals (Part XX), Beverage Can Surface Coating Industry (Part WW), Volatile Organic Compounds in Synthetic Organic Chemicals Manufacturing Industry (Part VV), and Pressure Sensitive Tape and Label Surface Coating Operations (Part RR), and under the NESHAPS requirements in 40 CFR Part 61 for Vinyl Chloride Plants (F) should be sent to the City of Philadelphia, Department of Public Health (address above) rather than to the EPA Region III Office in Philadelphia.

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

Authority: Secs. 111(c) and 112(d), Clean Air Act (42 U.S.C. 7411(c)).

Dated: June 26, 1984.

Stanley L. Laskowski,

Deputy Regional Administrator.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Volatile organic compounds, Waste treatment and disposal, Zinc.

40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

[FR Doc. 84-18618 Filed 7-13-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 65

[OAR-FRL-2625-5]

Delayed Compliance Orders; Delayed Compliance Order for Engineered Coated Products, Inc., Northbrook, IL

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to Engineered Coated Products, Inc. ("ECP"). The Order requires the company to bring volatile organic compound ("VOC") emissions from its laminating line into compliance with Illinois Rule 205(n), contained in the federally-approved Illinois State Implementation Plan (SIP). Compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule takes effect on July 13, 1984.

ADDRESS: The Delayed Compliance Order, supporting material, and any comments received in response to the **Federal Register** notice proposing issuance of the Order are available for public inspection and copying during normal business hours at: Office of Regional Counsel, U.S. EPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David M. Taliaferro, Assistant Regional Counsel, U.S. EPA Region V, 230 S. Dearborn Street, Chicago, Illinois 60604. Phone: (312) 353-2082.

SUPPLEMENTARY INFORMATION: On April 16, 1984, the Regional Administrator of EPA's Region V Office published in the **Federal Register**, 49 FR 14975, a notice setting out the provisions of a proposed delayed compliance order for Engineered Coated Products, Inc., Northbrook, Illinois. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

Two comments were received. The Illinois Environmental Protection Agency (IEPA) commented that the date

for ordering add-on control equipment should take account of the time required for state permits to be obtained. USEPA responds that a delayed compliance order does not abrogate any permit requirement. It is the responsibility of a source to obtain necessary permits in a timely fashion. IEPA also commented that, as a policy matter, USEPA should consider the aggregate effect of requiring add-on incineration equipment on ambient NO_x levels. USEPA responds that the potential impact of numerous newly-installed incineration devices could increase ambient NO_x levels. However, ECP has indicated that alternative compliance approaches, such as reformulation of coatings, are not feasible for their laminating line. In addition, USEPA notes that ECP is located in a primary non-attainment area for ozone. The DCO requires substantial reductions of VOC emissions, which contribute to ozone formation. The resulting relatively small potential increase of NO_x emissions is not expected to have any impact on the areas' attainment status for NO_x.

The other comment was received from the source itself. ECP requested additional time to explore financing arrangement. USEPA concurred in the request, and agreed to extend the interim and final compliance dates by two weeks. This change is reflected in the Order signed by the Administrator and agreed to by the source. Because the change is relatively minor and responds to public comments received, no re-proposal will be made.

Therefore, a delayed compliance order effective this date is issued to Engineered Coated Products, Inc., by the Administrator of EPA pursuant to the authority of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places ECP on a schedule to bring its laminating line at Northbrook, Illinois into compliance as expeditiously as practicable with 205(n), a part of the federally-approved Illinois State Implementation Plan. If the conditions of the Order are met, it will permit ECP to delay compliance with the SIP regulations covered by the Order until December 1, 1984. The company is unable to immediately comply with the regulation.

Compliance with the Order by ECP will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order during the period the Order is in effect. Citizen suits under Section 304 of the Act are similarly precluded. If the Administrator determines that ECP is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place ECP on a schedule for compliance with the applicable requirement(s) of the Illinois State Implementation Plan.

List of Subjects is 40 CFR Part 60

Air pollution control.

(42 U.S.C. 7413(d), 7601)

Dated: July 2, 1984.

William D. Ruckelshaus,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

Section 65.180 is amended by adding the following entry to the table to read as follows:

§ 65.180 Federal delayed compliance orders issued under Section 113(d)(1), (3), and (4) of the Act.

* * * * *

Source	Location	Order No.	SIP regulation involved	Date of FR proposal	Final compliance date
*	*	*	*	*	*
Engineered coated products	Northbrook, IL	EPA-5-84-A-	205(n)	Apr. 16, 1984	Dec. 1, 1984.

[FR Doc. 84-18430 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 125

[OW-FRL-2523-2]

National Pollutant Discharge Elimination System; Compliance Extensions for Innovative Technologies

Correction

In FR Doc. 84-16820, beginning on page 25978 in the issue of Monday, June 25, 1984, make the following correction:

On page 25982, in § 125.24, introductory text, second column, line two, "July 1, 1987" should read "July 1, 1984".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 5000

[Circular No. 2547]

Forest Management Decisions; Administrative Remedies

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: The final rulemaking will enable an authorized officer of the Bureau of Land Management to implement decisions relating to forest management without being automatically stayed by the filing of an appeal with the Office of Hearings and Appeals, Department of the Interior. In addition, the final rulemaking will provide procedures for protesting forest management decisions in a timely manner.

EFFECTIVE DATE: August 13, 1984.

ADDRESS: Any suggestions or inquiries should be sent to: Director (230), Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Charles Frost (202) 653-8864.

SUPPLEMENTARY INFORMATION: A proposed rulemaking to amend the regulations governing administrative remedies of forest management decisions made by the Bureau of Land Management was published in the **Federal Register** on January 31, 1984 (49 FR 3884). This proposed rulemaking was designed to amend the existing regulations in 43 CFR Group 5000 by adding a new Part 5000 and Subpart 5003 Administrative Remedies, to: expedite implementation of decisions relating to forest management and provide the public with the opportunity to protest such decisions.

The proposed rulemaking was the subject of three responses, one each from a conservation society, a county association, and a Federal agency. All of the comments were given careful consideration during the development of this final rulemaking.

One comment raised two objections to the proposed rulemaking. The comment objected to the proposed rulemaking because under its provisions an appeal of a timber management decision failed to stay the implementation of that decision. The proposed rulemaking states that the *filing of an appeal* in and of itself would not automatically stay the implementation of the decision. The appellant still has the right to petition the Office of Hearings and Appeals to stay the implementation of the decision; however, the appellant would have to show standing and present reasons for staying the decision. The second objection to the proposed rulemaking was based on the requirement that protests of advertised timber sales must be made within 15 days of the first public advertisement. The comment further stated that only public employees and timber company employees could possibly be so aware of the Bureau of Land Management activities that they would be able to act within such a short period of time. The Bureau publishes a yearly timber sale schedule prior to the beginning of each fiscal year giving the name, location, estimated volume, type of harvest, and the proposed sale date for each timber sale. In addition, an environmental assessment is prepared and made available for public comment prior to advertisement of each sale. These practices give the public ample notice of pending timber sales. In past practice, a timber sale could be protested from the time of first advertisement for sale until the actual sale. This meant that a sale could be protested the date it was offered for sale. The proposed rulemaking provides for a definite period within which a sale can be protested and provides the authorized officer with time to respond to the protests, make changes if necessary, cancel the sale or, if the protest is denied, hold the sale as scheduled.

Another comment supported the intent of the proposed rulemaking, but expressed the view that the proposed rulemaking is too limited in scope. The comment suggested several changes to 43 CFR Part 4 regarding protest procedures. Since this rulemaking did not address revisions to 43 CFR Part 4 and such revisions would require publication as draft proposed rulemaking to provide for public comment; the suggested changes are not adopted in this final rulemaking.

The comment also expressed the view that:

1. The rules do not clearly explain what types of decisions will be subject to protest under Subpart 5003;

2. The rules do not address whether third parties may intervene in such protests or what rights of appeal parties to protest will have; and

3. The rules do not explain what procedures must be used to obtain a stay or what standard must be met before a stay is granted.

The final rulemaking has been modified to read "forest management" instead of "timber management." The term "timber management" is associated primarily with timber harvesting, whereas the term "forest management" encompasses both timber harvest and forest development activities, which is the intent of this rulemaking. Further, the final rulemaking states "For all decisions relating to forest management except advertised timber sales, the notice and decision document shall contain a concise statement of the circumstances requiring the action." To clarify which administrative relief regulations govern these forest management decisions, the final rulemaking adds a statement to section 5003.2(a) which reads "The notice in the newspaper shall reference 43 CFR 5003—Administrative Remedies."

As to the second point, there is no history of third party intervention on protests of this nature and neither the proposed rulemaking nor the final rulemaking allows for third party intervention. If a decision is changed as a result of a protest which is not agreeable to a third party; then the third party has the right of appeal of the final decision. However, if the protest is denied and the issue is appealed to the Office of Hearings and Appeals, a petition may be filed requesting a third party intervention. As to rights of appeal, this final rulemaking does not preempt any rights to appeal under 43 CFR Part 4. The only change is that the filing of an appeal does not automatically stay the decision.

As to the third point, amendments to 43 CFR Part 4 of this title are not within the jurisdiction of the Bureau of Land Management and were therefore not considered in this Bureau of Land Management rulemaking.

Another comment suggested changes to improve and clarify the proposed rulemaking. In response to this comment, the term "may" in Subpart 5003.3(c) is changed to "shall" and Subpart 5003.1 is modified to make it clear that 5003.1 pertains to only those decisions for which the proposed notice had been given under Subpart 5003.2. Subpart 5003.1 is amended in the final rulemaking by adding the words as described under Subparts 5003.2–2 and 5003.3.

The principal author of this final rulemaking is Charles Frost, Division of Forestry, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

This proposed rulemaking contains no new information collection requirements requiring approval from the Office of Management and Budget as specified in 44 U.S.C. 3507.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The changes made by this proposed rulemaking are minor in nature and would have an equal impact on all parties participating in timber sales conducted by the Bureau of Land Management. Costs to timber firms which are attributable to delays in scheduled activities because of automatic stays should be reduced by this final rulemaking.

List of Subjects in 43 CFR Part 5003

Administrative practice and procedure, Forest and forest products, Public lands.

Under the authority of the Act of August 28, 1937 (43 U.S.C. 1181 (a)), and the Act of July 31, 1947 (30 U.S.C. 601 et seq.), Parts 5540, 5450, and 5460, Group 5400, Subchapter E, Chapter II, Title 43 of the Code of Federal Regulations are amended as set forth below.

Dated: June 27, 1984.

Leona A. Power,

Acting Assistant Secretary of the Interior.

1. Group 5000 is amended by adding a new part 5000 to read:

PART 5000—ADMINISTRATION OF FOREST MANAGEMENT DECISIONS

Subpart 5003—Administrative Remedies

Sec.
5003.1 Effect of decisions; general.
5003.2 Notice of forest management decisions.
5003.3 Protests.

Authority: 43 U.S.C. 1181(a); 30 U.S.C. 601 et seq.; 43 U.S.C. 1701.

Subpart 5003—Administrative Remedies

§ 5003.1 Effect of decisions; general.

The filing of a notice of appeal under part 4 of this title shall not automatically suspend the effect of a decision governing or relating to forest management as described under Subparts 5003.2 and 5003.3.

§ 5003.2 Notice of forest management decisions.

(a) The authorized officer shall, when the public interest requires, specify when a decision governing or relating to forest management shall be implemented through the publication of a notice of decision in a newspaper of general circulation in the area where the lands affected by the decision are located, establishing the effective date of the decision. The notice in the newspaper shall reference 43 CFR Subpart 5003—Administrative remedies.

(b) When a decision is made to conduct an advertised timber sale, the notice of such sale shall constitute the decision document.

(c) For all decisions relating to forest management except advertised timber sales, the notice and decision document shall contain a concise statement of the circumstances requiring the action.

§ 5003.3 Protests.

(a) Protests of a forest management decision, including advertised timber sales, may be made within 15 days of the publication of a notice of decision or notice of sale in a newspaper of general circulation.

(b) Protests shall be filed with the authorized officer and shall contain a written statement of reasons for protesting the decision.

(c) Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered.

(d) Upon timely filing of a protest, the authorized officer shall reconsider the decision to be implemented in light of the statement of reasons for the protest and other pertinent information available to him/her.

(e) The authorized officer shall, at the conclusion of his/her review, serve his/her decision in writing on the protesting party.

(f) Upon denial of a protest filed under paragraph (a) of this section the authorized officer may proceed with implementation of the decision.

[FR Doc. 84-18629 Filed 7-12-84; 8:45 am]
BILLING CODE 4310-84-M

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Eriogonum Pelinophilum To Be an Endangered Species and To Designate Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service has determined *Eriogonum pelinophilum* (clay-loving wild-buckwheat) to be an endangered species and has designated its critical habitat under the authority of the Endangered Species Act. Only one population of *Eriogonum pelinophilum*, with about 10,000 individuals, is known on 120 acres of private land in Delta County, Colorado. The adjacent land has been fenced off into horse corrals and pastures. All vegetation within these areas has been eliminated. The only area where the clay-loving wild-buckwheat is known to occur is under imminent threat of similarly being fenced off with the probable result being loss of the clay-loving wild-buckwheat. This determination will provide opportunity for protection and management of the species under the Endangered Species Act of 1973, as amended.

EFFECTIVE DATE: The effective date of this rule is August 13, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours of the Service's Endangered Species Staff at 134 Union Boulevard, fourth floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Endangered Species Staff, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 (303/234-2496 or FTS 234-2496).

SUPPLEMENTARY INFORMATION:

Background

Eriogonum pelinophilum (clay-loving wild-buckwheat) was first collected by Harold Gentry in 1958. However, the distinctiveness of Gentry's collection was not recognized until 1971, when Dr. James Reveal conducted an analysis of the species group (Reveal, 1971). Even then, repeated searches were made before he relocated the site in 1972 (Reveal, 1973). Additional localities have not been found despite extensive field searches in 1981 and 1983. *Eriogonum pelinophilum* is a low, rounded subshrub only 5–10 centimeters (to 4 inches) high and 8–15 centimeters (to 6 inches) across, with woody stems at the base and herbaceous stems above. The short narrow leaves (5–12 millimeters long and 1–2 millimeters wide) are dark green above and densely woolly below. At the ends of the herbaceous branches there are clusters of small white to cream flowers. The plants grow in alkaline clay soils, locally referred to as adobes, on sparsely vegetated badlands of Mancos shale. They are apparently restricted to a band of whitish soil within the badlands. The single population with two sites about ¾ of a mile apart consists of 10,000 individuals on 120 acres of private land between Austin and Hotchkiss in west-central Colorado. Land adjacent to the population and between the two sites has been fenced off for horse pastures and corrals. As the horses consume all the vegetation within a pasture, additional land has been fenced off (there is little possibility of revegetation in this desert area). The area containing the population may be fenced off and overgrazed in the near future. All vegetation including the clay-loving wild-buckwheat would probably be lost. In addition, there is some off-road vehicle traffic over the population in connection with management of the horses and pasture. Thus, the species is vulnerable because of its restriction to a particular soil type and endangered by the likely fencing of its habitat and overgrazing by horses thereon. It is not protected under any Colorado law.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975, and included *Eriogonum pelinophilum*. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823) of his acceptance of the Smithsonian report as a petition within the context of Section 4(c)(2) of the 1973 Act, and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to Section 4 of the Act. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1975 **Federal Register** notice. *Eriogonum pelinophilum* was included in the July 1975 notice (40 FR 27881) and in the June 1976 proposal (41 FR 24560). General comments received

in relation to the 1976 proposal were summarized in the April 26, 1978, Federal Register (43 FR 17909).

The Endangered Species Act amendments of 1978 required that all proposals over 2 years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 1976 proposal along with other proposals that had expired (44 FR 70796). The July 1975 notice was replaced on December 15, 1980, by the Service's publication in the Federal Register (45 FR 82479) of a new notice of review for plants, which included *Eriogonum pelinophilum*. No comments on this species were received in response to the 1980 notice. On February 15, 1983, the Service published a notice in the Federal Register (48 FR 6752) of its prior finding that the petitioned action on this species may be warranted, in accord with Section 4(b)(3)(A) of the Act as amended in 1982. On June 22, 1983, the Service published a proposed rule (48 FR 28504) to list *Eriogonum pelinophilum* as an endangered species, including a finding that the petitioned action was warranted, in accord with Section 4(b)(3)(B)(ii) of the Act, and also proposed critical habitat for the species.

Summary of Comments and Recommendations

In the June 22, 1983, proposed rule (48 FR 28504) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published in the *Delta County Independent* on July 4, 11, 18, and 25, 1983, which invited general public comment. Four comments were received and are discussed below. No public hearing was held.

All four comments supported the listing of *Eriogonum pelinophilum* as an endangered species. Comments were received from the Governor of Colorado; the Colorado Natural Areas Program of the Colorado Department of Natural Resources; the Colorado Natural Heritage Inventory; and the Craig, Colorado, District Office of the Bureau of Land Management (BLM).

The Governor of Colorado, the Natural Areas Program, and the Natural Heritage Inventory indicated that 1983 field work revealed a larger population in the area than was indicated in the proposal (10,000 individuals instead of 800 to 1,000), and that critical habitat should be enlarged from the about 100 acres indicated in the proposal to 175 acres. The Governor also reminded the Service to recognize the interests of the private landowners as it took steps to protect the species. The BLM indicated it had no new data on the species. The Service agrees with the comments and has made changes accordingly, except that further study has resulted in recognition that the complete area occupied by the species is 120 acres rather than 175 acres.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Eriogonum pelinophilum* should be classified as an endangered species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) were followed. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Eriogonum pelinophilum* Reveal (clay-loving wild-buckwheat) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range. Eriogonum pelinophilum* is in danger of having its remaining habitat fenced off into horse pastures and corrals. The subsequent grazing and trampling could destroy this species. Its range would be greatly curtailed if not entirely eliminated. Adjacent areas have already been fenced off and grazed, reducing the population and apparently splitting it into two sites separated by about ¾ of a mile. There is also some damage to the population from off-road vehicles in the course of continuing work in the area. See also factor C below.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Acreage of the ranch has been offered for sale in the newspaper *North Fork Times* under the heading "Own a Rare and Endangered Species" and featuring the species by name. However, no direct utilization of the species itself is known.

C. *Disease or predation.* As the vegetation in old pastures is grazed out, adjacent areas have been fenced off for pastures and corrals. If the sites where *Eriogonum pelinophilum* occurs are thus fenced off, the enclosed area will be heavily grazed. Probably all vegetation, including the clay-loving wild-buckwheat, would be removed in a short time by horses and mules, as it has been in the adjacent fenced areas.

D. *The inadequacy of existing regulatory mechanisms.* No Federal or State laws currently protect *Eriogonum pelinophilum* or its habitat. The Endangered Species Act offers possibilities for protection of this species.

E. *Other natural or manmade factors affecting its continued existence.* Because the continuance of this species depends on only one population, its survival is endangered by inadvertent actions in the area that do not take its presence into account. It is not know whether the probable loss of plants on fencing and grazing the area between the two sites of the population has resulted in depletion of the genetic variation in the species.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the Service has determined to list *Eriogonum pelinophilum* as an endangered species. In view of the threat to its entire habitat, this appears to be the correct assessment of the situation faced by this species. Critical habitat is being designated for the reasons discussed in the following section. A decision to take no action would exclude *Eriogonum pelinophilum* from needed protection available under the Endangered Species Act. Therefore, no action or listing as threatened would be contrary to the Act's intent.

Critical Habitat

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

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being designated for *Eriogonum pelinophilum* to include approximately 120 acres in Delta

County, Colorado, about 3 miles east of Austin near Highway 92; the exact area is indicated below under the "Regulations Promulgation" section. This area includes the entire know population and includes as a constituent element the alkaline clay soils within the sparsely vegetated badlands of Mancos shale to which *Eriogonum pelinophilum* is restricted. All of the critical habitat is on private land.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. The fencing of the critical habitat into horse pastures and corrals would, through grazing, directly impact the vegetation there, including *Eriogonum pelinophilum*. Also, the soil may become more compacted by trampling and vehicular activity, adversely affecting plant growth. Since the critical habitat is on private land, there will be no impact on private actions from the designation; no Federal activities are known in the area.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has considered the critical habitat designation in light of revelant additional information obtained from comments on the proposed rule, has prepared an analysis, and believes that economic and other impacts of this action are not significant in the foreseeable future. Although the critical habitat is expanded by about 18 acres from that in the proposal, no effect is anticipated since there is no Federal activity in the area. The conclusion of this analysis is that designation of critical habitat for this species will have no significant economic impact on any private or Federal agencies and that no known Federal activity is ongoing or anticipated that will affect the area so proposed.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and can result in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with States such as Colorado, which has a plant cooperative agreement under Section 6(c)(2). The Act also requires that recovery actions be carried out for all listed species. Appropriate actions are initiated by the Service following listing. The protection required by Federal agencies and prohibitions against taking are discussed in part below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. However, no Federal involvement is known or expected for this species and its critical habitat.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Eriogonum pelinophilum*, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. No trade in *Eriogonum pelinophilum* is known. It is anticipated that few trade permits involving the species would ever be sought or issued since this species is not known in cultivation nor is it common in the wild.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. Should the clay-loving wild-buckwheat occur on Federal land, the new prohibition would apply. Permits for exceptions to this prohibition are available through Section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417) and it is anticipated that these will be made final following public comment. *Eriogonum pelinophilum* is known to occur only on private land. It is anticipated that few collecting permits for the species would ever be requested, as this plant has not been of interest to collectors. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1903).

The Service will review this species to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through Section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

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

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major action under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). These determinations are based on a Determination of Effects that is available from the Service's Denver Endangered Species Staff (see **ADDRESSES** section above).

Literature Cited

Reveal, J.L. 1971. Notes on *Eriogonum*-VI. A Revision of the *Eriogonum microthecum* complex (Polygonaceae). Brigham Young

University Science Bulletin, Biological Series 13(1): 1–45.

Reveal, J.L. 1973. A new subfruticose *Eriogonum* (Polygonaceae) from western Colorado. Great Basin Naturalist 33:120–122.

Author

The primary author of this final rule is Dr. James L. Miller, U.S. Fish and Wildlife Service, Denver Regional Office (address above). Dr. Bruce MacBryde of the Service's Washington Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

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

Regulations Promulgation

PART 17—[AMENDED]

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

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

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

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

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	*
Polygonaceae—Buckwheat family:						
Eriogonum pelinophilum	Clay-loving wild-buckwheat	U.S.A. (CO)	E		17.96(a)	NA
*	*	*	*	*	*	*

3. Amend § 17.96(a) by adding critical habitat of *Eriogonum pelinophilum* as follows: The position of this entry under § 17.96(a) will follow the same sequence as that in which the species occurs in 17.12.

§ 17.96 Critical habitat—plants.

(a) * * *

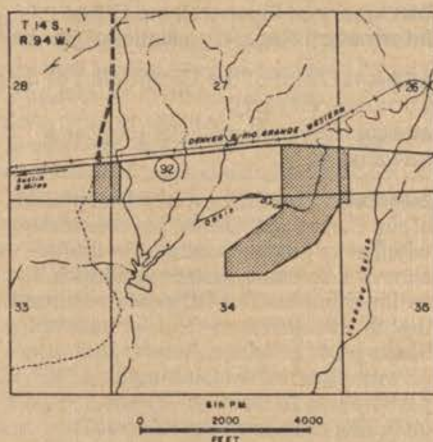
* * * * *

Family Polygonaceae: *Eriogonum pelinophilum* (clay-loving wild-buckwheat). Colorado, Delta County. About 3 miles east of Austin near Highway 92. T14S, R94W 6th P.M. Section 26—west 225 feet of Section 26 lying south of State Highway 92 (5.6 acres). Section 27—that part of the SE¼SE¼ lying south of State Highway 92 (35.6 acres). Section 34—an area bounded by a line beginning at the northeast corner of Section 34, thence south along the section line 200 feet to a point; thence southwesterly to a point 1050 feet south and 550 feet west of the northeast corner of Section 34; thence southwesterly to a point 700 feet north and 900 feet east of center ¼ corner of Section 34; thence westerly 900 feet to the north-south ¼ line; thence northerly 600 feet along the ¼ line to a point; thence northeasterly to a point of the east 1/16 line; thence northerly along the 1/16 line 300 feet to the north section line of Section 34; thence easterly along the north section line to the point of beginning (65.0 acres). Section 35—north 200 feet of the west 225 feet (1.0 acres). Section 27—west 200 feet of Section 27 lying south of State Highway 92 (4.3 acres). Section 28—east 400 feet of Section 28 lying south of State Highway 92 (8.3 acres). Total 119.8 acres. The primary constituent elements include those factors associated with the whitish alkaline clay soils within the sparsely vegetated badlands of Mancos shale.

CRITICAL HABITAT

CLAY-LOVING WILD-BUCKWHEAT

Delta County, COLORADO



Dated: June 21, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-18576 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 49, No. 136
Friday, July 13, 1984

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144-A14-RO1]

Lemons Grown in California and Arizona

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing briefs.

SUMMARY: This extension of time is necessary to allow interested persons additional time to prepare and file briefs with respect to a hearing held on a proposed marketing agreement and amendments to the marketing order regulating the handling of lemons grown in California and Arizona.

DATE: The date by which written briefs must be postmarked is extended to September 15, 1984.

ADDRESS: Interested persons may send written briefs to the Hearing Clerk, Room 1077-South Building, USDA, Washington, D.C. 20250, where they will be available for inspection during business hours.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, USDA, AMS, Washington, D.C. 20250, Telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: On February 28, 1984, the Administrative Law Judge presiding over the hearing on a proposed marketing agreement and amendments to the marketing order regulating the handling of lemons grown in California and Arizona set July 16, 1984, as the date by which interested persons could file briefs with respect to the hearing. Notice of the aforementioned hearings was published in the December 13, 1983, issue of the **Federal Register** (48 FR 55472).

A number of persons requested additional time to review the hearing record and prepare their briefs. Accordingly, the time for the filing of written briefs by all interested persons is hereby extended to September 15, 1984.

List of Subjects in 7 CFR Part 910

Marketing order, California, Arizona, Lemons.

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

Dated: July 11, 1984.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 84-18755 Filed 7-12-84; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Ch. I

[Docket No. 84-24]

Disclosure of Financial and Other Information Regarding National Banks

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency ("Office") is considering whether to propose changes in the current disclosure system applicable to national banks. The Office is concerned that the disclosure system for national banks provide adequate information to permit informed decision-making by participants in the marketplace, including uninsured depositors. To assist it in determining whether changes are appropriate, the Office is requesting public comment on a wide range of issues concerning the disclosure system, including the extent to which it meets current and emerging public needs, and the costs associated with any changes

Comments are sought on four broad areas. The first relates to the general characteristics of an effective disclosure system. The second concerns whether national banks should provide additional information relating to various aspects of bank operations and management, including financial information and narrative disclosures. The third relates to the need for additional disclosure of administrative enforcement actions. The fourth concerns cost-benefit considerations of possible changes in the disclosure system.

DATE: Written comments must be submitted on or before October 11, 1984.

ADDRESS: Comments should be directed to: Docket No. [84-24], Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219, Attention: Lynette Carter. Comments will be made available for inspection and photocopying.

FOR FURTHER INFORMATION CONTACT: Emily R. McNaughton, Commercial Examinations Division, Office of the Comptroller of the Currency, (202) 447-1165, or David G. Hayes, Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, (202) 447-1177.

SUPPLEMENTARY INFORMATION:

I. Evolving Role of Disclosure in the Bank Regulatory Scheme

The business of banking is undergoing fundamental change. As a result of technological advances, legislative and regulatory action, and changing economic conditions, banks and other financial institutions are offering an expanded range of financial services and products. The rapidity of these changes has served to increase demands on the bank regulatory scheme and to focus attention on different means available to bank regulators for promoting the safety and soundness of the banking system in a more efficient manner. The Office believes that, under appropriate circumstances, market forces may be used to complement its supervisory efforts to promote bank safety and soundness.

Achievement of that objective depends, in part, upon participants in the marketplace having accurate and timely information concerning national banks. Accordingly, the Office is soliciting data, views and comments on a wide range of issues associated with the use of disclosure to promote the Office's regulatory objectives, including what changes may be necessary to make the marketplace a more effective disciplinary force, and the costs associated with any such changes.

In seeking these comments, the Office is cognizant of the need to maintain high levels of public confidence in the

national banking system. If changes in the disclosure system are in the best interest of the national banking system and the public which it serves, the Office recognizes its responsibility to ensure that appropriate changes are made in an orderly manner and do not undermine public confidence in that system.

This Office solicits comments from all interested persons, including financial analysts and other professional or academic groups concerned with financial institutions and the financial markets. With these comments, the Office will be better able to determine whether to propose specific changes in the disclosure system applicable to national banks, either by rulemaking or legislation.

II. Current Disclosure System

Broadly speaking, the disclosure system for national banks includes various reporting and disclosure requirements imposed under federal banking and securities laws. In addition, it includes information made available by national banks to the public on a voluntary basis. In that regard, the Office encourages national banks, consistent with sound business practices, to develop voluntary disclosure standards that might assist different participants in the marketplace, including uninsured depositors, in evaluating, and making decisions relating to, financial institutions.

The disclosure system provides information to various classes of participants in the marketplace. These include investors in equity and debt securities issued by national banks and bank holding companies, depositors (including uninsured depositors), and general creditors of national banks. Although the information needs of the marketplace generally are served by the disclosure system as a whole, certain requirements are initially targeted to a specific class of participant, such as investors.[1] The Office, through this advance notice, seeks to focus attention primarily on how that system might be adapted to permit the full range of participants, including uninsured depositors, to make more informed decisions with respect to national banks.

Set forth below is a summary of the most significant portions of that disclosure system.

A. Information Concerning Bank Operations and Financial Condition

There are several sources of information concerning the operations and financial condition of national banks. These include investor or shareholder-targeted disclosure documents (not discussed here) required under the Securities Act and the Exchange Act. It also includes certain reports (or portions thereof) made available by national banks or the banking agencies, in particular, the Reports of Condition and Income, the Uniform Bank Performance Report and the Country Exposure Information Report.

Reports of Condition and Income ("Call Reports")

All national banks are subject to the financial reporting and disclosure provisions contained in 12 U.S.C. 161. That section, among other things, provides for the filing of Reports of Condition and Income on a quarterly basis or upon the "call" of the Comptroller. In addition, that section requires certain portions of the Report of Condition—primarily the basic balance sheet—to be published in a local newspaper of general circulation within ten days after being filed with the Office. The Report of Income is not required to be published. The Report of Income and the balance of the Report of Condition of national banks, with the exception of data on loans past due for less than 90 days, are released upon request.

The usefulness of information disclosed by banks through the Call Report has increased in recent years. The Report of Condition has been expanded to include supporting schedules showing past due, nonaccrual and renegotiated loans; contingent liabilities; repricing opportunities; and the allocated transfer risk reserve required by the International Lending Supervision Act of 1983. New items have been added to existing schedules, including the reporting of certain quarterly averages of selected balance sheet accounts. In addition all insured commercial banks are now required to submit a Report of Income each quarter.

It should be noted that the Report of Condition and the Report of Income and their supporting schedules are primarily supervisory and regulatory documents. Accordingly, although it is the intention of the Office that national banks follow generally accepted accounting principles ("GAAP") in preparing the Reports of Condition and Income, the instructions to those reports do not in all cases follow GAAP or the opinions and statements of the Accounting Principles Board ("APB"). For example, when the terms of a loan participation include a recourse provision or a difference in the interest rate terms, the participation must be recorded as a borrowing in the Call Report. Under GAAP, such a loan participation would be recorded as a sale. Additionally, banks are not required to include a statement of changes in financial condition or footnotes to financial statements in the Call Report.

Last year, the instructions to the Call Report were revised to permit banks to furnish a narrative statement explaining their past due, nonaccrual and renegotiated loan totals. When such an explanation is provided, the bank must state that no federal regulatory agency has verified or confirmed the accuracy of the information contained in that statement.

Finally, the correctness of the Report of Condition must be attested to by at least three directors of the reporting bank, other than the officer signing the report. There is no requirement that the Reports of Condition and Income be audited by an independent public accountant.

Uniform Bank Performance Report

The Uniform Bank Performance Report (UBPR), contains comparative financial data on all commercial banks supervised by the Board of Governors of the Federal Reserve System ("FRB"), the Federal Deposit Insurance Corporation ("FDIC") and this Office. This document presents data from each bank's Call Report in terms of ratios, percentages and dollar figures. It also contains corresponding average data for a bank's peer group over a five year period and percentile rankings. For each bank the UBPR contains over 900 figures and ratios.

The UBPR was created as an analytical tool for supervisory and examination purposes, and has been useful to bank management. It is intended to show the impact of management decisions and economic conditions on a bank's performance through an analysis of income-statement and balance-sheet information. It is

[1] Investor-targeted disclosures includes (i) disclosure made in connection with the offer and sale of securities issued by national banks (*see* 12 CFR Part 16) or by bank holding companies subject to section 5 of the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77e); (ii) annual financial disclosure made to shareholders of all national banks (*see* 12 CFR Part 18); and (iii) periodic disclosure made to shareholders of national banks (*see* 12 CFR Part 11), or of bank holding companies, having a class of securities registered pursuant to section 12 of the Securities Exchange Act of 1934 ("Exchange Act"), 12 U.S.C. 781. In addition, all banks are subject to the antifraud provision of the federal securities laws, including Rule 10b–5 under the Exchange Act, 17 CFR 240.10b–5.

published quarterly, after being compiled from information provided through the Call Report.

Country Exposure Information Report

The Country Exposure Information Report is a new report that will be made available to the public. It will show a bank's large dollar loans to foreign borrowers. Information for the report is beginning collected on a quarterly basis, beginning with the quarter ending March 31, 1984.

B. Information Concerning Directors, Executive Officers and Principal Shareholders

National banks are subject to a number of reporting and disclosure requirements relating to directors, executive officers and principal shareholders. Certain requirements (not discussed here) are contained in the periodic disclosure provisions of the Exchange Act that apply to banks and bank holding companies having a class of securities registered pursuant to section 12 of that Act. Other requirements apply to all national banks under the banking laws.

Loans to Insiders

Under the banking law, national banks are subject to reporting and disclosure requirements concerning loans made to certain insiders. Each national bank must include is the quarterly Report of Condition the aggregate amount of extensions of credit to its executive officers, principal shareholders and their related interests. Each bank must also include in the quarterly report the number of these persons to whom the amount of all extensions of credit by the reporting bank equals or exceeds the lesser of $500,000 or 5% of the bank's total capital. In addition, under 12 CFR 31.5, a national bank must, upon written request, disclosure the name of each of its executive officers and principal shareholders whose aggregate indebtness, including indebtness of related interests, (a) from the bank itself as of the lastest quarter or (b) from its correspondent banks at any time during the previous calendar year, equals or exceeds the lesser of 5% of the bank's capital and unimpaired surplus, or $500,000.

III. Disclosure Issues

The Office is exploring possible changes in the current disclosure system for national banks with a view toward making participants in the marketplace, including uninsured depositors, a more effective disciplinary force. To aid commentators, the Office has prepared a number of questions covering four broad areas of inquiry.[2]

A. General Characteristics of an Effective Disclosure System

The first area of inquiry relates to general characteristics of an effective disclosure system. The effectiveness of a disclosure system can be measured in a number of ways. One measure is whether participants in the marketplace have relevant and accurate information that is available in a timely manner in order that decisions made by such participants serve as an effective disciplinary force. The following questions are intended to help focus comments on issues related to the effectiveness of the disclosure system.

1. Responsibility for Disclosure

The current disclosure system relies, in part, on national banks to disclose certain information directly to the marketplace and, in part, on the bank regulatory agencies to make available upon request certain information reported to them by banks.

a. Who should have the responsibility for making information available to the marketplace?

b. What are the relevant considerations in determining who should have this responsibility?

2. Appropriate Disclosure Mechanism

The Call Report is the principal source of financial information about most national banks, other than those which are subject to the periodic disclosure requirements of the Exchange Act. Although its primary purpose is to provide this Office (and other banking agencies) with information needed to discharge its supervisory responsibilities, the Call Report is being used increasingly as a mechanism to disclose financial information to the marketplace.

a. Given its intended purpose as a supervisory report, is the Call Report an appropriate disclosure mechanism?

b. If not, and assuming disclosure of additional information (narrative and financial) is appropriate, should a different disclosure mechanism, similar to annual report to shareholders, be developed?

[2] This advance notice is not intended to address all possible disclosure-related issues. For example, the current bank supervisory process is predicated on the confidentiality of information obtained in the exercises of examination authority over regulated banks. No changes in that process are being proposed at this time.

3. Delivery of Information to the Marketplace

Currently, there are various means of delivering information to the marketplace, including bank publication of certain financial information in local newspapers persuant to 12 U.S.C. 161.

a. Should national banks continue to be required to publish financial information in newspapers?

b. If so, should additional information be published?

c. What alternative vehicles to making information available to the marketplace should be considered? Should, for example, each national bank prepare, and keep current, an annual report that could be distributed upon request to depositors and other persons?

4. Timeliness of Disclosure

One characteristic of an effective disclosure system is that information be provided to participants in the marketplace in a sufficiently timely manner.

a. Is the information now disclosed directly by national banks made available in a sufficiently timely manner?

b. If not, what information should be disclosed more promptly, and when?

c. What standards should apply in determining when a national bank should update information it has provided to the marketplace? In addition to periodically updating information, should national banks disclose certain information on the basis of its "materiality"? [3]

d. Is the information that is made available by the bank regulatory agencies made available in a sufficiently timely manner?

e. If not, what information should be made available more promptly, and when?

5. Integrity of Financial Statements Used for Disclosure Purposes

The quality of financial statements prepared for investors in securities issued by national banks would appear to be enhanced where those statements have been audited by an independent public accountant in accordance with GAAP.

[3] The standard of "materiality" may vary depending upon the circumstances in which it is used. It may generally be expressed in terms of whether there is a substantial likelihood that a reasonable person (investor, depositor or creditor) would consider certain information significant, by itself or within the total mix of information, with respect to a decision made by that person. *See, e.g. TSC Industries, Inc. v. Northway, Inc.*, 426 U.S. 438, 449 (1975).

a. Should financial statements prepared for the benefit of other participants in the marketplace (that are not now audited) be audited by independent public accountants?

b. If not all financial statements prepared for disclosure purposes should be audited, what standards should apply as to which financial statements should be audited?

c. If audited financial statements are used, would the integrity of those statements be further enhanced if the Office adopted rules of practice, similar to those adopted by the Securities and Exchange Commission ("SEC") in 17 CFR 201.2, to permit this Office to discipline accountants who prepare such financial statements?

6. Other Factors

What other factors should the Office consider in evaluating whether the disclosure system provides complete, accurate and relevant information to the marketplace in a fair and timely manner?

B. Need for Additional Information

The second area of inquiry relates to the need for additional information concerning national banks and their management. This includes both financial data and narrative discussions. The following questions are intended to focus comment on related issues.

7. Reports of Condition and Income

The Reports of Condition and Income constitute the principal source of financial information about most national banks. Assuming that the Reports of Condition and Income, and any supporting schedules, are used as a mechanism for additional disclosure to the public, than for financial disclosure purposes,

a. Should any specific category of information be deleted from the Reports of Condition and Income?

b. Should any specific category of financial information be added to the Reports of Condition and Income?

c. Should Call Report information be presented (formated) in any different way? Should, *e.g.*, the form of financial statements prepared by national banks be comparable to those prepared by bank holding companies under Exchange Act requirements, including Article 9 of Regulation S-X (17 CFR 210.9)?

8. Comparative Data

As filed, the Reports of Condition and Income reflect only current-year data. Should information disclosed in the Reports of Condition and Income include prior-year data to permit comparison of financial operation?

9. Need for Narrative Discussions

Should national banks (other then those who already provide narrative reports to shareholders) periodically, at least on an annual basis, make available a narrative discussion of relevant aspects of their operations? If so, what should those discussions relate to? Should there be, among other things,

a. A discussion of the nature and development of business over a certain period of time, *e.g.*, the past five years;

b. A general description of the composition of the bank's loan portfolio, including percentage concentrations by industry;

c. A description of material legal proceedings, other than ordinary routine litigation incidental to the business;

d. A discussion relating to bank directors, executive officers and principal shareholders; or

e. Management's general analysis of business conditions, including the economic and competitive factors deemed relevant to the bank's operations, and an assessment of risks involved?

10. Which Banks Should Provide Narrative Discussion

If not all banks should provide periodic narrative discussions of their operations, what standards should apply as to which banks should provide such information?

11. Insider Transactions

All national banks provide some information concerning loans to insiders. Additional insider disclosure requirements apply to national banks subject to the Exchange Act's periodic disclosure provisions.

a. What other disclosures, if any, concerning the activities of bank insiders are appropriate?

b. How frequently should insider disclosures by made?

12. Avoiding Duplicative Requirements

The disclosure system applicable to national banks has several components. The component targeted specifically for investors is fairly well developed.

a. To what extent are the informational needs of investors similar to those of other participants in the marketplace, including uninsured depositors?

b. Where the informational needs of investors and other marketplace participants are similar, should there be common substantive disclosure provisions?

C. Administrative Enforcement Actions

The third area of inquiry relates to disclosure of administrative enforcement actions against national banks and certain persons associated with them. These actions may be taken to remedy a variety of problems, including violations of both banking and other laws and regulations, and unsafe and unsound banking practices.

In addressing such problems, there are a variety of administrative enforcement proceedings that the Office may initiate that may have significance to participants in the marketplace. These actions include, among others, memoranda of understanding, formal agreements, cease and desist orders (either issued upon consent or after an administrative hearing), temporary cease and desist orders, civil money penalty assessments and removal proceedings. And, of course, where the problem relates to the violation of laws that may be enforced by another agency, one option is a referral of the matter to that agency.

Where a bank or associated person fails to comply with a final OCC enforcement action, this Office can undertake additional actions, including; issuance of a notice of charges for a violation of a formal agreement; issuance of a civil money penalty for violation of a cease and desist order or a temporary cease and desist order; and district court enforcement of a cease and desist order or a temporary cease and desist order.

Historically, little information has been made available about specific administrative enforcement actions taken by bank regulatory agencies. This is due, in part, to statutory provisions favoring private administrative hearings. Under 12 U.S.C. 1818(h)(1), the administrative hearing is required to "be private, unless the appropriate Federal banking agency, in its discretion, after fully considering the views of the party afforded the hearing, determines that a public hearing is necessary to protect the public interest."

More recently, the Office has sought to disclose more information concerning administrative enforcement actions. For example, the Office has made public disclosures concerning certain administrative enforcement actions against national banks pursuant to 12 U.S.C. 1818 involving violations of federal securities law provisions applicable to municipal securities dealers and transfer agents. Disclosures were made through press releases issued at the time the action was completed.

In addition, the Office has for some time published semi-annually a short description of each enforcement action undertaken during the year but has omitted the name of the bank against which the action was taken. The Office, unlike the FDIC, does not provide redacted copies of cease and desist orders imposed on particular banks to the public.

Independent of disclosure made by this Office, under the federal securities laws, national banks and bank holding companies may be required to disclose to investors the occurrence of events in the administrative enforcement process, and the basis for such action, where it is deemed material.[4]

The following questions are intended to focus comments on issues relating to the need for additional disclosure concerning administrative enforcement actions.

13. Administrative Hearings

Should administrative hearings involving national banks or their associated persons be public?

14. Standard for Determining Public Hearings

If not all administrative hearings should be public, what standard should apply to determine which hearings should be public? For example,

a. Should the statutory presumption in 12 U.S.C. 1818(h) be in favor of a public hearing unless the Office determines, after considering the views of the parties involved, that a private hearing is necessary to protect the public interest?

b. What distinctions, if any, should be made on the basis of whether alleged violations of law involve banking laws, or other types of laws, such as federal or state securities laws? Should those distinctions take into account, or even parallel, the disclosure practices of any other federal or state agencies that also enforce the laws involved?

15. Final Administrative Actions

If administrative hearings are private, should final administrative orders (including decisions of the Comptroller) be made public?

16. Standard for Determining Disclosure

If not all final administrative orders are made public, what standard should apply as to which orders should be made public? For example,

a. Should those orders be made public on the basis of their materiality to depositors, including uninsured depositors?

b. What distinctions, if any, should be made on the basis of whether violations of law involve banking laws, or other types of laws, such as federal or state securities laws? Should those distinctions take into account, or even follow, the disclosure practices of any other federal or state agencies that also enforce the laws involved?

17. How to Make Disclosure

If national banks should make public information concerning administrative enforcement actions, should those disclosures be made:

a. In a press release;

b. As part of narrative disclosure in the Call Report;

c. As part of narrative disclosure in some other report, such as the annual report to shareholders?

18. Content of Disclosure

What should be disclosed:

a. The entire document of agreement;

b. Portions thereof;

c. Summaries thereof;

d. The relevant events and circumstances that lead up to the initiation of the administrative enforcement action; or

e. The steps the bank has taken to correct the matter?

19. OCC Disclosure Practice

Should the Office routinely publicize administrative enforcement actions taken against national banks (independent of any disclosures made by the banks), including:

a. Issuing a press release at the time final action, such as the issuance of a cease and desist order, is taken; or

b. Publishing monthly summaries of actions?

D. Cost/Benefit Considerations

The fourth area of inquiry relates to an evaluation of the costs/benefits associated with possible changes in the disclosure system. The Office recognizes that some possible changes in the disclosure system may entail additional costs to banks and the public. It also recognizes that some possible changes may not necessarily result in greater public benefits. Any evaluation of the cost/benefits of possible changes in the disclosure system must take into consideration the total business and regulatory environment in which national banks operate. This includes whether participants in the marketplace have the means, as well as sufficient economic incentives, to use information made available through the disclosure system in a manner that serves as a disciplinary force.

The following questions are designed to focus attention on cost/benefit considerations in developing a more effective disclosure system.

20. Cost of Disclosure

a. What are the major types of costs associated with possible changes in the disclosure system?

b. How should those costs be allocated? For example, who should pay for information made available to the marketplace by banks and the banking agencies?

c. If market participants do not directly pay for some, or all, of such costs, to what extent should banks or the general public bear them?

21. Impact on Stability of Certain Banks

A shift to greater use of market forces to discipline banks might place certain banks with temporary operational or financial problems at increased risk. If changes in the disclosure system are appropriate, what measures, if any, should be taken to maintain the stability of such banks during any transitional period?

22. Impact on Competition

What would be the impact on competition, if any, of increased disclosure by national banks regarding their financial condition and operations? Would, *e.g.*, national banks be at a competitive disadvantage with respect to other financial institutions, either foreign or domestic, that were not required to make similar disclosures?

23. Impact on Decision Making by Participants

What are the critical factors that shape the economic incentives (both rewards and penalties) that motivate decision making within the different classes of participants in the marketplace (including investors, depositors, and general creditors) and what changes, if any, in the disclosure system might have an impact on decisions made by such participants?

24. Impact on Decision Making by Management of National Banks

What are the critical factors that shape the economic incentives (both rewards and penalties) that motivate decision making by management of national banks and what changes, if any, in the disclosure system might have an impact on business decisions made by bank management?

[4] *See, e.g., SEC v. Youmans*, 543 F. Supp. 1292 (E. D. Tenn 1982).

25. Benefits

What would be the principal benefits of enhanced disclosure concerning national banks:

a. To different classes of participants in the marketplace;

b. To the banking system;

c. To the public generally; and

d. To the Office?

All comments submitted will be available for public inspection at the Comptroller's Office, 490 L'Enfant Plaza, Washington, D.C. If it is determined to be in the public interest, the Office may issue a notice of proposed rulemaking to solicit additional comments on those matters that may be appropriate for rulemaking.

List of Subjects in 12 CFR Ch. I

National banks.

(12 U.S.C. 1 et seq. and 12 U.S.C. 93a)

Dated: June 25, 1984.

C.T. Conover,

Comptroller of the Currency.

[FR Doc. 84-18507 Filed 7-12-84; 8:45 am]

BILLING CODE 4810-33-M

POSTAL SERVICE

39 CFR Part 10

Proposed Express Mail International Service To Barbados

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Pursuant to an agreement with the postal administration of Barbados, the Postal Service proposes to begin Express Mail International Service with Barbados at postage rates indicated in the tables below. The proposed services are scheduled to begin on October 1, 1984.

DATE: Comments must be received on or before August 13, 1984.

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, DC 20260-5350. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West S.W., Washington, DC 20260-5350.

FOR FURTHER INFORMATION CONTACT: Leon W. Perlinn, (202) 245-4414.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the Code of Federal Regulations, 39 CFR 10.1. Additions to the manual concerning the proposed new service including the rate tables reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed Express Mail International Service to Barbados at the rates indicated in the tables below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

BARBADOS EXPRESS MAIL INTERNATIONAL SERVICE

Custom designed service: [1,2] Up to and including		On Demand Service: [2] Up to and including	
Pounds	Rate	Pounds	Rate
1	$27.00	1	$19.00
2	29.90	2	21.90
3	32.80	3	24.80
4	35.70	4	27.70
5	38.60	5	30.60
6	41.50	6	33.50
7	44.40	7	36.40
8	47.30	8	39.30
9	50.20	9	42.20
10	53.10	10	45.10
11	56.00	11	48.00
12	58.90	12	50.90
13	61.80	13	53.80
14	64.70	14	56.70
15	67.60	15	59.60
16	70.50	16	62.50
17	73.40	17	65.40
18	76.30	18	68.30
19	79.20	19	71.20
20	82.10	20	74.10
21	85.00	21	77.00
22	87.90	22	79.90
23	90.80	23	82.80
24	93.70	24	85.70
25	96.60	25	88.60
26	99.50	26	91.50
27	102.40	27	94.40
28	105.30	28	97.30
29	108.20	29	100.20
30	111.10	30	103.10
31	114.00	31	106.00
32	116.90	32	108.90
33	119.80	33	111.80
34	122.70	34	114.70
35	125.60	35	117.60
36	128.50	36	120.50
37	131.40	37	123.40
38	134.30	38	126.30
39	137.20	39	129.20
40	140.10	40	132.10
41	143.00	41	135.00
42	145.90	42	137.90
43	148.80	43	140.80
44	151.70	44	143.70

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted.

(39 U.S.C. 401, 404, 407)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 84-18574 Filed 7-12-84; 8:45 am]

BILLING CODE 7710-12-M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 31

Federal Acquisition Regulation (FAR); Request for Comment on Draft Proposed Change to FAR 31.205-6(m) Concerning the Allowability of Costs for Compensated Personal Absences

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Request for comment on draft propose rule.

SUMMARY: The Defense Acquisition Regulatory Council and the Civilian AgencyAcquisition Council are considering a change to FAR 31.205-6(m) concerning the allowability of compensated personal absences

At the present time, contractors are permitted to charge, and are reimbursed on Government contracts, the initial cost of earned vacation as well as the incremental increases when the vacation is not taken at the time of entitlement. This condition causes a financial inequity to the Government because the contractor has interest-free use of Government funds. A change is being proposed that limits the allowability of vacation cost and other compensated personal absences to the amount initially accrued using the wage rates prevailing at the entitlement date. Under the proposed change, the paragraph that constitutes FAR 31.205-6(m) will be redesignated as 31.205-6(m)(1) and the following will be added as 31.205-6(m)(92); The maximum amount that will be allowed for contract costing purposes for compensated personal absences, will be the sum of each individual employee's hours earned *(adjusted for forfeitures)* multiplied by the employee's pay rate in effect at the time of initial entitlement. Any adjustments to reflect subsequent changes in wage rates are unallowable.

DATE: Any comments on the proposed revision should be submitted in writing

to the FAR Secretariat at the address shown below on or before September 11, 1984 to be considered in the formulation of the final revision. FAR Case No. 84-16 must be cited in all correspondence related to this issue.

ADDRESS: Interested parties should submit comments to: General Services Administration, ATTN: FAR Secretariat (VAR), 18th and F Streets, NW, Room 4041, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523-4755.

List of Subjects in 48 CFR Part 31

Government procurement.

(40 U.S.C. 486(c); Chapter 137, 10 U.S.C.; and 42 U.S.C. 2453(c))

Roger M. Schwartz,

Director, FAR Secretariat.

[FR Doc. 84-18543 Filed 7-12-84; 8:45 am]

BILLING CODE 6820-61-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte No. MC-37 (Sub-37)]

Proposed Redefinition and Expansion of the New York Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rules.

SUMMARY: In response to a petition filed by the International Trade Center of Mt. Olive Township, Morris County, NJ, the Commission is opening a proceeding to consider whether to amend its existing regulations set forth at 49 CFR Part 1048, *et seq.*, to expand the New York, NY, commercial zone to include the International Trade Center, or alternatively, all points in Morris County, NJ. The Commercial zone of New York, NY, is now defined by application of the population-mileage formula at 49 CFR 1048.101. Petitioner requests that the zone be determined individually to include the site of the International Trade Center adjacent to the present zone, which would increase the zone within which interstate motor carrier operations would be exempt from Federal economic regulation.

DATE: Comments are due August 13, 1984.

ADDRESSES: The original and, if possible, 15 copies of comments should be sent to: Ex Parte No. MC-37 (Sub-No. 37), Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Barbara Reideler, (202) 275-7982; or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION. Additional information is contained in the full Commission decision which may be obtained from the Office of the Secretary, Room 2215, 12th Street and Constitution Ave., N.W., Washington, DC 20423; or call (202) 275-7428.

Dated: June 27, 1984.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett and Gradison.

James H. Bayne,

Secretary.

[FR Doc. 84-18615 Filed 7-12-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to List the Amber Darter (Percina antesella), Trispot Darter (Etheostoma trisella), and the Conasauga Logperch (Percina sp.) as Endangered and Designate Their Critical Habitats

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) as endangered species and designate their critical habitats under the Endangered Species Act of 1973, as amended. These fishes are currently known only from the upper Conasauga River basin in Georgia and Tennessee. The continued existence of these fishes could be threatened if a flood control and water development project now being considered for the Conasauga River is implemented without adequately considering the requirements of these species. Due to the limited distribution of the three fishes, any factor that degrades habitat and water quality in the short river reaches they inhabit, i.e., land use changes, chemical spills, and increases in agricultural and urban runoff, could threaten the survival of these species. Comments and information pertaining to this proposal are sought from the public.

DATES: Comments from all interested parties must be received by September 11, 1984. Public hearing requests must be received by August 27, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to Field Supervisor, Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Richard G. Biggins, Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 8672-0321).

SUPPLEMENTARY INFORMATION:

Background

A study of the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and Conasauga logperch (*Percina* sp.), funded by the Service, was completed in October 1983 (Freeman, 1983). That survey involved extensive sampling and a review of historical fish collection records for the upper Coosa River basin. The study concluded that these three fish species (except for a possible small population of the amber darter in the Etowah River in Cherokee County, Georgia) are restricted to the upper Conasauga River basin (a tributary of the Coosa River) in Georgia and Tennessee.

The amber darter, described by Williams and Etnier (1977), is presently known from approximately 33.5 miles of the Conasauga River (between the Tennessee Highway 74 crossing and the U.S. 411 bridge in Polk County, Tennessee, downstream to the Tibbs Bridge crossing, Murray County Road 109 (Tibbs Bridge Road), Murray County, Georgia) in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia (Freeman, 1983). One amber darter was taken in 1980 from a site on the Etowah River in Cherokee County, Georgia (Etnier *et al.*, 1981). Freeman (1983) surveyed that site and other sites on the Etowah River in 1982 and 1983, but he was unable to recollect the species. If a population of the amber darter does exist in the Etowah River, it is believed to be very small. The amber darter was once known to exist in Shoal Creek, a tributary to the Etowah River in Cherokee County, Georgia. Shoal Creek was surveyed by Freeman (1983) on several occasions, but no amber darters were found. It is believed this population was destroyed in the 1950's when Allatoona Reservoir inundated the lower portion of Shoal Creek.

The amber darter is a short, slender-bodied fish generally less than 2½ inches in length. The fish's upper body is golden brown with dark saddle-like markings, and its belly is yellow-to-

cream color. The throats of breeding males are blue in color. The species was observed by Freeman (1983) to inhabit gentle riffle areas over sand and gravel substrate. He also noted that as the summer season progressed and aquatic vegetation developed in the riffles, the amber darter used this vegetated habitat for feeding (primarily on snails and insects) and for cover. The species has not been observed in slack current areas over silty substrate with detritus or mud bottoms. The fishes' habitat preference for gentle riffles may explain why the species has not been found above the U.S. Highway 411 bridge, Polk County, Tennessee, where the Conasauga River's gradient increases. The extent of the species' downstream range is likely associated with the increase in silt.

The trispot darter, described by Bailey and Richards (1963), is presently known from two populations (Freeman, 1983). The largest population inhabits the Conasauga River from Tennessee Highway bridge 74 crossing, Polk County, Tennessee, downstream for approximately 38 miles through Bradley County, Tennessee, and Whitfield County, Georgia, to Brown Bridge on Murray County Road 297 (Brown Bridge Road), Murray County, Georgia. The second population was found in about 8.5 miles of Coahulla Creek (a tributary of the Conasauga River entering the Conasauga in Whitfield County, Georgia) from the confluence of Tate Branch with Coahulla Creek (Bradley County, Tennessee) downstream to about ¼ mile above the confluence of Barrett Lake Creek with Coahulla Creek (Whitfield County, Georgia).

The trispot darter was first discovered (one individual taken) in 1947 from Cowans Creek in Cherokee County, Alabama, a tributary of Spring Creek which flows into the Coosa River. The species was next collected in 1953 (again only one individual taken) from the main stem of the Coosa River in Etowah County, Alabama. Both the Cowans Creek and the Coosa River sites are now flooded by reservoirs. Freeman (1983) surveyed and reported on historical collections made from the Cowans Creek area and other tributaries of the Coosa River in Alabama. He did not find the fish and was not able to uncover any additional collection records. This species has not been collected in Alabama since the impoundments on the Coosa River were completed.

Two other collection records exist for the trispot darter. A single individual was taken in 1979 from Sugar Creek near the town of Union in Bradley County, Tennessee (Etnier, 1970). Sugar Creek is a small tributary of the Conasauga River, and if a population exists here, it is likely very small. Howell and Caldwell (1967) discovered a trispot darter in a collection of speckled darters (*Etheostoma stigmaeum*) collected from Swamp Creek (a tributary of the Conasauga River, Whitfield County, Georgia) by E. A. Lachner and F. J. Schwartz in 1954. Another specimen was also taken from Swamp Creek in 1967. However, collection efforts by Etnier *et al.* (1981) and Freeman (1983) have failed to recollect the species from Swamp Creek. This population may no longer exist.

The trispot darter is a small, rather elongated and slightly compressed fish measuring generally less than two inches long. It is brownish in color and has three distinctive dark brown saddle-like markings across its back. The sides of breeding males have four green blotches along the mid-line, and their lower sides are flushed with orange. This darter, which feeds primarily on aquatic insert larvae, has been observed to inhabit slack water areas over detritus, sand, and silt substrates and sometimes over submerged vegetation in areas with a slight current. The trispot is a late winter and early spring spawner (Ryon, 1981) and ascends small streams where it spawns on both dead and living plant material. Numerous Conasauga River tributary streams have been visited in late winter and early spring; however, only two spawning sites are presently known.

The Conasauga logperch, formerly referred to by the Service as the reticulate logperch, is an undescribed species of the genus *Percina*. A formal scientific description of the fish is presently under preparation by Dr. Bruce Thompson under contract to the Service. This species is apparently restricted to about 11 miles of the upper Conasauga River in Tennessee and Georgia. Specifically, it has been observed in the Conasauga River reach from approximately ¼ mile above the junction of Minnewauga Creek, Polk County, Tennessee, downstream through Bradley County, Tennessee, to the Georgia State Highway 2 Bridge, Murray County, Georgia. Freeman (1983), in his fish survey and review of historical collections, reported that the fish was not found outside this short river reach.

The Conasauga logperch is a large fish sometimes exceeding 6 inches in length and is characterized by having many "tiger-like" vertical dark stripes over a yellow background (Starnes and Etnier, 1980). The fish spawns in the spring in the fast riffles over gravel substrate. It has been observed to feed on aquatic invertebrates by flipping over stones with its "pig-like" snout.

The Tennessee Wildlife Resources Agency and the Tennessee Heritage Program of the Tennessee Department of Conservation list all three darters as threatened (Starnes and Etnier, 1980). In a publication edited by both agencies, *Tennessee Rare Wildlife Volume I: The Vertebrates*, they stated, relative to the amber darter's habitat, that "The combination of gently flowing runs and silt-free substrate is rare in these times of widespread siltation due to poor watershed management of impoundments. The Conasauga River in Tennessee remains clear in all but the heaviest floods, indicating its uniqueness and importance in preserving the amber darter * * *." J. S. Ramsey in a 1973 report on extinct and rare freshwater fishes in Georgia, classified the amber and trispot darters as "rare—1 species," which he defined, in part, as species not known to survive in reservoirs or channelized streams. Ramsey further categorized these two darters as "vulnerable," which he defined as "* * * species whose range is limited and a species that could be rendered extinct by a single land use change."

The amber darter, trispot darter, and Conasauga logperch apparently require unpolluted, clean water streams. The amber darter utilizes areas with moderate current over gravel and silt-free sand substrate (Williams and Etnier, 1977). The trispot inhabits sluggish current habitat along the stream margin over detritus substrate (Ryon, 1981). The Conasauga logperch occurs in flowing pool areas and riffles over clean substrate of rubble, sand, and gravel (Starnes and Etnier, 1980). Siltation, which often results when lands are cleared for agriculture or other land uses, is a major threat to the quality of stream habitats. Siltation changes the character of streams so that gravel riffle areas become infiltrated with silt and the detritus substrates are smothered with fine silt particles.

The upper Conasauga River flows through National Forest lands. This provides some protection for the downstream habitat sections where the fish are found. However, the fish are threatened from agricultural and urban runoff from the developed sections of the watershed. There is also the potential threat that a toxic chemical spill could eliminate a major portion of any of these fishes' populations. Another threat could come from the water supply and flood control project being studied for the Conasauga River near Dalton, Georgia. This project,

depending on type and extent, could severely impact the species if the biological requirements of these fishes are not considered in the project's development, construction, and operation.

The trispot darter was one of 29 fish species included in a March 18, 1975, notice of review published by the Service in the **Federal Register** (40 FR 12297). On December 30, 1982, the Service announced in the **Federal Register** (47 FR 58454) that the trispot darter and the amber darter, along with 146 other fish species, were being considered for possible addition to the Endangered Species List. On November 4, 1983, the Service published a notice in the **Federal Register** (48 FR 50909) that a status review was being conducted specifically for the amber darter, trispot darter, and Conasauga logperch (referred to as the reticulate logperch in the November 4, 1983, **Federal Register** publication) to determine if these fish species and any habitat critical to their continued existence should be protected under the Endangered Species Act of 1973, as amended. The November 4, 1983, notice solicited data on the status and location of the species and their habitat, likely impacts which could result if the species and their critical habitat were listed, current and planned activities which may adversely affect the species or their habitat, and possible impacts to Federal activities if critical habitat is designated. The following is a summary of each of the responses received.

Tennessee Wildlife Resources Agency responded that they concurred with the protection of the species under the Endangered Species Act and were aware of no Federal actions that would jeopardize the continued existence of the species. They also commented that the upper Conasauga River's watershed, primarily within the Cherokee National Forest, is one of the better protected areas in Tennessee.

Georgia Department of Natural Resources stated they had no evidence to contradict the assertions made in the Service's November 4, 1983, notice of review. They agreed that if the species were as restricted in geographic range and population size as stated in the notice of review and as reported by Freeman (1983), they would not object to the protection of these species under the Endangered Species Act.

Department of the Army, Office of Chief Engineer, Washington, D.C., informed the Service that two of their projects, the Dalton Lake project being planned for the Conasauga River in Murray and Whitfield Counties, Georgia, and the Jacks River project on the upper Conasauga River in Polk County, Tennessee, could be impacted by listing these species. They stated the Jacks River project, although authorized for study by Congress in 1945, had never been funded for further planning. They further commented that: (1) The Dalton Lake project was authorized for planning; (2) Dalton Lake, as presently being planned, would inundate much of the remaining known range of the three fishes; and (3) the remaining habitat in the upper Conasauga may not be sufficient to support viable populations of these fishes. They concluded "The presence of the three species of fish in the study area will be considered in the environmental planning * * *."

U.S. Department of Agriculture, Forest Service, provided information on Forest Service fish collections (no records of these three darters) within the Cohutta Wilderness. They were unaware of any direct proposed or existing impacts to the species or their habitat nor did they expect any perturbations from the National Forest administered watershed.

U.S. Department of Agriculture, Soil Conservation Service, responded "Designating the mentioned area of the Conasauga River as critical habitat would not impact programs of the Soil Conservation Service."

A professor with the Alabama Cooperative Fishery Research Unit, Auburn University, reported that of the 394 fish collection samples cataloged at Auburn University from the Coosa River basin, only 4 included collections of the trispot darter, 2 included the amber darter, while the Conasauga logperch was not represented in the collection. Of the 6 records, 5 were from the upper Conasauga River, and 1 (a trispot darter collection also reported by Freeman, 1983) was from a site in the Coosa River, Alabama, now flooded by Neely Reservoir. He further commented, "Such concentration of prime habitat and vulnerability to change supports assigning at least threatened status to these three species."

Another professor of Biology at the University of Tennessee, strongly supported the protection of these species and their habitat under the Endangered Species Act. He provided information on six other species that have experienced reductions in their range but are still present in the upper Conasauga River. He stressed the importance of the Conasauga River "* * * as a reservoir for aquatic organisms that have disappeared throughout much or all of the remainder of the Mobile basin drainage * * *."

An adjunct professor at the Tennessee Technical University, supported protecting the three species and reported on his efforts between 1968 and 1972 to collect a trispot darter from the Coosa River system in Cherokee County, Alabama, and adjacent counties in Alabama and Georgia. He reported that although numerous tributaries of the Conasauga River were sampled, he did not collect the species. He concluded, "Based on my work and that of others, I doubt if viable populations of this species exist in Alabama."

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) set forth the procedures for adding species to the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) are to follows:

A. *The present or threatened destruction, modification, or curtailment of their habitat or range.* All three species are presently known from restricted ranges. The amber darter is known from approximately 33.5 miles of the upper Conasauga River, and it may also exist at very low numbers in a short reach of the Etowah River. The trispot darter is apparently restricted to about 38 miles of the Conasauga River, approximately 8.5 miles of Coahulla Creek, and a small population may still exist in Sugar Creek. Both Sugar Creek amd Coahulla Creek are tributaries of the Conasauga River. The Conasauga logperch is known only from about 11 miles of the upper Conasauga River. With such limited ranges, all three species could be jeopardized by a single catastrophic event, either natural or human related. Potential threats to these species and their habitat could also come from increased logging activity, road and bridge construction, stream channel modifications, impoundments, changes in land use, and other projects in the watershed if such activities are not planned and implemented with the survival of the species and the protection of their habitat in mind.

All three species are also potentially threatened by two U.S. Army Corps of Engineers projects—the Dalton Lake project and the Jacks River project. The Jacks River project was authorized for

study by Congress in the Rivers and Harbors Act of 1945, but it has not been funded for further planning. This project if constructed, would be located on the Jacks River which enters the Conasauga River upstream of the area inhabited by these fish. If this project were completed, it could, depending on the type and extent of the project, have an effect on the fish by modifying stream flows, water temperature, and silt loads, especially during the construction stage.

The Dalton Lake project is presently in the early planning stage. This project, as it is presently being studied, would involve a dam on the Conasauga River located approximately ¼ mile downstream of the junction of Mill Creek with the Conasauga River. It would flood, at maximum pool level, about 13 miles of amber darter and trispot darter habitat, including one of the two known trispot darter spawning sites. The amber darter is known to inhabit the Conasauga River for about 7 miles below the proposed dam site and the trispot for about 11 miles downstream of the site. As a reservoir would be expected to alter downstream water and habitat quality, both fish would likely be eliminated from their present downstream habitat.

The dam could also affect all three fish in the Conasauga River above the proposed reservoir. Some game fish and non-game species common to reservoirs, such as carp (*Cyprinus carpio*), generally respond to reservoir construction by dramatically increasing their population levels. These reservoir fish at times could migrate upstream into the habitat of the three darter species. An influx of reservoir fish can be expected, through competition, predation, and changes in the habitat caused by some of the fishes' feeding behavior (carp stirring up the substrate during feeding), to reduce the chances of survival for these three darters.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is no evidence that overutilization is or will be a problem for the amber darter of Conasauga logperch. However, the trispot darter is concentrated in small streams during its spawning season and only two spawning streams are known. This concentration increases the fish's vulnerability to fish collectors and to vandalism. The penalties for illegal take provided for under the Endangered Species Act would serve as a deterrent to unauthorized collectors and to those intent on knowingly vandalizing a spawning area.

C. *Disease or predation.* There is no evidence of threats to these three fishes from disease or predation.

D. *The inadequacy of existing regulatory mechanisms.* Tennessee State law (Section 51–904) and the Official Code of Georgia Annotated 27–2–12 prohibit the taking of these fish without a State collecting permit. Federal listing would provide additional protection by requiring Federal permits for taking the fish and by requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species or their critical habitat.

E. *Other natural or manmade factors affecting their continued existence.* Freeman (1983) reported on the impact of a channel modification on these three darters. An island in the Conasauga River, just downstream of Murray County Road 173 bridge, Murray County, Georgia, was removed (the reason for the removal is not known) in 1982. This site had been sampled prior to the island's removal, and all three darters were observed to inhabit the area. Six to 9 months after the area was modified, the trispot darter still inhabited the area. However, the amber darter and the Conasauga logperch were not seen at the site. Similar modifications in other sections of the Conasauga River could be expected to result in elimination, at least temporarily, of the amber darter and the Conasauga logperch from a river section.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list the amber darter (*Percina antesella*), the trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) as endangered species. Because of the restricted range of these species, the vulnerability of these isolated populations to a single catastrophic accident, and the threats posed by the proposed Dalton Lake project, threatened status does not appear to be appropriate for these species (see the Critical Habitat section of this proposed rule for a discussion on why critical habitat was designated for the amber darter and Conasauga logperch and partially designated for the trispot darter).

Critical Habitat

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

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being proposed for the amber darter to include approximately 33.5 miles of the Conasauga River in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia (see Regulations Promulgation section of this proposed rule for a precise description of critical habitat). This stream section contains high quality water with riffle areas (free of excessive silt) composed of sand, gravel, and cobble which becomes vegetated (primarily with *Podostemum*) during the summer. The species utilizes this riffle environment for cover and foraging habitat

Critical habitat is being proposed for the trispot darter to include approximately 38 miles of the Conasauga River in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia, and approximately 8.5 miles of Coahulla Creek in Bradley County, Tennessee, and Whitfield County, Georgia (see Regulations Promulgation section of this proposed rule for a precise description of critical habitat). These stream sections contain slack water and slow current areas with detritus, sand, and submerged vegetated substrates that the species uses for feeding and cover. These areas also provide high quality water with relatively low silt loads.

The trispot darter also requires small seepage streams associated with these stream sections for spawning. Two such spawning sites are known, but the Service does not propose to designate them as critical habitat. These sites are fragile and contain large concentrations of the trispot darter during the spawning season. Therefore, disclosure of their locations would not be prudent and would increase the species' vulnerability to illegal collecting and vandalism. The landowners of these two sites have been contacted and are aware of the uniqueness of this habitat. None of the landowners anticipates any change in the present management of the sites.

Critical habitat is being proposed for the Conasauga logperch to include approximately eleven miles of the

Conasauga River in Polk and Bradley Counties, Tennessee, and Murray County, Georgia (see Regulations Promulgation section of this proposed rule for precise description of critical habitat). This river section contains high quality water, pool areas with flowing water, riffles with gravel and rubble substrate for feeding, and fast riffle areas and deeper chutes with gravel and small rubble for spawning.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Activities which presently occur within the proposed critical habitat include, in part, fishing, swimming, boating, scientific research, and nature study. These activities, at their present use level, do not appear to be adversely impacting the area. Other activities which do or could occur in the upper Conasauga River basin and could impact the proposed critical habitat include, in part, logging, land use changes, stream alterations, bridge and road construction, construction of impoundments, improper pesticide application, and point and non-point pollution discharges.

There are also Federal activities which do or could occur within the upper Conasauga River basin and which may be affected by designating critical habitat. These activities include, in part, construction of impoundments (in particular the proposed Dalton Lake project), stream alterations, bridge and road construction, logging, and discharges of municipal and industrial wastes. These activities, along with others that alter the watershed, could degrade the water and substrate quality of the upper Conasauga River basin by increasing siltation, water temperatures, organic pollutants, and extremes in water flow. If any of these activities may affect the critical habitat area and are the result of a Federal action, Section 7(a)(2) of the Act, as amended, requires the agency to consult with the Service to ensure that actions they authorize, fund, or carry out, are not likely to destroy or adversely modify critical habitat.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained prior to preparing a final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. When a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. The Service is presently aware of only one planned project (the Dalton Lake project) which may affect the species and the proposed critical habitat. The Service has been in contact with the U.S. Army Corps of Engineers concerning the potential impacts of this project on the species and their habitat.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce, in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It would also be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered fish or wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the amber darter, trispot darter, and Conasauga logperch;

(2) The location of any additional populations of the amber darter, trispot darter, and Conasauga logperch and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of these species;

(4) Current or planned activities in the subject area and their possible impacts on the amber darter, trispot darter, and Conasauga logperch; and

(5) Any foreseeable economic and other impacts resulting from the proposed designations of critical habitat.

Final promulgation of the regulations on the amber darter, trispot darter, and Conasauga logperch will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

National Environmental Policy Act

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

Literature Cited

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Author

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List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

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

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

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

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, under Fishes to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
*	*	*	*	*	*		*
Darter, trispot	*Etheostoma trisella*	U.S.A. (Al, GA, TN).	Entire	E		17.95(e)	NA
Darter, amber	*Percina antesella*	U.S.A. (GA, TN).	do	E		17.95(e)	NA
Logperch, Conasauga	*Percina* sp	do	do	E		17.95(e)	NA
*	*	*	*	*	*		*

3. It is further proposed to amend §17.95(e) by adding critical habitat of the amber darter, trispot darter, and Conasauga logperch as follows: The position of this entry under § 17.95(e) follows the same sequence as the species occurs in § 17.11.

§ 17.95 Critical habitat—fish and wildlife.

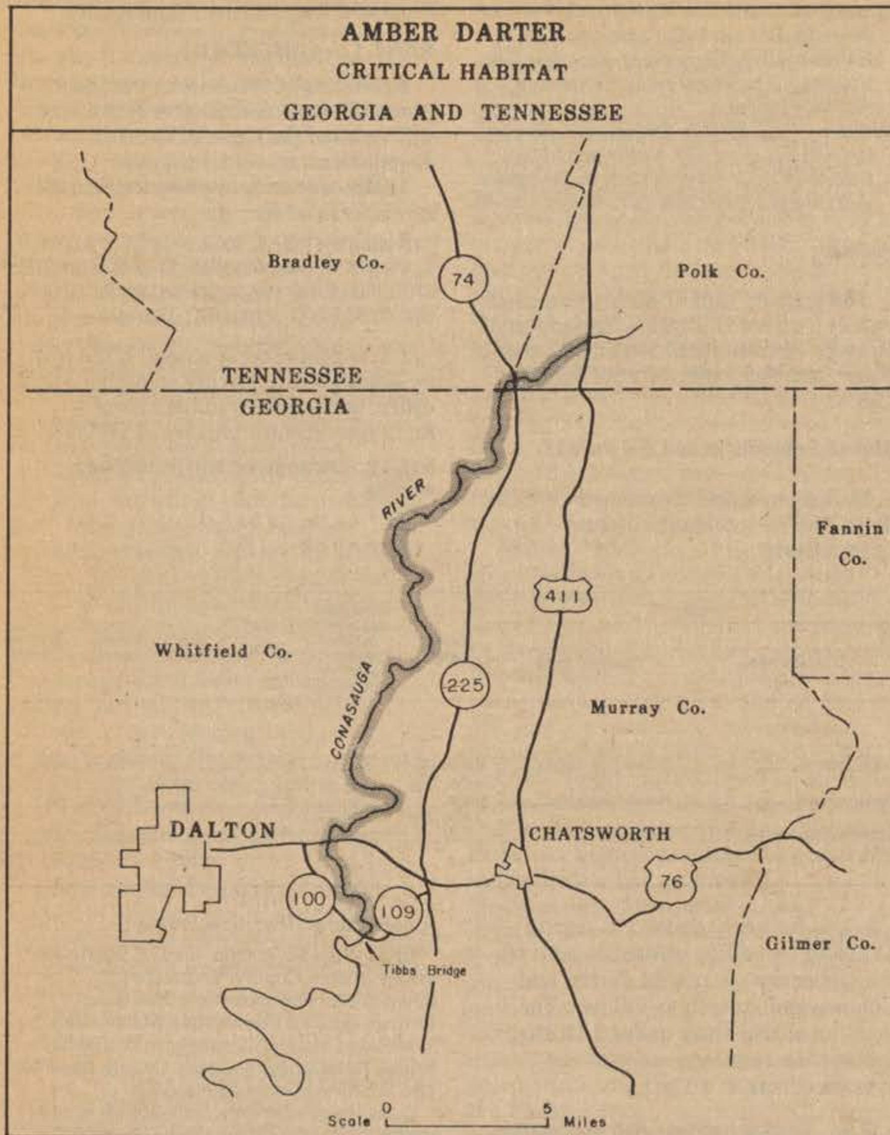
(e) *Fishes.*

* * * * *

Amber Darter (*Percina antesella*)

Conasauga River from the U.S. Route 411 bridge in Polk County, Tennessee, downstream approximately 33.5 miles through Bradley County, and Murray and Whitfield Counties, Georgia, to the Tibbs Bridge Road bridge (Murray County Road 109 and Whitfield County Road 100).

Constituent elements include high quality water, riffle areas (free of silt) composed of sand, gravel, and cobble which becomes vegetated (primarily with *Podostemum)* during the summer.

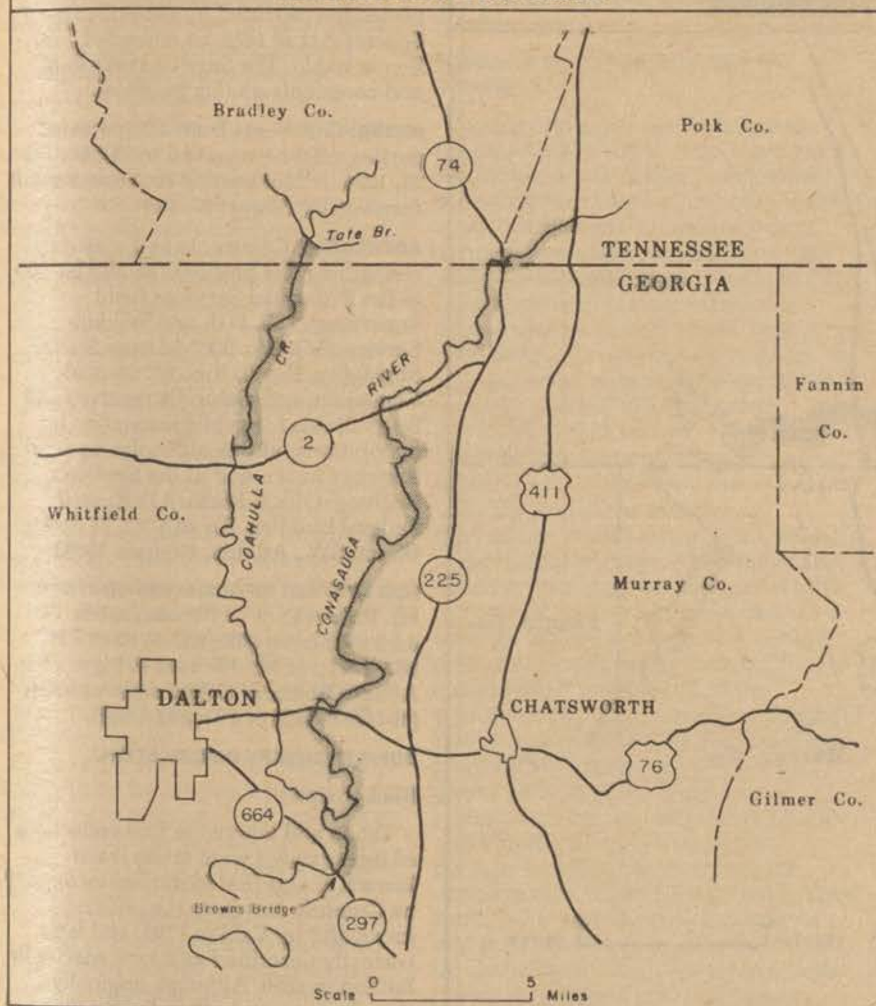


Trispot Darter (*Etheostoma trisella*)

Conasauga River from the Route 411 bridge in Polk County, Tennessee, downstream approximately 38 miles through Bradley County, Tennessee, and Murray and Whitfield Counties, Georgia, to the Brown Bridge Road bridge (Murray County Road 297 and Whitfield County Road 664).

Coahulla Creek (a tributary of the Conasauga River) from the confluence to Tate Branch with Coahulla Creek in Bradley County, Tennessee, downstream approximately 8.5 miles to the confluence of Barrett Lake Creek with Coahulla Creek in Whitfield County, Georgia.

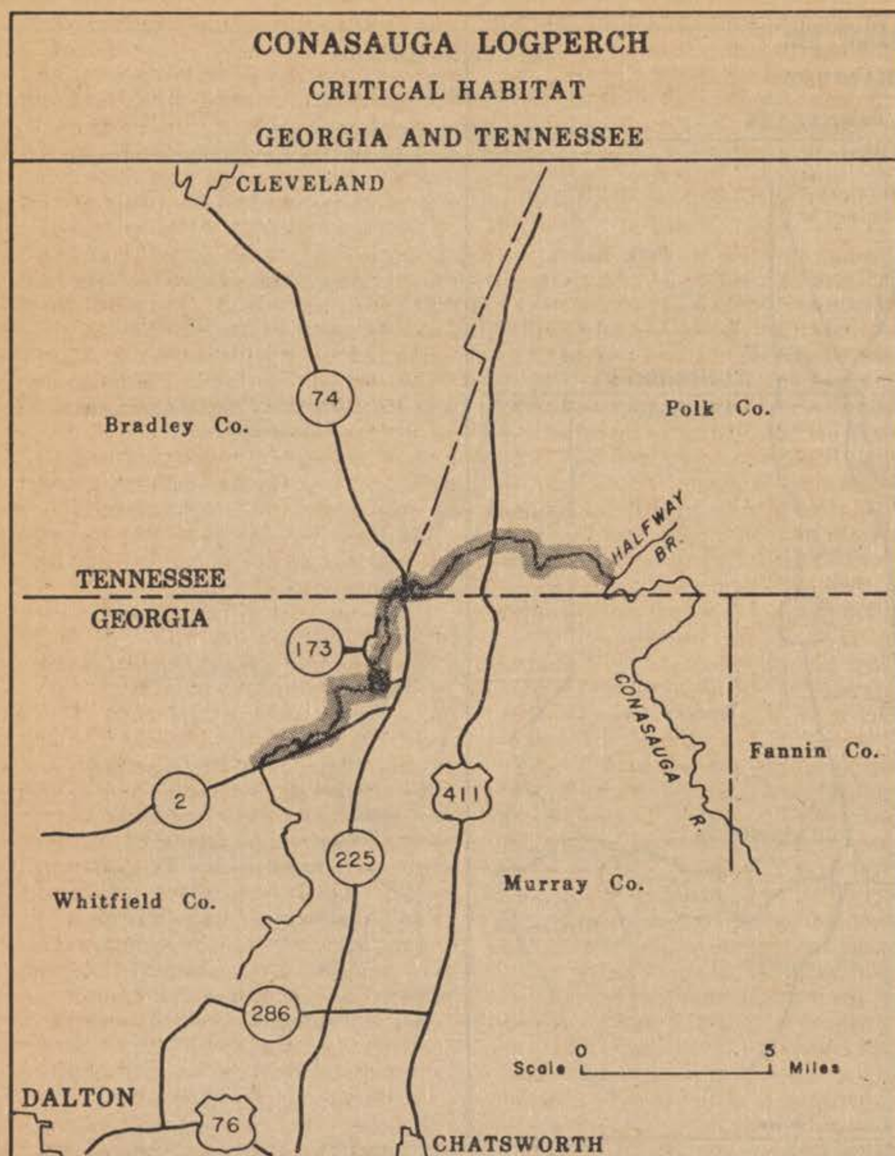
Constituent elements include high quality water, slack water, and slow current areas with detritus, sand, and submerged vegetated substrates that are free of excessive silt.



Conasauga logperch (*Percina* sp.)

Conasauga River from the confluence of Halfway Branch with the Conasauga River in Polk County, Tennessee, downstream approximately 11 miles to the Georgia State Highway 2 Bridge, Murray County, Georgia.

Constituent elements include high quality water, pool areas with flowing water and silt free riffles with gravel and rubble substrate, and fast riffle areas and deeper chutes with gravel and small rubble.



Dated: June 27, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-18521 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Buxus vahlii (Vahl's Boxwood)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to determine a plant, *Buxus vahlii* (Vahl's boxwood), to be an endangered species under the authority of the Endangered Species Act as amended. *Buxus vahlii* is only found in the semievergreen seasonal forests that occur on limestone in north and northwestern Puerto Rico. Only about 40 individuals of the species are known to exist. Of the two locales that support populations of *Buxus vahlii*, one is on land owned by the Government of the Commonwealth of Puerto Rico, and the other is on privately owned land. The continued existence of this species is endangered by its very limited numbers, potential habitat modification or destruction due to limestone mining and urbanization in the privately owned locale, and possible construction of a coal-fueled power plant on the government-owned land. This proposal, if made final, would implement the protection provided by the Endangered Species Act of 1973, as amended, for *Buxus vahlii*. The Service seeks data and comments on this proposal.

DATES: Comments from all interested parties must be received by September 11, 1984. Public hearing requests must be received by August 27, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Ecological Services Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 3005-Marina Station, Mayagüez, Puerto Rico 00709-3005. Comments and materials received will be available for public inspection by appointment at this office during usual business hours, and at the Service's Regional Office, Richard B. Russell Federal Building, Room 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Pace at the Mayagüez address above (809/833-5760 or FTS 967-1221), or Mr. Richard P. Ingram the Atlanta Regional Office address above (404/221-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

When and where the first collections of *Buxus vahlii* were made is not known. It was first identified incorrectly as *Crantzia laevigata* (i.e., *Buxus laevigata*) by Vahl in 1791, and later correctly described as a new species by Baillon in 1859. Although originally thought to occur both in Puerto Rico and on St. Croix, U.S. Virgin Islands, this no longer appears to be correct. *Buxus vahlii* has not been collected on St. Croix by any botanist in recent times. Examination by Drs. José L. Vivaldi and Roy O. Woodbury, Puerto Rican botanists, of specimens of the genus *Buxus* collected on St. Croix (including the type of *Tricera laevigata* var. *sanctae-crucis*) indicated that none could be attributed to *Buxus vahlii*. An early report listing Jamaica as part of *Buxus vahlii*'s distribution has never been confirmed (Little *et al.*, 1974); *B. laevigata* does occur in Jamaica. Thus, *Buxus vahlii* is now considered to be endemic to Puerto Rico.

Buxus vahlii is an evergreen shrub or small tree up to 15 feet tall with stems 3 inches thick. The twigs have two characteristic grooves below each pair

of leaves. The entire plant is hairless. The more or less oblong leaves are simple, opposite, dark shiny green, up to 1.5 inches long and ¾ inch wide. *Buxus vahlii* does not reproduce vegetatively; flowering is in December to early April. The flower cluster is small, about ¼ inch long, with the solitary female flower at the tip and several male flowers borne just below it. The fruit is a horned capsule.

Buxus vahlii is found in semievergreen seasonal forests on limestone at elevations between 82 and 656 feet in Hato Tejas (Bayamn) and about 70 miles away in Punta Higüero Rincón). The site at Rincón in northwestern Puerto Rico may have been known to Sintenis in 1886, while the other at Hato Tejas in north-central Puerto Rico was discovered in the 1950's by Roy O. Woodbury. A specimen collected by Heller in 1902 from "Limestone hills along the coast 3 miles west of Ponce" had been mislabeled. This area is occupied by dry woodlands very different from the semievergreen forests in which *Buxus vahlii* is found, and both Woodbury and Vivaldi have done field work in the area and agree that it is very unlikely that *Buxus vahlii* could occur there. Similar label errors have been found with another species collected by Heller.

Buxus vahlii was recommended for Federal listing by the Smithsonian Institution (Ayensu and DeFilipps, 1978). In August 1979, the Service contracted Dr. José L. Vivaldi, a resident botanist of Puerto Rico, to conduct a status survey of some plants thought to be candidates for listing as endangered or threatened in Puerto Rico and the Virgin Islands. Reports and documentation resulting from this survey recommended that *Buxus vahlii* be proposed for listing as an endangered species. On December 15, 1980, the Service published a notice in the **Federal Register** (45 FR 82479) listing those plant taxa being considered for listing as endangered or threatened species; *Buxus vahlii* was included.

In a notice published in the **Federal Register** on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of Section 4(B)(3)(A) of the Act, as amended in 1982. On October 13, 1983, the petition finding was made that listing *Buxus vahlii* was warranted but precluded by other pending listing actions, in accordance with Section 4(b)(3)(B)(iii) of the Act, notification of the finding was published in the January 20, 1984, **Federal Register** (49 FR 2485). Such a finding requires a recycling of the petition, pursuant to Section 4(b)(3)(C)(i) of the Act. Therefore, a new finding must be made; we find that the petitioned action is warranted in accordance with Section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposed rule of August 8, 1983 (48 FR 36021)) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in that section. These factors and their application to *Buxus vahlii* Baillon (Vahl's boxwood) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Rincón site, which is owned by the Commonwealth of Puerto Rico, has been proposed as a possible locale (although now not the preferred locale) for the construction of a coal-fueled power plant to be constructed by the Puerto Rico Electrical Power Authority and the Federal Rural Electrification Administration. The power plant would require a large storage area for the coal and cinder. To make space, part of the property, perhaps including the ravine or its drainage area, might be converted. This could either destroy the 12–20 plants and their habitat, or modify the habitat by changing the drainage pattern in the ravine or by introducing pollutants leached from the coal or cinders. Air pollution from the power plant could also affect the species.

The Hato Tejas population of about 24 individuals is located in a haystack hill group that is surrounded by a large shopping center and several commercial and industrial lots. A possible place for expanded development would be the area now occupied by the hills, which could be razed and sold for limestone or fill material. These activities would result in the complete destruction of the habitat; however, there are no known plans for development at present. This *Buxus vahlii* population is located on the edge of an old limestone quarry. Past mining activities in the area resulted in the destruction of more than half of the boxwood population since the 1950's (Vivaldi and Woodbury, 1981). The quarry is not active at this time, but could become active if such activities again become profitable.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking has not been a documented factor in the decline of this species, but could easily become so. Both populations are accessible by road and trail. Boxwoods are beautiful shrubs, and several species are grown in cultivation around the world. There is a society devoted to the genus. This species many have ornamental potential (Little *et al.*, 1974), and professional cultivation of the species is being attempted.

C. *Disease or predation.* Many houses are on private property on the eastern edge of the government property at the Rincón site, and only about 300 feet from the *Buxus vahlii* population. Some of the inhabitants have goats, which could affect the boxwood if they were allowed to roam free or escaped into the government-owned area.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico does not have specific legislation or rules to protect endangered or threatened species of plants, although a list of vulnerable species exists. If mining activities become involved, the Department of Natural Resources presumably could prohibit such activities in order to save the species by making reference to Law 144, June 3, 1976, "Extracción de materiales de la corteza terrestre," which regulates sand extraction. However, whether or not this prohibition should be used to control taking of a federally listed endangered species would depend on Commonwealth courts' interpretation; there is no established precedent.

E. *Other natural or manmade factors affecting its continued existence. Buxus vahlii* is found in two small, compact, isolated populations separated by about 70 miles. It has a very narrow ecological niche and is restricted to ravines and ledges in semievergreen seasonal forests on limestone. Only about 40 individuals are known (about half in each population), a reduction from over 60 known individuals in the 1950's. A loss of genetic variation in the species is therefore probable. In addition, seedlings have not been observed. These factors increase the vulnerability of the species to the other threats described above.

The careful assessment of the best scientific information available, as well as the best assessment of the past, present, and future threats faced by this species, were considered in determining the preferred action of this rule. Based on this evaluation, the preferred action is to list *Buxus vahlii* as an endangered

species. With so few individuals known and the risk of damage to the plant and/or its habitat, endangered status seems an accurate assessment of the species' condition. It is not prudent to propose critical habitat because doing so would increase risk to the species, as detailed below.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires that to the maximum extent prudent and determinable, any habitat of the species that is thought to be critical habitat shall be designated at the time the species is listed as endangered or threatened. The Service has determined that designation of critical habitat is not prudent for *Buxus vahlii* at this time.

As discussed under threat factor B above, *Buxus vahlii* is potentially threatened by collecting, an activity regulated by the Endangered Species Act with respect to plants only on lands under Federal jurisdiction; such lands are not involved in this proposal. Publication of critical habitat localities near homes and urban areas would increase the risk of collecting or vandalism. The extreme vulnerability of *Buxus vahlii* to any collecting would make it quite detrimental to the survival of the species. Thus, determination of critical habitat for *Buxus vahlii* would not be prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection and prohibitions against certain practices. Recognition through listing encourages and can result in conservation actions by other Federal, Commonwealth, and private agencies, groups,and individuals. The Endangered Species Act provides the possibility for land acquisition and cooperative efforts with the Commonwealth, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service as appropriate following listing. The protection required by Federal agencies and other prohibitions are discussed in detail below.

Section 7(a) of the Act, as amended, requires all Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposed rule of June 29, 1983; 48 FR 29989). For a proposed species, agencies are required by Section 7(a)(4) to informally confer with the Service on any action likely to jeopardize the continued existence of the species. After publication of a final rule, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species. If a Federal action is expected to affect the species, the Federal agency planning the action must enter into formal consultation with the Service.

The only Federal involvement foreseen is that of the Rural Electrification Administration, near Rincón. In the event that the Punta Higüero site (which is now not preferred) is chosen for the coal-fueled power plant sponsored by the Puerto Rico Electrical Power Authority and the Federal Rural Electrification Administration, a strong commitment would be needed to protect *Buxus vahlii*. If the site is chosen, the species could be affected in various ways, as discussed above. Without the protection provided by the Act, the species might not be sufficiently considered in planning the project and could be brought much closer to extinction.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** (42 FR 32373–32381), set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. Regulations pertaining to endangered plants, found at 50 CFR 17.61 and 17.62, are summarized below.

With respect to *Buxus vahlii*, all trade prohibitions of Section 9(a)(2) of the Act, as implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions could apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. International trade and interstate commercial trade in *Buxus vahlii* are not known to exist, and the plant is very rare in experimental cultivation. It is anticipated that few permits involving plants of wild origin would ever be issued.

Section 9(a)(2)(B) of the Act, as amended in 1982, makes it unlawful to remove and reduce to possession endangered plant species from areas under Federal jurisdiction. The new prohibitions would apply to *Buxus vahlii*. Permits for exceptions to this prohibition are available through Section 10(a) of the Act until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibitions were published on July 8, 1983 (48 FR 31417), and these will be made final following public comment. *Buxus vahlii* is not known to occur on any Federal lands at this time, so requests for taking permits are not anticipated. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

If this species is listed under the Act, the Service will review its status to determine whether it should be placed on the Annex to the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through Section 8A(e) of the Act, and whether it should be considered under other appropriate international agreements.

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Buxus vahlii*;

(2) The location of any additional populations of *Buxus vahlii* and the reasons why any habitat of this species should or should not be designated as critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject areas and their possible impacts on *Buxus vahlii*.

Final promulgation of regulations on *Buxus vahlii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal if requested. Requests must be filed within

45 days of the date of the proposal. Such requests should be made in writing and addressed to the Ecological Services Field Supervisor, U.S. Fish and Wildlife Service, P.O. Box 3005, Marina Station, Mayagüez, Puerto Rico 00709–3005 (809/833–5760).

National Environmental Policy Act

In accordance with a recommendation from the Council on Environmental Quality (CEQ), the Service has not prepared any NEPA documentation for this proposed rule. The recommendation from CEQ was based, in part, upon a decision in the Sixth Circuit Court of Appeals, which held that the preparation of NEPA documentation was not required as a matter of law for Section 4(a) actions under the Endangered Species Act. *PLF* v. *Andrus* 657 F.2d 829 (6th Cir., 1981); 48 FR 49244.

References

Ayensu, E.S., and R.A. DeFilipps. 1978. Endangered and Threatened Plants of the United States. Smithsonian Institution and World Wildlife Fund, Washington, D.C.

Baillon, M.H. 1859. Monographie des Buxacées. Paris.

Britton, N.L., and P. Wilson. 1923. Botany of Porto Rico and the Virgin Islands. *In:* Scientific Survey of Porto Rico and the Virgin Islands, Vols. 5 and 6. New York Acad. Sci., New York.

Little, E.L., Jr., R.O. Woodbury, and F.H. Wadsworth. 1974. Trees of Puerto Rico and the Virgin Islands, Vol. 2. U.S. Dept. Agric., Forest Service. Agric. Handbook No. 449, Washington, D.C.

Vivaldi, J.L., and R.O. Woodbury. 1981. *Buxus vahlii* Baill. Status report submitted to the U.S. Fish and Wildlife Service, Mayagüez, Puerto Rico.

Author

The primary author of this proposed rule is Mr. Agustín P. Valido, U.S. Fish and Wildlife Service, then at the Mayagüez Field Station, Mayagüez, Puerto Rico, and now in the Atlanta Regional Office. Status information and a preliminary package were provided by Dr. José L. Vivaldi, Cond. Parque de las Fuentes, Hato Rey, Puerto Rico. Ms. Diane MacKenzie, then of the Service's Atlanta Regional Office, and Dr. Bruce MacBryde, of the Service's Washington Office of Endangered Species, served as editors.

List of Subjects in 50 CFR Part 117

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

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

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

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

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

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rule
Scientific name	Common name					
*	*	*	*	*	*	*
Buxaceae—Boxwood family						
Buxus vahlii	Vahl's boxwood	U.S.A. (PR)	E		NA	NA
*	*	*	*	*	*	*

Dated: June 25, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-18577 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on 6 Petitions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of finding on petitions.

SUMMARY: The Service announces finding on various petitions to list or delist fish, wildlife, or plants under the Endangered Species Act.

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register.**

DATES: The dates of the various findings is presented in the Background section.

ADDRESSES: Questions or comments concerning this finding should be submitted to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service (OES), Department of the Interior, Washington D.C. 20240. The petitions, and their supporting data, are available for public inspection by appointment during normal business hours at the Services's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia.

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

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982, requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register.**

The 1982 amendments to the Endangered Species Act also require a finding to be made within 12 months of petition receipt for any petition accepted for review in accordance with paragraph A or D(i) of section 4(b)(3) as amended. Pursuant to paragraph B or D(ii) of section 4(b)(3), this determines whether or not the requested action is warranted. The finding and any further procedures to be undertaken (for example species listing or delisting, critical habitat revision, or necessary postponement of such actions) are to be announced promptly in the **Federal Register.**

Expeditious progress in listing is being made, and is annually reported on in the

Federal Register. The first such progress report was published on January 20, 1984 (49 FR 2485).

Findings

1. On April 12, 1983, the Desert Fishes Council petitioned the Service to list the following 17 desert fishes:

Desert dace, *Eremichthys acros*
Hutton Spring tui chub, *Gila bicolor* ssp.
Fish Creek Springs tui chub, *Gila bicolor euchila*
Owens tui chub, *Gila bicolor snyderi*
Yaqui chub, *Gila purpurea*
White River spinedace, *Lepidomeda albivallis*
Big Spring spinedace, *Lepidomeda mollispinis pratensis*
Little Colorado spinedace, *Lepidomeda vittata*
Pecos bluntnose shiner, *Notropis simus pecosensis*
Foskett Spring speckled dace, *Rhinichthys osculus* ssp.
Modoc sucker, *Catostomus microps*
Warner sucker, *Catostomus warnerensis*
June sucker, *Chasmistes liorus mictus*
White River springfish, *Crenichthys b. baileyi*
Hiko White River springfish, *Crenichthys baileyi grandis*
Railroad Valley springfish, *Crenichthys nevadae*
Desert pupfish, *Cyprinodon macularius*

The Service reviewed the petition and found that substantial information had been presented indicating that the petitioned action may be warranted. This 90 day finding was announced in the **Federal Register** on June 14, 1983 (48 FR 27273–74). On April 12, 1984 the Service made its one-year finding on this petition. The Service found that the petitioned action, to list the 17 desert fishes, was warranted. The Service has published proposals in the **Federal Register** to list 16 of the 17 petitioned species. A proposal to list the remaining species, Little Colorado spinedace, is expected to be published in the **Federal Register** in the near future.

2. A petition from Ms. Marie C. Peronne of Clarence, New York dated April 30, 1984, was received by the Service on May 2, 1984. Ms. Peronne's petition requested that two birds be listed as endangered species and five plants be listed as threatened species under the Endangered Species Act. The species are: *Tyto longimembris* (grass owl), *Sypheotides indica* (long-legged bustard), *Mentzelia albicaulis* (white-stemmed evening-star), *Salix amygdaloides* (peach-leaved willow), and the milkworts *Polygala alba, P. paucifolia,* and *P. verticillata.* On June 8, 1984, the Service made its finding that the petition did not present substantial information for any of the species and that the petitioned actions are not warranted, in accord with Section 4(b)(3)(A) of the Act. The Service checked available data and found that none of the species appear vulnerable to extinction at this time. The petition did not provide any data on threats to these species and the Service found no data indicating threats to these species; therefore, the Service is rejecting this petition.

3. Dr. Jeffrey A. Cox of the Florida State Museum, Gainesville, submitted a petition dated March 16, 1984. The petition was received by the Service on March 22, 1984, and requested that the Florida scrub jay (*Aphelocoma coerulescens coerulescens*) be listed as a threatened species under the Act. The jay is endemic to central Florida and is found in a very specific habitat: oak scrub. This habitat is becoming more restricted, if not eliminated, although the bird can be found in good numbers in the remaining habitat. The Service made its finding that the petition included substantial information that the petitioned action is warranted on May 4, 1984.

4. A petition from the Pacific Legal Foundation, Save Our Shellfish, and the Greater Los Angeles Council of Divers, dated February 3, 1984, was received by the Service on February 6, 1984. This petition requested the delisting of the southern sea otter (*Enhydra lutris nereis*), a mammal found off the coast of central California that is currently classified as threatened. The Service has made the finding that this petition does not present substantial information in support of the requested action. The two main points of the petition are that the southern sea otter is not a separate subspecies and that it is not threatened by a potential oil spill. The first point is not supported by the preponderence of available evidence, and, in any case the population qualifies for listing under the Endangered Species Act regardless of whether it is a distinct subspecies. The second point is contrary to extensive other information available to the Service, and in any case, the threat of an oil spill is only one of several factors jeopardizing the involved population.

5. A petition from Friends of the Sea Otter, dated May 1, 1983, was received by the Service on May 9, 1983. This petition requested the reclassification of the southern sea otter from threatened to endangered. The petition stated that the southern sea otter, which was classified as threatened in 1977, has deteriorated in status and is now in danger of extinction. The threat of an oil spill from a tanker, cited as the main problem in the original listing, was cited as a continuing problem. The petition also claimed that other problems not mentioned or not considered substantial in the original listing have developed. Intensive exploration and leasing of offshore oil tracts was noted. Direct, malicious killing of sea otters by people was alleged to be a significant cause of mortality, as was incidental drowning of sea otters in fishing nets. In addition, the petition stated that the species may also be jeopardized by pollution from toxic trace metals, synthetic organic compounds, and raw sewage. Finally, it was noted that new evidence indicated that the sea otter population was considerably smaller than thought in 1977, that it was not increasing as was believed at that time, and that it may be declining. The Service reviewed this petition and found that substantial information has been presented that the requested action may be warranted. This 90-day finding was announced in the **Federal Register** of June 14, 1983 (48 FR 27272). On May 24, 1984, the Service made its one-year finding on this petition. The Service found that the petitioned action to reclassify the southern sea otter as endangered was not warranted at this time because the danger of extinction does not appear to be immediate, and because a recovery plan for the sea otter is currently being implemented.

6. A petition from Mr. Alan Herndon of Florida International University dated March 17, 1984, was received by the Service on March 22, 1984. Mr. Herndon's petition requested that 2 Florida plants, *Amorpha crenulata* (Fabaceae) and *Galactia smallii* (Fabaceae), be listed as endangered under the Endangered Species Act. Both plants are endemic to Dade County, Florida and appear to be in danger of extinction due to loss of habitat. The Service made its finding that the petition included substantial information that the petitioned action may be warranted on June 5, 1984. The plants are therefore placed in category 1 of the notice of review on candidates (48 FR 53639).

The Service would appreciate any additional data, comments, or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the Florida scrub jay and the 2 Florida plants *Amorpha crenulata* and *Galactia smallii.*

Author

This notice was prepared by Dr. James D. Williams, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975)

based on information supplied by the U.S. Fish and Wildlife Service Regional Offices and Biological Support staff of the Washington Office of Endangered Species.

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

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

Dated: July 6, 1984.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-18520 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 136
Friday, July 13, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on August 7, 1984 at the Dolores District Office, 401 Railroad Avenue, Dolores, Colorado. This meeting will start at 10:00 a.m. The Board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) Recommendations for the utilization of range betterment funds; (2) recommendations for the development of allotment management plans; (3) discussion of committee meeting with La Plata County Planning Commission regarding fencing requirements for land developers.

The meeting will be open to the public. Persons who wish to attend and participate should notify David W. Cook, San Juan National Forest, (303) 247-4874 prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

Dated: July 2, 1984.

John R. Kirkpatrick,

Forest Supervisor.

[FR Doc. 84-18622 Filed 7-12-84; 8:45 am]

BILLING CODE 3410-11-M

Food and Nutrition Service

National School Lunch, Special Milk, and School Breakfast Programs National Average Payment/Maximum Reimbursement Rates

Correction

In FR Doc. 84-17856 beginning on page 27800 in the issue of Friday, July 6, 1984, make the following correction:

On page 27801, second column, under the heading "School Breakfast Program Payments" second paragraph, line one, "not in severe need" should read "in severe need".

BILLING CODE 1505-01-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed under Subpart Q of the Board's Procedural Regulations (See, 14 CFR 302.1701 et. seq.); Week Ended July 6, 1984

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
July 2, 1984	42318	Orion Lift Service, Inc. d/b/a Orion Air, c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue NW., Suite 640, Washington, D.C. 20007. Application of Orion Lift Service, Inc. d/b/a Orion Air, pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a determination of fitness, and a certificate of public convenience and necessity to engage in foreign charter air transportation. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 30, 1984.
Do	42319	Orion Lift Service, Inc. d/b/a Orion Air, c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue NW., Suite 640, Washington, D.C. 20007. Application of Orion Lift Service, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for a certificate of public convenience and necessity to provide scheduled interstate and overseas air tranportation of persons, property and mail, and for a fitness detemination. Conforming Applications, Motions to Modify Scope and Answers may be filed by June 30, 1984.
July 3, 1984	42320	Delta Air Lines, Inc., Hartsfield Atlanta Int'l Airport, Atlanta, Georgia 30320. Application of Delta Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations applies for an amendment or a renewal of its certificate of public convenience and necessity for Route 178 to permit Delta to continue providing air transportation services between Atlanta, Georgia, and London, England. Conforming Applications, Motions to Modify Scope and Answers may be filed by July 31, 1984.
Do	42321	Hawaii One Corporation, c/o Allan W. Markham, Suite 400, 4801 Massachusetts Ave., NW., Washington, D.C. 20016. Application of Hawaii One Corporation pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate and a determination of fitness to authorize it to engage in scheduled interstate and overseas air transportation; the applicant plans to provide scheduled air transportation of persons, property, and mail within the State of Hawaii. Conforming Applications, Motions to Modify Scope and Answers may be filed by July 31, 1984.
Do.	42324	TPI International Airways, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, NW., Suite 350, Washington, D.C. 20006. Application of TPI International Airways, Inc. pursuant to Section 401(d)(3) of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in foreign charter air transportation of persons and property as follows: Between any point in any state of the United States or the District of Columbia, or any United States territory or possession and (a) Points in Canada, (b) Points in Mexico, (c) Points in Jamaica, the Bahama islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Islands, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea; (d) Points in Central and South America; (e) Points in Australia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing; and (f) Points in Greenland, Iceland, the Azores, Europe, Africa, and Asia as far east as (and including) India. Conforming Applications, Motions to Modify Scope and Answers may be filed by July 31, 1984.
Do	42325	TPI International Airways, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street, NW., Suite 350, Washington, D.C. 20006. Application of TPI International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate and overseas air transportation of property as follows:

Date filed	Docket No.	Description
		a. Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, 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. Authority to engage in all-cargo operations between points within the United States and its possessions. Conforming Applications, Motions to Modify Scope and Answers may be filed by July 31, 1984.
Do	42194	Air Via, Inc., c/o John W. Simpson, Kelley Drye & Warren, 1333 New Hampshire Avenue NW., Washington, D.C. 20036. Amendment No. 2 to the Application of Air Via, Inc. to engage in interstate and overseas scheduled air transportation. (Additional Information) Answers may be filed by July 31, 1984.
July 6, 1984	42187	Flight International Airlines, Inc., c/o James M. Burger, Burger & Kendall, 1726 M Street, NW., Washington, D.C. 20036. Application of Flight International Airlines, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests permanent authority to engage in interstate, overseas and foreign charter air transportation of persons, property and mail: (a) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States 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) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Canada, on the other; (c) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Mexico, on the other;
July 6, 1984	42187	Flight International Airlines, Inc. continued: (d) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Trinidad, Aruba, the Leeward and Windward Island, and any other foreign place located in the Gulf of Mexico or the Caribbean Sea, on the other hand; (e) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in British Honduras, El Salvador, Nicaragua, Costa Rica, Panama, and in the countries on the continent of South America, on the other hand; (f) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and American Samoa, Guam, Johnson Island, the Marshall Islands, Okinawa, Wake Island, and points in Australia, Indonesia, and Asia as far west as longitude 70 degrees east via a transpacific routing, on the other hand; (g) Between any point in any State of the United States, or the District of Columbia, or any territory or possession of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, and Asia, as far east as (and including) India, on the other hand. Conforming Applications, Motions to Modify Scope and Answers may be filed by July 17, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84-18635 Filed 7-12-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 41961]

Airwest International Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on July 8, 1984, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., July 10, 1984.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 84-18633 Filed 7-12-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42107]

Pacific Interstate Airlines Fitness Investigation; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to him.

Dated Washington, D.C., July 9, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-18632 Filed 7-12-84; 8:45 am]

BILLING CODE 6320-01-M

[Docket 42332]

Tampa-Yucatan Service Case; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him

Dated Washington, D.C., July 10, 1984.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 84-18634 Filed 7-12-84; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 258]

Resolution and Order Approving the Application of the State of Delaware for a Special-Purpose Foreign-Trade Subzone for Chrysler Corporation in Newark, Delaware, Adjacent to the Wilmington Customs Port of Entry

Resolution and Order

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the State of Delaware, submitted through the Delaware Development Office, filed with the Foreign-Trade Zones Board (the Board) on October 17, 1983, requesting special-purpose subzone status for the auto manufacturing plant of Chrysler Corporation in Newark, Delaware, adjacent to the Wilmington Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone for Chrysler in Newark, Delaware, Adjacent to the Wilmington Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, The Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose

subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Delaware Development Office on behalf of the State of Delaware, grantee of Foreign-Trade Zone No. 99, Wilmington, has made application (filed October 17, 1983, Docket No. 38–83, 48 FR 49084) in due and proper form to the Board for authority to establish a special-purpose subzone at Chrysler Corporation's automobile manufacturing plant in Newark, Delaware, adjacent to the Wilmington Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now therefore, in accordance with the application filed October 17, 1983, the Board hereby authorizes the establishment of a subzone at Chrysler's Newark, Delaware, auto plant, designated on the records of the Board as Foreign-Trade Subzone No. 99B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 3rd day of July 1984 pursuant to Order of the Board.

Dated: July 3, 1984.

Foreign-Trade Zones Board.

Alan F. Holmer,

Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternate.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84–18569 Filed 7–12–84; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 259]

Resolution and Order Approving the Application of the Louisville and Jefferson County Riverport Authority for a Special-Purpose Foreign-Trade Subzone for Ford in Louisville, Kentucky

Resolution and Order

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Louisville and Jefferson County Riverport Authority, grantee of Foreign-Trade Zone 29 in Louisville, filed December 4, 1983, requesting special-purpose subzone satus for the auto manufacturing facility of Ford Motor Company in Louisville, Kentucky, within the Louisville Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone for Ford in Louisville, Kentucky

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Louisville and Jefferson County Riverport Authority, grantee of Foreign-Trade Zone No. 29, Louisville, has made application (filed December 4, 1983, Docket No. 46–83, 48 FR 56620) in due and proper form to the Board for authority to establish a special-purpose subzone at Ford Motor Company's vehicle manufacturing plant in Louisville, Kentucky, within the Louisville Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed December 4, 1983, the Board hereby authorizes the establishment of a subzone at Ford's Louisville, Kentucky, plant, designated on the records of the Board as Foreign-Trade Subzone No. 29B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective

requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 3rd day of July 1984 pursuant to Order of the Board.

Dated: July 3, 1984.

Foreign-Trade Zones Board.

Alan F. Holmer,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-18570 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 260]

Resolution and Order Approving the Application of the Cleveland-Cuyahoga County Port Authority for a Special-Purpose Foreign-Trade Subzone for Ford in Lorain, Ohio, Adjacent to the Cleveland Customs Port of Entry

Resolution and Order

Proceeding of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone 40 in Cleveland, filed December 4, 1983, requesting special-purpose subzone status for the auto manufacturing facility of Ford Motor Company in Lorain, Ohio, adjacent to the Cleveland Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone for Ford in Lorain, Ohio, Adjacent to the Cleveland Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone No. 40, Cleveland, has made application (filed December 4, 1983, Docket No. 48-83, 48 FR 56621) in due and proper form to the Board for authority to establish a special-purpose subzone at Ford Motor Company's automobile manufacturing plant in Lorain, Ohio, adjacent to the Cleveland Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, therefore, in accordance with the application filed December 4, 1983, the Board hereby authorizes the establishment of a subzone at Ford's Lorain, Ohio, auto plant, designated on the records of the Board as Foreign-Trade Subzone No. 40A at the location mentioned above and more particularly described on the maps and drawings accompanying the application said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington,D.C. this 3rd day of July 1984 pursuant to Order of the Board.

Dated: July 3, 1984.

Foreign-Trade Zones Board.

Alan F. Holmer,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee on Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84-18571 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 265]

Resolution and Order Approving the Application of the City of Memphis, Tennessee, for a Foreign-Trade Subzone for Sharp in Memphis

Resolution and Order

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the City of Memphis, Tennessee, grantee of Foreign-Trade Zone 77, filed with the Foreign-Trade Zones Board (the Board) on December 15, 1983, requesting special-purpose subzone status for the microwave oven and television manufacturing plant of Sharp Manufacturing Company of America in Memphis, adjacent to the Memphis Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if a restriction is adopted requiring that full Customs duties be paid on foreign television picture tubes used at the facility, approves the application subject to the condition that Sharp be required to elect privileged foreign status (19 CFR 146.21) on all such picture tubes used at the facility that are sourced abroad.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Memphis, Tennessee

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the City of Memphis, Tennessee, grantee of Foreign-Trade Zones No. 77, has made application (filed December 15, 1983, Docket No. 49–83, 48 FR 57346) in due and proper form to the Board for authority to establish a special-purpose subzone at the microwave oven and television receiver manufacturing plant of Sharp Manufacturing Company of America (Sharp), located in Memphis, Tennessee, adjacent to the Memphis Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard;

Whereas, the Board, pursuant to its authority to restrict or prohibit operations detrimental to the public interest (19 U.S.C. 81o), considered the possible impact of the proposed subzone on competing domestic industries; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied, and that the proposal would be in the public interest if a restriction is adopted requiring that full Customs duties be paid on foreign television picture tubes used at the facility;

Now, therefore, in accordance with the application filed December 15, 1983, the Board herby authorizes the establishment of a subzone at the manufacturing facilities of Sharp in Memphis, Tennessee, designated on the records of the Board as Foreign-Trade Subzones No. 77A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Any foreign picture tubes used at the facility shall be dutiable at the full rate applicable to such tubes (privileged foreign status), unless the finished product is exported.

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 2nd day of July 1984 pursuant to Order of the Board.

Dated: July 2, 1984.

Foreign-Trade Zones Board.

Alan F. Holmer,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 84–18580 Filed 7–12–84; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A–122–016]

Antidumping Postponement of Final Determination: Choline Chloride From Canada

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for Chinook Chemicals Company, Ltd. (Chinook), respondents in this proceeding, that the final determination on choline chloride from Canada be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in § 353.44(b) of the Department of Commerce Regulations (19 CFR 353.44(b)), to allow adequate time for a response to petitioner's comments, and that the Department will postpone its final determination as to whether sales of choline chloride from Canada have occurred at less than fair value, until not later than September 12, 1984.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: David Johnston, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–2239.

SUPPLEMENTARY INFORMATION: On December 5, 1983, the Department of Commerce published a notice in the **Federal Register** that it was initiating, under section 732(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(b)) (the Act), an antidumping investigation to determine whether choline chloride from Canada is being, or is likely to be, sold at less than fair value. On April 30, 1984, the Department published an affirmative preliminary determination (49 FR 18344). The notice stated that if this investigation proceeded normally we would make a final determination by July 9, 1984. Pursuant to Section 735(a)(2) of the Act, Chinook requested an extension of the final determination date. Chinook is qualified to make such a request under Section 735(a)(2)(A), because it accounts for all of the exports of the merchandise. If an exporter accounting for a significant proportion of the exports of the merchandise requests an extension after an affirmative preliminary determination,

we are required, absent compelling reasons to the contrary, to grant the request.

Accordingly, the Department will issue a final determination in this case not later than September 12, 1984.

This notice is published pursuant to section 735(d) of the Act.

Dated: July 9, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18639 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review; Application

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and invites interested parties to submit information relevant to the determination of whether a certificate should be issued.

DATES: Comments on these applications must be submitted on or before August 2, 1984.

ADDRESS: Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to this application as "Export Trade Certificate of Review, application number 84-00025."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 48 FR 10596-10604 (Mar. 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and from civil and criminal liability under Federal and state antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct will:

1. Result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,

2. Not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,

3. Not constitute unfair methods of competition against competitors engaged in the export of goods, wares, merchandise, or services of the class exported by the applicant, and

4. Not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meet these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-15940 (April 13, 1983).

Request for Public Comments

The Office of Export Trading Company Affairs (OETCA) is issuing this notice in compliance with section 302(b)(1) of the Act which requires the Secretary to publish a notice of the application in the **Federal Register** identifying the persons submitting the application and summarizing the conduct proposed for certification. The OETCA and the applicant have agreed that this notice fairly represents the conduct proposed for certification. Through this notice, OETCA seeks written comments from interested persons who have information relevant to the Secretary's determination to grant or deny the application below. Information submitted by any person in connection with the application(s) is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552).

The OETCA will consider the information received in determining whether the proposed conduct is "export trade," "export trade activities," or a "method of operation" as defined in the Act, regulations and guidelines and whether it meets the four certification standards. Based upon the public comments and other information gathered during the analysis period, the Secretary may deny the application or issue the certificate with any terms or conditions necessary to assure compliance with the four standards.

The OETCA has received the following application for an Export Trade Certificate of Review:

Applicant: Mid-Tech International, Inc., 1511 "K" Street, NW., Washington, D.C. 20005, Telephone: 202-393-7690.

Application No.: 84-00025.

Date Received: June 25, 1984.

Date Deemed Submitted: June 29, 1984.

Members in Addition to Applicant: TransNational, Inc. and Mr. Robert D. Keezer, II.

Summary of the Application

A. Export Trade

Med-Tech International, Inc. (Med-Tech), a newly-formed Delaware corporation, intends to act as an export trading company for the purpose of exporting x-ray and electromedical equipment, (SIC number 3693), analytical and scientific instruments (SIC 38326), surgical and medical instruments (SIC 3841), and electronic computing equipment (SIC 3573). Med-Tech also intends to facilitate the export of these items by providing the following export trade services; international market research, freight forwarding, export trade documentation and consulting. In addition, Med-Tech will assist with the design, engineering, and construction of medical facilities; installation of medical equipment; after-sales servicing and maintenance of electrical and non-electrical medical equipment; usage instruction on these products; and management and staffing of medical facilities.

B. Export Markets

Med-Tech plans to conduct its export activities worldwide, with an initial emphasis on markets in the Middle East, Far East and Southeast Asia.

C. Export Trade Activities and Methods of Operation

Med-Tech seeks certification:

(1) To enter into non-exclusive agreements with individual suppliers to act as broker and/or sales

representative for products and related services in the Export Trade.

(2) To enter into agreements with individual suppliers wherein:

(a) Med-Tech agrees to serve as the exclusive sales representative or agent and, in addition, may agree not to represent competitors of such suppliers for products and related services in Export Trade unless authorized by suppliers and/or

(b) The supplier agrees not to sell, directly or indirectly, through any other intermediary into the Export markets in which Med-Tech exclusively represents the supplier as sales representative or agent.

(3) Acting on its own as a broker for compensation, to bring together individual suppliers of the products and related services to Export Trade with individual export intermediaries and end-users, so long as the export intermediary does not provide, in the United States, the same or similar product or related service as the supplier.

(4) To enter into agreements with export intermediaries whereby:

(a) Med-Tech agrees to deal in products and related services in the export markets only through that export intermediary; and/or

(b) That export intermediary agrees not to represent Med-Tech's competitors in the export markets or not to buy from Med-Tech's competitors for resale in Export markets.

(5) To establish a competitive and flexible international pricing policy based upon existing supplier international price lists and/or through the following (subject to negotiations with supplier and buyer):

(a) A reduction of cost of goods from suppliers through discounts to Med-Tech of amounts equivalent to a supplier's direct sales, promotion, and freight costs.

(b) A variable percentage rate of commission for Med-Tech dependent upon negotiations with the overseas distributor intermediaries utilized for transactions.

(c) Established end-user retail prices, in cases of direct sales, dependent upon pricing policies of competitors in specific Export markets.

(6) To obtain firm quotations from individual U.S. suppliers in reponse to distributor-generated requests from foreign end-users.

(7) To source specific U.S. medical manufacturers in reponse to distributor-generated requests for continuing exclusive and/or non-exclusive representation.

Dated: July 9, 1984.

Eleanor Roberts Lewis,

Acting General Counsel.

[FR Doc. 84-18526 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DR-M

[A-583-003]

Fireplace Mesh Panels From Taiwan; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of administrative review of antidumping duty order.

SUMMARY: On May 21, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on fireplace mesh panels from Taiwan. The review covers 11 of the 15 known manufacturers and/or exporters of this merchandise to the United States and the period June 1, 1982, through May 31, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 21391) the preliminary results of its administrative review of the antidumping duty order on fireplace mesh panels from Taiwan (47 FR 24616, June 7, 1982). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of fireplace mesh panels. Such panels are defined as precut, flexible mesh panels, both finished and unfinished, which are constructed of interlocking spirals of steel wire and are of a kind used in the manufacture of safety screening for fireplaces. Fireplace mesh panels are currently classifiable under items 642.7800 and 654.0045 of the Tariff Schedules of the United States Annotated.

The review covers 11 of the 15 known manufacturers and/or exporters of Taiwanese fireplace mesh panels to the United States and the period June 1, 1982, through May 31, 1983.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are the same as those presented in the preliminary results of review, and we determine that the following margins exist for the period June 1, 1982, through May 31, 1983:

Manufacturer/exporter	Margin (percent)
Chung Yi Factory/Taipoly Industries Ltd. (a.k.a. Taiwan Fita Industries)	6.4
Foremost Industries Corp.	[1] 6.4
Fuan Da Industrial Co., Ltd.	[1] 6.4
Kent & J.M. Enterprise	6.4
Mao Shing Enterprise/Taiwan Urano Metalware Co.	6.4
Teh We Steel Industrial Co., Ltd	6.4
United Jacob (a.k.a. Jackson Industrial Inc.)	6.4
Ya Seng Manufacturing Co. (a.k.a. Yeh Sheng Wire Mesh & Screen Co., Ltd.)/Tah Chung Iron of of Superior Quality Co., Ltd.	6.4

[1] No shipments during the period.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 6.4 percent shall be required on all shipments of Taiwanese fireplace mesh panels entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675 (a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: July 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18550 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-007]

Sheet Piling From Canada; Final Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of administrative review of suspension agreement.

SUMMARY: On May 14, 1984, the Department of Commerce published the preliminary results of its administrative review of the suspension agreement on sheet piling from Canada. This review covers Acier Casteel, Inc., a manufacturer and exporter accounting for substantially all Canadian sheet piling shipped to the United States, and the period September 15, 1982, through August 31, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On May 14, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 20353) the preliminary results of its administrative review of the suspension agreement on sheet piling from Canada (47 FR 40683, September 15, 1982). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of sheet piling of iron or steel, currently classifiable under items 609.9600 and 609.9800 of the Tariff Schedules of the United States Annotated.

This review covers Acier Casteel, Inc., a manufacturer and exporter accounting for substantially all Canadian sheet piling shipped to the United States and the period September 15, 1982, through August 31, 1983.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review are unchanged from the preliminary results of review, and we determine that a margin of 0.05 percent exists for Acier Casteel, Inc. for the period September 15, 1982, through August 31, 1983. Since the margin was less than 0.5 percent and, therefore, *de minimis* for purposes of compliance with the supension agreement, we determine that Casteel has complied with the terms of the agreement.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: July 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18551 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-084]

Spun Acrylic Yarn From Italy; Preliminary Results of Administrative Review of Antidumping Duty Order, Tentative Determination To Revoke in Part and Intent To Revoke in Part

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Preliminary results of administrative review of antidumping duty order, tentative determination toi revoke in part, and intent to revoke in part.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covers seven of the sixteen known manufacturers and/or exporters of this merchandise to the United States and generally the period April 1, 1982, through March 31, 1983. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value on each of their sales during the period of review. The Department has found that Viana Manifattura Filati has never exported spun acrylic yarn for machine knitting to the United States. Therefore, this firm is not covered in this administrative review. The Department has tentatively determined to revoke the order with respect to Fraver S.P.A. In addition, the Department intends to revoke the order with respect to Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investments, Inc. Interested parties are invited to comment on these preliminary results, tentative determination to revoke in part, and intent to revoke in part.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Larry Hampel or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923/1130.

SUPPLEMENTARY INFORMATION:

Background

On February 24, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 7771-2) a tentative determination to revoke in part the antidumping duty order on spun acrylic yarn from Italy (45 FR 23684-5, April 8, 1980) with respect to Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investments, Inc. On August 19, 1983, the Department published in the **Federal Register** (48 FR 37680-2) the final results of its last administrative review of the antidumping duty order and announced its intent to begin the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of worsted spun acrylic plied yarn for machine knitting, excluding four-play craft yarn and certain brushed yarns. Such merchandise is currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated.

The review covers seven of the sixteen known manufacturers and/or

exporters of Italian spun acrylic yarn to the United States and generally the period April 1, 1982, through March 31, 1983.

Three firms did not ship Italian spun acrylic yarn to the United States during the period. The estimated antidumping duties cash deposit rates for those firms will be their most recent rates. One firm, Babyfil, S.A.S., did not respond to our questionnaire. For this non-responsive firm, we used the best information available for the assessment and antidumping duties cash deposit rate. The best information available is the most recent rate for the firm.

We have determined that the type of spun acrylic yarn exported during the period by Viana Manifattura Filati is brushed yarn for hand knitting, and not within the scope of the order. The Department does not possess information that Viana previously shipped to the United States yarn covered by the order. Therefore, this firm is not covered in this review and will not be included in future administrative reviews of this order. This is not a partial revocation of the order with respect to this firm. Should Viana begin exporting spun acrylic yarn covered by the order to the United States, we shall treat it as a new exporter.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the packed f.o.b., c.i.f., or duty paid, delivered price to unrelated purchasers in the United States, with deductions, where applicable, for ocean freight and insurance, U.S. duty, brokerage, commissions to unrelated parties, and U.S. and Italian inland freight. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in setion 773 of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on the packed, delivered price to urelated purchasers, with adjustments for inland freight, commissions to unrelated parties, and differences in credit costs. We made a further adjustment, where applicable, for differences in the physical characteristics of the merchandise. No other adjustments were claimed or allowed.

The Department used constructed value, as defined in section 773(e) of the Tariff Act, when there were no sales in the home market or to purchasers in third countries during the period of review.

Constructed value was calculated as the sum of materials, fabrication costs, general expenses, profit, and the cost of packing. The amount for general expenses was 10 percent of the materials and fabrication costs. The amount added for profit was eight percent of the sum of the costs of materials, fabrication and general expenses.

Preliminary Results of Review, Tentative Determination to Revoke in Part, and Intent to Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Lanificio DiNervesa Della Battaglia S.p.A./Gaston Investments, Inc.	4/1/82-2/24/83	0
Lanificio DiNervesa Della Battaglia S.p.A./International Fibre Industries Ltd.	4/1/82-2/24/83	3.74
Cofisa S.p. A.	4/1/82-2/24/83	1.35
Babyfil S.A.S.	4/1/82-3/31/83	48.05
Maglificio Varianini	4/1/82-3/31/8383	[1]48.05
Orlandi Filatura S.p.A.	4/1/82-3/31/83/83	[1]48.05
Fraver S.p.A.	4/1/82-3/31/83	[1]48.05

[1] No shipments during the period.

Fraver S.p.A. requested partial revocation of the order. That firm has not exported Italian spun acrylic yarn to the United States since November 1979. As provided for in § 353.54(e) of the Commerce Regulations, Fraver has agreed in writing to an immediate suspension of liquidation and reinstatement in the order if circumstances develop which indicate that Italian spun acrylic yarn manufactured by Fraver and thereafter imported into the United States is being sold by that firm at less than fair value.

Therefore, we tenatively determine to revoke the order on spun acrylic yarn from Italy with respect to Fraver. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise, manufactured and exported by Fraver, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

As a result of our review we also intend to revoke the order on spun acrylic yarn from Italy with respect to Lanificio DiNervesa Della Battaglia S.p.A/Gaston Investments, Inc. ("Gaston"). Gaston made all sales at not less than fair value or had *de minimis* margins during the period up to February 24, 1983, the date of our tentative determination to revoke with respect to Gaston. As provided for in § 353.54(e) of the Commerce Regulations, Gaston has agreed in writing to an immediate suspension of liquidation and reinstatement in the order if circumstances develop which indicate that Italian spun acrylic yarn manufactured by Gaston, and thereafter imported into the United States, is being sold by that firm at less than fair value.

If the order is revoked with respect to Gaston, it will apply to all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after February 24, 1983.

Interested parties may submit written comments on these preliminary results, tentative determination to revoke in part, and intent to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages states above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for those firms. For any future entries from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after March 31, 1983, and who is unrelated to any reviewed firm, a cash deposit of 3.74 percent shall be required. These deposit requirements are effective for all shipments of Italian spun acrylic yarn entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

This administrative review, tentative determination to revoke in part, intent to revoke in part, and notice are in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)), and §§ 353.53 and 353.54 of

the Commerce Regulations (19 CFR 353.53, 353.54).

Dated: July 3, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18552 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-079]

Viscose Rayon Staple Fiber From Italy; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import administration Department of Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antimdumping finding on viscose rayon staple fiber from Italy. The review covers the one known exporter of this merchandise to the United States, Snia Fibre S.p.A., and the period June 1, 1983, through May 31, 1984. There were no known shipments of his merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Ron Nichols or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-5255/3601.

SUPPLEMENTARY INFORMATION: .

Background

On June 1, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 22847) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from Italy (44 FR 33878, June 13, 1979) and announced its intent to conduct the next administative review. As required its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated.

The review covers the one known exporter of Italian viscose rayon staple fiber to the United States, Snia Fibre S.p.A., and the period June 1, 1983, through May 31, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 18.6 percent, based on the margin calculated on the last known shipments, shall be required on all shipments on Italian viscose rayon stable fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may result disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: July 6, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-18553 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; St. Louis University Medical Center

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 84-134. Applicant: St. Louis University Medical Center, St. Louis, MO 63104. Instrument: Pulsating Bubble Surfactometer. Manufacturer: Surfactometer International, Canada. Intended use: See notice at 49 FR 19089.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can measure surface tension on a pulsating (bubble) surface using sample amounts as small as 10 microliters. The National Institutes of Health advises in its memorandum dated June 20, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84-18641 Filed 7-12-84; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; U.S. Geological Survey

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Docket No. 83-337R. Applicant: U.S. Geological Survey, Hartford, CT 06103. Instrument: Terrain Conductivity Meter, Model EM-34-3. Intended use: See notice at 49 FR 22677.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is

intended to be used, is being manufactured in the United States.

Reasons: The application is a resubmission of Docket No. 83–337 which was denied without prejudice to resubmission for informational deficiencies. The foreign instrument provides selectable resistivity/ conductivity measurements for mapping hydrologic or geologic units and fluids. The National Bureau of Standards advises in its memorandum dated June 26, 1984 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 84–18640 Filed 7–12–84; 8:45 am]

BILLING CODE 3510–DS–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1984 services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: August 15, 1984.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1984, October 18, 1983 (48 FR 48415):

SIC 7349

Janitorial Service, 20 Washington Street, Newark, New Jersey

Janitorial Service, Federal Building and U.S. Courthouse, 15 Henry Street, Binghamton, New York

Janitorial Service, FDR Memorial Library, Hyde Park, New York

Janitorial Service, Kenneth B. Keating Federal and U.S. Courthouse, 100 State Street, Rochester, New York

C. W. Fletcher,

Executive Director.

[FR Doc. 84–18623 Filed 7–12–84; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open 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).

Date of meeting: 30 July thru 9 August 1984.

Time: 0830–1700 hours weekdays and as needed on weekend (Open).

Place: National Academy of Sciences Study Center, Woods Hole, Massachusetts.

Agenda

The ASB 1984 Summer Study on Leading and Manning Army 21 will meet for discussions of briefings to date to develop and write the final report. The study effort addresses the following areas: Leadership, Manning a Ready Force, and Personnel Factors in Weapons Systems Performance. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Maria P. Winters,

Acting Administrative Officer, Army Science Board.

[FR Doc. 84–18685 Filed 7–12–84; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Open 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).

Date of meeting: 30 July thru 9 August 1984.

Time: 0830–1700 hours weekdays and as needed on weekend (Open).

Place: National Academy of Sciences Study Center, Woods Hole, Massachusetts.

Agenda

The ASB 1984 Summer Study on Technology to Improve Logistics Weapon Support for Army 21 will meet for discussions of briefings to date to develop and write the final report. Areas covered are: logistics research development; ammunition and Petroleum, Oil, Lubricants (POL); and handling and distribution doctrine. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Office, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Maria P. Winters,

Acting Administrative Officer, Army Science Board.

[FR Doc. 84–18686 Filed 7–12–84; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Chief of Naval Operations, Executive Panel Advisory Committee, Special Warfare Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Special Warfare Task Force will meet July 31 and August 1, 1984, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine special warfare forces missions and roles. The entire agenda for the meeting will consist of discussions of key issues related to special warfare and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with

matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756–1205.

Dated: July 9, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 84–18525 Filed 7–12–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

National Institute of Handicapped Research

Extension of Closing Date for Transmittal of Applications for Spinal Cord Injury, Project for Fiscal Year 1984

AGENCY: Department of Education.

ACTION: Extension of Closing Date for Transmittal of Applications for Spinal Cord Injury Projects for Fiscal Year 1984.

SUMMARY: The Secretary extends the closing date for transmittal of applications for grant awards for new Spinal Cord Injury Projects for Fiscal year 1984 to August 17, 1984.

Authority for this program is contained in section 311(a)(1) of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602 and Pub. L. 98–122 (29 U.S.C. 777a(a)(1)).

Closing Date for Transmittal of Applications: Applications for grant awards must be received by August 17, 1984.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.128E, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptance to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building # 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept hand-delivered applications between the hours of 8:00 a.m. and 4:30 p.m. (Washington, D.C. time), daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: The National Institute of Handicapped Research (NIHR) is authorized to support research and related activities under several program authorities. The program identified in this Notice covers special projects and demonstrations for spinal cord injuries. Awards are made under this program to States and other public or nonprofit agencies and organizations.

On February 8, 1984, the Secretary in the **Federal Register** (49 FR 4818) a Notice of Transmittal of Applications for Spinal Cord Injury System Projects requesting applications by March 26, 1984. Twenty applications were received and submitted to scientific review by a panel of experts. Eleven applications were recommended as suitable for funding by the review panel. However, Congress has appropriated sufficient funds for the Secretary to make up to 17 awards. The Secretary believes that this is an extremely important program and thus is extending the due date for the transmittal of applications. Those who submitted unsuccessful applications in the earlier competition may submit revised applications by the new due date; other interested parties may also submit applications by this date.

Available Funds: The Secretary has reserved funds to award an estimated six grants for additional new spinal cord injury system projects in Fiscal Year 1984 at an average amount of $250,000 per project.

However, this Notice does not bind the U.S. Department of Education to fund any projects in this area, or to a specific number of grants or to the amount of any grant unless that amount is otherwise specifically by statute or regulations.

Application Forms: Application forms and furhter information may be obtained by writing or calling the National Institute of Handicapped Research, U.S. Department of Education, Room 3070, Switzer Office Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (Attention: Carolyn Williams. Telephone (202) 732–1188. Deaf and Hearing imparied individuals may call (202) 732–1198 for TTY service.)

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application packages. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

Information collection requirements contained in this section have been approved under OMB control number 1820–0018.)

Applicable Regulations: Regulations governing these programs include the following:

(a) Education Department General Administrative Regulations (EDGAR 34 CFR Parts 74, 75, 77, and 78; and

(b) Regulations governing Special Projects and Demonstrations for Providing Vocational Rehabilitation Services to Severely Handicapped Individuals in 34 CFR Parts 369 and 373.

FOR FURTHER INFORMATION CONTACT: For further information, contact J. Paul Thomas, National Institute of Handicapped Research, U.S. Department of Education, Room 3070, Switzer Office Building, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 732–1194.

TTY for deaf and hearing impaired individuals (202) 732–1198.

(29 U.S.C. 762)

(Catalog of Federal Domestic Assistance No. 84.128E, National Institute of Handicapped Research)

Dated: July 10, 1984.

Madeleine Will,

Assistant Secretary for Special Education and Rehabilitation Services.

[FR Doc. 84–18630 Filed 7–12–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of the Secretary

Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities; 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: Advisory Panel on Alternative Means of Financing and Managing (AMFM) Radioactive Waste Facilities.

Date and Time: July 29, 1984—2:30 p.m.—5:00 p.m.; July 30, 1984—8:30 a.m.—5:00 p.m.; July 31, 1984—8:30 a.m.—12:00 p.m.

Place: Westin Benson Hotel, S.W. Broadway and S.W. Oak Streets, Portland, Oregon 97205.

Contact: Howard F. Perry, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: (202) 252-2281.

Purpose of the Panel: To study and report to the Department of Energy on alternative approaches to managing the construction and operation of civilian radioactive waste facilities, pursuant to Section 303 of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425). The Panel's report will include a thorough and objective analysis of the advantages and disadvantages of each alternative approach, but will not address the specific siting of radioactive waste facilities.

Tentative Agenda:

July 29, 1984:

- Assessment of Organizational/Financing Characteristics.
- Report Outline and Preliminary Draft Materials.
- Workplan/Timetable.
- Public Comment (10-minute rule).

July 30, 1984:

- Same as July 29, 1984.

July 31, 1984:

- Same as July 29, 1984.

Public Participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Howard Perry at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. between 8:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on July 10, 1984.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 84-18583 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M

Floodplain/Wetlands Statement of Findings for the Proposed Operation of L Reactor at the Savannah River Plant, Aiken, South Carolina

A floodplain/wetlands determination regarding no practicable alternative was published in the **Federal Register** on August 23, 1982 (47 FR 36691-36692). The present notice represents a modified floodplain/wetlands determination based on completion of the "Final Environmental Impact Statement—L Reactor Operation, Savannah River Plant, Aiken, South Carolina" (DOE/EIS-0108, May 1984) (FEIS).

The Department of Energy (DOE) proposes to resume operation of L Reactor at its Savannah River Plant (SRP), Aiken, South Carolina, after construction of a 1,000-acre once-through cooling lake to cool reactor thermal discharges. L Reactor began operation in 1954 and was placed on standby in 1968. The resumption of operation of the reactor will impact floodplain/wetlands adjacent to the Savannah River and a tributary (Steel Creek) located on the SRP site. Impacts will result primarily from inundation of wetlands in the Steel Creek corridor within the proposed 1,000-acre cooling lake and from increased flows downstream of the lake embankment from the discharge of cooling water. Minimal temperature impacts below the embankment are anticipated.

A Floodplan/Wetlands Assessment was prepared as Appendix I of DOE's final EIS which describes the floodplain/wetlands impacts of the discharge and assesses the potential for mitigating those impacts by alternative cooling methods.

Alternative cooling methods that were considered included recirculating and once-through systems. Recirculating alternatives were found not to be practicable because of their impact on the schedule for reactor operation and high costs required for construction. The alternative once-through systems considered would result either in violation of South Carolina water quality standards or in delays and higher costs without significantly different floodplain/wetlands effects than the proposed 1,000-acre cooling lake that will be constructed prior to reactor restart.

The U.S. Fish and Wildlife Service has made a finding of "no effect" concerning the potential impacts of the 1,000-acre cooling lake on the red-cockaded woodpecker. The National Marine Fisheries Service has determined that SRP's operations, including the restart of L Ractor, would not jeopardize the continued existence of the shortnose sturgeon in the Savannah River. Reconsultation with the U.S. Fish and Wildlife Service on the American alligator and consultation on the wood stork has resulted in findings of "no jeopardy." The U.S. Fish and Wildlife Service finding regarding the wood stork requires mitigation measures such as replacement habitat. DOE is also working with the Department of the Interior in performing a Habitat Evaluation Procedure (HEP). The HEP will quantify the value of habitat to be gained or lost with the implementation of the proposed 1,000-acre once-through cooling lake for use in assessing the need for further mitigation.

The resumption of L Reactor operation will require the construction of an embankment in Steel Creek to form the 1,000-acre lake. The embankment will be designed and constructed to protect against potential floods.

Consistent with the law and the policy set forth in Executive Orders 11988 and 11990, DOE has found that there is no practicable alternative to impacting the floodplain/wetlands of the Steel Creek system, a tributary of the Savannah River on the SRP site. The project, with the proposed 1,000-acre cooling lake constructed prior to reactor operation, will minimize potential harm to or within the floodplain/wetlands to the extent possible.

Dated: July 5, 1984.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 84-18646 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 84-05-NG]

Natural Gas Imports; Midwestern Gas Transmission Co. and Great Lakes Gas Transmission Co; Joint Petition To Amend Authorizations to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of joint petition to amend natural gas import authorizations by extending the term of the authorizations.

SUMMARY: The Economic Regulatory Administration (ERA) gives notice of

receipt on June 8, 1984, of a joint petition from Midwestern Gas Transmission Company (Midwestern) and Great Lakes Gas Transmission Company (Great Lakes) to amend their authorizations to import certain volumes of natural gas purchased from TransCanada Pipelines Limited (TransCanada) by extending the term of those authorizations from October 31, 1984, through October 31, 1986.

The joint petition is filed with EPA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than than 4:30 p.m. on August 13, 1984.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-033, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-8162

Diane J. Stubbs, Office of General Counsel, Natural Gas and Mineral Leasing, U.S. Department of Energy Forrestal Building, Room 6E-042 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: By an unnumbered order issued on August 9, 1979 (ERA Docket No. 79-04-NG), Midwestern was authorized to import on a best efforts' basis through October 31, 1980, up to 114 Bcf of natural gas purchased from TransCanada. This authorization was extended to October 31, 1981, by Opinion and Order No. 36 20 (ERA Docket No. 80-17-NG) issued October 16, 1980; extended to October 31, 1982, by Opinion and Order No. (ERA Docket No. 81-28-NG) issued October 26, 1981; extended to October 31, 1983, by Opinion and Order No. 47 (ERA Docket No. 82-14-NG) issued November 1, 1982; and extended to October 31, 1984, by Opinion and Order No. 54 (ERA Docket No. 83-08-NG) issued January 20, 1984. Midwestern purchases the natural gas under a contract with no take-or-pay requirements and intends to resell any imported volumes taken under the extended authorization to Tennessee Gas Pipeline Company (Tennessee) on the basis of need.

By an unnumbered order issued on July 11, 1979 (ERA Docket No. 78-011-NG), Great Lakes was authorized to import on an interruptible basis through October 31, 1980, up to 18 Bcf of natural gas purchased from TransCanada. This authorization was extended to October 31, 1981, by Opinion and Order No. 21 (ERA Docket No. 80-16-NG) issued October 20, 1980; extended to October 31, 1982, by Opinion and Order No. 35 (ERA Docket No. 81-27-NG) issued October 23, 1981; extended to October 31, 1983, by Opinion and Order No. 47 (ERA Docket No. 82-14-NG) issued November 1, 1982; and extended to October 31, 1984 by Opinion and Order No. 54 (ERA Docket No. 83-08-NG) issued January 20, 1984. Great Lakes purchases the natural gas under a contract with no take-or-pay requirements and intends to sell the imported volumes taken under the extended authorization to Midwestern for resale to Tennessee on the basis of need. Opinion and Order No. 21 and subsequent orders also authorized Great Lakes to import additional volumes, charged to the account of Midwestern, to be used by Great Lakes, as necessary, for transporting the authorized volumes to Midwestern.

On June 8, 1984, Midwestern and Great Lakes (applicants) jointly filed a petition to extend their authorizations through October 31, 1986, at the current international border price of U.S. $4.40 per MMBtu. The requested extension would permit applicants to import, if needed, the balance of volumes now authorized for terms ending October 31, 1984. The applicants stated that they have imported approximately 67 Bcf of the 132 Bcf initially authorized by the ERA.

In support of their joint petition, the applicants also stated that, as in the past, the availability of this supply with no take-or-pay requirements will provide flexibility for Tennessee to meet unexpected heavy winter demand and to cope with emergency conditions which might otherwise interrupt normal sources of supply or impair system operations. The applicants therefore asserted that their application to extend their existing authorizations for two years is in the public interest.

Both applicants further informed the ERA that efforts to renegotiate such contracts to attain compliance with the policy guidelines will be diligently pursued. The applicants stated that any gas imported during the term of the requested authorization will be purchased by Tennessee under circumstances for which the $4.40 price will be justified by the markets to be served.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this joint petition. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the petition.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division, Economic Regulatory Administration, Room GA-033, RG-43, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

All protests and petitions to intervene must be filed no later than 4:30 p.m., on August 13, 1984.

A hearing will not be held unless a motion is made by a party or person seeking intervention and is granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the petition is available for inspection and copying in the Natural Gas Division Docket Room, located in Room GA-033, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on July 6, 1984.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-18643 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-84-014; OFP Case No. 67047-9250-21-24]

Acceptance of Petition for Exemption and Availability of Certification by Sunlaw Energy Corporation

SUMMARY: On June 4, 1984, Sunlaw Energy Corporation (Sunlaw) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for the planned Sunlaw/U.S. Growers II Cold Storage (USGII) facility located in Vernon, 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 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 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 cold storage facility for which the petition was filed is an approximately 54.6 MW (net) combined cycle cogeneration facility consisting of (2) aircraft derivative gas turbines, (2) unfired heat recovery steam generators, an extraction steam turbine, an ammonia absortion chiller and ancillary equipment. The net annual electric power from two baseloaded gas turbine generators and the extraction steam turbine generator will be sold to the Southern California Edison Company (SCE), making the cogeneration facility an electric powerplant pursuant to the definitions contained in 10 CFR 500.2. Extraction steam will drive an absorption chiller which will provide refrigerated ammonia (average 1,000 tons at −40 degrees Fahrenheit) to U.S. Growers Cold Storage, Incorporated.

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 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, is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a fnal 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 therefor, would be published in the **Federal Register**.

DATES: Written comments are due on or before August 27, 1984. 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-84-014 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-073, Washington, D.C. 20585, Phone (202) 252-9629

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-6947.

SUPPLEMENTARY INFORMATION: The cogeneration facility will consist of two gas turbine generators, two heat recovery steam generators, an extraction steam turbine generator, an ammonia absorption chiller and ancillary equipment.

The current USGII facility consists of centrifugal chillers which produce refrigerated ammonia for the cold storage warehouses. The proposed combine-cycle cogeneration system will burn 434 million Btu per hour of natural gas and produce an average of 54.6 MW of electrical power and 1,000 tons of refrigerated ammonia at −40 degrees Fahrenheit.

The proposed cogeneration facility will primarily burn natural gas in the gas turbines, low sulfur distillate oil with a maximum sulfur content of 0.25 percent by weight will be used as a backup fuel. The fuel oil system will include storage tanks, pumps, pipes and controls.

Section 212(c) of the act and 10 CFR 503.37 provide for a permanent cogeneration exemption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), Sunlaw 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 proposed powerplant, where the calculation of savings is in accordance with 10 CFR 507.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the proposed powerplant, 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), Sunlaw 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 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 Assesment; 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 Sunlaw 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 July 6, 1984.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 84-18642 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF84-326-000]

Adolph Coors Co.—Golden, Colorado; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

July 9, 1984.

On May 16, 1984, Adolph Coors Company, (Applicant) of Golden,

Colorado 80401, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On June 19, 1984, supplemental information was filed regarding the facility. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at Golden, Colorado, and serves Coors Industries' brewing operations, can plant and porcelain facility. The primary energy source of the facility is coal. The facility consists of three coal-fired boilers rated at 825 psia and 800° F; throttle ratings are 450,000 lbs. per hour, 250,000 lbs. per hour and 150,000 lbs. per hour respectively. The facility also contains three turbine generators. Turbine generators #1 and #2 have nominal ratings of 10,000 kW and throttle ratings of 477,000 pounds per hour, with two pressure levels of extraction, low-pressure admission and condensing capability. Turbine #3, which has a nominal rating of 20,000 kW, is a condensing machine with a throttle rating of 167,000 pounds per hour. The turbine generators supply extraction steam for process requirements, mechanical drives and feedwater heating. In addition, the facility contains two gas-and-oil-fired, standby boilers rated at 825 psia and 800° F at 180,000 pounds per hour. These boilers are utilized as hot standby units only. The total electric power production capacity of the facility is 40,000 kilowatts.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18654 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-450-000]

Arizona Public Service Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motions, and Establishing Hearing and Price Squeeze Procedures

Issued: July 9, 1984.

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

On May 18, 1984, as revised on May 29, 1984,[1] Arizona Public Service Company (APS) filed a proposed two-step increase in rates for service to 16 wholesale customers.[2] The step-one rates would increase revenues by approximately $5.1 million (6.9%) for the calendar year ending December 31, 1984. The step-two rates would yield an additional increase of approximately $5.7 million, or a total of about $10.8 million (14.6%). Approximately $4.5 million of the step-two increase represents the inclusion of construction work in progress (CWIP), pursuant to § 35.26(c)(3) of the Commission's regulations. With respect to eight of its customers which are served under contracts permitting unilateral rate change filings,[3] APS requests an effective date of July 18, 1984, for both the step-one and the step-two rates, but asks that the rates be suspended for one day. Because its contracts with the remaining customers [4] permit only prospective rate changes, APS proposes to increase their rates as of the date of an initial Commission order establishing just and reasonable rates.

The proposed rates also provide for a change in the design of the rates for service to certain of APS' customers by substituting a so-called traditional demand, energy, and customer component rate design in place of recovering demand-related costs through a monthly per kWh charge. In addition, APS, as a participant in the Southwest Bulk Power Market Experiment Participation Agreement, has elected the optional (75/25 percent) incentive revenue treatment for revenues resulting from the experimental transactions.[5]

Notice of APS' filing was published in the **Federal Register** with comments due on or before June 12, 1984. Timely motions to intervene were filed by: (1) The Town of Wickenburg (Wickenburg); (2) Electrical District Nos. 1, 3, 6, and 7, Roosevelt Irrigation District, and Buckeye Water Conservation District (Districts); (3) Maricopa County Municipal Water Conservation District No. 1 (Maricopa); (4) Arizona Power Authority and Wellton-Mohawk Irrigation and Drainage District (APA); and (5) Arizona Electric Power Cooperative, Inc. and Papago Tribal Utility Authority (AEPCO).

Wickenburg requests that the filing be rejected, or alternatively, that is be suspended for five months. In support of this request, Wickenburg argues that APS' filing violates the Commission's regulations and is patently unreasonable and discriminatory. Wickenburg further contends that the phasing of the increase is merely an attempt to avoid a five month suspension. Wickenburg also requests additional time in which to supplement its motion to intervene.[6] Wickenburg further alleges price squeeze, and raises various cost of service and rate design issues, including CWIP.[7]

This Districts challenge APS' inclusion of sales expenses in its filing, the treatment of tax sale proceeds, and APS' right to change the existing rate design under the *Mobile-Sierra* doctrine.[8] The Districts also argue that,

[1] The May 29 filing merely corrected errors identified by the company after its original filing. The later filing was not in response to a deficiency letter and the errors had no effect on the revenue level requested.

[2] *See* Attachment for rate schedule designations.

[3] These customers are: Citizens Utilities Company; Arizona Electric Power Cooperative, Inc.; Wellton-Mohawk Irrigation & Drainage District; Arizona Power Authority; Colorado River Indian Irrigation Project; San Carlos Indian Irrigation Project; Town of Wickenburg; and Washington Water Power Company.

[4] These customers are: Electrical District Nos. 1, 3, 6 and 7; Maricopa County Municipal Water Conservation District; Roosevelt Irrigation District; Buckeye Water Conservation & Drainage District; and Papago Tribal Utility Authority. APS contracts with Electrical District Nos. 6 and 7 will expire in 1985, and APS has stated that it intends to file notices of termination of these contracts later this year. APS anticipates that it will then seek to serve these two customers under the proposed rates.

[5] In *Public Service Co. of New Mexico*, Opinion No. 203, 25 FERC ¶61,469 (1983), *reh. denied*, Opinion No. 203-A, 26 FERC ¶61,154 (1984), the Commission approved a proposal to establish a competitive market experiment for certain bulk power transactions in the Southwest. Profits from such transactions, at the utility's option, may be shared between ratepayers and shareholders on a 75%/25% basis.

[6] Wickenburg has not filed a supplement to its intervention to date, and we believe that it is premature to rule on its request without knowing the nature of any such supplemental pleading.

[7] In relation to CWIP, Wickenburg argues that APS' filing provides an inadequate basis on which to analyze the company's claimed allowance and fails to affirmatively justify that allowance. Other cost of service issues raised by Wickenburg include: working cash allowance; sales expenses; tax expense; computation of AFUDC; tax normalization; and demand projections.

[8] *See United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *FPC* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

pursuant to their contracts with the company, their rates cannot exceed the retail rate for APS' irrigation customers. Finally, the Districts assert that the company has claimed an allowance for CWIP in excess of the 6% limitation prescribed by the Commission's regulations.

APA requests only a nominal suspension of the step-one rates but asks that the Commission reject the step-two rates as facially unwarranted and as reflecting ratemaking treatment at odds with prior Commission decisions involving APS. Alternatively, APA asks tha the step-two increase be suspended for five months. APA also raises many of the cost of service issues identified by other intervenors [9] and questions the sufficiency of the justification for CWIP in the filing. Maricopa, like APA, urges that the step-two rates be rejected as an increase that is unwarranted on its face. Maricopa also asserts that APS has proposed a rate design at odds with Maricopa's contract, incorporates by reference APA's motion, and raises additional issues regarding the development of demand and energy allocation factors. AEPCO asks that the step-two rates be suspended for five months [10] and notes several of the same cost of service issues raised in the other interventions.

On June 27, 1984, APS filed a response to the intervenors' pleadings. While not opposing intervention, APS does object to the requests for rejection or maximum suspension of its proposed rates. APS responds to the various cost of service issues that have been identified and requests that the question of price squeeze be addressed in a separate phase of this proceeding.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure, the timely motions to intervene serve to make Wickenburg, the Districts, Maricopa, APA, and AEPCO parties to this proceeding.

As to the requests that the filing be rejected because it consists of a two-step rate increase, the second step of which is allegedly excessive, *per se*, we note that phased rate increases of this type have been accepted in the past, and no reason has been shown to depart from this practice. *See, e.g., Southern California Edison Co.*, 19 FERC ¶ 61,209, *reh. denied*, 20 FERC ¶ 61,129 (1982), *aff'd, Cities of Anaheim v. FERC*, 723 F.2d 656 (9th Cir. 1984). Notwithstanding the cost of service challenges raised by the intervenors, APS' submittal substantially complies with our filing requirements. In addition, we note that the intervenors have not raised any objections which would warrant rejection of the CWIP portion of APS' filing. Upon review, we find that the amounts claimed for CWIP do not exceed the 6% limitation prescribed by our regulations and that the filing as a whole, including the prepared testimony, substantially complies with our filing requirements for CWIP applications. With regard to the suggestion that we should reject APS' filing based on the company's alleged departure from established Commission precedent, we believe that the issues raised by the intervenors are more appropriately resolved in the context of an evidentiary proceeding. Thus, we shall deny the motions to reject.

The change in rate design noted by both the Districts and Maricopa does not, we believe, violate the *Mobile-Sierra* doctrine. Both the Districts and Maricopa have contracts that provide for prospective changes in rates, and this Commission has held that such changes can be made upon a finding that a change is necessary to ensure just and reasonable rates. *See Arizona Public Service Co.*, 1 FERC ¶ 63,045 (1977), *aff'd*, 4 FERC ¶ 61,101 (1978); *Arizona Public Service Co.*, 18 FERC ¶ 61,066, *reh. denied*, 18 FERC ¶ 62,582 (1982), *aff'd*, 723 F.2d 950 (D.C. Cir. 1983). Since the Districts' contracts with APS contemplate prospective rate increases only, we need not now decide whether the proposed rates violate the contracts by exceeding the retail rates for irrigation customers. That question cannot be resolved until just and reasonable wholesale rates are determined.

Our preliminary review of the instant filing and of the parties' pleadings indicates that the rates proposed by APS have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the step-one and step-two rates for filing and suspend their operation as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. Here, our examination suggests that the step-one rate increase may not yield excessive revenues. Given this conclusion and APS' request for a one day suspension of the step-one rates, we shall suspend those rates for one day to become effective, subject to refund, on July 19, 1984. In contrast, our preliminary examination indicates that the step-two rates may produce substantially excessive revenues. Accordingly, we shall suspend the step-two rates for five months, to become effective on December 18, 1984, subject to refund. With respect to those customers whose contracts prohibit unilateral rate changes, any increase may become effective prospectively only upon the issuance of a Commission order establishing just and reasonable rates.

In accordance with he Commission's policy and practice established in *Arkansas Power and Light Company*, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.

The Commission orders:

(A) Wickenburg's, Maricopa's, and APA's motions for rejection are hereby denied.

(B) APS' proposed rates are hereby accepted for filing. With respect to the customers listed in footnote 3 of this order, the step-one rates are suspended for one day to become effective, subject to refund, on July 19, 1984, and the step-two rates are suspended for five months to become effective, subject to refund, on December 18, 1984. As to the customers listed in footnote 4, any rate increase may become effective prospectively only upon the issuance of a Commission order establishing just and reasonable rates.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commision by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of APS' rates.

(D) The Commission staff shall serve top sheets in this proceeding within 10 days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North

[9] In addition, APA raises questions as to the rate of return on equity, revenue credits, and cost level projections in general.

[10] AEPCO argues that the Commission should consider the Transmission Resale class separately for purposes of its suspension analysis.

Capitol Street, N.E., Washington D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

ARIZONA PUBLIC SERVICE COMPANY

[Docket No. ER84-450-000, Rate Schedule Designations]

Designation	Description	Other party
(1) Supplement No. 27 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 25, as supplemented).	Phase One Rates	Citizens Utilities Company.
(2) Supplement No. 28 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 26)	Fuel Adjustment Clause	Do.
(3) Supplement No. 29 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 27)	Phase Two Rates	Do.
(4) Supplement No. 16 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 14, as supplemented).	Phase One Rates	Arizona Electric Cooperative, Inc.
(5) Supplement No. 17 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 15)	Fuel Adjustment Clause	Do.
(6) Supplement No. 18 to Rate Schedule FPC No. 57 (Supersedes Supplement No. 16)	Phase Two Rates	Do.
(7) Supplement No. 20 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 17, as supplemented).	Phase One Rates	Wellton-Mohawk Irrigation and Drainage District.
(8) Supplement No. 21 to Rate Schedule FPC No. 58 (Supersedes Supplement Nos. 18 and 19)	Fuel Adjustment Clause	Do.
(9) Supplement No. 22 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 20)	Phase Two Rates	Do.
(10) Supplement No. 24 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 21, as supplemented).	Phase One Rates	Arizona Power Authority.
(11) Supplement No. 25 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 22, as supplemented).	Fuel Adjustment Clause	Do.
(12) Supplement No. 26 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 24)	Phase Two Rates	Do.
(13) Supplement No. 17 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 15, as supplemented).	Phase One Rates	Colorado River Indian Irrigation Project.
(14) Supplement No. 18 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 16, as supplemented).	Fuel Adjustment Clause	Do.
(15) Supplement No. 19 to Rate Schedule FPC No. 65 (Supersedes Supplement No. 17)	Phase Two Rates	Do.
(16) Supplement No. 18 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 16, as supplemented).	Phase One Rates	San Carlos Indian Irrigation Project.
(17) Supplement No. 19 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 17, as supplemented).	Fuel Adjustment Clause	Do.
(18) Supplement No. 20 to Rate Schedule FPC No. 66 (Supersedes Supplement No. 18)	Phase Two Rates	Do.
(19) Supplement No. 11 to Rate Schedule FERC No. 74 (Supersedes Supplement No. 9, as supplemented).	Phase One Rates	Town of Wickenburg.
(20) Supplement No. 12 to Rate Schedule FERC No. 74	Fuel Adjustment Clause	Do.
(21) Supplement No. 13 to Rate Schedule FERC No. 74 (Supersedes Supplement No. 11)	Phase Two Rates	Do.
(22) Supplement No. 11 to Rate Schedule FERC No. 84 (Supersedes Supplement No. 9, as supplemented).	Phase One Rates	The Washington Water Power Company.
(23) Supplement No. 12 to Rate Schedule FERC No. 84 (Supersedes Supplement No. 10)	Fuel Adjustment Clause	Do.
(24) Supplement No. 13 to Rate Schedule FERC No. 84 (Supersedes Supplement No. 11)	Phase Two Rates	Do.

[FR Doc. 84-18655 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RA83-11-000 and RA83-13-000 (Consolidated)]

Dow Chemical U.S.A. (Texas City Refining, Inc.); Permitting Supplemental Comments

Issued: July 9, 1984.

On May 15, 1984, the presiding officer issued a proposed order [1] affirming the contested orders of the Department of Energy's Office of Hearings and Appeals (OHA). Those contested orders modified the remedies set forth in earlier OHA orders which had held that Dow Chemical U.S.A. (Dow) and Texas City Refining, Inc. (Texas) had received excessive exception relief from their entitlements obligations. The contested orders required that, instead of refunding the excessive relief by the purchase of entitlements when the next entitlements notice was issued, Dow and Texas should immediately pay the excessive relief into an interest bearing escrow account in the U.S. Treasury. The parties filed their comments on the presiding officer's proposed order on June 14, 1984.

On June 28, 1984, DOE announced its final decision not to issue any further entitlements notices. Simultaneously, it issued a Notice of Public Proceeding and Public Hearing concerning the most appropriate manner to handle outstanding exception orders. In that notice DOE announced its tentative decision not to require firms which had received excessive entitlements exception relief to refund that relief.[2]

Notice is hereby given that on or before July 23, 1984 the parties may file comments on the effect of DOE's action on this proceeding. In particular the parties are requested to address the question whether the Commission should stay further consideration of this proceeding pending DOE's final decision on the issues raised by the June 28, 1984 Notice of Public Proceeding and Public Hearing concerning the appropriate manner to handle outstanding exception orders.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18656 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 27 FERC ¶ 62,165.

[2] 49 FR 27,410 (July 3, 1984).

[Docket No. TA84-2-14-000]

Lawrenceburg Gas Transmission Corp.; Proposed Change in FERC Gas Tariff

July 9, 1984.

Take notice that on July 2, 1984 Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing three revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, all of which are dated as issued on June 29, 1984 proposed to become effective August 1, 1984, and identified as follows:

Thirty-third Revised Sheet No. 4
Tenth Revised Sheet No. 4–B
Thirtieth Revised Sheet No. 18

Lawrenceburg states that its revised tariff sheets were filed under its Purchased Gas Adjustment (PGA) Provision and Incremental Pricing Surcharge Provision.

Lawrenceburg also filed two alternate tariff sheets that it had requested be approved in lieu of the above tariff sheets in the event its supplier's, Texas Gas Transmission Corporation, filing for a summer Excess Rate at Docket No. CP84–487–000 is rejected.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84–18657 Filed 7–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA84-2-15-000]

Mid Louisiana Gas Co.; Proposed Change in Rates

July 9, 1984.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on July 2, 1984, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Fiftieth Revised Sheet No. 3a and Tenth Revised Sheet No. 3c to become effective August 1, 1984.

Mid Louisiana states that the purpose of the filing of Fiftieth Revised Sheet No. 3a is to reflect a Purchased Gas Cost Current Adjustment, a Purchased Gas Cost Surcharge resulting in a rate after current adjustment of 424.06¢. The filing is being made in accordance with Section 19 of Mid Louisiana's FERC Gas Tariff, and the Purchased Gas Cost Current Adjustment reflects rates payable to Mid Louisiana's suppliers during the period August 1, 1984 through January 31, 1985.

Copies of this filing have been mailed to Mid Louisiana's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 the Commission's Rules of Practice and Procedure. (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84–18658 Filed 7–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83-66-004]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 9, 1984.

Take notice that on June 27, 1984, Mississippi River Transmission Corporation ("Mississippi") tendered for filing revised tariff sheets to its FERC Gas Tariff as listed on the attached Appendix, and a Refund Report. The tariff sheets carry an effective date of May 1, 1984.

Mississippi states the purpose of the tariff filing is to implement the applicable provisions of the Stipulation and Agreement ("Agreement") at Docket No. RP83–66, which was approved by Commission letter order dated May 25, 1984. The revised tariff sheets reflects settlement Base Tariff Rates and currently effective Purchased Gas Cost Adjustments approved at Docket No. TA84–1–25–002, adjusted in accordance with tracking provisions and PGA billing determinants and procedures contained in the Agreement.

The Refund Report sets forth the cash distribution made to Mississippi's jurisdictional sales customers affected by the Agreement.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions.

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, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 84–18659 Filed 7–12–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA84-2-16-000 and RP84-95-000]

National Fuel Gas Supply Corp.; Proposed Tariff Change

July 9, 1984.

Take notice that on June 29, 1984, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1: First Revised Sheet No. 4, Original Sheet No. 67–A; Substitute Original Sheet Nos. 59, 60, 65, 66, and 67; and First Revised Sheet Nos. 61, 62, 63, and 64, which are proposed to be effective August 1, 1984.

National states the purpose of these revised tariff sheets is to: (1) Adjust National's rates pursuant to Article 17 ("PGA") of the General Terms and Conditions; and (2) to reflect a change in National's PGA to a forward-looking format. First Revised Sheet No. 4 reflects a net increase of 60.46¢ per Dth which includes an increase in the current purchase gas cost of 33.63¢ per Dth and an increase in the purchase gas cost surcharge adjustment of 26.83¢ per Dth.

In the alternative, National tendered for filing Alternate First Revised Sheet

No. 4 which reflects a net increase of 59.57¢ per Dth based on National's present PGA format.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such petitions or protests should be filed on or before July 16, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18660 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-109-010]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 9, 1984.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on June 7, 1984 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Sixty-eighth Revised Sheet No. 14A
Sixty-eighth Revised Sheet No. 14B
Sixty-eighth Revised Sheet No. 14C
Sixty-eighth Revised Sheet No. 14D

On April 26, 1984, Texas Eastern filed Sixty-ninth Revised Sheet No. 14, as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 which was approved by the Commission order dated May 22, 1984. Such filing was made to reflect settlement of the rate design issue for rates under Texas Eastern's I Gas Rate Schedule and the WS Excess Rate of its WS Rate Schedule pursuant to the Stipulation and Agreement filed November 24, 1983 in Docket No. RP81-109-000, approved by Commission orders dated February 3, 1984 and April 20, 1984. The sole purpose of this filing is to also reflect on Sixty-eighth Revised Sheet Nos. 14A-14D the settlement of the above mentioned rate design issue that was reflected on Sixty-ninth Revised Sheet No. 14.

The proposed effective date of the above tariff sheets is April 20, 1984 consistent with the April 26, 1984 filing and the effective date of the revised I Gas Rate and the WS Excess Rate of the WS Rate Schedule pursuant to the settlement in Docket No. RP81-109-000.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

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, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 13, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18661 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE84-13-001]

Virginia Electric Power Co.; Application for Exemption

July 9, 1984.

Take notice that Virginia Electric Power Company (VEPCO) filed an application on June 18, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1984 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption VEPCO states, in part, that it should not be required to file the specified data for the following reason:

> The gathering of the information is not likely to carry out the purposes of Section 133 of PURPA.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register.** Within that 45 day period, such person must also serve a copy of such comments on:

Mr. C. M. Jarvis, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261, and

Mr. Arnold H. Quint, Esq., Hunton & Williams, Suite 9000, 2000 Pennsylvania Avenue, N.W., Washington, D.C. 20036.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18662 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7310-001]

Cacapon Hydro Associates; Surrender of Preliminary Permit

July 6, 1984.

Take notice that Cacapon Hydro Associates, Permittee for the Cacapon Project No. 7310, has requested, that its preliminary permit be terminated. The preliminary permit for Project No. 7310 was issued on December 13, 1983, and would have expired on May 31, 1985. The project would have been located on the Cacapon River in Morgan County, West Virginia. The Permittee states that the project would not be feasible because the existing structures are badly deteriorated and the river has been designated wild and scenic.

Cacapon Hydro Associates filed the request on April 30, 1984, and the surrender of the preliminary permit for Project No. 7310 is deemed accepted as of April 30, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18527 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6982-002]

Capital Development Co.; Surrender of Preliminary Permit

July 6, 1984.

Take notice that Capital Development Company, Permittee for the Suiattle Mountain Water Power Project No. 6982, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 6982 was issued on May 24, 1983, and would have expired on May 31, 1985. The project would have been located on several unnamed tributaries of the Suiattle River in Skagit County, Washington.

The Permittee filed the request on May 11, 1984, and the surrender of the for preliminary permit for Project No. 6982 is deemed accepted as of May 11, 1984, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18528 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-509-000]

Connecticut Light and Power Co.; Filing

July 6, 1984.

The filing Company submits the following:

Take notice that on June 25, 1984, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Agreement) between CL&P, Western Massachusetts Electric Company (WMECO), and together with CL&P, the NU (Companies) and Consolidated Edison Company of New York, Inc. (Con Ed). The Agreement, dated as of January 24, 1984, provides for the bilateral sale by the NU Companies or Con Ed of energy from their systems (system energy) that may be available on a daily or weekly basis (a transaction). CL&P states that the timing of transactions cannot be accurately estimated but that the NU Companies or Con Ed would offer to sell such system energy to the other only when it was economical to do so. The buyer would only accept such offer if it was economical to do so.

The buyer will pay an energy reservation charge to the seller for each transaction in an amount equal to the megawatthours of system energy reserved for the buyer by the seller during a transaction multiplied by an energy reservation charge rate negotiated prior to each transaction. The buyer will pay an energy charge for each transaction in an amount equal to the megawatthours delivered by the seller during such transaction times an energy charge rate. The energy charge rate is the weighted average forecasted energy charge rate for the generating unit(s) which the seller determines to be available to provide such energy at the time of a transaction.

CL&P requests an effective date of January 24, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon WMECO and Con Ed.

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, 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18529 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA4-20-000]

Harold W. Brinkley; Petition for Adjustment

Issued: July 6, 1984.

On June 18, 1984, Harold W. Brinkley (Brinkley), P.O. Box 345, Olney, Illinois 62450, filed with the Federal Energy Regulatory Commission (Commission) a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), [1] and Rules 1101-1107 [2] of the Commission's regulations. Brinkley is the operator and producer of the R.O. Illyes #1A, #2, #3, #4 and Shaw #2 wells located in Crawford County, Illinois.

Brinkley claims that he suffers special hardship from refunds made to Texas Gas Transmission Corporation (Texas Gas) in the amount of $92,532.37 in principal and $14,142.85 in interest. Brinkley seeks a reimbursement from Texas Gas of the total $106,675.32 refunded to Texas Gas. Texas Gas claimed this refund because Brinkley failed to timely file an application for a section 102(c) price determination for the gas produced and sold to Texas Gas from May 1982 to March 1984. The overpayment amount is based upon the price differential between the section 102(c) price paid by Texas Gas and the section 109 price. Brinkley asserts that the refund has caused him financial hardship, as well as imposed upon him undue and burdensome office and paper work. Furthermore, Brinkley contends that since the subject wells are low producers, even if he receives the section 102(c) rate for their production, his overhead expenses leave very little funds with which to operate the wells.

Subpart K of Part 385 of the Commission's Rules of Practice and Procedure sets out the procedures that apply to this adjustment proceeding. Any person who wishes to participate in this proceeding shall file a petition to intervene in accordance with Subpart K. All such petitions must be filed within 15 days after this notice is published in the **Federal Register**

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18530 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301-3432 (1983).

[2] 18 C.F.R. 385.101-1107 (1983).

[Docket No. ID-2116-000]

Holt W. Webster; Application

July 6, 1984.

Take notice that on June 25, 1984, Holt W. Webster filed a request to dismiss for lack of jurisdiction or, alternatively, an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director—Puget Sound Power & Light Company

Director—Washington Mutual Savings Bank

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, 385.214). All such motions or protest should be filed on or before July 24, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18531 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER78-417-005]

Kentucky Utilities Co.; Compliance Filing

July 6, 1984.

Take notice that on June 11, 1984, Kentucky Utilities Company ("KU") submitted for filing its compliance filing pursuant to Commission's order issued June 1, 1984.

KU states that enclosed with its filing are copies of a form Contract for Electric service, an Electric Rate Schedule designated WPS-83SR (M), and Rules, Regulations, Terms and Conditions governing the provision of such service, which have been revised consistent with the Commission's prior orders in the case.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 19, 1984. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18532 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-469-000]

Montana-Dakota Utilities Co.; Request Under Blanket Authorization

July 6, 1984.

Take notice that on June 6, 1984, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP84-469-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act that MDU proposes to construct and operate two new sales taps under the authorization issued in Docket Nos. CP83-1-000 and CP83-1-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in its request which is on file with the Commission and open to public inspection.

MDU states that it proposes to add new sales taps located on its transmission system as additional delivery points in connection with its Rate Schedules S-2 and T-3 programs. It is stated that since the deliveries would be performed on a best-efforts basis, the term of *Amendment of Stipulation and Agreement in Settlement of Remaining Issues* approved by the Commission's Order issued February 19, 1982, regarding MDU's curtailment plan in Docket No. RP76-91 is inapplicable.

MDU states that the first proposed sales tap would be used to deliver up to 87,700 Mcf of natural gas annually to Western Gas Processors, Ltd., McKenzie County, North Dakota, to provide fuel to a field gathering compressor used in gathering gas condensate and oil-well gas to be ultimately produced at a gas processing plant. MDU further states that the second proposed sales tap would be used to deliver up to 1,460,000 Mcf of natural gas annually to Koch Hydrocarbon Company, Harding County, South Dakota, for fueling a compressor to be used in a fire-flood secondary recovery program in the Buffalo Oil Field in Harding County, South Dakota. MDU also indicates that the estimated costs for the taps would be $4,700 and $37,500, respectively, and would be 100 percent reimbursed by both end-users.

Any person or the Commission's staff may, within 45 days after issuance of the instinct notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18533 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-253-018]

Panhandle Eastern Pipe Line Co.; Petition to Amend

July 6, 1984.

Take notice that on June 11, 1984, Panhandle Eastern Pipe Line Company (Panhandle), Post Office Box 1642, Houston, Texas 77001, filed in Docket No. CP77-253-018 a petition pursuant to sections 7(b) and 7(c) of the Natural Gas Act for further amendment of the order issued December 9, 1977, in Docket No. CP77-253, as amended, so as to revise the authorization under which Panhandle transports natural gas on behalf of certain of its customer and delivers said gas to Michigan Consolidated Gas Company-Interstate Storage Division (Michigan Consolidated) for storage and to obtain permission and approval to abandon totally Panhandle's delivery service for certain of its customers and to reduce the volumes Panhandle delivers for certain of its other customers, effective April 1, 1984, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Panhandle explains that the Commission's order of December 9, 1977, as amended on January 4, 1978, and on September 6, 1978, in Docket No. CP77-253, had authorized Panhandle to provide gas storage and transportation services to certain of its customers, pursuant to firm or off-peak individual contracts that had been concluded with each of them for either seven-year or fourteen-year terms. Panhandle was accordingly authorized to deliver up to 18,650,000 Mcf of gas per annum for the benefit of these customers to Michigan Consolidated, which was authorized in Docket No. CP77-274 to store this gas and to redeliver it to Panhandle, states Panhandle's petition.

According to Panhandle, five of its contracting customers have elected to terminate their seven-year storage arrangements with it as of April 1, 1984, due to declining market requirements, and a sixth (the Village of Morton) has requested termination of its on-going fourteen-year contract with Panhandle, effective as of the same date. Another nine of the customers have sought to amend their contract volumes, reports Panhandle. Consequently, Panhandle has filed in the instant docket to obtain Commission approval for these proposed revisions of the existing arrangements.

Correspondingly, the petition indicates, Panhandle has also concluded four amendatory agreements with Michigan Consolidated that reflect the above revisions in the Panhandle customer contracts:

(1) Panhandle and Michigan Consolidated agreed on March 1, 1984, to reduce from 12,250,000 Mcf to 10,162,200 the volumes of gas to be covered by their 100-day service arrangement, which had been established by the Panhandle-Michigan Consolidated gas storage agreement of October 31, 1976 (on file with the

Commission as Rate Schedule TS-2 of Panhandle's FERC Gas Tariff Original Volume No. 2), it is stated.

(2) On March 1, 1984, and May 1, 1984, it is further stated, Panhandle and Michigan Consolidated concluded two agreements to decrease from 6,400,000 Mcf to 540,000 Mcf the amount of gas to be covered by their off-peak service arrangement, which had been established by their Gas Storage Agreement of November 1, 1976, (on file with the Commission as Rate Schedule TS-3 of Panhandle's FERC Gas Tariff, Original Volume No. 2).

(3) In a new gas storage agreement, dated March 1, 1984, it is further explained, Panhandle and Michigan Consolidated established a new 50-day firm storage service for 3,409,800 Mcf of gas, subject to the same terms as the extant 100-day firm service arrangement but having greater volume withdrawal rates. Panhandle proproses to charge an initial rate for this new service of 1/12 of the 3,409,800 Mcf multiplied by 56.52 cents.

Finally, the Panhandle-Michigan Consolidated agreements propose minor adjustments of the existing points of receipt and delivery, reports Panhandle.

As a result of the aforementioned volume changes (along with a volume-reduction of 350,000 Mcf that Panhandle had previously proposed in Docket No. CP77-253-016), Panhandle states, the net volumes in the Panhandle-Michigan Consolidated arrangements would be reduced from 18,650,000 Mcf to 14,112,000 Mcf. Panhandle has filed the instant application to reflect these changes in its agreements with Michigan Consolidated.

In conjunction with the instant filing by Panhandle, Michigan Consolidated has filed applications with the Commission (in Docket Nos. CP84-293-000 and CP84-425-000) requesting authorization to abandon partially its storage service for Panhandle by a total of 14,112,000 Mcf and otherwise to amend its storage arrangements with Panhandle in conformity with the revised agreements described above.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practical and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18534 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS70-37-001, et al.]

PC, Ltd. (Petroleum Corporation of Texas), et al.; Applications for "Small Producer" Certificates [1]

July 6, 1984.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public covenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before July 18, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS70-37-001	5/7/84 [1]	PC, Ltd. (Petroleum corporation of Texas), P.O. Box 911, Breckenridge, Texas 76024.
CS81-52-000	5/15/84 [2]	Paxton Oil Company (Paxton Petroleum Inc.), 303 Rayburn, Lafayette, Louisiana 70506.
CS66-96-000	3/20/84 [3]	Sabine Corporation (Sabine Production Company), 1200 Mercantile Bank Building Dallas, Texas 75201.
CS84-79-000	5/14/84	Thomas-Monteith, 2220 One Dallas Centre, Dallas, Texas 75201.
CS84-80-000	5/18/84	McCord Exploration Co., 1313 First City Tower, Houston, Texas 77002.
CS73-274	5/11/84 [4]	Richard H. Fleischaker and Adeline Janetta Fleischaker, Trustees of the Richard H. Fleischaker Revocable Trust and Trustees of the Adeline Janette fleischaker, Revocable Trust, Joseph B. Singer, and Ann G. Singer (Richard H. Fleischaker Adeline Fleischaker, Joseph B. Singer, and Ann G. Singer), P.O. Box 1178, Oklahoma City, Oklahoma 73101.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Letter received dated May 2, 1984 requesting that the name on the Small Producer Certificate held by Petroleum corportion of Texas be changed to PC, Ltd.

[2] Letter received dated April 20, 1984 requesting that the Small Producer Certificate be transferred from Paxton Petroleum, Ltd., to Paxton Oil company.

[3] Applicant, a former small producer, now a large producer, is filing to rdesignate its small producer exemption under its new name Sabine Corporation. Such exemption remains effective only as to contracts dated prior to April 1, 1978, the effective date of Sabine's loss of small producer status.

[4] Letter received dated May 7, 1984 stating that the interests in oil and gas properties has been assigned to the revocable trusts are listed above.

[FR Doc. 84-18535 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2114-000]

Raymond J. Richardson; Application

July 6, 1984.

Take notice that on June 22, 1984, Raymond J. Richardson filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Orange and Rockland Utilities, Inc.

Vice President—Rockland Electric Company

Vice President—Pike County Light & Power Company

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 July

20, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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 availabe for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18536 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2115-000]

Robert Emmet; Application

July 6, 1984.

Take notice that on June 22, 1984, Robert Emmet filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer—Cliffs Electric Service Company

Director—Upper Peninsula Generating Company

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 July 20, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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 availabe for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18537 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-508-000]

Sierra Pacific Power Co.; Filing

July 6, 1984.

The filing Company submits the following:

Take notice that on June 22, 1984, Sierra Pacific Power Company (Sierra) tendered for filing its sixth energy charge revision to reflect a decrease in the cost of power purchased from Pacific Gas and Electric (PG&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, 385.214). All such motions or protest should be filed on or before July 17, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18538 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF84-3021-000]

Southeastern Power Administration; Filing

July 6, 1984.

Take notice that on June 21, 1984, the Deputy Secretary of the Department of Energy confirmed and approved, on an interim basis effective midnight June 30, 1984, Rate Schedules CBR-1-A, CSI-1-A, CEK-10-A, CC-1-A, CM-1-A and CTV-1-A for power from Southeastern Power Administration's (SEPA) Cumberland Basin Projects which now includes Laurel. The approval extends through June 30, 1989.

The Deputy Secretary states that the Commission, by order issued October 26, 1983, in Docket No. EF83-3021, confirmed and approved Rate Schedules CR-1-E and CR-2-E through June 30, 1984, and by order issued August 31, 1983, in Docket No. EF83-3051, confirmed and approved Rate Schedule LP-1-A through June 30, 1984.

SEPA proposes in the instant filing to replace Rate Schedule CR-1-E with Rate Schedule CTV-1-A, replace CR-2-E with Rate Schedules CBR-1-A, CSI-1-A, CEK-1-A and also replace LP-1-A with CEK-1-A. SEPA proposes to begin new Rate Schedules CC-1-A, CM-1-A and CK-1-A. The rate adjustment will increase annual revenues by $7,670,000, an increase of approximately 34 percent. The increase is due primarily to general inflation at the generating projects and to a change in the manner that wheeling is handled. The interim rate schedules are submitted for confirmation and approval on a final basis pursuant to authority vested in the Commission by Delegation Order No. 0204-108. Approval is requested for a period beginning July 1, 1984, and ending June 30, 1989.

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, 385.214). All such motions or protest should be filed on or before July 30, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18539 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF84-4021-000]

Southwestern Power Administration; Filing

July 6, 1984.

Take notice that the Deputy Secretary, U.S. Department of Energy, on June 20, 1984, submitted to the Commission for confirmation and approval on a final basis, pursuant to the authority vested in the Commission by Delegation Order No. 0204-108, extension of the present annual power rate of $1,704,504 for Section 3, Article II, of Contract No. 14-02-0001-1124 between the Southwestern Power Administration and Sam Rayburn Dam Electric Cooperative, Inc.

The rate has been in effect since confirmed and approved on a final basis by the Commission in Docket No. EF83-4021-000 issued June 22, 1983. The Deputy Secretary of Energy has confirmed and approved an extension of the rate on an interim basis through September 30, 1986, and has submitted the rate extension to the Commission and approval on a final basis for the same period.

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, 385.214). All such motions or protests should be filed on or before July 30, 1984. Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18540 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-484-000]

Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Application

July 6, 1984.

Take notice that on June 14, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No CP84-484-000 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 United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that it would receive up to 20,000 Mcf of gas per day for United's account at United's producer platform in High Island Block A-281, offshore Texas, and would deliver the gas at an existing point of interconnection between Tennessee's facilities and those of High Island Offshore System, also in High Island Block A-281.

It is indicated that Tennessee would transport excess volumes of up to 20,000 Mcf per day if United requests such an increase and if Tennessee's pipeline capacity permits transportation of such volumes.

It is stated that Tennessee is currently transporting the gas for United pursuant to a gas transportation agreement dated July 20, 1982, under the self-implementing authorization of § 284.221 of the Commission's Regulations and Tennessee's Order No. 60 blanket certificate issued February 21, 1980, in Docket No. CP80-132. It is indicated that Tennessee would accept the associated liquid hydrocarbons produced with the subject volumes and would transport such liquid hydrocarbons for the account of United's producer to the point of delivery.

Tennessee states that United would pay it a volume charge equal to the product of 3.65 cents multiplied by the total volume in Mcf of gas received by Tennessee for United's account during the month, less volumes retained by Tennessee required to balance any lost and/or unaccounted-for volumes. It is further stated that United would pay Tennessee a minimum monthly bill of 3.65 cents multiplied by the number of days in said month, multiplied by 66⅔ percent of the transportation quantity less the volumes, if any, retained by Tennessee required to balance any lost and/or unaccounted-for volumes. Additionally, Tennessee indicates that United would pay it a liquids transportation charge of 47.82 cents per barrel.

It is asserted that the proposed transportation service would not pre-empt the pipeline capacity needed for any existing firm service being rendered by Tennessee, nor would it affect Tennessee's use of its own capacity, because the proposed service would be rendered only when operating conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1984, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18541 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-491-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

July 6, 1984.

Take notice that on June 15, 1984, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP84-491-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Tennessee to transport natural gas for Transcontinental Gas Pipe Line Corporation (Transco), all as more fully set forth in the application which is on file and open to public inspection.

Tennessee proposes to transport up to 2,000 Mcf of gas per day for Transco pursuant to the terms of a March 22, 1983, gas transportation agreement. It is stated that Tennessee may agree to receive volumes of gas in excess of the transportation quantity when, in Tennessee's sole opinion, operating conditions on its pipeline system so permit. Tennessee states that it is currently transporting natural gas for Transco pursuant to Section 284.221 of the Commission's Regulations and Tennessee's Order No. 60 blanket certificate.

Specifically, Tennessee would transport such gas from a point of receipt in the Ship Shoal Block 66 at the interconnection between the 6-inch Tennessee/Transco lateral pipeline extending from the Ship Shoal Block 91 platform to the East of the Blue Water Project (jointly owned by Tennessee and Columbia Gulf Transmission Company), it is indicated. The points of delivery by Tennessee to Transco for such gas would be the point of interconnection between Tennessee and Transco on Tennessee's 24-inch pipeline in Crowley, Acadia Parish, Louisiana, it is further indicated. Tennessee states that processing, if any, would be permitted at the Yscloskey Plant, St. Bernard Parish, Louisiana, pursuant to the terms of the agreement.

Tennessee also stated that it would accept the associated liquid hydrocarbons (exclusive of oil) produced with such transportation quantity and would transport and

deliver such liquid hydrocarbons for the account of Transco's producers to the Cocodre separation and dehydration facility located in Terrebonne Parish, Louisiana, provided Transco's producers have made the necessary arrangements for the separation, handling, storage of liquid hydrocarbons, gas dehydration and payment of such services with the owners of such onshore facilities.

It is stated that in accordance with the agreement, Transco would pay Tennessee a volume charge equal to the product of the following:

(a) 10.1 cents [1] multiplied by the total volume in Mcf of gas received by Tennessee from Transco during the month and delivered at the Crowley delivery point, and

(b) 8.29 cents [1] multiplied by the total volume in Mcf of gas received by Tennessee from Transco during the month and delivered at the Ycsloskey delivery point for plant volume reduction (PVR),

less the volumes received by Tennessee at the aforementioned delivery points for fuel and use as follows:

(a) 1.79 percent of the daily volume received from Transco and delivered at the Crowley delivery point, and

(b) 1.28 percent of the daily volume received from Transco and delivered at the Yscloskey delivery point for PVR.

Tennessee further states that the minimum monthly bill would consist of the volume charge of 10.15 cents multiplied by the minimum bill volume which shall consist of the number of days in said month multiplied by 66⅔ percent of the transportation quantity; provided, however, the minimum bill volume would be reduced by the volumes, if any, tendered by Transco and not taken by Tennessee. It is further stated that Transco would pay Tennessee a liquids charge of 47.82 cents per barrel for the transportation of liquids.[2]

Tennessee states that the proposed transportation service would not pre-empt the pipeline capacity needed for any existing firm service being rendered by Tennessee, nor would it affect Tennessee's use of its own capacity because the proposed service would be rendered only when Tennessee's conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18544 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[1] As permitted by the agreement, rates have been changed from the rate stated in the agreement to reflect Tennessee's current costs, it is explained.

[2] As permitted by the contract, this rate would be adjusted annually to be effective April 1 of each year by use of the GNP Implicit Price Deflator (or suitable replacement should such deflator be discontinued), it is explained.

[Docket No. TA84-2-11-001]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

July 5, 1984.

Take notice that on June 29, 1984, United Gas Pipe Line Company (United) tendered for filing, in the above-captioned docket, Revised Sixty-Sixth Sheet No. 4 of its FERC Gas Tariff, First Revised Volume No. 1, to be made effective July 1, 1984.

United states that the proposed tariff sheet reflects a reduction in its rates by 14.87 cents per Mcf. The filing is being made to amend the semi-annual purchased gas adjustment filing made by United on May 31, 1984 in Docket No. TA84-2-11 in order to comply with requirements of the settlement agreement in Docket No. RP72-133 and to reflect certain additional changes which are expected to reduce its gas costs for the six-month period beginning July 1, 1984.

Under the settlement, which by its terms is applicable to all PGA filings effective prior to January 1, 1985, United is obligated not more than 30 days after the effective date of the filing to adjust its rates to reflect: (1) Elimination of any gas supplies which were not attached to the system by such effective date; (2) inclusion of new supplies attached by the effective date but which had not been included in the filing; and (3) adjustment of rates for certain non-regulated gas supplies to reflect rates in effect as of such effective date. Such adjustments may reduce, but may not increase, the rates contained in the original filing. The recomputation of United's PGA84-2 filing results in a 1.66 cents decrease in PGA84-2 rates. This decrease is attributable to renegotiation of the price for gas purchased from Public Service of Oklahoma. That renegotation was completed in late June.

United states that copies of this filing have been mailed to its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before July 12, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18545 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-511-000]

Washington Water Power Co.; Filing

July 6, 1984.

The filing Company submits the following:

Take notice that on June 25, 1984, the Washington Water Power Company (Washington) tendered for filing a service schedule applicable to what

Washington refers to as an Excess Energy Exchange Agreement between Washington and the Public Utility District No. 1 of Douglas County (Douglas). Washington states that the energy will be made available to Washington by Douglas for each operating year, July 1 through June 30. The Agreement is made under section 9(j)(2) of the Pacific Northwest Coordination Agreement (FERC Rate Schedule No. 97) with separately maintained accounts for each established price of energy mutually agreed to at the time of delivery. All accounts shall be closed at the end of each operating year in accordance with contractual procedures.

Washington requests an effective date of December 15, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 358.211 and 385.214). All such motions or protests should be filed on or before July 18, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18546 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL84-19-000]

Western Carolina University v. Nantahala Power & Light Co.; Complaint, Motion to Consolidate and Motion for Summary Disposition

July 6, 1984.

Take notice that on June 19, 1984, Western Carolina University submitted for filing its Complaint, Motion to Consolidate and Motion for Summary Disposition pursuant to Rules 206, 212 and 217 of the Commission's Rules of Practice and Procedure, and Article II of the Settlement agreement in *Nantahala Power and Light Company*, Docket No. 80-574.

Western Carolina University submits this complaint requesting that the Commission:

(1) Order the revision of Nantahala's PL (COSAC) Tariff, including base rates, annual adjustments, and purchase power cost adjustment clause, to conform to the revision of energy entitlements utilize for wholesale rate making purposes, and

(2) Order refunds of excessive amounts billed from March 1, 1981 through the date that Nantahala's billings to wholesale customers under the PL (COSAC) tariff reflected power purchases under the TVA-Nanathala interconnection agreement, which became effective January 1, 1983.

Western Carolina University also moves for summary disposition, or in the alternative, for consideration of further adjustments to Nantahala's capacity entitlements under the 1971 Apportionment Contract.

In addition, Western Carolina University moves to consolidate this proceeding with FERC Docket EL84-14.

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 358.211 and 385.214). All such motions or protest should be filed on or before July 29, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are availabe for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18547 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6365-001]

Western Hydro Electric, Inc.; Surrender of Exemption From Licensing

July 6, 1984.

Take notice that Western Hydro Electric, Inc. of Salt Lake City, Utah, Exemptee for the Vermillion River Project No. 6365 has requested that its exemption from licensing be withdrawn. The exemption was issued on October 28, 1982, and would have been located on the Vermillion River in Sanders County, Montana.

The Exemptee filed its request on March 5, 1984, and the surrender of the exemption from licensing for Project No. 6365 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18548 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7123-002]

W. B. DeOreo and R. J. McLaughlin; Surrender of Preliminary Permit

July 6, 1984.

Take notice that W. B. DeOreo and R. J. McLaughlin, (DeOreo), Permittee for the proposed Silver Lake Ditch Project No. 7123, requested by letter dated May 6, 1984, that the preliminary permit be surrendered. The preliminary permit was issued on October 5, 1983, and would have expired on March 31, 1985. DeOreo has determined that hydroelectric development is infeasible due to previously overestimated streamflows and potential conflicts with other land owners and water users.

The surrender of the preliminary permit for Project No. 7123 is effective thirty days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-18549 Filed 7-12-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OAR-FRL-2630-2]

Approval of Modification of Prevention of Significant Air Quality Deterioration (PSD) Permit to Pacific Gas & Electric Company (EPA Project Number NC 81-02)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on August 2, 1983 the Environmental Protection Agency modified the PSD permit (which was originally issued on May 21, 1982) for the applicant named above granting approval to construct a 110-megawatt geothermal electric power plant (Geysers Unit 16) located in Lake County, California. This permit was issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: H_2S at 7.5 lbs/hr. The permit was modified to require control of H_2S emissions during power plant outages.

FOR FURTHER INFORMATION CONTACT: Copies of the permit and modification

are available for public inspection upon request; address request to: Rhonda Rothschild (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8-545-8153 or (415) 974-8153.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of 50% of capacity turbine bypass and intertie with PG&E Unit 13. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 11, 1984.

Dated: July 3, 1984.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 84-18619 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OAR-FRL-2630-3]

Approval of Modification of Prevention of Significant Air Quality Deterioration (PSD) Permit to Pacific Gas & Electric Company (EPA Project Number SFB 81-03)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on November 2, 1983 the Environmental Protection Agency modified the PSD permit (which was originally issued on July 26, 1982) for the applicant named above granting approval to construct a 110-megawatt geothermal electric power plant (Geysers Unit 20) located in Sonoma County, California. This permit was issued under EPA's PSD regulations (40 CFR 52.21) and is subject to certain conditions, including an allowable emission rate as follows: H_2S at 10.4 lbs/hr. The permit was modified to require control of H_2S emissions during power plant outages.

FOR FURTHER INFORMATION CONTACT: Copies of the permit and modification are available for public inspection upon request; address request to: Rhonda Rothschild (M-5), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, 8-545-8153 or (415) 974-8153.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include limitation of the number of unscheduled power plant outages and specified remedies if the emission standard is exceeded. Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by September 11, 1984.

Dated: July 3, 1984.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 84-18620 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2627-6]

Availability of Environmental Impact Statements Filed July 2, Through July 6, 1984 Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840246, Final, COE, CA, Telegraph Canyon Creek Flood Control, San Diego County, Due: August 13, 1984, Contact: Richard Makinen (202) 272-0121.

EIS No. 840293, Draft, AFS, SC, Francis Marion National Forest Land and Resource Management Plan, Berkeley and Charleston Counties, Due: October 12, 1984, Contact: Donald Eng (803) 765-5222.

EIS No. 840294, Final, OSM, MT, Montco Surface Coal Mine, Permit, Rosebud County, Due: August 13, 1984, Contact: Anna May Orellana (202) 343-5854.

EIS No. 840295, Final, COE, NY, NJ, Ramapo and Mahwah Rivers Flood Control Plan, Bergen County, New Jersey and Rockland County, New York, Due: August 13, 1984, Contact: Ms. M. Lou Benard (212) 264-3609.

EIS No. 840296, Revised, COE, LA, Louisiana Coastal Area, Freshwater Diversion to Barateria and Breton Sound Basins, Due: August 30, 1984, Contact: Dennis Chew (504) 838-2523.

EIS No. 840297, Final, NOA, AS, Fagatele Bay National Marine Sanctuary, Designation, Island of Tutuila, American Samoa, Due: August 13, 1984, Contact: Nancy Foster (202) 634-4236.

EIS No. 840298, Draft, DEA, PRO, Cannabis Eradication of Federal Lands and Intermingled Forests and Rangelands, United States, Due: August 27, 1984, Contact: Thomas Byrne (202) 633-1271.

EIS No. 840299, Final, FHW, PA, Bainbridge Street Bridge, Replacement, Susquehanna River, Northumberland and Snyder Counties, Due: August 13, 1984, Contact: Louis Papet (717) 782-2222.

EIS No. 840300, FSuppl, FHW, IN, Washington-Maryland Streets Transit Mall, Construction, Marion County, Due: August 13, 1984, Contact: Lawrence Tucker (317) 269-7492.

Dated: July 10, 1984.

Frank Rusincovitch,

Acting Director, Office of Federal Activities.

[FR Doc. 84-18653 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51523A; TSH-FRL 2623-6]

Certain Chemicals; Premanufacture Notices: Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN exposure and environmental release/disposal data on a premanufacture notice (PMN) as required by section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hammett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm E-216, 401 M St., SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: In the FR Doc. 84-1595 beginning on page 24782 in the issue of Thursday, June 15, 1984, PMN 84-796 appearing on page 24782 is corrected to read as follows:

PMN 84-796

Manufacturer. Diamond Shamrock Chemicals Company.

Chemical. (G) Polyfunctional aziridine.

Use/Production. (G) Crosslinking agent for coating. Prod. range: Confidential.

Toxicity Data. Acute oral: 5,500 mg/kg; Irritation: Skin—Minimal, Eye—Inconsequential/severe; Inhalation: Not expected but may cause irritation; Skin sensitization: Hypersensitive individuals may become sensitive.

Exposure. Manufacture: dermal, a total of 12 workers, up to 2.4 hrs/da, up to 2.5 da/yr.

Environmental Release/Disposal. 0.03 kg/batch released to control technology with 1 kg/batch to land. 0.03 kg/batch disposed of by POTW.

Dated: July 2, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-18048 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51526; TSH-FRL 2623-5]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-four PMNs and provides a summary of each.

DATES: Close of Review Period:.

PMN 84-872 and 84-873—September 19, 1984.

PMN 84-874 and 84-875—September 22, 1984.

PMN 84-876 and 84-877, 84-878, 84-879, 84-880, 84-881, 84-882, 84-883, 84-884 and 84-885—September 23, 1984.

PMN 84-886, 84-887, 84-888, 84-889 and 84-890—September 24, 1984.

PMN 84-891, 84-892, 84-893, 84-894 and 84-895—September 25, 1984.

Written comments by:

PMN 84-872 and 84-873—August 20, 1984.

PMN 84-874 and 84-875—August 23, 1984.

PMN 84-876, 84-877, 84-878, 84-879, 84-880, 84-881, 84-882, 84-883, 84-884 and 84-885—August 24, 1984.

PMN 84-886, 84-887, 84-888, 84-889 and 84-890—August 25, 1984.

PMN 84-891, 84-892, 84-893, 84-894 and 84-895—August 26, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51526]" and the specific PMN number should be sent to:

Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3729).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460, (202-382-3532).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-872

Manufacturer. Confidential.

Chemical. (S) Polymer of: epsilon-caprolactam, isophorone diisocyanate, dibutyl thin dilaurate, polycaprolactone triol.

Use/Production. (S) Industrial baking enamels. Prod. range: 8,800-46,200 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2-3 workers, up to 4 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 5 kg/batch released to land. Disposal by landfill.

PMN 84-873

Manufacturer. Confidential.

Chemical. (G) Organo alumino silicate.

Use/Production. (G) Catalyst intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral. >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by Regional Treatment Center.

PMN 84-874

Manufacturer. Confidential.

Chemical. (G) Hydroxyl-terminated polyurethane.

Use/Production. (S) Industrial laminating adhesive as aqueous emulsion. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 187 da/yr.

Environmental Release/Disposal. 5 kg/batch released to land. Disposal by landfill.

PMN 84-875

Manufacturer. Confidential.

Chemical. (G) Isocyanate-terminated polyurethane.

Use/Production. (S) Industrial laminating adhesive as aqueous emulsion. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 215 da/yr.

Environmental Release/Disposal. 5 kg/batch released to land. Disposal by landfill.

PMN 84-876

Manufacturer. The Dow Chemical Company.

Chemical. (G) Hydroxypropyl methylcellulose.

Use/Production. (G) Water soluble polymeric thickener/rheology modifier. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to water. Disposal by incineration and navigable waterway after treatment.

PMN 84-877

Manufacturer. Confidential.

Chemical. (G) Polyamide polyether polymer.

Use/Production. (S) Softener for synthetic fibers. Prod. range: Confidential.

Toxicity Data. Acute oral: 15 ml/kg.

Exposure. Confidential.

Environmental Release/Disposal. Release to land. Disposal by incineration and landfill.

PMN 84-878

Manufacturer. Confidential.

Chemical. (G) Modified melamine/formaldehyde/alcohol resin.

Use/Production. (G) Used in the formulation of coatings finding a highly dispersive use. Prod. range: 212,000-248,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 39 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. 5 to 125 kg/batch released to land. Disposal by incineration and landfilled.

PMN 84-879

Manufacturer. Confidential.

Chemical. (G) Substituted heterocycle.

Use/Production. (G) An industrially applied coating with an open use. Prod. range: 12,000-55,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 34 workers, up to 8 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. 5 to 60 kg/batch released to land. Disposal by incineration and landfilled.

PMN 84-880

Manufacturer. Confidential.

Chemical. (G) Modified melamine formaldehyde polymer.

Use/Production. (G) Polymer intermediate. Prod. range: 40,700–50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 45 workers, up to 8 hrs/da, up to 17 da/yr.

Environmental Release/Disposal. 10 to 125 kg/batch released to land. Disposal by incineration and landfilled.

PMN 84–881

Manufacturer. Confidential.

Chemical. (G) Modified polymer of styrene with alkyl acrylate and alkyl methacrylates.

Use/Production. (G) Binder for an industrial coating with an open use. Prod. range: 450,000–2,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 23 workers, up to 8 hrs/da, up to 270 da/yr.

Environmental Release/Disposal. 15 to 60 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 84–882

Importer. Biosynth International Inc.

Chemical. (S) 3,5-dichloro-2-hydroxybenzenesulfonate, disodium.

Use/Import. (S) Industrial analytical reagents for clinical chemistry. Import range: 5.0–25 kg/yr.

Toxicity Data. No data submitted.

Exposure. Use: dermal, accidental spill.

Environmental Release/Disposal. No data submitted.

PMN 84–883

Manufacturer. Hach Company.

Chemical. (S) 1,10-phenanthroline 1:1 salt with p-toluenesulfonic acid (p-TSA).

Use/Production. (S) Site-limited and consumer powder mixture formulation. Prod. range: 45 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, a total of 1 worker, up to 4–6 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 0.5 to 2 kg released to water. Disposal by publicly owned treatment works (POTW).

PMN 84–884

Manufacturer. Lucidol Division, Pennwalt Corporation.

Chemical. (G) 1-methyl-1-phenylethyl peroxyester.

Use/Production. (G) Polymerization initiator. Prod. range: Confidential.

Toxicity Data. Acute oral: 15 g/kg; Irritation: Skin—Mild.

Exposure. Confidential.

Environmental Release/Disposal. Release to water. Disposal by plant wastewater treatment facility.

PMN 84–885

Manufacturer. Lucidol Division, Pennwalt Corporation.

Chemical. (G) Carboxylic acid chloride.

Use/Production. (S) Raw material in manufacture of peroxyesters. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation.

Environmental Release/Disposal. No release.

PMN 84–886

Manufacturer. Confidential.

Chemical. (G) Triazine derivative.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84–887

Manufacturer. Confidential.

Chemical. (G) Alkanedioic acid, alkyloxy sulfonyl, ammonium salt.

Use/Production. (G) Surfactant in cleaning compounds and emulsifier in emulsion polymerization. Prod. range: Confidential.

Toxicity Data. Irritation: Skin—Not a primary irritant, Eye—Irritant.

Exposure. Manufacture: dermal, a total of 5 workers, up to 2 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. 5 kg released to water and 0.2 kg to sample. Disposal by POTW.

PMN 84–888

Manufacturer. Confidential.

Chemical. (G) Substituted styrene.

Use/Production. (G) Chemical intermediate. Prod. range: 350–1,000 kg/yr.

Toxicity Data. Acute oral: Males and females >3,200 mg/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Low risk.

Exposure. Manufacture and use: dermal, a total of 6 workers, up to 0.6 hr/da, up to 18 da/yr.

Environmental Release/Disposal. No release. Less than 0.5 to 5 kg/batch incinerated.

PMN 84–889

Manufacturer. Confidential.

Chemical. (G) Substituted benzaldehyde.

Use/Production. (G) Chemical intermediate. Prod. range: 750–2,000 kg/yr.

Toxicity Data. Acute oral: Males and females—3,200 mg/kg; Irritation: Skin—Slight, Eye—Slight; Skin sensitization: Low potential.

Exposure. Manufacture and use: dermal and inhalation, a total of 8 workers, up to 1.3 hrs/da, up to 14 da/yr.

Environmental Release/Disposal. No release. Less than 1 kg/batch incinerated.

PMN 84–890

Manufacturer. Confidential.

Chemical. (G) Substituted polystyrene.

Use/Production. (G) Highly-controlled non-dispersive use in industrial process. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal and inhalation, a total of 8 workers, up to 1.5 hr/da, up to 4 da/yr.

Environmental Release/Disposal. No release. Less than 10 to 15 kg/batch incinerated.

PMN 84–891

Manufacturer. Confidential.

Chemical. (G) Expoxy polyurethane.

Use/Production. (G) Coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 4 hrs/da.

Environmental Release/Disposal. No release.

PMN 84–892

Manufacturer. Confidential.

Chemical. (G) Quaternized urethane polymer.

Use/Production. (G) Polymer intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 8 workers, up to 4 hrs/da.

Environmental Release/Disposal. No release.

PMN 84–893

Manufacturer. Confidential.

Chemical. (G) Blocked diisocyanate.

Use/Production. (G) Polymer intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 8 workers, up to 5 hrs/da.

Environmental Release/Disposal. No release.

PMN 84–894

Manufacturer. Confidential.

Chemical. (G) Aromatic amine derivative.

Use/Production. (G) Curing agent for thermosetting resins. Prod. range: Confidential.

Toxicity Data. Acute oral: >10 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Slight/minimal; Ames Test: Not mutagenic.

Exposure. Manufacture and processing: dermal, a total of 20 workers, up to 8 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. 0.1 to 1.5 kg/batch released. Disposal by POTW.

PMN 84-895

Importer. Confidential.

Chemical. (G) Substituted-substituted benzenesulfonic acid coupled with substituted-substituted benzenes and substituted-substituted naphthalenedisulfonic acid, sodium salt.

Use/Import. (S) Industrial leather colorant. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; IC_{50} 96 hr (Brachydanio rerio): >100 mg/l.

Exposure. Import and processing: dermal and inhalation, a total of 1 person/shift, 1 shift/da.

Environmental Release/Disposal. No release. Disposal by POTW and customer's treatment facility.

Dated: July 2, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-18049 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59162; TSH-FRL 2623-7]

Urethane Adduct, Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, annouces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: July 30, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59162]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 84-63

Close of Review Period. August 11, 1984.

Manufacturer. Confidential.

Chemical. (G) Urethane adduct.

Use/Production. (G) Used in a highly dispersive use as a component of an industrial coating material. Prod. range: 28,458 kg 1 month.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 9 workers, up to 3 hrs/da, up to 18 da/yr.

Environmental Release/Disposal. 10-20 kg/batch released to land. Disposal by incineration.

Dated: July 2, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84-18047 Filed 7-12-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51527; FRL-2628-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 84-896, 84-897 and 84-898—September 26, 1984.

PMN 84-899 and 84-900—September 29, 1984.

PMN 84-901, 84-902, 84-903, 84-904, 84-905, 84-906, 84-907, 84-908, 84-909, 84-910 and 84-911—September 30, 1984.

PMN 84-912, 84-913, 84-914 and 84-915—October 2, 1984.

Written comments by:

PMN 84-896, 84-897 and 84-898—August 27, 1984.

PMN 84-899, and 84-900—August 30, 1984.

PMN 84-901, 84-902, 84-903, 84-904, 84-905, 84-906, 84-907, 84-908, 84-909, 84-910 and 84-911—August 31, 1984.

PMN 84-912, 84-913, 84-914 and 84-915—September 2, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51527]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, DC 20460, (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

PMN 84-896

Importer. Biosynth International, Inc.

Chemical. (S) Indole-3-acrylic acid.

Use/Import. (S) Industrial biotechnology synthetic operon inducer. Import range: 3 to <10 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84-897

Importer. Biosynth International, Inc.

Chemical. (S) 3,3',5,5'-tetramethylbenzidine dihydrochloride.

Use/Import. (S) Industrial analytical biochemistry reagent.

Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Import and use: dermal.
Environmental Release/Disposal. Accidential spill.

PMN 84-898

Manufacturer. Hercules Incorporated.
Chemical. (G) Polyester polyol.
Use/Production. (G) Destructive use—chemical intermediate, polymer manufacture. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers, up to 1–2 hr/da, up to 150 da/yr.
Environmental Release/Disposal. 2 to 20 kg/batch released to land. Disposal by incineration or landfill.

PMN 84-899

Manufacturer. Confidential.
Chemical. (G) Polyether polyol oligomer.
Use/Production. (G) Crosslinker oligomer. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. 0.05 kg to 200 kg/day release, released to land. Disposal by approved landfill.

PMN 84-900

Importer. Confidential.
Chemical. (S) 1,3,5-triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris(2,3-dibromopropyl)-.
Use/Import. (S) Industrial fire retardant in polypropylene and in other synthetic polymer. Import range: Confidential.
Toxicity Data. Acute oral: >16g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames Test: Non-mutagenic; BOD: (6 days) Biodegraded.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84-901

Manufacturer. Confidential.
Chemical. (S) Bis(tetrabromobisphenol A)Bis(tribromophenyl) ethylenetetracarbonate.
Use/Production. (S) Flame retardant for plastics. Prod. range: Confidential.
Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Minimal; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizer.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84-902

Manufacturer. Confidential.
Chemical. (S) Hexabramodiphenyl amine.
Use/Production. (S) Site-limited flame retardant intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: Males and females—>5 g/kg; Acute dermal: Males and female—>2 g/kg; Irritation: Skin—Minimal, Eye—Minimal; Inhalation: >4.1 mg/1; Ames Test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84-903

Manufacturer. Confidential.
Chemical. (G) N-Methylhexabromodiphenyl amine.
Use/Production. (S) Industrial, commercial and consumer flame retardent for plastics. Prod. range: Confidential.
Toxicity Data. Acute oral: Males and females—5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—Non-irritant, Eye—Mininal; Ames Test: Non-mutagenic; Skin sensitizer: Non-sensitizer.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84-904

Importer. Daniel Products Company.
Chemical. (G) Unsaturated polyester resin.
Use/Production. (S) Commercial powder coating resins which will be used to produce powdered paint formulations and which will be applied primarily to metal substrates that can be used to coat appliances such as refrigerators, washing machines, bicycles, automobiles parts, etc. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84-905

Importer. Daniel Products Company.
Chemical. (G) Rosin modified phenolic resin.
Use/Import. (S) Commercial resins to be used in printing ink formulations, which can be used for magazines, can and packaging labels, and any other printing matters. Prod. range: 100 tons/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84-906

Importer. Daniel Products Company.
Chemical. (G) Unsaturated polyester resin.
Use/Import. (S) Commercial powder coating resins that can be used to produce powdered paint formulations which would be applied primarily to metal substrates and can be used to coat appliances such as refrigerators, washing machines, bicycles, automobile parts, etc. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84-907

Importer. Daniel Products Company.
Chemical. (G) Rosin modified phenolic resin.
Use/Import. (G) Binder resin to be used in printing ink formulations that can be used for magazines, can and packaging labels, and any other printing matter. Import range: Approx. 100 ton/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84-908

Manufacturer. Confidential.
Chemical. (G) Functional polyester.
Use/Production. (G) Industrial coating component. Prod. range: 50,000–200,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 32 workers, up to 8 hrs/da, up to 67 da/yr.
Environmental Release/Disposal. 10 to 50 kg/batch released to land. Disposal by incineration and approved landfill.

PMN 84-909

Manufacturer. Confidential.
Chemical. (G) Modified alkyl resin.
Use/Production. (G) Printing ink component. Prod. range: 50,000–150,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 120 workers, up to 8 hrs/da, up to 260 da/yr.
Environmental Release/Disposal. 0.05 to 25 kg/batch released to land. Disposal by incineration.

PMN 84-910

Importer. Confidential.
Chemical. (S) Phenol, *p*-allyl-.
Use/Import. (G) Highly dispersive use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

PMN 84-911

Manufacturer. Naarden International USA, Inc.

Chemical. (S) Cyclododecane, (2-methoxyethoxy)-.
Use/Production. (S) Used in fragrance compounds at 1—10%. The fragrance compounds will be used in soaps, detergents, household products, cosmetic and toiletries and fine perfumery products. Prod. range: 100–1,000 kg/yr.
Toxicity Data. Acute oral: 10,300 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant; Skin sensitization: Non-sensitizer; LC_0 6—24 hr (Daphnia magna): 1,9 mg/1; LC_{50} 6—24 hr (Daphnia magna): 3,8 mg/l; LC_{100} 6–24 hr (Daphnia magna): 6,6; LC_0 (Fish test): 7,0 mg/l; LC_{50} (Fish test): 9,8 mg/l; LC_{100} (Fish test): 13,0 mg/l.
Exposure: Manufacture and use: dermal, a total of 5 workers, up to 6 hrs/da, up to 4 da/yr.
Environmental Release/Disposal. Trace release to air. Disposal by venting.

PMN 84–912

Importer. American Hoechst Corporation.
Chemical. (S) Benzoxazolium, 5-chloro-2-[2-[[5-chloro-3-(4-sulfobutyl)-2(3H)-benzoxazolylidene]methyl]-1-butenyl]-3-(4-sulfobutyl)-,triethyl ammonium salt.
Use/Importer. (S) Sensitizer for photographic products. Import range: 100–250 kg/yr.
Toxicity Data. No data submitted.
Exposure. Import and processing: a total of 1–2 workers, up to 50–60 manhours/yr.
Environmental Release/Disposal. Negligible. Disposal will occur during processing operation.

PMN 84–913

Manufacturer. Anitec Image Corporation.
Chemical. (G) N,N'-bis(2-(2-(3-alkyl) thiazoline)vinyl)-1,4-phenylene diamine double salt.
Use/Production. (S) Photographic sensitizing dye. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84–914

Importer. Confidential.
Chemical. (S) Benzoic acid, 4-hydroxy-3-methoxy-, ethyl ester.
Use/Import. (G) Highly dispersive use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84–915

Manufacturer. Confidential.
Chemical. (G) Acrylic modified alkyl resin.
Use/Production. (S) Commercial vehicle for alkyd—acrylic paint. Prod. range: 228,000–300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 8 workers, up to 3 hrs/da, up to 48 da/yr.
Environmental Release/Disposal. 2 to 5 kg/batch released to land. Disposal by controlled approved landfill.

Dated: July 9, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84–18601 Filed 7–12–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59163; FRL–2629–7]

Fatty Acid Ester; Test Market Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: July 30, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS–59163]" and the specific TME number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street SW., Washington, DC 20460 (382–3736).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

TME 84–64

Close of Review Period. August 12, 1984.
Manufacturer. Confidential.
Chemical. (G) Fatty acid ester.
Use/Production. (G) Obtain consumer acceptance of a new laundry product. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

Dated: July 9, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84–18609 Filed 7–12–84; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1467]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration 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: Amendments of Parts 2 and 22 of the Commission's Rules to Allocate Spectrum in the 929–941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public Land Mobile Radio Service. (Gen Docket No. 80–183, RM's 2365, 2750, 3047 & 3068)

Filed By: Russell D. Lukas & Thomas Gutierrez, Attorneys for National Satellite Paging, Inc., on 6–29–84. Richard B. Severy, Attorney for National Message Network on 6–29–84.

Subject: Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network and Notice of Inquiry into Standards for

Inclusion of One and Two-Line Business and Residential Premises Wiring and Party Line Service in Part 68 of the Commission's Rules. (CC Docket No. 81-216, RM's 2845, 2930, 3195, 3206, 3227, 3283, 3316, 3329, 3348, 3501, 3526, 3530 & 4054)

Filed By: Albert H. Kramer, Attorney for North American Telecommunications Association on 6-18-84. Robert W. Barker & Robert B. McKenna, Attorneys for The Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company & Pacific Northwest Bell Telephone Company on 6-22-84. Alan L. Pepper & Larry S. Solomon, Attorneys for National Burglar and Fire Alarm Association on 6-22-84.

Subject: Repeal of the "Regional Concentration of Control" Provision of the Commission's Multiple Ownership Rules. (MM Docket No. 84-19, RM-4564)

Filed By: Henry Geller and Donna Lampert on 5-23-84.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-18592 Filed 7-12-84; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

July 9, 1984.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511

Copies of these submissions are available from Doris Peacock, Agency Clearance Officer, (202) 632-7513. Persons wishing to comment on this information collection should contact Martin Wagner Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4841.

OMB No. 3060-0018

Title: Application for Renewal of License for Translator or Low Power Television Broadcast Station

Form No. FCC 348

Action. Extension

Respondents: Licensees of translator and low power TV stations seeking license renewal

Estimated Annual Burden: 1,000 Respondents. 250 Hours.

OMB No. 3060-0110

Title: Application for Renewal of License for Commercial and Noncommercial AM, FM or TV Broadcast Stations

Form No. FCC 303-S

Action: Extension

Respondents: Licensees of commercial and noncommercial AM, FM and TV broadcast stations seeking license renewal

Estimated Annual Burden: 1,539 Respondents; 770 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84-18593 Filed 7-12-84; 8:45 am]

BILLING CODE 6712-01-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

Czechoslovakian Claims Program; Extension of Program Deadlines

AGENCY: Foreign Claims Settlement Commission.

ACTION: Amendment to Prior Notice.

FOR FURTHER INFORMATION CONTACT: David H. Rogers, General Counsel Foreign Claims Settlement Commission 1111 20th Street NW, Washington, D.C. 20579, Telephone No. (202) 653-5883.

On February 24, 1982, the Commission gave notice in the **Federal Register**, Vol. 47, No. 37, page 8092, of the period for filing claims under the Czechoslovakian Claims Settlement Act of 1981 (Pub. L. 97-127) and the deadline for the completion of the program for claims against Czechoslovakia. In order to provide the maximum time allowable under the statute for the receipt of evidence being provided by the Government of Czechoslovakia under the terms of the Agreement between the Government of the United States of America and the Government of the Czechoslovak Socialist Republic on the Settlement of Certain Outstanding Claims and Financial Issues, signed on January 29, 1982, the dates previously set forth for the termination of the period for filing claims under Pub. L. 97-127 and for the completion of the Commission's activities with respect to all claims against the Government of Czechoslovakia are hereby amended to read February 24, 1983 and February 24, 1985, respectively.

Bohdan A. Futey,

Chairman.

[FR Doc. 84-18591 Filed 7-12-84; 8:45 am]

BILLING CODE 4410-01-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, N.W., 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.: 224-010609.

Title: Jersey City Terminal Agreement.

Parties:

Global Terminal & Container Services, Inc. (Global)

American Costal Line Joint Venture Inc. (ACLJVI)

Synopsis: The agreement provides for Global to provide ACLJVI stevedoring and terminal services at Global's facility in New Jersey, N.J. for ACLJVI's northern Europe service to New York, N.Y. The term of the agreement shall start upon its acceptance by the Commission and will continue in effect unless canceled by either party upon sixty-days' written notice. All demurrage charges will be assessed according to Global's Terminal Tariff No. 1.

Agreement No.: 224-010610.

Title: Oakland Terminal Agreement.

Parties:

Port of Oakland (Port)

Johnson Scanstar (JS)

Synopsis: The agreement provides that the Port will assign to JS certain premises at its Charles P. Howard Terminal. The premises will be used for the handling of JS's vessels and related terminal operations in its Europe-Mexico-West Coast North America container service. The Port's Tariff No. 2 shall apply to JS's use of the premises. JS agrees that the assigned premises shall be the published, regularly scheduled northern California port of call for JS's vessels. The payment to the Port of dockage and wharfage charges are as provided in the agreement. The term of the agreement is for five years commencing with the first month following Commission acceptance.

Dated: July 10, 1984.

By order of the Federal Maritime Commission.

Francis C. Hurley,

Secretary.

[FR Doc. 84-18631 Filed 7-12-84; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., 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 section 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.: 204-010066-005.

Title: U.S. Atlantic & Pacific—Columbia Equal Access Agreement.

Parties:

Coordinated Caribbean Transport, Inc.

Delta Steamship Lines, Inc.

Flota Mercante Grancolombiana, S.A.

Synopsis: The proposed amendment would extend the term of the agreement through February 21, 1987.

Dated: July 10, 1984.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Assistant Secretary.

[FR Doc. 84-18627 Filed 7-12-84; 8:45 am]

BILLING CODE 6730-01-M

ADVISORY COMMITTEE ON FEDERAL PAY

Adjustment in Federal Pay for October 1984; Public Discussions

The Advisory Committee on Federal Pay announces that public discussions of the adjustment in Federal pay for October 1984 have been scheduled for Thursday, August 16, in Suite 600, 1730 K Street, N.W. They will start at 10:00 a.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee should notify the Committee by August 10. The telephone number is 653-6193. Written comments should also reach the Committee by August 10—Suite 205, 1730 K Street, N.W., Washington, D.C. 20006. Both written submissions and requests for an opportunity to discuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by Section 5306 of Title 5, United States Code (Pub. L. 91-656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the politics of Section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Lucretia Dewey Tanner,

Executive Director.

[FR Doc. 84-18581 Filed 7-12-84; 8:45 am]

BILLING CODE 6820-43-M

FEDERAL RESERVE SYSTEM

Alaska Mutual Bancorporation; Application to Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (49 FR 794) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 1, 1984.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President), 101 Market Street, San Francisco, California 94105:

1. *Alaska Mutual Bancorporation*, Anchorage, Alaska; to engage *de novo* through its subsidiary, AMB Leasing, Inc., Anchorage, Alaska, in the activity of leasing equipment.

Board of Governors of the Federal Reserve System, July 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18554 Filed 7-12-84; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (49 FR 794) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute

and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 3, 1984.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Commercial Bancshares, Inc.*, Jersey City, New Jersey; to acquire 8.8 percent of the voting shares of First National Bank and Trust Company of Kearny, Kearny, New Jersey.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National Cincinnati Corporation*, Cincinnati, Ohio; to acquire 100 percent of the voting shares of Preble County National Bank, Eaton, Ohio.

2. *Manchester Bancorp, Inc.*, Manchester, Kentucky; to merge by acquiring 100 percent of the voting shares of each of the following bank holding companies: United Danville, Inc., Danville, Kentucky, thereby indirectly acquiring the Bank of Danville, Kentucky; London Bancshares, Inc., London, Kentucky; thereby indirectly acquiring the London Bank and Trust Company, London, Kentucky; and Jessamine Bancshares, Inc., Nicholasville, Kentucky; thereby indirectly acquiring the First National Bank and Trust Company, Nicholasville, Kentucky.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *The Chattahoochee Financial Corporation*, Marietta, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Chattahoochee Bank, Marietta, Georgia.

2. *Colony Bankcorp, Inc.*, Fitzgerald, Georgia; to acquire 100 percent of the voting shares of Ashburn Bank, Ashburn, Georgia.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Washco Bancshares, Inc.*, Potosi, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of Irondale Bank, Irondale, Missouri.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Island Bankshares, Inc.*, Long Island, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Commercial State Bank, Long Island, Kansas.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas Texas 75222:

1. *Lewco Bancshares, Inc.*, Shamrock, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First Bank & Trust, Shamrock, Texas.

Board of Governors of the Federal Reserve System, July 9, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-18555 Filed 7-12-84; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 84-0496—The Valspar Corporation's proposed acquisition of assets of Mobil Corporation.	June 11, 1984.
(2) 84-0508—VCMI Corporation's (Vance C. Miller, UPE) proposed acquisition of voting securities of Pacific Construction Corporation, (TeCe Corporation, UPE).	Do.
(3) 84-0522—Dividend Industries, Incorporated's (Douglas Watson, UPE) proposed acquisition of assets of Ditz Crane, (McKesson Corporation, UPE).	Do.
(4) 84-0523—Dividend Industries, Incorporated's, (Richard Oliver, UPE) proposed acquisition of assets of Ditz Crane, (McKesson Corporation, UPE).	Do.
(5) 84-0485—Nippon Kokan Kabushiki Kaisha's proposed acquisition of voting securities of National Steel Corporation, (National Intergroup Incorporated, UPE).	June 12, 1984.
(6) 84-0510—MCO Holdings Incorporated's proposed acquisition of voting securities of Ensource Incorporated.	Do.
(7) 84-0509—Trico Industries, Incorporated's proposed acquisition of voting securities of Kobe Incorporated, (Baker International Corporation, UPE).	June 13, 1984.
(8) 84-0519—Nippon Kokan Kabushiki Kaisha's proposed acquisition of voting securities of Iron Ore Company, of Canada.	June 12, 1984.
(9) 84-0527—The British Petroleum Company's plc proposed acquisition of assets of Mid Valley Pipeline Company, (Sun Company Incorporated, UPE).	June 14, 1984.
(10) 84-0548—The Fulcrum Partnership's proposed acquisition of voting securities of Schult Homes Corporation, (Inland Steel Company, UPE).	Do.
(11) 84-0561—H. H. Acquiring Corporation's proposed acquisition of voting securities of Harte Hanks Communication Corporation.	Do.
(12) 84-0541—St. Luke's Health Care of Milwaukee proposed acquisition of assets of Good Samaritan Medical Center Incorporated.	June 18, 1984.
(13) 84-0546—Proposed formation of a joint venture corporation between Dresser Industries, Incorporated and Titan Services, Incorporated.	June 19, 1984.
(14) 84-0547—Proposed formation of a joint venture corporation between Aetna Life and Casualty Company and Titan Services, Incorporated.	Do.
(15) 84-0530—Atlantic Financial Federal's proposed acquisition of voting securities of San Francisco Bancorp.	June 20, 1984.
(16) 84-0532—Jefferson Smurfit Group Limited's proposed acquisition of voting securities of Southwest Forrest Industries, Incorporated.	Do.
(17) 84-0550—SFN Companies Incorporated's proposed acquisition of assets of Channel Nine of Orlando.	Do.
(18) 84-0552—The News Corporation Limited's proposed acquisition of assets of New Woman, Incorporated, (Margaret Harold Whitehead, UPE).	Do.
(19) 84-0553—Warburg Pincus & Company's proposed acquisition of voting securities of SFN Companies Incorporated.	Do.
(20) 84-0564—Walt Disney Production proposed acquisition of voting securities of Gibson Greetings Incorporated.	Do.
(21) 84-0563—Warburg, Pincus Capital Partners, L.P. proposed acquisition of voting securities of Mattel Incorporated.	June 21, 1984.
(22) 84-0571—Reed International P.L.C.'s proposed acquisition of voting securities of Frazee Industries, Incorporated.	Do.
(23) 84-0591—Voting Trust Hallmark Cards Incorporated's proposed acquisition of voting securities of Binney & Smith Incorporated.	Do.
(24) 84-0597—MacAndrews & Forbes Holdings, Incorporated, (Ronald Perelman, UPE) proposed acquisition of voting securities of Consolidated Cigar Holdings Ltd.	Do.
(25) 84-0551—Roxboro Investments, (1976) Ltd. proposed acquisition of voting securities of Blue Bell Incorporated.	June 25, 1984.
(26) 84-0580—St. Regis Corporation's proposed acquisition of voting securities of Colonial Penn Group Incorporated.	Do.
(27) 84-0609—Meshulam Riklis' proposed acquisition of voting securities of Meshulam Riklis, (Otasco, Incorporated, UPE).	Do.
(28) 84-0525—Allied Products Corporation's proposed acquisition of assets of Avco Corporation.	June 26, 1984.
(29) 84-0526—Mobil Corporation's proposed acquisition of assets of Florida Service Stations, (Sun Company, Incorporated, UPE).	Do.

Transaction	Waiting period terminated effective
(30) 84-0592—Cookson Group plc's proposed acquisition of assets of The Stern Metals, Company, Incorporated.	Do.
(31) 84-0533—Cargill Incorporated's proposed acquisition of assets of ACLI International Incorporated, (Donaldson Lufkin & Jenrette, Incorporated).	June 27, 1984.
(32) 84-0557—Edison Brothers Stores, Incorporated's proposed acquisition of assets of Shoe World Incorporated and Shoe World Incorporated of Maryland, (Paul Gussin and Jocelyne Gussin, UPE's).	Do.
(33) 84-0568—SHER Partnership's proposed acquisition of assets of Northern Food plc.	Do.
(34) 84-0583—Smith Barney Real Estate Fund's proposed acquisition of assets of McNeil Real Estate Fund V Ltd.	Do.
(35) 84-0598—Roundy's Incorporated's proposed acquisition of assets of Scot Lad Foods, Incorporated, (Farm House Foods, Corporation, UPE).	Do.
(36) 84-0602—TDC Development Corporation's proposed acquisition of voting securities of Schiller, Incorporated.	Do.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Benjamin I. Besman,

Acting Secretary.

[FR Doc. 84-18578 Filed 7-12-84; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on July 6.

Public Health Service

Alcohol Drug Abuse, and Mental Health Administration

Subject: The Diagnosis and Management of Psychopathology in Children in Primary Health Care Setting—New Collection
Respondents: Parents and children using a pediatric clinic of a selected prepaid health maintenance organization during one year, and their pediatritions
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Antibiotic Application (0910-0055)—Reinstatement
Respondents: Drug manufacturers
OMB Desk Officer: Bruce Artim

Office of the Assistant Secretary for Health

Subject: 1985 National Health Interview Survey (Second Pretest and Main Survey) (0937-0021)—Revision
Respondent: Individuals
OMB Desk Officer: Fay S. Iudicello

National Institutes of Health

Subject: Guest Researcher Assignment Form (0925-0177)—Extension/no change
Respondents: Individuals
Subject: Staff Fellowship Application Form and Instructions (0925-0005)—Reinstatement
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Applications and Discontinuances for Aid to Families with Dependent Children (AFDC) and Medicaid (SSA-3800) (0960-0148)—Extension/no change
Respondents: State and local governments
Subject: 1985 Supplemental Security Income Survey (Conceptual Clearance) and Questionnaire—New collection
Respondents: Individuals
OMB Desk Officer: Robert J. Fishman

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer).

Dated: July 9, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-18481 Filed 7-12-84; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 84V-0066]

Availability of Approved Variance for the Signa Magnetic Resonance System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by FDA's Center for Devices and Radiological Health (CDRH), for the Signa Magnetic Resonance System manufactured by the General Electric Co. The electronic product employs helium-neon lasers to provide a pattern of alignment lines for proper positioning of the patient prior to a nuclear magnetic resonance diagnostic scan.

DATES: The variance became effective March 29, 1984, and ends March 29, 1989.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted the General Electric Co., P.O. Box 414, Milwaukee, WI 53201, a variance from § 1040.10(f)(6) (21 CFR 1040.10(f)(6)) of the performance standard for laser products for the Signa Magnetic Resonance System.

The specific requirements of the standard for which a variance has been granted pertain to the provisions of § 1040.10(f)(6) that otherwise would require the Signa Magnetic Resonance System to be equipped with beam attenuators to reduce the laser radiation output of the helium-neon laser for patient alignment to below Class I limits. All other provisions of the performance standard remain applicable to the product.

CDRH has determined that: (a) The requirement of § 1040.10(f)(6) is not appropriate for the product; and (b) suitable means of radiation safety and protection are provided by constraints on the physical and optical design, by warnings in the user manual and on the product, and by procedures for personnel who will operate the product. Therefore, on March 29, 1984, FDA approved the requested variance by letter to the manufacturer from the Deputy Director of CDRH.

So that the product may show evidence of the variance approved for the manufacturer, the Signa Magnetic Resonance System shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 6, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18566 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83V-0316]

General Electric Co.; Availability of Approved Variance for Diagnostic X-Ray Systems

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for diagnostic x-ray systems and their major components has been approved by FDA's Center for Devices and Radiological Health (CDRH) for replacement x-ray tube housing assemblies manufactured by the General Electric Co. that are reloaded by company personnel with x-ray tube inserts manufactured by the company.

DATES: The variance became effective May 7, 1984, and ends May 7, 1994.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn Conklin, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), FDA has granted the General Electric Co., P.O. Box 414, Milwaukee, WI 53201 (GE), a variance from § 1020.30(d) (1), (2), and (3) (21 CFR 1020.30(d) (1), (2), and (3) of the performance standard for diagnostic x-ray systems and their major components for its replacement x-ray tube housing assemblies.

The specific requirements of the standard for which a variance has been granted pertain to the provisions of § 1020.30(d) (1), (2), and (3) that require all assemblers who install certified components into an x-ray system to file a report of such assembly with CDRH, the purchaser, and, where applicable, with the State agency responsible for radiation protection. All other provisions of the performance standard remain applicable to the product.

The assembler's report required by § 1020.30(d) is intended to assure compliance with the performance standard for diagnostic x-ray systems and their major components when x-ray components are assembled by a person other than the manufacturer of the component. In GE's case, the company carries through the entire manufacturing process; there are no other manufacturers involved. Thus, the assembler's report becomes unnecessary paperwork when adequate records are maintained.

CDRH has determined that: (a) The requirements of § 1020.30(d) (1), (2), and (3) are not appropriate for the product; and (b) suitable means of radiation safety and protection are provided by constraints on the physical optical design and on the labeling of the product. Therefore, on May 7, 1984, FDA approved the requested variance by letter to the manufacturer from the Deputy Director of CDHR.

Under terms of the variance, a replacement tube housing assembly may be installed only in the system from which it was removed or in a system from which a tube housing assembly having the same model numbers as the replacement was removed. Further, records required by §§ 1002.30 and 1002.40 (21 CFR 1002.30 and 1002.40) shall be maintained for all replacement tube housing assemblies. The assembler of record is to date and sign the written record providing information required by §§ 1002.30 and 1002.40. CDRH will consider the signed record, if maintained as required, to constitute GE's certification that it followed the manufacturer's (i.e., its own) assembly instructions and installed the type of component called for by the performance standard, and that the reassembled diagnostic source assembly has been adjusted and tested for compliance with §§ 1020.30 and 1020.31.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 6, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-18565 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Health Maintenance Organizations

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice; qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be federally qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Associate Director for Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Room 9-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4106.

SUPPLEMENTARY INFORMATION: Regulations (42 CFR 110.605(d)) issued under Title XIII of the Public Health Service Act (the Act) require that a list and description of all newly qualified HMOs be published on a periodic basis in the **Federal Register.** This notice is an accumulation of information regarding those HMOs that have been qualified since the last such list was published on January 18, 1984. There are three categories of qualified HMOs: operational, transitionally qualified, and preoperational (see 42 CFR 110.602 and 110.603). This list includes HMOs that have changed from one category to another.

The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)): (Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. South Florida Group Health, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 8001 N.W. 36th Street, Suite 103, Miami,

Florida 33166. Qualification was approved for South Florida Group Health, Inc., as a reorganized entity under new management and sponsorship. The service area comprises Dade County, Florida.

Date of qualification: September 20, 1983.

2. Free State Health Plan, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 7800 York Road, Baltimore, Maryland 21204. The service area comprises the following zip codes in Maryland:

21001, 21009, 21013, 21014, 21017, 21018, 21020, 21021, 21022, 21023, 21027, 21028, 21030, 21031, 21033, 21040, 21041, 21043, 21047, 21050, 21056, 21057, 21061, 21071, 21074, 21076, 21077, 21080, 21082, 21083, 21084, 21085, 21087, 21090, 21092, 21093, 21101, 21104, 21112, 21117, 21122, 21123, 21128, 21130, 21131, 21133, 21136, 21152, 21153, 21155, 21156, 21162, 21163, 21201, 21202, (21204 thru 21231), 21234, 21236, 21237, 21239, 21240, 21241

Date of qualification: November 22, 1983.

3. Pomona Valley Health Plan (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 146 Nemaha Street, Pomona, California 91767. On January 23, 1981, Pomona Valley Health Plan was approved as a transitionally qualified HMO (see 42 CFR 110.603 (b)). On November 29, 1983, Pomona Valley Health Plan was officially notified that it had successfully completed its transitional phase and was deemed to be an operational qualified HMO. The service area comprises the following zip codes in Los Angeles and San Bernardino Counties:

Los Angeles

91711, 91740, 91750, 91765, 91766, 91767, 91768, 91773

San Bernardino

91701, 91710, 91730, 91739, 91743, 91759, 91761, 91762, 91763, 91764, 91786

Effective date: November 29, 1983.

4. Columbia Medical Plan, Inc. (Medical Group Model, see section 1310(b)(1) of the Act), 5829 Banneker Road, Columbia, Maryland 21044. On December 3, 1980, Columbia Medical Plan, Inc., was approved as a transitionally qualified HMO (see 42 CFR 110.603(b)). On December 14, 1983, Columbia Medical Plan, Inc., was officially notified that it had successfully completed its transitional phase and was deemed to be an operational qualified HMO. The service area comprises the following zip codes in the following counties.

Anne Arundel

20701, 20755, 20794, 20863, 21077, 21090, 21108, 21113, 21144, 21240, (21054, and 21061 west of State Route 3)
(21122 north of State Route 177, east of State Route 173)
(21226 east of State Route 173)

Baltimore

21055, 21133, 21201, 21207, 21216, 21223, 21225, 21228, 21229, 21230, 21235

Carroll

21080, 21735, 21784

Howard

20759, 20777, 21029, 21036, 21043, 21044, 21045, 21046, 21076, 21083, 21104, 21150, 21163, 21227, 21734, 21737, 21738, 21794

Montgomery

(20702, 20730, 20860, 20868, 20904, 20906, 20910, 20729, and 20832 east of State Route 97)
(20303 north of Interstate Route 495)

Prince Georges

20704, 20705, 20715, 20716, 20801, 10810, 20811, 20813, 21033

Effective date: December 14, 1983.

5. Constitution Health Network (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), Silas Deane Office Center, 20–30 Beaver Road, Wethersfield, Connecticut 06109. The service area comprises all of Hartford and Tolland Counties.

Date of qualification: January 1, 1984. (Achieved preoperational qualification on December 1, 1983.)

6. Health Care Plus, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), P.O. Box 1960, 154 North Emporia, Wichita, Kansas 67201. On November 16, 1983, the for-profit entity, HCP Corporation, agreed to purchase the assets and assume the liabilities of the not-for-profit Health Care Plus, Inc., a federally qualified HMO comprising two regional components. HCP Corporation began operation as an HMO on January 1, 1984, at which time its name was officially changed to Health Care Plus, Inc. Subsequently, the for-profit Health Care Plus, Inc., was approved for Federal qualification, and the Federal qualification of the former, not-for-profit corporation, Health Care Plus, Inc., was voluntarily relinquished. The service area for the Wichita regional component comprises Sedgwick County. The service area for the Lawrence regional component comprises Douglas County.

Date of qualification: January 17, 1984.

7. Maxicare Health Plan of Missouri, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 500 Northwest Plaza, Suite 515, St. Ann, Missouri 63074. The service area comprises portions of Missouri and Illinois as follows:

Missouri

St. Louis City
St. Louis County
St. Charles County
Jefferson County

Illinois

Madison County, St. Clair County, Monroe County, Calhoun County, Jersey County
Zip codes 63379 and 63362 in Lincoln County, Missouri
Zip codes 63084, 63077, and 63090 in Franklin County, Missouri
Zip codes 63390 and 63383 in Warren County, Missouri

Date of Qualification: February 13, 1984.

8. Maxicare Utah, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 515 South Seventh Street East, Salt Lake City, Utah 84102. The service area comprises the following zip codes in Utah:

84003, 84006, 84010, 84014, 84015, 84017, 84018, 84020, 84024, 84025, 84029, 84032, 84033, 84037, 84040, 84041, 84043, 84044, 84047, 84049, 84050, 84054, 84056, 84060, 84061, 84062, 84065, 84067, 84070, 84074, 84084, 84087, 84090, 84091, 84092, (84101 thru 84122), 84125, 84126, 84148, 84302, 84307, 84310, 84315, 84317, 84328, 84340, 84401, 84402, 84403, 84404, 84405, 84409

Date of qualification: February 13, 1984.

9. Chicago HMO Ltd. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 737 N. LaSalle Street, Chicago, Illinois 60610. On July 26, 1983, the for-profit entity, National Comprehensive Services, Inc. (NCS), agreed to purchase the assets and assume the liabilities of the not-for-profit Chicago HMO, a federally qualified HMO. Pursuant to this agreement, NCS designated National Comprehensive Services of Illinois (NCS Illinois), a wholly owned subsidiary of NCS, as recipient of its interest in Chicago HMO. Subsequently, the for-profit NCS Illinois was approved for Federal qualification, and the Federal qualification for the former, not-for-profit entity, Chicago HMO, was voluntarily relinquished. On February 28, 1984, NCS Illinois officially changed its name to Chicago HMO Ltd. The service area comprises Cook, Lake, and DuPage Counties.

Date of qualification: February 21, 1984.

10. Compcare Health Services Insurance Corporation (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 401 West Michigan Street, Milwaukee, Wisconsin 53201. On January 1, 1984, the for-profit entity, Compcare Health Services Insurance Corporation, agreed to purchase the assets and assume the liabilities of the not-for-profit Compcare Health Services, Inc., a federally qualified HMO comprising two regional components. Compcare Health Services Insurance Corporation began operation as an HMO on January 1, 1984, and was subsequently approved for Federal qualification. Simultaneous with such approval, the Federal qualification for the former, not-for-profit entity, Compcare Health Services, Inc., was voluntarily relinquished.

The service area for Milwaukee regional component comprises the following zip codes in the following counties:

Milwaukee

53110, 53129, 53130, 53132, 53154, 53172, 53193, (53202 thru 53228)

Ozaukee

53012, 53024, 53092

Washington

53012, 53017, 53022, 53033, 53037, 53076, 53086

Waukesha

53005, 53007, 53029, 53051, 53072, 53122, 53130, 53150, 53151, 53186

The service area for the Madison regional component (see number 25 following) comprises all of Dane County, and the following zip codes in the following counties:

Columbia County

53911, 53925, 53928, 53932, 53955, 53960, 53969

Green County

53502, 53570, 53574

Rock County

53534

Date of qualification: February 21, 1984.

11. HMO Illinois, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 233 North Michigan Avenue, Chicago, Illinois 60610. On February 1, 1984, the for-profit entity, HMO Illinois, Inc. (HMOI), agreed to purchase the assets and assume the liabilities of the not-for-profit HMO Illinois, Inc., a federally qualified HMO comprising four regional components. HMOI (for-profit) began operation as an HMO on February 1, 1984, and was subsequently approved for Federal qualification along with the approval of two additional regional components (see numbers 28 and 29 following). Simultaneous with such approval, the Federal qualification for HMOI (not-for-profit) was voluntarily relinquished.

The service areas for the six regional components follow.

(i) Health Assurance Plan of Chicago, Illinois: Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will Counties in Illinois, and Lake and Porter Counties in Indiana.

(ii) Shawnee Health Assurance Plan of Carbondale, Illinois: Franklin, Jackson, and Perry Counties.

(iii) Abraham Lincoln Health Assurance Plan of Lincoln, Illinois: Logan County.

(iv) Vermilion Health Assurance Plan of Danville, Illinois: Champaign, Ford, Iroquois, and Vermilion Counties in Illinois, and Fountain, Vermillion, and Warren Counties in Indiana.

(v) Link Clinic Health Assurance Plan of Mattoon, Illinois: Coles, Cumberland, Douglas, Edgar, Effingham, Moultrie, and Shelby Counties.

(vi) Blackhawk Health Assurance Plan of Rockford, Illinois: Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago Counties.

Date of qualification: February 27, 1984

12. Centroplex Health Plan, Inc. (Medical Group Model, see section 1310(b)(1) of the Act), 2401 South 31st Street, Temple, Texas 76508. The service area comprises Bell and Coryell Counties.

Date of qualification: February 27, 1984

13. HealthAmerica Corporation of Ohio (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 2800 Euclid Avenue, Cleveland, Ohio 44115. On December 31, 1982, the for-profit entity, HealthAmerica Corporation of Ohio (HealthAmerica), agreed to purchase the assets and assume the liabilities of the not-for-profit Group Health Plan Community Network of hNortheast Ohio (GHPNEO), a federally qualified HMO. Health America began operation as an HMO on January 1, 1983. Subsequently, the for-profit HealthAmerica was approved for Federal qualification, and the Federal qualification for the former, not-for-profit entity, GHPNEO, was voluntarily relinquished. The service area comprises Lake, Cuyahoga, Geauga, Lorain, Summit, Wayne, and Medina Counties.

Date of qualification: February 29, 1984.

14. HMO of Florida (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 7954 Baymeadows Way, Jacksonville, Florida 32216. The service area comprises Baker, Clay, Duval, and Nassau Counties, and zip code 32082 in St. Johns County.

Date of qualification: March 1, 1984. (Achieved preoperational qualification on February 28, 1984.)

15. Health Maintenance of Indiana, Inc./dba/Key Health Plan (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 120 Monument Circle, Suite 325, Indianapolis, Indiana 46204. The service area comprises Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan, and Shelby Counties.

Date of qualification: March 1, 1984.

16. Sanus Texas Health Plan, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), Box 169128, 8600 Freeport Parkway, Suite 3040, Irving, Texas 75063. The service area comprises all of Dallas County plus the following zip codes: 75007, 75008, 75010, 75023, 75024, 75056, 75067, 75074, 75098, 75261, 76010, 76014, 76018, 76039.

Date of qualification: March 2, 1984.

17. Kaiser Foundation Health Plan, Inc. (Medical Group Model, see section 1310(b)(1) of the Act), One Kaiser Plaza, Oakland, California 94612. On October 27, 1977, three regional components (Northern California, Southern California, and Hawaii) of Kaiser Foundation Health Plan, Inc. (KFHP), were approved as transitionally qualified HMOs. On March 28, 1984, KFHP was officially notified that the regional components had successfully completed their transitional phases and were each deemed to be operational qualified regional components.

The service areas of the three regional components follow.

(i) Northern California (KFHP/Oakland): A radius of 30 miles of any Kaiser Foundation Hospital or Northern California Permanente Medical Office including the entire Counties of: Alameda, Contra Costa, Marin, Sacramento, San Francisco, San Mateo, Santa Clara, Solano, and cities and towns in the following counties:

Amador

Carbondade
Forest Home
Ione
Nashville

El Dorado

Brandon
Brela
Cameron Park

Clarksville
Cool
Cothrin
Dugan
El Dorado
El Dorado Hills
Lake Hills Estates
Latrobe
Lotus
Pilot Hill
Rescue
Shingle Springs

Napa

Aetna Springs
Angwin
Calistoga
Deer Park
Franklin
Kellogg
Napa
Oakville
Pope Valley
Rutherford Sanitarium
St. Helena
Yountville

Placer

Auburn
Bowman
Hidden Valley
Lincoln
Loomis
Newcastle
Ophir
Penryn
Rocklin
Roseville
Sheridan
Sunset Whitney Ranch
Thermolands

Sonoma

Bloomfield
Boyes Hot Springs
Catati
El Verano
Eldridge
Freestone
Fulton
Glen Ellen
Kenwood
Penngrove
Petaluma
Rohnert Park
Santa Rosa
Sebastopol
Sonoma
Valley Ford
Vineburg

Sutter

Chandler
East Nicolaus
Kirkville
Nicolaus
Pleasant Grove
Rio Oso
Robbins
Trowbridge
Verona

Yolo

Broderick
Bryte
Capay
Clarksburg
Davis
Dixon
El Macero
Knights Landing
Madison
Tremont
West Sacramento
Winters
Woodland
Yolo
Zamora

Yuba

Wheatland

(ii) Southern California (KFHP/Los Angeles): A radius of 30 miles of any Kaiser Foundation Hospital or Southern California Permanente Medical Office. Kern County and Mexico are excluded from the service area. The following zip codes located in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura Counties are included:

90000–99, 90101–99, 90200–99, 90300–99, 90400–99, 90500–99, 900600–99, 90700–99, 90800–99, 91000–99, 91100–99, 91200–99,91300–99, 91400–99, 91500–99, 91600–99, 91700–99, 91800–99, 92100–99, 92400–99, 92500–99, 92600–99, 92700–99, 92800–99, 92001–2, 92006–8, 92010–2, 92014, 92016–7, 92020–2, 92024–7, 92031–2, 92035–7, 92040–1, 92045, 92047–8, 92050, 92053–4, 92062–5, 92067, 92069–71, 92073, 92075, 92077–8, 92080, 92982–3, 92220, 92305, 92307, 92314–8, 92320–2, 92324–6, 92329–30, 92333, 92335, 92339–41, 92343, 92345–6, 92348, 92352–4, 92356, 92358–60, 92362, 92367, 92369–73, 92376, 92378, 92380–2, 92385–6, 92388, 92391–2, 92395–7, 92399, 93010, 93015, 93021, 93040, 93060, 93063–5, 93510, 93532, 93534, 93543–4, 93550, 93553, 93563

(iii) Hawaii (KFHP/Honolulu): Islands of Oahu and Maui

Effective date: April 1, 1984.

18. Harvard Community Health Plan, Inc. (Staff Model, see section 1310(b)(1) of the Act), One Fenway Plaza, Boston, Massachusetts 02215. On September 1, 1977, Harvard Community Health Plan, Inc. (HCHP) was approved as a transitionally qualified HMO (see 42 CFR 110.603(b)). On April 25, 1984, HCHP was officially notified that it had successfully completed its transitional phase and was deemed to be an operational qualified HMO. The service area comprises Massachusetts cities and towns as follows: Acton, Arlington, Bedford, Belmont, Billerica, Boston, Braintree, Brookline, Burlington, Cambridge, Canton, Carlisle, Chelsea, Concord, Dedham, Dover, Everett, Framingham, Lexington, Lincoln, Lynn, Lynnfield, Malden, Maynard, Marblehead, Medford, Melrose, Milton, Nahant, Natick, Needham, Newton, North Reading, Norwood, Peabody, Quincy, Randolph, Reading, Revere, Salem, Saugus, Somerville, Stoneham, Sudbury, Swampscott, Wakefield, Waltham, Watertown, Wayland, Wellesley, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn.

In addition, Massachusetts zip codes (by county) as follows:

Bristol

Easton—02334
Mansfield—02048

Essex

Andover—01810
Beverly—01915
Boxford—01921
Danvers—01923
Lawrence—01842 01844 01845 (all)
Middleton—01949
North Andover—01845
Topsfield—01983

Middlesex

Ashland—01721
Chelmsford—01824
Holliston—01746
Hopkinston—01748
Lowell—01851 thru 01854 (all)
Marlborough—01752
Sherborn—01770
Tewksbury—01876

Norfork

Avon—02322
Cohasset—02025
Foxborough—02035
Holbrock—02343
Medfield—02052
Medway—02053
Millis—02054
Sharon—02067
Stoughton—02072
Walpole—02081

Plymouth

Abington—02351
Bridgewater—02324
Brockton—02401 thru 02403 (all)
Duxbury—02332
East Bridgewater—02333
Halifax—02338
Hanson—02341
Hanover—02339
Hingham—02018 and 02043 (all)
Hull—02045
Kingston—02364
Marshfield—02050 and 02051 (all)

Norwell—02061
Penbroke—02359
Rockland—02370
Scituate—02066
West Bridgewater—02379
Whitman—02382

Worcester

Grafton—01519
Southborough—01772
Westborough—01581

Effective date: April 25, 1984.

(Transitionally Qualified Health Maintenance Organizations; 42 CFR 110.603(b)).

19. HealthPlus (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), P.O. Box 2113, Seattle, Washington 98111. The service area comprises the following zip codes in the following counties:

King County

98002–11
98014–15
98019
98022
98024–25
98027–28
98031–33
98038–40
98045
98047–48
98050–52
98054–57
98062
98064–66
98072
98101–199

Snohomish County

98020
98036
98043
98201–07
98223
98251–52
98258–59
98270
98272
98275
98287
98290
98292–94

Skagit County

98221
98225
98231–33
98235
98238
98246
98255
98257
98263
98273
98284

Island County

98277

Date of qualification: October 21, 1983.

20. MedCenters Health Plan, Inc. (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 4951 Excelsior Blvd., Minneapolis, Minnesota 55416. The service area comprises all of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, and the following incorporated townships in Wright and Sherburne Counties:

Wright

Silver Creek
Maple Lake
Chatham
Marysville
Woodland
Franklin
Rockford
Buffalo
Frankfort
Monticello

Sherburne

Becker
Otsego
Elk River
Big Lake

Date of qualification: November 7, 1983.

21. Medical Associates Clinic Health Plan (Medical Group Model, see section 1310(b)(1) of the Act), One Dubuque Plaza, Suite 230, Bubuque, Iowa 52001. The service area comprises the following portions of Iowa, Wisconsin, and Illinois:

Iowa: Dubuque, Delaware and Jackson Counties.

In addition, zip codes in Iowa Counties as follows:

Clayton: 51042 52044 52048 52052 52055 52066 52076
Jones: 52212 52310 52321 52331 52362
Clinton: 52254 52774 52037 52731
Wisconsin: Grant and Lafayette Counties
Illinois: Zip codes in Jo Daviess County: 6101 61025 61028 61036 61059 61075 61087
Date of qualification: December 12, 1983

22. Physicians Health Plan, Inc. (Direct Contract Model, see section 1310(b)(2)(B) of the Act), 225 West Washtenaw, Suite 200, Lansing, Michigan 48933. The service area comprises the following townships in the following counties:

Eaton County

Delta
Windsor
Oneida

Clinton County

Essex
Greenbush
Duplain
Dallas
Bengal
Bingham
Ovid
Riley
Olive
Victor
Watertown
Eagle
Westphalia
Dewitt
Bath

Ingham County

Lansing
Meridian
Williamston
Locke
Delhi
Alaiedon
Wheatfield
Leroy
Aurelius
Vevay
Ingham
White Oak

Ionia County

Portland
Danby

Gratiot County

Washington
Elba

Shiawassee County

Perry
Woodhull

Date of qualification: January 31, 1984.

23. HMO Minnesota (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), 3535 Blue Cross Road, St. Paul, Minnesota 55164. The service area comprises all of the following counties in Minnesota and Wisconsin, and the following zip codes in the following other Minnesota counties:

Minnesota Counties

Anoka
Benton
Carlton
Carver
Chisago
Dakota
Douglas
Hennepin
Itasca
Pope
Ramsey
Scott
Sherburne
Stearns
Washington
Wright

Wisconsin Counties

Polk
St. Croix
Pierce

Zip Codes in Minnesota Counties

Aitkin

55748
55752
55785

Cass

56430
56435
56452
56484
56485
56626
56632
56633
56641
56655
56662
56672

Grant

56309
56311
56339
56531

Isanti

55006
55040

Lake

55069
55610
55616

Otter Tail

56361
56515
56524
56551
56588

St. Louis

55701
55702
55711
55714
55717
55724
55727
55730
55736
55743
55746
55754
55755
55765
55766
55770
55774
55779
55789
55791
55801
55802
55803
55804
55805
55806
55807
55808
55809
55810
55811
55812
55813
55814

Stevens

56235
56267

Todd

56318
56336
56346
56347
56389
56437
56438
56440
56446
56453

Date of qualification: February 16, 1984.

24. Group Health, Inc. (Staff Model, see section 1310(b)(1) of the Act), 2829 University Avenue South East, Minneapolis, Minnesota 55414. The service area comprises all of Hennepin, Ramsey, Washington, Carver, Scott, Dakota, Anoka, Isanti, Chisago, Wright, Rice, and Sherburne Counties, and the townships of Greenbush and Princeton in Mille Lacs County.

Date of qualification: March 12, 1984, (Qualified Regional Components: 42 CFR 110.603(e))

25. Compare Health Services, Inc., Madison, Wisconsin (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational qualified regional component of Compcare Health Services, Inc., of Milwaukee, Wisconsin 53201. The service area is listed at number 10 preceding.

Date of qualification: November 14, 1983.

26. Health Plan of Nevada, Ltd., Reno, Nevada (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational qualified regional component of Health Plan of Nevada, Ltd., of Las vegas, Nevada 89106. The service area comprises the following zip codes:

Sparks

89431
89439
89442

Carson City

89701
98710

Reno

89501
89502
89503
89504
89505
89506
89507
89509
89510
89511
89512
89513
89515
89520
89523

Other

89403
89408
89410
89411
89413
89450
89423
89428
89429
89449
89439
89440
89442
89448

Date of qualification: January 1, 1984. (Achieved preoperational qualification on December 27, 1983.)

27. Av-Med, Inc., Tampa/St. Petersburg (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational qualified regional component of Av-Med, Inc., of Miami, Florida 33156. The service area comprises Hillsborough, Pinellas, Manatee, and Pasco Counties.

Date of qualification: January 17, 1984.

28. Link Clinic Health Assurance Plan of Mattoon, Illinois (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational regional component of HMO Illinois, Inc., Chicago, Illinois 60610. The service area is listed at number 11 preceding.

Date of qualification: February 27, 1984.

29. Blackhawk Health Assurance Plan of Rockford, Illinois (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational qualified regional component of HMO Illinois, Inc., Chicago, Illinois 60610. The service area is listed at number 11 preceding.

Date of qualification: February 27, 1984.

30. Prudential Health Care Plan, Inc., of Central Florida (Medical Group Model, see section 1310(b)(1) of the Act), an operational qualified regional component of Prudential Health Care Plan, Inc., Roseland, New Jersey 07068. The service area comprises Orange, Osceola, and Seminole Counties.

Date of qualification: March 21, 1984.

31. CIGNA Health Plan of Florida, Inc., Orlando, Florida (Individual Practice Association Model, see section 1310(b)(2)(A) of the Act), an operational qualified regional component of CIGNA Health Plan of Florida, Inc., Tampa, Florida 33609. The service area comprises all of Orange and Seminole Counties, and the following zip codes in the following counties:

Lake County

32726
32727
32757
32776
32778

Osceola County

32741
32769
32746

Volusia County

32725
32713
32763

Date of qualification: May 15, 1984.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Department, of Health and Human Services, Rm. 9-11 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMO should be sent to the same office.

Dated: July 6, 1984.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 84-18573 Filed 7-12-84; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: These plats of survey of the following described land will be filed in the Utah State Office, Salt Lake City, Utah, immediately:

Salt Lake Meridian, Utah

T. 6 S., R. 18 W.

This Plat, which represents the dependent resurvey of a portion of the First Standard Parallel South through Range 17 and 18 West, and a portion of the subdivisional lines of T. 6 S., R. 18 W., and the survey of Sections 4, 5, 6, 7, and 8 of T. 6 S., R., 18 W., Salt Lake Meridian, Utah for Group 613, was accepted June 22, 1984.

Salt Lake Meridian, Utah

T. 6 S., R. 6 W.

This Plat, which represents the dependent resurvey of a portion of the Third Standard Parallel South through Range 6 and 7 West, and a portion of the First Guide Meridian West through Township 16 South, a portion of the west boundary, and a portion of the subdivisional lines, and a subdivision survey of Sections 6, 7, 18, 21, 24, 25, 26, 29, 30, and 35 of T. 16 S., R. 6 W., Salt Lake Meridian, Utah for Group 617, was accepted June 22, 1984.

Salt Lake Meridian, Utah

T. 14 N., R. 4 E.

This Plat, which represents the dependent resurvey of a portion of the south and west boundaries and a portion of the subdivisional lines, T. 14 N., R. 4 E., Salt Lake Meridian, Utah for Group 618, was accepted June 22, 1984.

Salt Lake Meridian, Utah

T. 13 S., R. 2 E.

This Plat, which represents the dependent resurvey of a portion of the east boundary, T. 13 S., R. 1 E., a portion of the subdivisional lines, and a survey of a portion of the subdivisional lines and a subdivision survey of Sections 8, 16, 21, and 27 of T. 13 S., R., 2 E., Salt Lake Meridian, Utah for Group 633, was accepted June 22, 1984.

These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only. These surveys were executed to meet certain administrative needs of this Bureau.

All inquiries relating to these lands should be sent to the Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: July 9, 1984.

J. K. Latimer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 84-18580 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-DQ-M

Request for Public Comments on Reducing Maximum Size of Federal Noncompetitive Simultaneous Oil and Gas Leases in the Lower 48 States

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for public comments on reducing maximum size of simultaneous oil and gas leases in the Lower 48 States.

SUMMARY: The Bureau of Land Management is currently reviewing its policy with regard to the maximum permissible size of simultaneous oil and gas leases in all States except Alaska. Each single parcel offered for leasing through the simultaneous oil and gas leasing program now may not exceed 10,240 acres. The Bureau of Land Management is seeking public comment concerning a reduction in the maximum size of parcels offered for leasing through the simultaneous oil and gas leasing program in all States except Alaska from 10,240 acres to 2,560, acres or alternatively to 5,120 acres.

EFFECTIVE DATE: October 11, 1984.

ADDRESS: Comments should be sent to Director (621), Bureau of Land Management, 18th and C Streets NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary Linda Ponticelli, (202) 653-2190.

SUPPLEMENTARY INFORMATION: In order to assist the Bureau of Land Management in its decisionmaking process of whether or not to reduce the maximum size of simultaneous oil and gas parcels in all States except Alaska from 10,240 acres to 2,560 acres, or alternatively, to 5,120 acres, public comments regarding this proposal are hereby requested in the form of written comments. This inquiry is in response to concerns raised by the public that large lease tracts are undesirable and burdensome. Tract size for simultaneous oil and gas leases is established as a matter of policy and is not set by regulation. Once comments are reviewed by the Bureau of Land Management, any policy changes that might result will subsequently be published in the **Federal Register**

Dated: July 5, 1984.

Robert F. Burford,

Director.

[FR Doc. 84-18625 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Alaska Offshore; Availability of the Final Environmental Impact Statement for Proposed Oil and Gas Lease Sale 88 in the Gulf of Alaska/Cook Inlet Area

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a final environmental impact statement (EIS) for proposed oil and gas Lease Sale 88 in the Gulf of Alaska/Cook Inlet area.

Single copies of the final EIS can be obtained from the Office of the Regional Manager, Minerals Management Service, Alaska Region, P.O. Box 101159, Anchorage, Alaska 99510.

Copies of the final EIS will also be available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbank, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F. Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF-F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 98835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; Univesity of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

William D. Bettenberg,

Director, Minerals Management Service.

Approved: June 28, 1984.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 84-18585 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Proposed Development and Production Plan; Availability of Draft Environmental Impact Statement and Intent To Hold Public Hearings

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability and public hearing for environmental impact statement/environmental impact report.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service, Santa Barbara County, California State Lands Commission and California Coastal Commission have jointly prepared a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Point Arguello Field Development and Production Plans proposed for the southern Santa Maria Basin, offshore Santa Barbara County, California. Single copies of the Draft EIR/EIS can be obtained from Santa Barbara County, Resource Management Department, Energy Division, 123 East Anapamu Street, Santa Barbara, California 93101. Technical appendices have been prepared for each issue area and provide detailed supporting data for the Draft EIR/EIS. The technical appendices may be obtained individually or as a unit by forwarding a written request to the above address. When requesting an individual appendix, refer to the following titles:

E. Geology
F. Air Quality
G. Onshore Water Resources
H. Marine Water Resources
I. Marine Biology
J. Terrestrial and Freshwater Biology
K. Cultural Resources
L. Aesthetics (Noise, Visual)
M. Socioeconomics
N. Other Uses (Commerical Fishing, Recreation, Traffic)
O. System Safety and Reliability

Copies of the Draft EIR/EIS will also be available for review in following public libraries:

County of Los Angeles Public Library, Govt. Pub. Unit, 330 W. Temple, Los Angels, CA 90012
State Library-Govt. Pub. Sec., Attn: Beverly Pettijohn, P.O. Box 2037, Sacramento, CA 95814
San Luis Obispo, City/County Library, 1354 Bishop Street, San Luis Obispo, CA 93406
Main Library, Vandenburg Air Force Base, CA 93437
County of Ventura Library, Documents Section, P.O. Box 771, Ventura, CA 93001
Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101
University of California Library, Santa Barbara Campus, Main Library, Santa Barbara, CA 93106
U.S. DOI Natural Resource Library, 18th and C Streets NW., Washington, D.C. 20240

Joint Federal/State/County public hearings are scheduled from 1:00 p.m. to close of testimony and 7:00 p.m. to close of testimony on August 14, 1984 at the Santa Barbara County Planning Commission Hearing Room, 105 East Anapamu Street, first floor, Santa Barbara, California. The purpose of the hearings is to receive oral and written testimony regarding the Draft EIR/EIS prepared for the proposed project. The hearing will provide the Minerals Management Service with additional information to help evaluate the potential effects associated with those aspects of the project subject to Federal approval.

Written comments on this document will be accepted at the Santa Barbara County address listed above until September 3, 1984. These comments will be addressed by the MMS, Santa Barbara County, California State Lands Commission, and California Coastal Commission, in the Draft EIR/EIS. Agencies, interested groups or individuals needing further information should call Mary Elaine Warhurst at (213) 688-4360 or (213) 688-7234.

After testimony and comments have been reviewed and analyzed, a final EIR/EIS will be prepared.

Dated: July 9, 1984.

Cyril V. Bird,

Acting Regional Manager, Pacific OCS Region.

[FR Doc. 84-18484 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Gulf Islands National Seashore; Establishment

The Act of January 8, 1971 (84 Stat. 1967) authorized the inclusion of Gulf Islands National Seashore in the National Park System to be preserved for public use and enjoyment. The seashore possesses outstanding natural, historic, and recreational values. The seashore is located on the following gulf coat islands and mainland access, together with adjacent water areas:

1. Ship, Petit Bois and Horn Islands in Mississippi;

2. The eastern portion of Perdido Key in Florida;

3. Santa Rosa Island in Florida;

4. The Naval Live Oaks Reservation in Florida;

5. Fort Pickens and the Fort Pickens State Park in Florida;

6. A tract of land in the Pensacola Naval Air Station in Florida that includes the Coast Guard Station and Lighthouse, Fort San Carlos, Fort Barrancas, and Fort Redoubt and sufficient surrounding land for proper administration and protection of the historic resources;

7. Six hundred acres, known as Marsh Point, in Mississippi.

It has been determined that sufficient lands to constitute an efficiently administrable unit have been acquired.

Now, therefore, under and by virtue of the authority contained in the Act of January 8, 1971, Gulf Islands National Seashore is hereby established.

Dated: July 6, 1984.

William Clark,

Secretary.

[FR Doc. 84-18587 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-70-M

Intention To Extend Concession Permits

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director of the National Park Service, proposes to negotiate concession permits with:

Adrift Adventures, 1816 Orchard Place, Fort Collins 80521, 1183 User days multi-day, 1952 user days one-day

Adventure Bound, P.O. Box 125, Mack, CO 81525, 4289 user days

American River Touring Association, 445 High Street, Oakland, CA 94601, 1100 user days

Colorado Outward Bound School, 945 Pennsylvania, Denver, CO 80203, 3844 user days

Don Hatch River Expeditions, P.O. Box C, Vernal, UT 84078, 8218 user days multi-day, 2193 user days one-day

World Wide River Expeditions, 175 East 7060 South, Midvale, UT 84847, 394 user days

Don Neff River Company, 2021 North White Circle, Salt Lake City, UT 84109, 322 user days

Holiday River Expeditions, 519 Malibu Drive, Salt Lake City, UT 84107, 2233 user days

Ken Sleight Expeditions, P.O. Box 81185, Salt Lake City, UT 84108, 50 user days

Mountain River Guides, 3325 Fowler Avenue, Ogden, UT 84403, 196 user days

Peak River Expeditions, 475 Eighth Avenue, Salt Lake City, UT 84103, 1577 user days

Authorizing them to provide guided river trips for the public at Dinosaur National Monument for a period of five (5) years from January 1, 1985 through December 31, 1989.

These permit renewals have been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The Foregoing concessioners have performed their obligations to the satisfaction of the Secretary under the existing permits which expire by limitation of time on December 31, 1984, and therefore, pursuant to the Act of October 9, 1965, as cited above, they are entitled to be given preference in the renewal of the permits and in the neogtiations of new permits. This provision, in effect, grants them the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by the existing concessioners. If an existing concessioner amends his proposal and the amended proposal is substantially equal to the better offer, then the proposed new permit will be negotiated with the existing concessioner.

The Secretary will consider and evaluate all proposals received as a result of this notice. Each proposal submitted, however, must refer to and accord with the terms and conditions of an existing concession permit. Offerors must reference the existing permit and user day allocation applies for. Any proposal, including that of the existing concessioners, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610, telephone (303) 374-2216, for information as to the requirements of the proposed permits.

Dated: June 26, 1984.

Homer L. Rouse,

Acting Regional Director, Rocky Mountain Region, National Park Service.

[FR Doc. 84-18590 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Rocky Mountain Region, National Park Service, proposes to negotiate a concession contract with International Leisure Hosts, Inc., authorizing it to continue to provide lodging, food, retail merchandising and gasoline facilities and services for the public at John D. Rockefeller Memorial Parkway, Wyoming, for a period of fifteen (15) to twenty-five (25) years from January 1, 1985, depending on the magnitude of the investment.

This proposed contract requires a construction and improvement program. The construction and improvement program required was previously addressed in the Environmental Review for Assessment of Alternatives, approved November 6, 1979, that was prepared in conjunction with the General Management Plan for John D. Rockefeller, Jr. Memorial Parkway.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing U.S. Forest Service Special Use Permit which expires by limitation of time on December 31, 1989, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to by given preference in the negotiation of a new contract. This provision in effect, grants International Leisure Hosts, Inc., the opportunity to meet the terms and conditions of any other proposal submitted in response to this Notice which the Secretary may consider better than the proposal submitted by International Leisure Hosts, Inc. If International Leisure Hosts, Inc. amends its proposal and the amended proposal is substanitally equal to the better proposal, then the proposed new contract will be negotiated with International Leisure Hosts, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

Dated: June 22, 1984.

Jack W. Neckels,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 84-18589 Filed 7-12-84; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-28; Sub-8X]

Central of Georgia Railroad Company; Abandonment; in Chatham County, GA, Exemption

Central of Georgia Railroad Company (CG), a subsidiary of Norfolk Southern Corporation, filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 0.0 and milepost 0+3,575 feet, a distance of 3,575 feet in Chatham County, GA.

CG has certified (1) that no local or overhead traffic has moved over the line for at least 2 years, and (2) that no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The Georgia Public Service Commission has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on August 12, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by July 23, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by August 2, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petitions filed with the Commission should be sent to CG's representative: Nancy S. Fleischman, Norfolk Southern Corporation, 1050 Connectivut Avenue NW, Suite 740, Washington, DC 20036.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: July 9, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 84-18667 Filed 7-12-84; 8:45 am]

BILLING CODE 7035-01-M

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

(1) Parent corporation and address of principal office: General Foods Corporation (a Delaware corporation), 800 Westchester Avenue, Rye Brook, New York (mailing address—250 North Street, White Plains, New York 10625)

(2) Wholly owned subsidiaries which will participate in the operations, and states of incorporation:

(a) Birds Eye, Inc. (Delaware)
(b) Brisk Transportation Inc. (Delaware)
(c) Don's Prize, Inc. (Ohio)
(d) General Foods Caribbean Manufacturing Corporation (Delaware)
(e) General Foods Domestic International Sales Company Inc. (Delaware)
(f) General Foods, Inc. (Puerto Rico)
(g) General Foods Manufacturing Corporation (Delaware)
(h) General Pectin Manufacturing Corporation (Delaware)
(i) Vict. Th. Engwall & Co., Inc. (Delaware)
(j) General Foods Trading Company (Delaware)
(k) Hudson Commercial Corporation (Delaware)
(l) Italsalumi, Inc. (Illinois)
(m) Kohrs Packing Company (Illinois)
(n) Oscar Mayer & Co. Inc. (Delaware)
(o) Oscar Mayer Export, LTD (Wisconsin)
(p) Oscar Mayer Foods Corporation (Delaware)
(q) Maxwell House, Inc. (Delaware)
(r) Quality Industrial Plastics, Co., Inc. (Delaware)
(s) Birds Eye de Mexico, S.A. de C.V. (Mexico)
(t) Franklin Baker Company of the Philippines (Philippines)
(u) General Foods Inc. (Canada)
(v) Hostess Food Products Limited (Ontario, Canada)
(w) Entenmann's Inc. (Delaware)
(x) Entenmann's Bakery of Florida, Inc. (Florida)
(y) Entenmann's Frozen Foods, Inc. (Florida)
(z) Otto Roth & Company, Inc. (New York)
(aa) Monterey Cheese Co. (California)
(bb) O. R. Corporation (Pennsylvania)
(cc) Peacock Foods Incorporated (California)
(dd) Ronzoni Corporation (New York)
(ee) Ronzoni Foods, Inc. (New York)
(ff) Ronzoni Macaroni Co., Inc. (New York)
(gg) Oroweat Foods Company (Delaware)

1. *Parent corporation and address of principal office:* Lone Star Steel Company, a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238.

2. *Wholly-owned subsidiaries which will participate in the operations*

(a) T&N Fabrication Co., a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238
(b) Fort Collins Pipe Company, a Texas corporation, 10731 Rockwall Road, Dallas, Texas 75238
(c) T&N Lone Star Warehouse Co., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(c-2) T&N Lone Star Warehouse Co., d.b.a., Iberia Scrap & Salvage, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(c-3) T&N Lone Star Warehouse Co., d.b.a., Iberia Southwest Scrap & Salvage, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(c-4) T&N Lone Star Warehouse Co., d.b.a., Raw Materials Division, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(d) Lesco Transportation Co., Inc., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(e) Lesco Trucking Company Inc., 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(f) Texas & Northern Railway Company, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251
(g) Texas & Northern Motor Transport Company, 7540 LBJ Freeway, Suite 224, Dallas, Texas 75251

1. Parent corporation and address of principal office: Mohasco Corporation, 57 Lyon Street, Amsterdam, New York 12010.

2. Wholly-owned susbidiaries which will participate in the operations, and states of incorporation:

(a) Chromcraft Corporation, a Delaware corporation
(b) Mohasco Upholstered Furniture Corporation, a New York corporation
(c) Mohasco Carpet Corporation, a Delaware corporation
(d) Peters-Revington Corporation, a Delaware corporation
(e) Super Sagless Corporation, a Delaware corporation
(f) Trend Line Furniture Corporation, a Delaware corporation
(g) Belknap & McClain, Inc., Mohawk Distribution Center, a Massachusetts corporation
(h) Burnham, Stoepel and Company, Mohawk Distribution Center, a Michigan corporation
(i) Neidhoefer & Co., Mohawk Distribution Center, a Wisconsin corporation
(j) Schmitt & Henry, Inc. Mohawk Distribution Center, an Iowa corporation
(k) Shawnee Southwest, Inc., Mohawk Distribution Center, a Texas corporation
(l) Cort Furniture Rental Corporation, a New York corporation
(m) Choice Seats Corporation, a Delaware corporation.

James H. Bayne,
Secretary.

[FR Doc. 84-18610 Filed 7-12-84; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-19 (Sub-81X)]

Baltimore & Ohio Railroad Co. and the Cincinnati, Indianapolis & Western Railroad Co.—Abandonment and Discontinuance of Service—Exemption

Baltimore and Ohio Railroad Company (B&O) and The Cincinnati, Indianapolis & Western Railroad Company (CI&W) have filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt abandonments and discontinuances of service and trackage rights.*[1] CI&W will abandon its line of railroad consisting of (A) a portion of B&O's Decatur Subdivision between milepost 285.72 at or near Boody and milepost 315.59 at or near Sangamon Junction and (B) a portion of the former Springfield Subdivision between milepost 178.29 (which is the equivalent of milepost 315.59 on the Decatur Subdivision) and milepost 180.76, a total distance of 32.34 miles in Macon, Christian, and Sangamon Counties, IL; and (2) B&O will discontinue service over the line.[2]

B&O and CI&W have certified (1) that no local or overhead traffic has moved over the line for at least 2 years and (2) that no formal complaint, filed by a user of rail service on the line or a state or local governmental entity acting on behalf of a user, regarding cessation of service over the line either is pending with the Commission or has been decided in favor of a complianant within the 2-year period preceding this notice. The Public Service Commission (or equivalent agency) in Illinois has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines,* 366 I.C.C. 885 (1983).

As a condition to use of this exemption, any employees affected by the abandonment or discontinuance of service shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 366 I.C.C. 91 (1979).

The exemption shall be effective on August 12, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by July 23, 1984, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by August 2, 1984, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to B&O's and CI&W's representative: Rene J. Gunning, Suite 2204, 100 North Charles Street, Baltimore, MD 21201.

If the notice of exemption contains false or misleading information, the use of the exemption is void *ab initio.*

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: July 6, 1984.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,
Secretary.

[FR Doc. 84-18613 Filed 7-12-84; 8:45 am]
BILLING CODE 7035-01-M

[1] Service and trackage rights discontinuances were added to the exemption provisions of 49 CFR Part 1152 Subpart F by Ex Parte No. 274 (Sub-No. 8A), *Exemption of Out of Service Lines (Discontinuance of Service and Trackage Rights)* (not printed), served April 20, 1984. A petition for reconsideration of that decision was filed May 10, 1984, and is pending.

[2] B&O controls CI&W and pursuant to an agreement dated May 30, 1927, conducts operations over the line of the CI&W in the name of and for the account of the B&O. *Control of CI&W. R.R.,* 111 I.C.C. 124 (1926).

[Docket No. AB-6 (Sub-203)]

Burlington Northern Railroad Co.—Abandonment—in Crawford and Dent Counties, MO; Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon a portion of railroad extending from railroad milepost 100.72 near Lead Junction to milepost 127.35 at the end of the line near Salem, a total distance of 26.63 miles in Crawford and Dent Counties, MO. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower lefthand corner of the envelope containing the offer "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,
Secretary.

[FR Doc. 84-18611 Filed 7-12-84; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-105)]

Seaboard System Railroad, Inc.—Abandonment—in Alachua and Gilchrist Counties, FL; Findings

The Commission has issued a certificate authorizing the Seaboard System Railroad, Inc. (SBD) to abandon its line of railroad extending from milepost SN-714.84 near Buda to milepost SN-722.60 near Craggs, a distance of 7.36 miles in Alachua and Gilchrist Counties, FL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that:

(1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in boldface on the lower lefthand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-18612 Filed 7-12-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-69 (Sub-15) and Docket No. AB-19 (Sub-71)]

Western Maryland Railway Co. and the Baltimore & Ohio Railroad Co.—Abandonment and Discontinuance of Service—in Baltimore, MD; Findings

The Commission has issued a certificate authorizing the Western Maryland Railway Company (WM) to abandon a line of railroad between Valuation Station minus 1+65 and Valuation Station 14+99, a distance of 0.32 miles, and to discontinue service pursuant to trackage rights over the line of Consolidated Rail Corporation (Conrail) between Union Junction and Madison Street, Valuation Station 14+99, a distance of 0.49 mile. The Baltimore and Ohio Railroad Company, operator of the properties of WM, is authorized to discontinue service over the WM line and trackage right segment. The certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this notice. The following notation shall be typed in bold face on the lower level left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84-18614 Filed 7-12-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; ASARCO, Inc.; et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1984.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 23, 1984.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of June 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc., Sacaton Unit (workers)	Casa Grande, AZ	6/12/84	5/23/84	TA-W-15,361	Copper concentrates.
Equitable Handbag Co., Inc. (wkrs)	New Brunswick, NJ	6/18/84	6/12/84	TA-W-15,362	Handbags—ladies'.
Haddad Shoe Corp. (workers)	Lancaster, PA	6/18/84	6/11/84	TA-W-15,363	Shoes—men's.
Julia Sportswear, Inc	New York, NY	6/14/84	6/11/84	TA-W-15,364	Sportswear & swimwear—ladies'.
Melville Footwear Manufacturing (wkrs)	Mountain City, TN	6/25/84	6/20/84	TA-W-15,365	Shoes, casual, work—men's & ladies'.
Michigan Instrument Corp. (company)	East Orange, NJ	6/14/84	6/7/84	TA-W-15,366	Instruments—surgical.
National Steel Service Center, Inc. (wkrs)	Boonton, NJ	6/14/84	6/1/84	TA-W-15,367	Steel—split, cut into sheets.
Old Fort Finishing Plant, Div. of United Merchants & Manufacturing, Inc. (company)	Old Fort, NC	6/25/84	6/20/84	TA-W-15,368	Dyeing, finishing—fabrics, textile.
Ralston Purina Co., Van Camp Seafood Div. (UIW)	San Diego, CA	6/11/84	6/1/84	TA-W-15,369	Tuna fish—packed—water & oil
Wefferling—Berry (company)	Millburn, NJ	6/19/84	6/14/84	TA-W-15,370	Jewelry—fine.
American Manufacturing Co. (company)	Honesdale, PA	5/30/84	5/23/84	TA-W-15,371	Rope—natural & synthetic.
Complex Division Stretchwear Mfg., (workers)	Coamo, PR	6/18/84	6/9/84	TA-W-15,372	Undergarments—ladies'.
Levi Strauss & Co. (company)	Ramer, TN	6/27/84	6/22/84	TA-W-15,373	Shirts—woven, men's.
Peerless Tube Co. (company)	Freehold, NJ	6/14/84	6/7/84	TA-W-15,374	Tubes—plastic.
S & J Cedar (workers)	Beaver, Washington	6/25/84	6/20/84	TA-W-15,375	Shakes and shingles, cedar—roofing.
Trojan Luggage Co. (United Furniture Workers of America)	(Channel Ave.) Memphis, TN.	6/25/84	6/22/84	TA-W-15,376	Luggage and tote bags and office.
Trojan Luggage Co. (United Furniture Workers of America)	(Bodley Ave.) Memphis, TN.	6/25/84	6/22/84	TA-W-15,377	Luggage and tote bags.
Welpro, Inc. (workers)	Seabrook, NH	6/22/84	6/19/84	TA-W-15,378	Shoes—dress—ladies'.

[FR Doc. 84-18647 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Iowa State Standards; Approval

1. *Background:* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 20, 1973, notice was published in the **Federal Register** (38 FR 19368) of the approval of the Iowa plan and the adoption of Subpart J of Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal standards (by reference after comments and public hearing). By letters dated September 21, 1983 and November 3, 1983 from Water H. Johnson, Deputy Commisioner of Labor to Roger A Clark, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to: Occupational Exposure to Acrylonitrile (Vinyl Cyanide) 29 CFR 1910.19, 1910.1000, 1910.1045 as published in the **Federal Register** (43 FR 45809) dated October 3, 1978; Selected General and Special Industry Standards Revocation Corrections, as published in the **Federal Register** (43 FR 51759) dated November 7, 1978; Selected General and Special Industry Standards Revocation, Part 1910 of 29 CFR as published in the **Federal Register** (43 FR 49744) dated October 24, 1978. These standards which are contained in Chapter 88 of the Code of Iowa (1977) were promulgated after public comment requested on December 15, 1978, hearing held on January 23, 1979, and resolution adopted by the Iowa Bureau of Labor on February 2, 1979 pursuant to Chapter 17a, Iowa Code. The standards were effective on February 2, 1979 and notice of their adoption was published by the State on February 21, 1979. The State also submitted State standards comparable to Occupational Exposure to Lead; Correction 29 CFR 1910.1025 as published in the **Federal Register** (44 FR 50338) dated August 28, 1979; Occupational Exposure to Benzene; Liquid Mixtures 29 CFR 1910.1028 as published in the **Federal Register** (43 FR 27971) dated June 27, 1978; Occupational Exposure to Cotton Dust; New Effective Dates, 29 CFR 1910.1043 as published in the **Federal Register** (45 FR 12417) dated Febraury 26, 1980; Mechanical Power Presses; Corrections, 29 CFR 1910.217 as published in the **Federal Register** (45 FR 8594) dated February 8, 1980; Occupational Exposure to Lead, 29 CFR 1910.1000 (amended), 1910.1025 as published in the **Federal Register** (43 FR 53007) dated November 14, 1978; Occupational Exposure to Lead, Corrections, 29 CFR 1910.1025 as published in the **Federal Register** (44 FR 5446) dated January 26, 1979; Occupational Exposure to Lead; Appendices to Standard 29 CFR 1910.1025 as published in the **Federal Register** (44 FR 60981) dated October 23, 1979; Occupational Exposure to Cotton Dust; Corrections 29 CFR 1910.1043 as published in the **Federal Register** (43 FR 56893) dated December 5, 1978; Occupational Exposure to Cotton Dust in Cotton Gins; Corrections, 29 CFR 1910.1046 as published in the **Federal Register** (43 FR 56894) dated December 5, 1978; Occupational Exposure to Lead Correction Appendices 29 CFR 1910.1025 as published in the **Federal Register** (44 FR 68827) dated November 30, 1979; Air Contaminants Tables, Corrections, 29 CFR 1910.1000, as published in the **Federal Register** (43 FR 57602) dated December 8, 1978; Servicing Multi-Piece Rim Wheels, 29 CFR 1910.177 as published in the **Federal Register** (45 FR 6713) dated January 29, 1980; General Safety and Health Provisions, 29 CFR 1910.20, 1910,440, 1910.101, 1910.1003, 1910.1004, 1910.1006, 1910.1007, 1910.1008, 1910.1009, 1910.1010, 1910.1011, 1910.1012, 1910.1013, 1910.1014, 1910.1015, 1910.1016, 1910.1017, 1910.1018, 1910.1025, 1910.1028, 1910.1029, 1910.1043, 1910.1044, 1910.1045, as published in the **Federal Register** (45 FR 35277) dated May 23, 1980. These standards which are contained in Chapter 88 of the Code of Iowa (1977) were promulgated after public comment requested on June 23, 1980, hearing held on July 28, 1980 and resolution adotped by the Iowa Bureau of Labor on August 1, 1980 pursuant to Chapter 17a Iowa Code. The standards were effective on September 25, 1980 and notice of their adoption was published by the State on August 20, 1980. The State also submitted State standards comparable to Medical Records Access; Corrections Supplementary Information, 29 CFR 1910.20, 1910.1001, 1910.1018, 1910.1025 as published in the **Federal Register** (45 FR 54334) dated August 15, 1980; Fire Protection: Means of Egress; Hazardous Materials, 29 CFR 1910.35, 1910.37, 1910.38, 1910.107, 1910.108, 1910.109, 1910.155, 1910.156, 1910.157, 1910.158, 1910.159, 1910.160, 1910.161, 1910.162, 1910.163, 1910.164, 1910.165, as published in the **Federal Register** (45 FR 60703) dated September 12, 1980; Electrical Standards, 29 CFR 1910.301, 1910.302, 1910.303, 1910.304, 1910.305, 1910.306, 1910.307, 1910.308, 1910.399 as published in the **Federal Register** (46 FR 4056) dated January 16, 1981; Fire Protection: Means of Egress; Hazardous Materials, Corrections, 29 CFR 1910.156, 1910.157, 1910.159, 1910.162 as published in **Federal Register** (46 FR 24554) dated May 2, 1981; Occupational Noise Exposure; Hearing Conservation Amendment, 29 CFR 1910.95 as published in **Federal Register** (46 FR 4161) dated January 16, 1981; Commercial Diving Operations; Correction 29 CFR 1910.423 as published in **Federal Register** (45 FR 41634) dated June 20, 1980; Lead; Amendment, 29 CFR 1910.1025 as published in the **Federal Register** (46 FR 6228) dated January 21, 1981; Guarding of Low-Pitched Roof Perimeters During the Performance of Built-Up Roofing Work, 29 CFR 1926.500, 1926.502 as published in the **Federal Register** (45 FR 75625) dated November 14, 1980. These standards which are contained in Chapter 88 of the Code of Iowa (1981) were promulgated after public comment requested on June 16, 1981, hearing held on July 31, 1981; and resolution adopted by the Iowa Bureau of Labor on August 12, 1981 pursuant to Chapter 17a, Iowa Code. The standards were effective on October 9, 1981, and notice of their adoption was published by the State on September 2, 1981.

The State also submitted State standards comparable to Occupational Exposure to Lead; Respirator Fit Testing, 29 CFR 1910.1025 as published in the **Federal Register** (47 FR 51117) dated November 12, 1982; Occupational Exposure to Benzene; Occupational Exposure to Cotton Dust in Cotton Gins, 29 CFR 1910.19, 1910.1000, 1910.1028, 1910.1046, 1928.113 as published in the **Federal Register** (46 FR 32022) dated June 19, 1981; Electrical Standards: Corrections, 29 CFR 1910.301, 1910.302, 1910.303, 1910.304, 1910.305, 1910.306, 1910.307, 1910.308, 1910.399, Appendix A as published in the **Federal Register** (46 FR 40185) dated August 7, 1981; Occupational Exposure to Lead: Revised Supplemental Statement of Reasons; Amendment of Final Rule, 29 CFR

1910.1025 as published in the **Federal Register** (46 FR 60775) dated December 11, 1981; Occupational Noise Exposure; Hearing Conservation Amendment, 29 CFR 1910.95 as published in the **Federal Register** (46 FR 42632) dated August 21, 1981; Occupational Noise Exposure; Hearing Conservation Amendment, 29 CFR 1910.95 as published in the **Federal Register** (46 FR 45333) dated September 11, 1981; Hazardous Material: Attendant Exemption and Latch Open Devices, 29 CFR 1910.106 as published in the **Federal Register** (47 FR 39161) dated September 7, 1982; Occupational Exposure to Coal Tar Pitch Volatiles: Modification of Interpretion, 29 CFR 1910.1002 as published in the **Federal Register** (48 FR 2768) dated January 21, 1983; Education/Scientific Diving, 29 CFR 1910.401, 1019.402, as published in the **Federal Register** (47 FR 53365) dated November 26, 1982. These standards which are contained in Chapter 88 of the Code of Iowa (1983) were promulgated after the public comment requested on February 25, 1983, hearing held on April 6, 1983 and resolution adopted by the Iowa Bureau of Labor on April 22, 1983 pursuant to Chapter 17a, Iowa Code. The standards were effective on June 15, 1983 and notice of their adoption was published by the State on May 11, 1983. The State also submitted State standards comparable to Occupational Exposure to Lead Respirator Fit Testing: Corrections, 29 CFR 1910.1025 as published in the **Federal Register** (48 FR 9642) dated March 8, 1983, Occupational Noise Exposure: Hearing Conservation Amendment 29 CFR 1910.95 as published in the **Federal Register** (48 FR 1983) dated March 8, 1983. These standards which are contained in Chapter 88 of the Code of Iowa (1983) were promulgated after public comment requested March 31, 1983, hearing held on May 11, 1983 and resolution adopted by the Iowa Bureau of Labor on May 20, 1983 pursuant to Chapter 17a of the Code. The standards were effective on July 15, 1983 and notice of their adoption was published by the State on June 8, 1983.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the comparable Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Directorate of Federal/State Operations, Office of State Programs, Room N-3476, 200 Constitution Avenue NW., Washington, D.C. 20201; Office of the Regional Administrator, OSHA, Room 406 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; and Iowa Bureau of Labor, 307 E. 7th Street, Des Moines, Iowa 50319.

4. *Public participation.* Under 29 CFR 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Iowa State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the comparable Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective December 12, 1983.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Kansas City, Missouri this 12th day of December 1983.

Roger A. Clark,

Regional Administrator.

[FR Doc. 84-18650 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

Nevada State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the **Federal Register** (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision. The Nevada plan provides for the adoption of Federal standards as State standards by reference. The Nevada State plan submitted on December 5, 1975, and designated as Subpart W sets forth the State's schedule for the adoption of Federal standards. By letter dated April 1, 1983, from Michael J. Tyler to Ray Owen and incorporated as part of the plan, the State submitted State standard revisions identical to 29 CFR Parts 1910, 1926, and 1928. The incorporation of these standards include all Federal standard changes through July 1, 1982. These standards, which are contained in the Department of Occupational Safety and Health, Standards for General Industry and Occupational Safety and Health, Standards for the Construction Industry, were promulgated after public hearings on March 16 and 17, 1983, by the Department of Occupational Safety and Health pursuant to Nevada Occupational Safety and Health Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; Director, Department of Occupational Safety and Health, Capitol Complex, 1370 S. Curry, Carson City, Nevada 89710; and Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator-OSHA's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

The decision is effective July 13, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at San Francisco, Calif., this 4th day of May 1984.

Russell B. Swanson,

Regional Administrator—OSHA.

[FR Doc. 84-18651 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

Nevada State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the **Federal Register** (39 FR 1008) of the approval of the Nevada plan and the adoption of Subpart W to Part 1952 of Title 29 containing the decision.

The Nevada plan provides for the adoption of Federal standards as State standards by reference. The Nevada State Plan submitted on December 5, 1975, and designated as Supart W sets forth the State's schedule for the adoption of Federal standards. By letter dated April 30, 1984, from Michael J. Tyler to Ray Owen and incorporated as part of the plan, the State submitted a State standard revision identical to 29 CFR 1910.1200, Hazard Communication and 29 CFR 1910.177, Servicing of Single Piece and Multi Piece Rim Wheels. These standards are incorporated into the Nevada standards for General Industry by resolution by the Department of Occupational Safety and Health pursuant to Nevada Occupational Safety and Health Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator OSHA, 450 Golden Gate Avenue, Room 11349, San Francisco, California 94102; Director, Department of Occupational Safety and Health, 1370 South Curry Street, Carson City, Nevada 89710; and Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Nevada State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 13, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at San Francisco, Calif., this 16th day of May 1984.

Hamilton Fairburn,

Acting Regional Administrator—OSHA.

[FR Doc. 84-18652 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

Puerto Rico State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On August 30, 1977, notice was published in the **Federal Register** (42 FR 43628) of the approval of the Puerto Rico plan and the adoption of Subpart FF to Part 1952 containing the decision.

The Puerto Rico plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated June 2, 1983, from the Assistant Secretary for Occupational Safety and Health Eva Rivera de Velasquez to Regional Administrator Gerald P. Reidy, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Access to Employee Exposure and Medical Records; Corrections, as published in the **Federal Register** (45 FR 54333) dated August 15, 1980, and Occupational Safety and Health Standards for Shipyard Employment, as published in the **Federal Register** (47 FR 16984) dated April 20, 1982. These standards which are contained in the Puerto Rico Regulations, Number Four (equivalent to 29 CFR Part 1910) and Number Twelve (equivalent to 29 CFR Parts 1915 and 1918) were promulgated by resolutions adopted by the Puerto Rico Depaartment of Labor and Human Resources on March 23, 1983, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of 1958.

The State has submitted by letter dated November 18, 1983, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Educational/Scientific Diving, as published in the **Federal Register** (47 FR 53357) dated November 26, 1982; Occupational Exposure to Coal Tar Pitch Volatiles, Modification of Interpretation, as published in the **Federal Register** (48 FR 2764) dated January 21, 1983; Occupational Noise Exposure; Hearing Conservation Amendment, as published in the **Federal Register** (48 FR 9738) dated March 8, 1983. These standards which are contained in the Puerto Rico Rules and Regulations, Number Four (equivalent to 29 CFR 1910) were promulgated by resolution adopted by the Puerto Rico Department of Labor and Human Resources on May 3, 1983, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of 1958.

The State has submitted by letter dated March 7, 1984, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration standards for Fire Protection, Means of Egress; Hazardous Materials; Corrections, as

published in the Federal Register (46 FR 24557) dated May 1, 1981; Hazardous Materials; Attendant Exemption and Latch-Open Devices, as published in the Federal Register (47 FR 39161) dated September 7, 1982; Occupational Exposure to Lead; Respirator Fit Testing, as published in the Federal Register (47 FR 51110) dated November 12, 1982 with Corrections, as published in the Federal Register (48 FR 9641) dated March 8, 1983; Marine Terminals, as published in the Federal Register (48 FR 30886) dated July 5, 1983; Occupational Noise Exposure; Hearing Conservation Amendment Corrections as published in the Federal Register (48 FR 29687) dated June 28, 1983 These standards which are contained in the Puerto Rico Regulations Number Four (equivalent to 29 CFR Part 1910) and Number Twelve (equivalent to 29 CFR Part 1917) were promulgated by resolutions adopted by the Puerto Rico Department of labor and Human Resources on June 14, 1983 and September 30 1983, pursuant to the Puerto Rico Act Number 16 and Chapter 52 of the Puerto Rico Rules and Regulations Act of1958.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Bldg., Munoz Rivera Avenue 505, Hato Rey, Puerto Rico 00917 and the office of the Director, Federal-State Operations, Room N3476, 200 Constitution Avenue, NW., Washington, D.C.20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process of for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Puerto Rico State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the follow reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective July 13, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York City, New York, this fifth day of April 1984.

Gerald Reidy,

Regional Administrator.

[FR Doc. 84-18648 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the Federal Register (38 FR 1178) of the approval of the Utah Plan and adoption of Subpart E to Part 1952 containing the decision. The Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearings.

3. Commission order adopting and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1953.23 sets forth the State's schedule for adoption of Federal Standards. By letter dated February 10, 1984, from Douglas J. McVey, Administrator, Utah Occupational Safety and Health Division, to Byron R. Chadwick, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1910.1200: Hazard Communication, (48 FR 53280) November 25, 1983. These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1943, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comments were received and no hearings were held.

The standards for 29 CFR 1910.1200: Hazard Communication, were amended and adopted by the Industrial Commission of Utah, Archives File Number 6915 on February 3, 1984, effective on March 1, 1984, pursuant to Title 35-9-6, Utah Code, annotated 1953.

2. *Decision.* The State submissions have been reviewed in comparison with the Federal Standards and it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 160 East 300 South, Salt Lake City, Utah 84111; and the Office of State Programs, Room N3476, 200 Constitution Ave., NW., Washington, DC 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplements to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective May 8, 1984.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 U.S.C. 667))

Signed in Denver, Colo., this 8th day of May 1984.

Byron R. Chadwick,

Regional Administrator.

[FR Doc. 84-18649 Filed 7-12-84; 8:45 am]

BILLING CODE 4510-26-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Invitation for Public Comment

AGENCY: Office of Management and Budget, Office of Federal Procurement Policy.

ACTION: The Office of Federal Procurement Policy is requesting comments on proposed revisions to OMB Circular No. A-114, "Management of Federal Audiovisual Activities."

SUMMARY: OMB Circular No. A-114 was issued over 6 years ago to provide basic policies governing the use and management of Federal audiovisual resources. An amendment to the Circular in August 1978 established an Interagency Audiovisual Review Board and prescribed a Government-wide contracting system for the procurement of motion picture film productions. In 1981, a moratorium was imposed on the acquisition of new audiovisual productions, pending the development of specific control plans.

The proposed revised Circular incorporates the audiovisual management control policies prescribed in response to the 1981 moratorium; improves the organization and clarity of the original Circular; and updates the management policies initially prescribed in 1978.

Seven major substantive changes have been made:

1. Reference to control systems developed in response to OMB Bulletin No. 81-16, dated April 21, 1981, and the Model Control System for Periodicals, Pamphlets and Audiovisual Products have been incorporated into the Circular. It now requires that control systems be institutionalized to monitor and document agency audiovisual activities.

2. Agencies are required to adhere to policies of OMB Circular No. A-76 (Revised), "Performance of Commerical Activities." The previously imposed 950-hour minimum utilization standard has been eliminated in favor of management studies under Circular A-76.

3. Attachment C of the original Circular, "In-house Processing of Motion Picture Film," has been rescinded. The initial objective to phase out in-house motion picture processing has been accomplished.

4. Attachment F of the original Circular, "Use of Contracts, Grants and Cooperative Agreements," has been eliminated. This requirement is now incoprorated in Attachment B of the revised Circular.

5. Attachment G of the Circular, "Contracts for Motion Picture Productions," has been eliminated. Procurement policies governing both motion picture and videotape productions are currently set forth in Office of Federal Procurement Policy Letter 79-4. Policy Letter 79-4 will continue in effect until revised and reissued at a later date.

6. The Federal Audiovisual Committee is abolished as a standing Interagency Committee. Policy changes and initiatives will be coordinated with Federal agencies by the Office of Federal Procurement Policy.

7. The Mandatory Title Check procedure has been simplified. However, agencies shall continue to utilize resources of the National Aduiovisual Center to determine if Federal productions are available. A review of commerical media collections is required before new productions are intitiated to ascertain availability of existing productions to meet agency needs.

The intended effect of the proposed changes is to update and simplify the Circular and facilitate the establishment of uniform policy on all Federal audiovisual actvities. Since the proposed Circular will not have a $100 million (or greater) effect on the economy, will not result in major increases in price or cost, and will not have adverse affects on employment, investment, competition, productivity or innovation, it is not a major rule, as defined in Executive Order 12291.

DATE: Comments must be received on or before August 13, 1984.

ADDRESS: Comments should be submitted to the Office of Management and Budget, Office of Federal Procurement Policy, Room 9013 New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Charles W. Clark, Deputy Associate Administrator for Policy Development, (202) 395-6803..

Donald E. Sowle,
Administrator.

Circular No. A-114 (Revised)

To the Heads of Executive Departments and Establishments

Subject: Management of Federal Audiovisual Activities

1. *Purpose.* This Circular prescribes policies and procedures to improve Federal audiovisual management.

2. *Rescission.* OMB Circular No. A-114, dated April 13, 1978, and Transmittal Memorandum No. 1, dated August 30, 1978.

3. *Background.* OMB Circular No. A-114 was initially issued on April 13, 1978, to provide basic policies governing the consolidation, use and management of Federal audiovisual resources. An amendment to the Circular, issued on August 30, 1978, established an Interagency Audiovisual Review Board and prescribed a Government-wide contracting system for the procurement of motion picture film productions.

On April 20, 1981, the President expressed concern about Government spending for unnecessary magazines, pamphlets and films. A moratorium was imposed on the acquisition of new periodicals, pamphlets, and audiovisual productions, pending the development of specific plans to control spending in these areas. This revised Circular incorporates the audiovisual management control policies prescribed by OMB Bulletin No. 81-16 of June 5, 1981. Bulletin No. 81-16 was issued in response to the President's concerns. The revision also improves the organization and clarity of the original Circular and updates the management policies initially prescribed in 1978.

4. *Applicability and Scope.* The Circular applies to all agencies of the executive branch of the Federal Government.

5. *Responsibilities:*

a. The head of each agency is responsible for promulgating such regulations and controls, as necessary, to implement the provisions of this Circular. Each agency head shall designate an office which will have responsibility for the management oversight of the agency's audiovisual activities. This office should be at a management policy level with agency-wide authority. Internal control systems shall provide for monitoring and documenting the extent of agency audiovisual activities and the use of audiovisual resources.

b. Each agency shall forward the name, mailing address, and telephone number of the office which is assigned responsibility for management oversight of the agency's audiovisual activities to the Office of Federal Procurement Policy (OFPP), with an information copy to the National Audiovisual Center (mailing address: National Audiovisual Center (NAC), General Services Administration, Washington, D.C. 20409). These designated offices shall serve as the liaison for OFPP and NAC in all matters relating to agency audiovisual activities.

c. Agencies should institute, maintain, and document management control systems to ensure economy and efficiency in audiovisual activities and

in audiovisual production and acquisition. Agency control systems shall meet the following criteria:

(1) The need for audiovisual products must be confirmed at a management level above the using activity before production is authorized.

(2) Monitoring offices should normally not have operational responsibilities for the production of procurement of audiovisual products.

(3) The policies and procedures governing the mode of operation for audiovisual activities shall be in compliance with OMB Circular No. A-76 (Revised).

(4) The agency control systems must cover all audiovisual productions, including field office productions and categories excluded under this Circular.

d. Heads of agencies shall be guided by the policies and procedures in this Circular and in the following:

—Attachment A, Audiovisual Activities
—Attachment B, Agency Management of Audiovisual Productions
—Attachment C, Distribution and Evaluation of Audiovisual Productions
—Attachment D, SF 203/Annual Audiovisual Report

6. *Definitions:*

a. Agency: As used in this Circular, agency means any department or independent establishment of the executive branch of the Federal Government.

b. Audiovisual Productions: A unified presentation, developed according to a plan or script, containing visual imagery, sound, or both, and used to convey information. Audiovisual productions include slide sets, film strips, motion pictures, television (videotape and disc), audio recording (tape and disc) and multimedia (any combination of two or more media) productions.

c. Audiovisual Services: Individual functions such as scripting; photography, sound and video recording; photo instrumentation film processing; broadcasting; film-to-video and video-to-film transfers; video, film and sound editing; video, film and sound duplication; audiovisual media depository and records center operations; distribution; audiovisual production evaluation programs; and support and maintenance of audiovisual equipment and facilities.

d. Audiovisual Activity: An organization or function within an organization employing one or more individuals whose principal job is to provide an audiovisual service, produce or acquire audiovisual productions, or manage audiovisual resources. Resources include equipment, budgets, facilities, personnel, supplies and accessories.

e. Audiovisual Equipment: Equipment used for the recording, production, reproduction, processing, broadcasting, distribution, storage or exhibiting of audiovisual products.

f. Audiovisual Facility: A building, or space within a building, owned or operated by the Government which houses an audiovisual activity.

7. *Exclusions.* The following materials are excluded from *all* provisions of this Circular:

a. Commercial entertainment productions (such as those distributed to theaters on military installations).

b. Audiovisual information collected exclusively for surveillance, reconnaissance, or intelligence purposes or equipment integrated in a reconnaissance collecting vehicle.

c. Photo-mechanical reproduction, cartography, X-rays, and microfilm/fiche productions.

d. Graphic arts and still photographic activities except when their products are used in audiovisual productions.

e. Productions produced by Voice of America and the Armed Forces Radio and Television Service for exhibition overseas.

f. Should audiovisual information excluded under paragraphs a through c above be used in producing a subsequent production, that production will be subject to the provisions of the Circular.

8. *Inquiries.* Further information concerning this Circular may be obtained by contacting the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013 New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, Telephone: IDS 103-6803 or FTS (202) 395-6803.

David A. Stockman,
Director.

OMB Circular No. A-114—Attachment A

Audiovisual Activities

1. *Purpose.* This Attachment describes specific policies governing the management and utilization of audiovisual activities.

2. *Consolidation.* Agencies shall consolidate audiovisual activities into as few locations as possible. As a general rule, each agency will attempt to consolidate its audiovisual activities into a single facility within each metropolitan area. Where consolidation is not feasible or economical, these activities should, as a minimum, be centrally managed.

3. *Commercial Activities.* Audiovisual activities and related functions, such as graphic arts and still photographic activities, provide products or services which can be obtained from commercial sources and should not be initiated or continued with Government resources unless justified under the provisions of OMB Circular A-76.

4. *Use of Other Federal Activities.* Excess audiovisual property and services available from other Federal agencies may be used unless the needed product or service can be more economically obtained from the commercial sector. Prices shall be solicited from the commercial sector and from the prospective providing agency. A contract shall be awarded if the commercial price is more economical.

a. Agencies shall not retain, create or expand internal capacity for the prupose of providing commercially available products or services to other agencies, foreign governments, or private organizations. When the performing agency's own requirements increase, capacity used to support other agencies shall be used rather than acquiring additional capacity for the purpose of supporting other agencies. Agencies using such excess capacity should be provided sufficient notice to arrange alternative sources. The support will be terminated unless exceptional circumstances prevent that agency from finding a new source.

b. All audiovisual activities must be inventoried and reviewed for possible conversion to contract by September 30, 1987, and all external support must be included in the Performance Work Statement developed for this review. If the activity has been reviewed, agencies may use the products or services provided with no further justification. If, by September 30, 1987, the activity has not been justified for continued in-house performance, user agencies shall obtain the required services directly from a commercial source.

5. *Utilization.* Through the use of management studies specified in OMB Circular No. A-76, agencies shall survey existing audiovisual activities to ensure full use of facilities, personnel and equipment. Resources made available from these studies or in the consolidation of audiovisual activities shall be declared excess in accordance with existing regulations.

OMB Circular No. A-114—Attachment B

Agency Management of Audiovisual Productions

1. *Purpose.* This attachment provides guidance to improve agency management of audiovisual productions.

2. *Policy.* Audiovisual productions, where cost effective and otherwise appropriate, should be used by agencies to support specific Government programs. Audiovisual productions should be limited to those essential to agency missions and should not be used to promote an agency or to provide forums for agency opinions on broad subjects, without specific program reference. As a general rule:

a. Agencies should not develop or support audiovisual productions to influence pending legislation, promote sales of products, or promote the status of various industries.

b. Material produced for research or documentation must be limited to research or documentation; not the promotion of an agency's programs.

c. Agencies should use procurement contracts to procure audiovisual productions. Grants, cooperative agreements and other legal instruments should not be used when the production is intended for the direct benefit or use of the Government.

d. Procurement policies and procedures for audiovisual productions are contained in OFPP Policy Letter 79-4.

3. *Needs Assessment.* The acquisition or production of audiovisual products may be authorized only where the agency has determined that the products are the most effective means of communicating the required message to the intended audience. In making this determination, agencies shall consider and document all relevant factors, including but not limited to: communication objective; target audience; production costs; user cost; life span of the information to be conveyed; frequency of use; immediacy of requirement; necessity for periodic updating; method, level and cost of distribution; and compatability with other existing communication programs.

4. *Subject Search.* Agencies must check commercial and Government sources before authorizing audiovisual productions or procurements.

a. Prior to authorizing any type of audiovisual production, all agencies will attempt to determine if existing productions are available to satisfy its needs. Agencies should use the resources of the National Audiovisual Center (NAC) to determine what Federal productions exist by requesting subject searches. Standard Form 282 (Appendix I) may be used for this purpose. Agencies should also review commercial media collections, either through catalogs or computer-based resources. If there are no existing Federal or commercial productions available, the agency may produce, within existing budget limitations, additional productions to support program responsibilities.

b. *Federal Audiovisual Production Report (SF 202).* The Federal Audiovisual Production Report (FAPR), Standard Form 202 (Appendix II), will be prepared by each agency when production is authorized. The FAPR assists Federal agencies in learning about similar products existing or planned in other agencies, and helps reduce duplication of effort. Pre-production sections of the report will be completed and sent to NAC and will consist of information about materials planned or in process. Upon completion of an audiovisual production, the post-production sections of the FAPR will be completed and forwarded to NAC. This information will become part of the Center's data base. Information from the data base will be provided to other Federal agencies and the public. Copies of Standard Form 202 may be obtained from GSA through agency forms distribution systems. Pre-production and post-production Federal Audiovisual Production Reports should be submitted to the National Audiovisual Center for all productions except those excluded by part 7 below.

c. The DOD will compile its own production data using the DOD Form 1995, DOD Audiovisual Production Report. Information about these productions will be made available to ANC through the Defense Audiovisual Information System (DAVIS).

5. *Government Employees as Actors:*

a. All Federal employees (including active-duty military personnel) are prohibited from playing dramatic roles, narrating, or acting in Federal audiovisual productions except:

—When performing their own job.
—When a production is to be used only for internal communications or training, and the Government employees are playing roles developed for training purposes in connection with their own job, without using a prepared script.
—When the skills or knowledge of the Government employees cannot be readily supplied by professional actors, and cannot be supplied by a prepared script.

Government personnel shall not perform roles which subject them to health or safety hazards not normally encountered in their own jobs.

6. *Stock Footage.* Agencies, except the DOD, shall offer to the Audiovisual Archives Division, National Archives and Records Service, General Services Administration, motion picture out-takes and trims from footage accumulated in the production of audiovisual products. The footage will be made available to other Federal agencies and the public through services provided by the Audiovisual Archives Divison.

7. *Exclusions.* Agency productions that are *excluded* from pre-producton and post-production reporting requirements are:

a. Security-classified items.

b. Items produced for internal agency use that are exempt from public disclosure under the provisions of the Freedom of Information Act (80 Stat. 383; 5 U.S.C. 552), as amended.

c. Items the agency decides would not benefit the public because the useful life is too short (usually less than one year) or the production budget is too small (less than $5,000).

d. Mixed media packages with predominance of printed material usually handled by the U.S. Government Printing Office.

e. Productions prohibited by law from distribution in the United States.

f. Productions related to timely coverage of a news event such as public service announcements, newsclips or audio recordings, or television and radio spot announcements.

g. Unique or highly-specialized technical materials useful only to a single agency.

h. Multi-medial productions requiring special projection equipment or electronic programmers.

i. Productions from criminal investigations or other legal evidentiary procedures.

j. Photo-instrumentation, reconnaissance, or documentation footage. Exclusion does not include productions produced from this footage.

Note.—With the exception of 7j, all excluded items *must* be reported in the agency Annual Audiovisual Report (SF 203) (see Attachment D of this Circular).

OMB Circular No. A-114—Attachment C

Distribution and Evaluation of Audiovisual Productions

1. *Purpose.* This Attachment provides policy and guidance for improving the distribution and evaluation of Government-owned audiovisual productions, and provides for the centralization of specific audiovisual management services in the National

Audiovisual Center (NAC), National Archives and Records Service, General Services Administration.

2. *Services Provided by NAC.* NAC will serve as the central information source to the public and Federal agencies concerning the availability of audiovisual productions produced by or for the Government. In addition, NAC will rent and sell Federal audiovisual productions to the public and Federal agencies. NAC will compile and publish Government-wide catalogs, as well as use other types of information dissemination techniques to inform the public on audiovisual productions available for rent and sale; develop criteria, establish appropriate terminology, and recommend Government-wide practices for the cataloging and indexing of audiovisual productions and maintain a data bank containing information on Federal audiovisual productions.

3. *Policy.* Agencies shall provide NAC all information, as citerd in Attachment B, and all productions necessary to perform this service. Agencies shall use NAC services to increase the dissemination of audiovisual product information to the public and improve access to and the use of Federal audiovisual productions.

4. *Distribution*:

a. Upon request, agencies will provide all duplication materials necessary for NAC to reproduce copies of specific productions and make them available to the public and other Federal agencies.

b. Agencies may elect to loan duplication materials to NAC when required, or provide it for the Center's permanent use. Under either condition, NAC retains the right to place duplication material in a laboratory selected by the Center to ensure the best price to the public. Duplication material on loan to NAC will be returned to the agency but may, through special arrangement with the producing agency, be retained in the Center's laboratory until specifically requested by the agency.

c. When acceptable duplication material is no longer available from an agency, the agency will loan NAC the original materials and/or printing masters necessary for the Center to reproduce, at its expense, the duplication material needed for reproduction. The original material may be maintained at the agency's laboratory for duplication or, if mutually agreeable, be moved to a laboratory designated by NAC. Agency materials will be returned immediately after production of the duplication materials.

d. Arrangements for the transfer of duplicating materials to NAC will normally be initiated by the Center. Agencies desiring to deposit duplication materials with NAC may arrange for automatic transfer upon completion of productions by executing an interagency agreement with the Center.

e. NAC shall determine the prices of items for sale and rent through the Center under the authority of 44 U.S.C. 2112(c).

f. In addition to using NAC's services, an agency may make its productions available for sale, rent, or loan to the public through other distribution channels provided the agency head determines that such actions are necessary for the efficient operation of the agency's programs. Agencies shall, however, periodically review their distribution programs and discontinue any which duplicate NAC services.

5. *Loan Programs*:

a. Agencies which maintain multiple loan libraries shall attempt to consolidate them. Each agency should have no more than one loan library in a geographic area. After a title has been in loan distribution through an agency's loan library or through commercial contract for three years, or earlier if appropriate, the title should be considered for further access through NAC's rental program.

b. Multiple award contracts have been made by GSA under Federal Supply Schedule Industrial Group 781 covering the free loan distribution of audiovisual materials. Agencies should obtain pertinent ordering data from the GSA regional office servicing their areas and use the contracts, as appropriate.

6. *Exclusions.* Productions excluded by Attachment B, Part 7, of this Circular need not be submitted to the National Audiovisual Center.

7. *Evaluation*:

a. *Production.* Agency management should perform appropriate evaluation of audiovisual productions and include evaluation in audiovisual management control systems to ensure goals and objectives of the production were met.

(1) Each agency will develop an evaluation program to assess the value and effectiveness of its audiovisual productions.

(2) Complexity and cost of evaluation should be dependent on the cost and program impact of the audiovisual production being evaluated. For example, agencies should spend less time and money to evaluate a low-cost small impact production than they should to evaluate a high cost or major audiovisual program designed for broad applications. Depending on the production being evaluated, methods could range from a simple tally sheet to record sample responses to a more complex survey with interviews and testing forms.

b. *Distribution:*

(1) Agencies shall annually evaluate the effectiveness of distribution systems for all products. Evaluation may be performed by developing statistical reports which show the estimated number of viewers of specific productions and the resulting cost per thousand—based on number of viewers and costs of production and distribution. This data should be considered by the agency in authorizing future audiovisual productions.

(2) Before authorizing any production which is estimated to cost more than $50,000, a specific written distribution plan must be prepared, including reference to the program the production will support. The agency will evaluate the cost-effectiveness of the proposed production by relating the size of the potential audience to the total production cost.

OMB Circular No. A-114—Attachment D

Standard Form 203/Annual Audiovisual Report

1. *Purpose.* This Attachment describes reporting requirements for the Annual Audiovisual Report, Standard Form (SF) 203.

2. *Policies and Procedures.* Agencies are required to file SF 203, Annual Audiovisual Report (Appendix III), detailing all audiovisual activity each fiscal year. The report is due January 1 each calendar year for the previous fiscal year and should be forwarded to the National Audiovisual Center (NAC), National Archives and Records Service, General Services Administration. *All* audiovisual productions, including productions excluded from other reporting requirements of this Circular, should be reported on the SF 203. The purpose of the report is to acquire data on Federal audiovisual activities, including overhead for in-house expenses. This information, once compiled, will be made available, upon request, to all agencies, and to the public. Copies of SF 203 may be obtained from the General Services Administration through forms distribution systems.

3. *NAC Periodic Review Authority.* Agencies shall ensure, through management control and cost accounting systems, the accuracy and consistency of audiovisual production

budget data provided to OMB and the SF 203 data furnished to NAC.

[FR Doc. 84-18584 Filed 7-12-84; 8:45 am]

BILLING CODE 3110-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Options Evaluation Task Force; Regular Meeting

AGENCY: Options Evaluation Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Case Study: Additional DSI Interruptibility

—Discussion

—Design of SAM study

—Alternative methods for evaluation

- Interactive version of SARA
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Options Evaluation Task Force.

DATE: Friday, July 20, 1984. 1:00 p.m.

ADDRESS: The meeting will be held at the Council Hearing Room at 700 S.W. Taylor; Suite 200, in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Wally Gibson, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-18579 Filed 7-12-84; 8:45 am]

BILLING CODE 0000-00-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-46]

Initiation of Investigation Under Section 301; Transpace Carriers, Inc.

On May 25, 1984 Transpace Carriers, Inc. (TCI) filed a petition under section 301 of the Trade Act of 1974, as amended (19 U.S.C. 2411 *et seq.*) alleging that the Member States of the European Space Agency and their instrumentalities subsidize the commercial satellite launch services of the French firm Arianespace. The specific subsidies alleged in the petition include:

—The two-tiered pricing structure of Arianespace by which its charges a higher launch price to ESA and its Member States than it charges for export launches;

—The provision of launch and range facilities, services and personnel at no charge, or unreasonably low cost, to Arianespace by the national space agency of France, the Centre National d'Etudes Spatiale (CNES);

—The provision of administrative, management and technical personnel at no charge, or unreasonably low rates, to Arianespace by CNES; and

—The subsidization of mission insurance rates which customers of Arianespace would otherwise pay.

On July 9, 1984, the United States Trade Representative decided to initiate an investigation based on the petition filed by TCI in accordance with the provisions of 19 U.S.C. 2412(a).

Interested parties are invited to submit written comments with respect to issues raised in the petition. Such comments should be filed in accordance with the procedures set forth in 15 CFR 2006.8 and should be submitted to the Chairman, Section 301 Committee, Office of the U.S. Trade Representative, Room 223, 600 17th Street, NW., Washington, D.C. 20506 no later than September 7, 1984. Copies of the petition are available at the above address.

Jeanne S. Archibald,

Chairman, Section 301 Committee.

[FR Doc. 84-18558 Filed 7-12-84; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 9, 1984.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 535-6020. Comments regarding these information collections should be addressed to the OMB reviewer at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7227, 1201 Constitution Avenue NW., Washington, D.C. 20220.

Bureau of the Public Debt

OMB No. 1535-0043
Form No. PD 2066
Type of Review: Extension
Title: Application by Survivors for Payment of Bond or Check Issued Under the Armed Forces Leave Act of 1946, as amended.

OMB No. 1535-0037
Form No. PD 2495
Type of Review: Extension
Title: Resolution by Fiduciaries Empowered to Act.

OMB No. 1535-0046
Form No. PD 1010
Type of Review: Extension
Title: Resolution by Governing Body of an Organization.

OMB No. 1535-0038
Form No. PD 2488
Type of Review: Extension
Title: Disposition of Securities or Checks by Personal Representative.

OMB No. 1535-0041
Form No. PD 2446
Type of Review: Extension
Title: Certificate of Incumbency for Fiduciaries.

OMB No. 1535-0047
Form No. PD 1071
Type of Review: Extension
Title: Certification of Ownership of United States Bearer Securities.

OMB No. 1535-0039
Form No. PD 2481
Type of Review: Extension
Title: Application for Recognition as Natural Guardian of Minor Not Under Legal Guardianship and for Disposition of Minor's Interest in Registered Securities.

OMB No. 1535-0048
Form No. PD 385
Type of Review: Extension
Title: Certificate of Identity of Owner of Registered Securities.

OMB No. 1535-0045
Form No. PD 1008
Type of Review: Review
Title: Specific Power of Substitution Under Power of Attorney Granted to Corporation to Dispose of Registered Securities.

OMB Reviewer: Norman Frumkin, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

U.S. Customs Service

OMB No. 1515-0046
Form No. CF 3485
Type of Review: Extension
Title: Lien Notice.

OMB No. 1515-0032
Form No. CF 5125
Type of Review: Extension
Title: Application for Withdrawal of Bonded Stores for Fishing Vessel and Certification of Use.

OMB No. 1515-0026
Form No. CF 3078

Type of Review: Extension
Title: Application for Identification Card.
OMB Reviewer: Judy McIntosh, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports, Management Office.

[FR Doc. 84-18595 Filed 7-12-84; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held July 18, 1984 in Room 600, 301 4th Street SW., Washington, D.C. From 10:00 am to 12:30 pm, the Commission will discuss programs and long range plans of the National Endowment for Democracy and USIA's budget.

Please call Louise Stroud, (202) 485-2459, if you are interested in attending the meeting since entrance to the building is controlled.

Dated: July 9, 1984.

Charles Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 84-18568 Filed 7-12-84; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 136
Friday, July 13, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: See Times Below, Tuesday, July 17, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

10:00 a.m.

MATTERS TO BE CONSIDERED:

1. FY 86 Priorities

The staff will brief the Commission on fiscal year 1986 priorities.

STATUS: Closed to the public.

2:30 p.m.

MATTERS TO BE CONSIDERED:

2. Compliance Status Report

The staff will brief the Commission on a Compliance Status Report.

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.

Dated: July 11, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-18751 Filed 7-11-84; 4:00 pm]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, July 18, 1984.

LOCATION: Third Floor Hearing Room, 1111 — 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Voluntary Standards Proposal: Public Hearing

The Commission will conduct a public meeting to obtain views from interested parties concerning a proposal to amend the CPSC policy regarding Commission involvement in voluntary standards activities 16 CFR, Part 1032, as well as views concerning the general issue of Commission support for voluntary standards development.

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.

Dated: July 11, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-18752 Filed 7-11-84; 4:00 pm]

BILLING CODE 6355-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: See Times Below, Thursday, July 19, 1984.

LOCATION: Third Floor Hearing Room, 1111 — 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

8:30 a.m.

MATTERS TO BE CONSIDERED:

1. Commission Staff Briefing

The Commission and the staff will discuss various matters.

10:00 a.m.

2. Toy Age Labeling: Meeting with Industry

The Commission will meet with toy manufacturers (including importers) to discuss age labeling.

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.

Dated: July 11, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-18753 Filed 7-11-84; 4:00 pm]

BILLING CODE 6355-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Friday, July 20, 1984.

LOCATION: Third Floor Hearing Room, 1111 — 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

FY 86 Priorities

The Commission will consider fiscal year 1986 priorities.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Dated: July 11, 1984.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 84-18754 Filed 7-11-84; 4:00 pm]

BILLING CODE 6355-01-M

5

FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 49, June 25, 1984, Page No. 25916.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., July 10, 1984.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the time of its previously announced open meeting of July 10, 1984, from 10:00 a.m., to 1:00 p.m.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 84-18717 Filed 7-11-84; 2:56 pm]

BILLING CODE 6750-01-M

6

U.S. PAROLE COMMISSION

NATIONAL COMMISSIONERS (THE COMMISSIONERS PRESENTLY MAINTAINING OFFICES AT CHEVY CHASE, MARYLAND, HEADQUARTERS)

TIME AND DATE: 2:00 p.m., Wednesday, July 18, 1984.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

Dated: July 10, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84-18718 Filed 7-11-84; 2:51 pm]

BILLING CODE 4410-01-M

7

POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on July 9, 1984, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting, scheduled for August 6, 1984, in Cleveland, Ohio. The meeting will consist of a continuation of the discussion of possible strategies and positions in connection with collective bargaining negotiations, pursuant to chapter 12 of title 39 United States Code, invovling parties to the 1981 National Agreements, between the Postal Service and four labor organizations representing certain postal employees, which are scheduled to expire in July 1984.

The meeting is expected to be attended by the following persons: Governors Babcock, Camp, McKean, Peters, Ryan, Sullivan, Voss and Waldman; Postmaster General Bolger; Deputy Postmaster General Finch; Secretary of the Board Harris; General Counsel Cox; Senior Assistant Postmaster General Morris; and Counsel to the Governors Califano.

In making its decision to schedule this matter for its August 6 meeting the Board noted that the Postal Service hopes to reach agreement with the labor organizations before that time, and that, in this event, the matter will not need discussion at the meeting.

The Board is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)], because it it likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting to be closed may properly be closed to public observation, pursuant to sections 552b (c)(3) and (9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and § 7.3 (c) and (i) of title 39, Code of Federal Regulations.

David F. Harris,

Secretary.

[FR Doc. 84-18719 Filed 7-11-84; 2:50 pm]

BILLING CODE 7710-12-M

federal register

Friday
July 13, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers oif the decxisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Decision	Date
California: CA84–5001	Mar. 30, 1984.
Illinois:	
IL83–2050	July 1, 1983.
IL83–2051	Do.
Iowa IA84–4043	June 15, 1984.
Louisiana: LA84–4010	Mar. 9, 1984.
Michigan:	
MI83–2018	Mar. 11, 1983.
MI83–2015	Do.
MI83–2008	Feb. 11, 1983.
MI83–2021	Mar. 18, 1983.
MI83–2007	Feb. 11, 1983.
MI82–2042	July 9, 1982.
Pennsylvania	
PA81–3091	Dec. 28, 1981.
PA82–3010	Mar. 5, 1982.
PA82–3027	Oct. 8, 1982.
PA82–3028	Sept. 10, 1982.
PA83–3051	Nov. 25, 1983.
PA83–3052	Do.
PA83–3053	Do.
PA84–3000	Jan. 13, 1984.
PA84–3004	Feb. 17, 1984.
Texas:	
TX84–4015	Mar. 16, 1984.
TX84–4020	Apr. 13, 1984.
TX84–4028	May 4, 1984.
TX84–4037	May 25, 1984.
Washington:	
WA83–5110	June 3, 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 number of the decisions being

Decision	Date
Pennsylvania: PA83–3005 (PA84–3026)	Apr. 8, 1983.

Signed at Washington, D.C., this 6th day of July 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

MODIFICATIONS P. 1

DECISION NO. IL83-2050 Mod #3
(48 FR 30571 - July 1, 1983)
Cook County, Illinois

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BRICKLAYERS:		
Bricklayers & Stonemeasons	$16.86	$2.99
Caulkers, Cleaners, Pointers	16.71	3.35
PAINTERS;		
Brush, Decorator, Paper-hangers, and Tapers	14.50	2.40
PIPEFITTERS: STEAMFITTERS	18.00	3.60
PLUMBERS	17.25	3.40
ROOFERS	17.00	3.00
LABORERS (Landscape):		
Landscape Plantsman	8.85	g,h
Truck Driver-2 axles	8.90	g,h
Truck Driver-3 axles and Equipment Operator	9.35	g,h

DECISION NO. IL83-2051 - Mod #4
(48 FR 30574 - July 1, 1983)
DePage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties
Illinois

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers: Stonemasons:		
DuPage & Lake Counties	$16.86	$2.99
Kane, Kendall, McHenry	16.86	2.99
Cement Masons:		
DuPage County	16.15	4.98
Kane(S.Part) & Kendall	16.80	3.81
Kane(N. Part)	18.05	2.06
Lake, McHenry	16.50	4.65
Iron Workers:		
DuPage (Remainder), Kane, Kendall (N. Part) and McHenry (SE¼)	20.67	2.585
Roofers:		
Remaining Counties	17.00	3.00
Landscape Work:		
DuPage, Kane, Lake, McHenry and Will Counties:		
Plantsman	8.85	f,g
Truck Driver - 2 axles	8.90	f,g
Truck Driver - 3 axles and Equipment Operator	9.35	f,g

DECISION #CA84-5001-Mod. #5
(49 FR 12873-March 30, 1984)
Alameda, Alpine, Amador, Butte, Calaveras Counties, etc., California

Change:
In Modification No. 2, published May 18, 1984, the Marble Finishers and the Tile Finishers should each read:
Area 1.

DECISION NO. IA84-4043 - MOD. #2
(49 FR 24856 - 6/15/84)
Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Painters:		
Zones 6 & 7:		
Brush & roller	$13.50	.75
Tapers & finishers	14.00	.75
Paperhangers	13.75	.75
Structural steel, spray & sandblasting	14.00	.75

MODIFICATIONS P. 2

DECISION #MI83-2018-Mod.#3
(48 FR 10582-March 11, 1983)
Alcona, Allegan, Antrim, etc., Counties, Michigan

Change Description of Work to read:
Building Construction (does not include single family homes and apartments up to and including 4 stories), and Heavy Construction (does not include Bridge, Airport, Sewer, Water Lines, or TV/Grout projects)

DECISION #MI83-2015-Mod.#3
(49 FR 10579-March 11, 1983)
Allegan, Barry, Berrien, etc., Counties, Michigan

Change Description of Work to read:
Building Construction (does not include single family homes and apartments up to and including 4 stories), and Heavy Construction (does not include Bridge, Airport, Sewer, Water Lines, or TV/Grout projects)

DECISION #MI83-2008-Mod.#6
(48 FR 6456-February 11, 1983)
Alger, Baraga, Chippewa, etc., Counties, Michigan

Change Description of Work to read:
Building Construction (does not include single family homes and apartments up to and including 4 stories), and Heavy Construction (does not include Bridge, Air-

DECISION #MI83-2008 (Cont)
port, Sewer, Water Lines, or TV/Grout projects)

DECISION #MI83-2021-Mod.3
(48 FR 11616-March 18, 1983)
Bay, Genesee, Huron, etc., Counties, Michigan

Change Description of Work to read:
Building Construction (does not include single family homes and apartments up to and including 4 stories), and Heavy Construction (does not include Bridge, Airport, Sewer, Water Lines, or TV/Grout projects)

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits
DECISION #MI82-2042-Mod. #6 (47 FR 29976 - July 9, 1982) Statewide, Michigan		
Change Description of Work to read:		
Highway, Bridge and Airport Construction; and Sewer Construction (exclusive of buildings) when performed in conjunction with Highway construction (does not include TV/Grout projects)		
DECISION No. MI83-2007 - MOD. #6 (48 FR 6454 - February 11, 1983) Macomb, Monroe, Oakland, etc., Counties, Michigan		
Change Description of Work to read:		
Building Construction, Heavy Construction (does not include Bridge, Airport, Sewer, Water Lines or TV/Grout projects), and Residential Construction (consisting of single family homes and apartments up to and including 4 stories)		

	Basic Hourly Rates	Fringe Benefits
DECISION NO. LA84-4010 - MOD. #8 (49 FR 9064 - 3/9/84) Statewide Louisiana		
CHANGE:		
Painters:		
Zone 2:		
Group 1-Brush, drywall, taping & floating, sheetrock, texture	$10.75	1.38
Group 2-Industrial & steel, sandblasting, spray	11.00	1.38
Group 3-Maintenance repaint	10.00	1.38
Zone 7:		
Industrial	11.00	1.38

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA82-3028 - MOD #9 (47 FR 29972 - September 10, 1982) Elk, Forest, McKean and Warren Counties, Pennsylvania		
CHANGE:		
BOILERMAKERS	17.54	.79+14 1/2%
CARPENTERS & SOFT FLOOR LAYERS:		
McKean County:		
Township of Kane & Bradford; Warren County in its entirety	15.05	28 1/2%
ELECTRICIANS:		
Elk & McKean Cos.	18.57	3%+ 3.45
IRONWORKERS		
Elk & McKean Cos.	14.95	5.38
LABORERS:		
Common laborers, carpenters tender, scaffold builder for masons, window cleaner, from stripper & mover, scaffold & runways, building materials handlers (Loading and unloading), concrete pitman, puddler, mason tender	14.20	20%
Mechanical tampers (power) powered wheelbarrows & work lifts, sweepers & similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, drill runner's helper (includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryable pumps, chain saw operator, pipelayers all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plasterer tender, form cleaning machine operator, plasterer applicating and/or pump machine, op., paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tool)	14.45	20%
Blaster, wagon drill operator, drill runner, gunnite nozzleman, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)	15.00	20%
Wrecking Laborers	13.20	20%
Low Burner	13.45	20%
Jackhammer Operator	13.45	20%
High Burner	15.25	20%
High Burner helper	14.95	20%
MILLWRIGHTS		
Elk, Forest & McKean Cos.	15.66	39 1/2%
PLUMBERS & STEAMFITTERS		
Elk County	17.60	.35+19%
POWER EQUIPMENT OPERATORS:		
Class I	16.395	4.12
Class I-A	16.645	4.12
Class I-B	16.895	4.12
Class I-C	17.145	4.12
Class 1-D	18.395	4.12
Class 2	16.265	4.12
Class 3	13.77	4.12
Class 3-A	14.27	4.12
Class 4	13.02	4.12
Class 5	11.97	4.12
Class 6	12.27	4.12
Class 6-A	12.37	4.12
Class 6-B	12.52	4.12
Class 6-C	13.27	4.12

MODIFICATIONS P. 5

DECISION NO. PA81-3091 - MOD. #10 (46 FR 62761 - December 28, 1981) Greene, Somerset and Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS		
Greene and Somerset Counties	17.54	.79+14 1/2%
CARPENTERS:		
Greene County	15.12	32%
CEMENT MASONS		
Greene County	15.94	4.54
BRICKLAYERS & STONEMASONS		
Greene County	15.52	4.47
ELECTRICIANS:		
Greene and Somerset Counties	18.57	3.45+ 3%
IRONWORKERS:		
Potter County	14.59	5.38
LABORERS:		
Potter County		
Class 1	14.20	20%
Class 2	14.45	20%
Class 3	15.00	20%
Laborers:		
Somerset County		
Class 1	12.75	20%
Class 2	13.25	20%
Class 3	13.35	20%
Class 4	13.25	20%
Class 5	12.81	20%
LINE CONSTRUCTION		
Greene and Somerset Counties		
Linemen	18.61	.80+ 3 3/4%
Groundman	11.47	.80+ 3 3/4%
Winch Truck Operator	13.03	.80+ 3 3/4%
MILLWRIGHTS	15.66	39 1/2%
PAINTERS:		
Greene County		
Commercial, Brush	12.70	3.95+ 2%
Industrial, Brush	16.35	3.95+ 2%
Somerset County		
Commercial		
Brush & Roller	13.84	3.52
Spray	15.84	3.52

	Basic Hourly Rates	Fringe Benefits
Industrial		
Brush	17.85	2.56
Spray	18.10	2.56
PLUMBERS & STEAMFITTERS		
Somerset County and the extreme eastern portion of Greene County	17.60	.35+19%
SOFT FLOOR LAYERS:		
Greene County	15.33	33 1/2%
TILE SETTERS		
Greene & Somerset Cos.	15.00	4.86
TERRAZZO WORKERS		
Somerset County	15.85	4.61
POWER EQUIPMENT OPERATORS		
Greene County		
Class I	16.775	4.09
Class I-A	17.025	4.09
Class I-B	17.275	4.09
Class I-C	17.525	4.09
Class II	16.575	4.09
Class III	14.49	4.09
Class III-A	14.99	4.09
Class IV	13.48	4.09
Class 5	13.17	4.09
Class 5-A	13.27	4.09
Class 5-B	13.42	4.09
Class 5-C	14.17	4.09
Somerset & Potter Cos.		
Class I	16.395	4.12
Class I-A	16.645	4.12
Class I-B	16.895	4.12
Class I-C	17.145	4.12
Class I-D	18.395	4.12
Class 2	16.245	4.12
Class 3	13.77	4.12
Class 3-A	14.27	4.12
Class 4	13.02	4.12
Class 5	11.97	4.12
Class 6	12.27	4.12
Class 6-A	12.37	4.12
Class 6-B	12.52	4.12
Class 6-C	13.27	4.12

MODIFICATIONS P. 6

DECISION NO. PA82-3027 - MOD. #10 (47 FR 44670 - October 8, 1982) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford, and Venango Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS		
Zone 1	17.54	.79+14 1/2%
BRICKLAYERS & STONEMASONS		
Zone 5	15.52	4.47
CEMENT MASONS		
Zone 1	15.94	4.54
ELEVATOR CONSTRUCTORS	17.94	3.29+ J+k
ELEVATORS CONSTRUCTORS HELPERS	12.56	3.29+ j+k
ELEVATOR CONSTRUCTORS HELPERS (PROB)	8.97	
ELECTRICIANS		
Zone 1	18.54	3.45+3%
Zone 2	17.05	5.81+3%
IRONWORKERS:		
Zone 1	16.37	6.50
Zone 5	14.59	5.38
LABORERS		
Zone 3:		
Class I	14.20	20%
Class II	14.45	20%
Class III	15.00	20%
Zone 4:		
Class I	13.42	23%
Class II	13.50	23%
Class III	13.81	23%
Class IV	13.87	23%
Class V	13.66	23%
Class VI	13.99	23%
Class VII	13.66	23%
Class VIII	13.87	23%
Zone 5:		
Class I	12.48	20%
Class II	12.98	20%
Class III	13.08	20%
Class IV	12.98	20%
Class V	12.53	20%
Zone 6:		
Class I	12.75	20%
Class II	13.25	20%
Class III	13.35	20%
Class IV	13.25	20%
Class V	12.81	20%

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION		
Zone 1		
Class 1	18.61	.80+3 3/8%
Class 2	11.17	.80+3 3/8%
Class 3	13.03	.80+3 3/8%
MILLWRIGHTS	15.66	39 1/2%
PAINTERS		
Zone 1		
Commercial		
Brush & Roller	13.84	3.52
Industrial		
Brush	17.85	2.56
PLUMBERS & STEAMFITTERS		
Zone 3	17.00	4.40
Zone 4	17.60	.35+19%
POWER EQUIPMENT OPERATORS:		
Class I	16.395	4.12
Class I-A	16.645	4.12
Class I-B	16.895	4.12
Class I-C	17.145	4.12
Class 1-D	18.395	4.13
Class 2	16.245	4.12
Class 3	13.77	4.12
Class 3-A	14.27	4.12
Class 4	13.02	4.12
Class 5	11.97	4.12
Class 6	12.27	4.12
Class 6-A	12.37	4.12
Class 6-B	12.52	4.12
Class 6-C	13.27	4.12

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA83-3051 - MOD. #2 (48 FR 53264 - November 25, 1983) Franklin County, Pennsylvania		
Change:		
Laborers	$12.75	20%
Power Equipment Operators:		
Bulldozer	16.245	4.12
Backhoe	16.395	4.12
Crane	16.395	4.12
Loaders	16.245	4.12
Fork Lift	16.245	4.12

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA83-3052 - MOD. #2 (48 FR 53264 - November 25, 1983) Lawrence & Mercer Counties, Pennsylvania		
Change:		
Boilermakers	$17.54	.79+ 14½%
Carpenters:		
Lawrence County	15.12	32%
Cement Masons:		
Remainder of Mercer County	15.94	4.54
Electricians	17.05	5.81 + 3%
Millwrights:		
Lawrence County	15.66	39½%
Power Equipment Operators:		
Class I	16.775	4.09
Class I-A	17.075	4.09
Class I-B	17.275	4.09
Class I-C	17.525	4.09
Class II	16.575	4.09
Class III	14.49	4.09
Class III-A	14.99	4.09
Class IV	13.48	4.09
Class 5	13.17	4.09
Class 5-A	13.27	4.09
Class 5-B	13.42	4.09
Class 5-C	14.17	4.09
Soft Floor Layers:	15.33	33½%
Lawrence County	15.33	33½%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA83-3053 - MOD. #1 (48 FR 53268 - November 25, 1983) Blair County, Pennsylvania		
Change:		
ELECTRICIANS	18.57	3.45+ 3%
IRONWORKERS:		
Structural	14.59	5.38
Reinforcing	14.59	5.38
LABORERS	12.75	20%
PAINTERS	13.84	3.52
PLUMBERS & STEAMFITTERS	17.60	3.69
POWER EQUIPMENT OPERATORS:		
Cranes	16.645	4.12
Backhoes	16.395	4.12

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA82-3010 - MOD. #12 (47 FR 9684 - March 5, 1982) Clinton, Centre, Huntingdon, Fulton and Mifflin Counties, Pennsylvania		
CHANGE:		
ELECTRICIAN:		
Fulton & Huntingdon and Remainder of Centre County	18.57	3.45+3%
IRONWORKERS		
Centre & Clinton Cos.	14.59	5.38
LABORERS:		
Clinton County		
Unskilled Laborers	12.75	20%
Plasterers Tenders	12.81	20%
Centre, Huntingdon, Fulton and Mifflin Counties:		
Unskilled Laborers	12.48	20%
Plasterers Tenders	12.53	20%
LINE CONSTRUCTION		
Centre, Fulton & Huntingdon Counties		
Linemen	18.61	.80+3 3/8%
Groundman	11.17	.80+3 3/8%
Winch Truck Op.	13.03	.80+3 3/8%
MILLWRIGHTS	15.66	39 1/2%
PAINTERS:		
Centre, Fulton, Huntingdon & Mifflin Counties		
Commercial		
Brush & Roller	13.84	3.52
Spray	15.84	3.52
Industrial		
Brush & Roller	17.85	2.56
Spray	18.10	2.56
PLUMBERS & STEAMFITTERS		
Huntingdon County	17.60	.35+19%
POWER EQUIPMENT OPERATORS:		
Class I	16.395	4.12
Class I-A	16.645	4.12
Class I-B	16.895	4.12
Class I-C	17.145	4.12
Class 1-D	18.395	4.12
Class 2	16.245	4.12
Class 3	13.77	4.12
Class 3-A	14.27	4.12
Class 4	13.02	4.12
Class 5	11.97	4.12
Class 6	12.27	4.12
Class 6-A	12.37	4.12
Class 6-B	12.52	4.12
Class 6-C	13.27	4.12

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA84-3000 - MOD. #5 (49 FR 1851 - January 13, 1984) Allegheny, Armstrong, Beaver, Bedford, Blair Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Mercer, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, & Westmoreland Counties, Pennsylvania		
CHANGE:		
IRONWORKERS:		
Zone 2		
Structural, Ornamental and Reinforcing	17.265	4.25

DECISION NO. PA84-3004 - MOD. #3
(49 FR 6209 - February 17, 1984)
Armstrong, Allegheny, Beaver, Butler, Fayette, Indiana, Washington & Westmoreland Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	17.54	.79+14 1/2%
CARPENTERS		
Zone 1	15.12	32%
BRICKLAYERS		
Zone 1	15.52	4.47
Zone 2	16.95	5.20
Zone 3	18.41	3.15
Zone 5	17.305	3.87
CEMENT MASONS		
Zone 1	15.94	4.54
ELECTRICIANS:		
Zone 1	18.57	3.45+ 3%
Zone 2	17.05	5.81+ 3%
ELEVATOR CONSTRUCTORS	17.94	3.29+ a+b
ELEVATOR CONSTRUCTORS HELPERS	12.56	3.29+ a+b
ELEVATOR CONSTRUCTORS HELPERS (Prob.)	8.97	
IRONWORKERS		
Structural, Ornamental & Reinforcing	16.37	6.50
LINE CONSTRUCTION		
Zone 1		
Lineman	18.61	.80+ 3 3/8%
Winch truck op.	13.03	.80+ 3 3/8%
Groundman	11.17	.80+ 3 3/8%
MILLWRIGHTS	15.66	39 1/2&
LATHERS		
Zone 1	15.07	3.81
PAINTERS		
Zone 1		
Commercial		
Brush	16.95	2.56
Paperhangers	16.95	2.56
Spray	17.45	2.56
Industrial		
Brush	17.60	2.56
Spray	18.10	2.56
Zone 4		
Commercial		
Brush	12.70	3.95+ 2%
Industrial		
Brush	14.35	4.20+ 2%
Zone 5		
Commercial		
Brush	13.84	3.52
Spray	15.84	3.52
Industrial		
Brush	17.85	2.56
Spray	18.10	2.56
POWER EQUIPMENT OPERATORS:		
Class I	16.775	4.09
Class I-A	17.025	4.09
Class I-B	17.275	4.09
Class I-C	17.525	4.09
Class II	16.575	4.09
Class III	14.49	4.09
Class III-A	14.99	4.09
Class IV	13.48	4.09
Class 5	13.17	4.09
Class 5-A	13.27	4.09
Class 5-B	13.42	4.09
Class 5-C	14.17	4.09
PLUMBERS		
Zone 1	17.08	4.40
Zone 3	17.60	.35+ 19%
STONEMASONS		
Zone 2	15.98	5.83
Zone 3	18.41	3.15
Zone 5	17.305	3.87
STEAMFITTERS		
Zone 2	17.60	.35+19%
Zone 3	17.08	4.40
SOFT FLOOR LAYERS		
Zone 1	15.33	33 1/2%
TERRAZZO WORKERS		
Zone 1	15.85	4.61
TILE SETTERS		
Zone 1	15.00	4.86

DECISION NO. TX84-4015 - MOD. #3
(49 FR 10008 - 3/16/84)
Wichita County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers & pipefitters:		
Zone 1	$15.10	2.05
Zone 2	15.60	2.05

DECISION NO. TX84-4020 - MOD. #6
(49 FR 14839 - 4/13/84)
Galveston & Harris Cos., Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power equipment ops.:		
Group 1	13.80	2.55
Group 2	12.22	2.55
Group 3	11.69	2.55
Group 4	11.51	2.55

DECISION NO. TX84-4028 - MOD. #4
(49 FR 19207 - 5/4/84)
Brazos County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power equipment ops.:		
Group 1	13.80	2.55
Group 2	12.22	2.55
Group 3	11.69	2.55
Group 4	11.51	2.55

DECISION NO. TX84-4037 - MOD. #1
(49 FR 22191 - 5/25/84)
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers - Zone 1	13.90	3.00

DECISION NO. WA83-5110 - MOD. #15
(48 FR 25108 - June 3, 1983)
Statewide Washington

	Basic Hourly Rates	Fringe Benefits
Change:		
ELECTRICIANS:		
Area 4:		
Electricians	$17.62	3%+ 3.38½
Cable Splicers	19.38	3%+ 3.38½

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA COUNTY: ALLEGHENY
DECISION NO.: PA84-3026 DATE: DATE OF PUBLICATION
Supersedes Decision No. PA83-3005 dated April 8, 1983 in 48 FR 15425
DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$16.95	5.20
CARPENTERS:		
(3 story walk-up with no elevator)	12.25	19%
Residential 4 story walk-up or with elevator	15.12	32%
CEMENT MASONS	15.94	4.54
ELECTRICIANS (single or two family houses walk-up garden type apartments up to and including 4 stories)	11.42	3%+1.72
Residential 4 story walk-up or with elevator	18.57	3.45 + 3%
GLAZIERS	14.98	4.95
IRONWORKERS	16.37	6.50
LABORERS	7.54	
PAINTERS	8.60	
PLASTERERS	8.50	
PLUMBERS	16.40	4.34
ROOFERS	10.87	
SHEET METAL WORKERS	16.59	4.38
SOFT FLOOR LAYERS	15.33	33½%
STEAMFITTERS	17.40	3.39
TILE SETTERS	15.00	4.86
TRUCK DRIVERS	7.23	
POWER EQUIPMENT OPERATORS:		
Backhoe	16.775	4.09
Hi-Lift	16.775	4.09
Bulldozer	16.575	4.09
Roller Operator	14.49	4.09
Welder - Rate for Craft		

Basic Hourly Rates	Fringe Benefits

"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)(ii))."

[FR Doc. 84-18340 Filed 7-13-84; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
July 13, 1984

Part III

Department of Energy

Bonneville Power Administration

A Standard To Allow Spill of Water for Anadromous Fish Passage; Notice

DEPARTMENT OF ENERGY

Bonneville Power Administration

[BPA File No. FSP-1]

A Standard To Allow Spill of Water for Anadromous Fish Passage

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of Intent to Develop Policy and Procedures; Request for Recommendations.

SUMMARY: The Bonneville Power Administration (BPA) is responsible for protection, mitigation, and enhancement of fish and wildlife while ensuring the Pacific Northwest an adequate, efficient, economical, and reliable power supply. In meeting this responsibility, BPA intends to develop a standard which will make available, from hydroelectric generation, adequate water to allow for the spill requirements of migrating juvenile salmon and steelhead. This standard is needed to reduce excessive mortality among juvenile fish which results from their passage through certain Federal hydroelectric dams. Spilling water over the dams provides an alternate route for fish passage that reduces the level of mortality. The spill standard to be developed will reserve water which can be used by the U.S. Army Corps of Engineers, as needed, to provide spill for fish.

Responsible Official: Mr. John R. Palensky, Director, Division of Fish and Wildlife, Office of Power and Resources Management.

DATES: BPA will accept written recommendations through August 24, 1984.

ADDRESSES: Written comments should be submitted to Ms. Donna L. Geiger, Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Teresa M. Cunningham, Public Involvement Office, at the above address or 503-230-3478. Oregon callers outside of Portland may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048. Information may also be obtained from:

Mr. Richard J. Harper, Hydro Operations Biologist, P.O. Box 3621, Portland, Oregon 97208, 503-230-5204.

Mr. George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas Wagehoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-522-6226, extension 701.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise Idaho 83707, 208-334-9137.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501 (Regional Act), the Bonneville Power Administration has responsibility to use the authorities available to it including its authority as a Federal Agency responsible for marketing power from the hydroelectric facilities of the Federal Columbia River Power System (FCRPS), to assure the Pacific Northwest an adequate, efficient, economical, and reliable power supply, while providing equitable treatment for fish and wildlife with the other purposes for which the FCRPS is operated. To accomplish this, the BPA Administrator must plan to provide relief for fish and wildlife from the effects of the operation of Federal hydroelectric facilities, under conditions where available water may not be adequate. One method to achieve this relief will be the development of Standards for equitable treatment.

Through this notice, BPA proposes to develop one standard which will address the need for spill of water over dams for salmon and steelhead migrating downstream. The standard pertains to Federal hydroelectric facilities within the Columbia River Basin where excessive numbers of fish are killed by passage through turbines.

In evaluating fish and wildlife needs, the Administrator will consider two of the purposes of the Regional Act:

> Sec. 2. (2) To assure the Pacific Northwest of an adequate, efficient, economical and reliable power supply and;
>
> Sec. 2. (6) To protect, mitigate and enhance the fish and wildlife, including related spawning grounds and habitat, of the Columbia River and its tributaries, particularly anadromous fish which are of significant importance to the social and economic well-being of the Pacific Northwest and the Nation and which are dependent on suitable environmental conditions substantially obtainable from the management and operation of the Federal Columbia River Power System and other power generating facilities on the Columbia River and its tributaries.

Guidance is provided by section 4(h)(11)(A) of the Regional Act which reads (in part):

> The Administrator [of the Bonneville Power Administration] and other Federal agencies responsible for managing, operating, or regulating Federal or non-Federal hydroelectric facilities located on the Columbia River or its tributaries shall (i) exercise such responsibilities consistent with the purposes of this Act and other applicable laws, to adequately protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, affected by such projects or facilities in a manner that *provides equitable treatment for such fish and wildlife with the other purposes for which such system and facilities are managed and operated;* (ii) exercise such responsibilities, taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable, the program adopted by the [Northwest Power Planning] Council under this subsection. (Emphasis Added)

BPA has previously adopted one other standard for equitable treatment of anadromous fish. This was accomplished by setting aside from firm hydroelectric capability, in planning, sufficient water to meet the flow needs of spring migrant juvenile salmon and steelhead (Water Budget). This standard was developed by the Northwest Power Planning Council as identified in the Columbia River Basin Fish and Wildlife Program (Program). Adequate documentation of the relationship between hydroelectric operations and impact to the anadromous fishery resource was available. This allowed BPA to evaluate the standard and agree that the Water Budget allowed an appropriate amount of hydroelectric capability to be set aside in order to provide a balance between the applicable purposes of the Regional Act.

BPA has now identified the need for an additional standard. While the Water Budget provides flows through reservoirs, it was not intended to provide for spill of water at hydroelectric facilities. Section 404(b) of the Program indicates that spill is required at some Federal hydroelectric facilities to provide adequate survival of downstream migrant juvenile salmon and steelhead. The facilities specified (John Day Dam, Lower Monumental Dam, and Ice Harbor Dam) are those without, or with ineffective, mechanical systems (bypass facilities) to pass

juvenile fish around hydroelectric turbines. At these facilities, excessive numbers of downstream migrant salmon and steelhead are passed through turbines. Turbine passage injures or kills many fish resulting in an unacceptable level of mortality. Spilling water over the dams provides an alternate route for fish passage that reduces the level of mortality.

While the U.S. Army Corps of Engineers is the ultimate decision-maker regarding such spill, BPA must insure that water needed for spill is not irretrievably committed to use for hydroelectric generation. This is of particular importance in years of low runoff when insufficient water is available. BPA intends to meet its responsibility by setting aside a volume of water which will be available for use in providing spill for fish, regardless of runoff conditions. Water reserved for spill is intended for a purpose different from that of the Water Budget. It will be maintained and accounted for independently of the Water Budget. The volume set aside for spill must be sufficient to allow the U.S Army Corps of Engineers to meet spill needs at the Federal hydroelectric projects specified in the Program while allowing BPA to met its obligation to provide an adequate, effecient, economical, and reliable power supply.

BPA will implement the spill standard through one of two methods. The first is a process of setting aside a volume of water from firm hydroelectric capability. The second method would use a commitment by BPA to acquire sufficient energy, as necessary, to allow for the provision of spill. In either case, BPA will determine the volume of water necessary to be spilled by defining the potential level of spill required at each project, the daily duration of spill, and the seasonal need for spill at specified Federal hydroelectric projects. The commitment to reduce reliance on the hydroelectric system in order to allow for spill at each project will be effective until such time as an adequate bypass system is operational at that project.

The dedication of water for spill may reduce the firm energy load carrying capability of the FCRPS. This will result in a decrease in BPA revenue as a result of the loss of firm hydroelectric energy and the loss of some operational flexibility. Alternatively, it could require the purchase of relatively high cost energy at certain times. Determination of the actual volume of water, if any, to be spilled, will be made by the Corps of Engineers. For this reason the standard is not a guarantee that spill will occur. It does however, assure that BPA's electric power planning and marketing processes will not inhibit the provision of spill.

II. Issues Identified by BPA

BPA solicits suggestions and recommendations for interested parties on determining how much spill is needed by downstream migrant salmon and steelhead and how water set aside to provide fish passage spill should be treated in the power planning process.

In addition, BPA requests comments related to environmental effects of this proposed policy. As a Federal agency, BPA's actions come under the purview of the National Environmental Policy Act (NEPA) of 1969. Accordingly, BPA solicits comments to facilitate compliance with NEPA.

Recommendations are specifically requested on the following issues:

A. Over what portion(s) of the year is spill required at:

1. John Day Dam?
2. Lower Monumental Dam?
3. Ice Harbor Dam?

B. What level of spill (in cubic feet per second or percent of total flow) provides adequate bypass for downstream migrant juvenile salmon and steelhead at:

1. John Day Dam?
2. Lower Monumental Dam?
3. Ice Harbor Dam?

C. What is the number of hours per day when spill is needed at:

1. John Day Dam?
2. Lower Monumental Dam?
3. Ice Harbor Dam?

D. Do B and C (above) vary seasonally? If so, how?

E. How should a reservation of water for fish passage spill be administered and accounted?

III. Public Involvement

Following the receipt of recommendations for a spill standard, BPA will develop alternatives for the proposed standard. An opportunity for public discussion of the alternatives will be provided prior to the publication of the proposed standard. Interested persons will be notified of this opportunity.

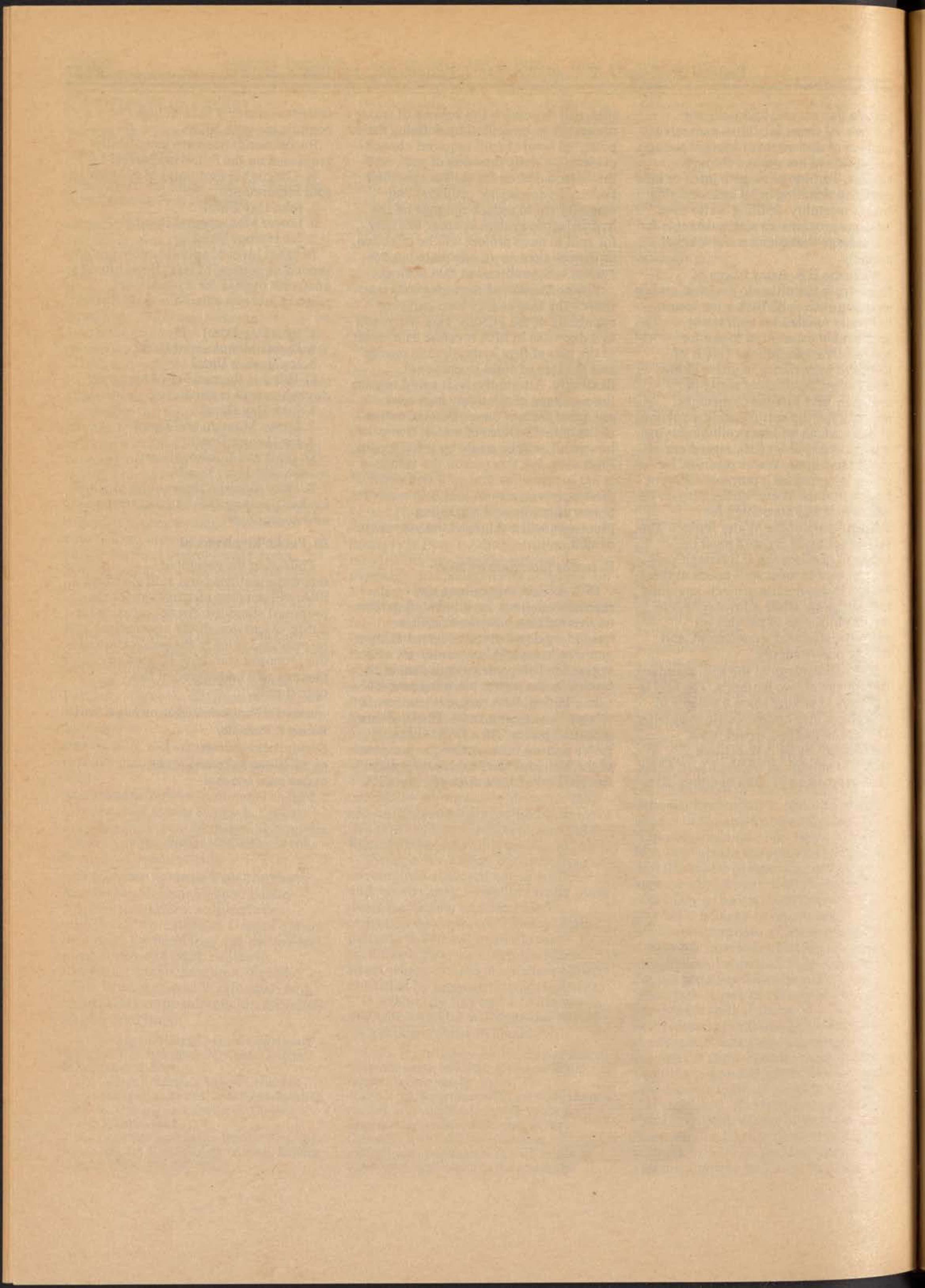
Issued in Portland, Oregon on July 6, 1984.

Robert E. Ratcliffe,

Deputy Administrator.

[FR Doc. 84-18644 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M



federal register

Friday
July 13, 1984

Part IV

Department of Energy

L Reactor Operation; Savannah River Plant, Aiken, South Carolina; Record of Decision

DEPARTMENT OF ENERGY

L Reactor Operation; Savannah River Plant, Aiken, South Carolina; Record of Decision

This Record of Decision has been prepared on the proposed operation of the L Reactor at the Savannah River Plant, Aiken, South Carolina, pursuant to the Regulations of the Council on Environmental Quality (CEQ) (40 CFR Part 1505) and the implementing procedures of the U.S. Department of Energy (45 FR 20694).

Decision

The U.S. Department of Energy (DOE) has decided to restart the L Reactor at its Savannah River Plant (SRP) near Aiken, South Carolina, to produce plutonium for the Nation's defense programs.

Prior to restart of the reactor, DOE will construct a 1,000-acre cooling lake by impounding a portion of Steel Creek which, when coupled with modifications to the reactor's power level, will ensure that the thermal effluent from the reactor complies with a national Pollutant Discharge Elimination System (NPDES) permit to be issued by the State of South Carolina. The NPDES permit will require the maintenance of a temperature of 90 °F or less in approximately 50 percent of the lake. Construction of the embankment for the 1,000-acre lake will commence after receipt of a dredge and fill permit from the Corps of Engineers (COE) pursuant to Section 404 of the Clean Water Act.

In conjunction with the decision to restart L Reactor, DOE has also decided to: (1) Utilize the existing confinement system to limit the release of radio-nuclides in the event of a highly unlikely accident; (20 discharge contaminated disassembly-basin purge water into the L Area seepage basin to minimize exposure to onsite workers and the offsite population; and (3) use a batch discharge to the Steel Creek system to remove sludge from the 186 Basin cooling-water reservoir, thereby eliminating potential habitat for the Asiatic clam and its potential impact on the heat exchangers. These decisions present minimal risks to the public and are similar to the practices currently employed for the other operating reactors at SRP. In addition, DOE will pursue the authorization, funding, and implementation of the Groundwater Protection Plan for the SRP, May 1984, submitted to Congress on June 13, 1984, pursuant to Pub. L. 98–181. All groundwater mitigation proposals will be subject to the NEPA review process.

DOE has also committed to taking further mitigation actions dependent upon the following ongoing studies and consultations. Significant archeological and historical artifacts that might be affected by cooling-lake construction and operation will be protected or recovered based on consultation with the South Carolina State Historic Preservation Officer and the Advisory Council on Historic Preservation. Based on the results of consultations with the U.S. Fish and Wildlife Service (FWS), DOE will implement further mitigation measures necessary for the protection of the endangered American alligator and wood stork. DOE will also cooperate with the U.S. Department of Interior (DOI) in using the Habitat Evaluation Procedure (HEP) for the Steel Creek system to assess the value of habitat which will be gained or lost due to L Reactor operation and the need for further habitat mitigation measures. As part of DOE's ongoing program to reduce radiological releases from SRP, the Department will also continue its efforts to study and evaluate the feasibility of implementing detritiation of the reactor's moderator.

Background

The SRP is a major DOE installation for the production of defense nuclear materials that began operation in the early 1950's. The SRP occupies approximately 800-square kilometers (300-square miles) adjacent to the Savannah River south of Aiken, South Carolina.

L Reactor, one of five heavy-water moderated and cooled production reactors at SRP, began operation in 1954 and was placed in standby status in 1968 because of a decline in the need for defense nuclear materials. In 1980, due to an increasing demand for defense nuclear materials to upgrade and modernize the Nation's nuclear weapons stockpile, DOE undertook a number of initiatives to meet the increased material demand as defined in the fiscal year 1981–1983 Nuclear Weapons Stockpile Memorandum (NWSM) and reaffirmed in subsequent NWSM. In fiscal year 1981, DOE began to restore and upgrade L Reactor to the equivalent condition of the three currently operating reactors (C, K, and P Reactors) at SRP. The restoration and upgrade of L Reactor, which has been completed, included the installation of effluent controls and environmental protection and safety improvements.

Prior to the placement of L Reactor in standby status in 1968, the L Reactor withdrew water from the Savannah River for secondary cooling and discharged the thermal effluent directly to Steel Creek. Since 1968, the Steel Creek system, including the Steel Creek delta and portions of the Savannah River swamp that were thermally affected by previous reactor operation, has undergone 15 years of successional recovery.

Description of Alternatives [1]

As described in the *Final Environmental Impact Statement (FEIS), L Reactor Operation, Savannah River Plant, Aiken, South Carolina*, DOE/EIS-0108, May 1984, the proposed action is to resume operation of the L Reactor as soon as practicable. Alternatives considered by DOE in reaching its decision consisted of alternatives for the production of plutonium and alternatives for mitigating the environmental consequences of restarting the L Reactor.

Production Alternatives

In accordance with the CEQ National Environmental Policy Act (NEPA) regulations (40 CFR 1502.14), DOE has examined a range of production alternatives. The alternatives considered included those that have production capabilities similar to that of L Reactor and those that have only partial production capabilities compared with that of L Reactor. Alternatives having similar production capabilities included: (1) Restart of R Reactor at the SRP; (2) restart of one of the K Reactors at the Hanford Reservation in Richland, Washington; and (3) the recovery of plutonium from spent fuel produced by commercial power reactors. Alternatives having partial production capabilities compared to that of L Reactor included: (1) increasing the power of N Reactor at the Hanford Reservation or increasing the power of the operating reactors at the SRP; (2) reducing the plutonium-240 content of the produced plutonium to allow a more rapid conversion of fuel-grade plutonium into weapon-grade material through blending; and (3) adopting (sooner than had been scheduled) the use of the Mark-15 fuel lattice for use in the SRP reactors. In addition, DOE also considered various combinations of the partial production alternatives, a delay in the restart of L Reactor in combination with the implementation of two partial production options—the accelerated use of the Mark-15 lattice in the SRP reactors and the reducion of the plutonium-240 content of plutonium

[1] CEO regulations require that the Department "[R]igorously explore and objectively evaluate all reasonable alternatives* * *." 1502.14(a).)

produced in the N Reactor—and the "no action" alternative.

Mitigation Alternatives Considered

Mitigation alternatives considered for the restart of L Reactor included those in the categories of cooling water, disassembly-basin purge water disposal, cooling-water reservoir sludge disposal, and safety systems.

Cooling Water

Thirty-three alternative cooling-water systems and seven other alternatives were considered to the cooling-water category. The 33 cooling-water systems considered included: 7 once-through cooling lakes, 4 recirculating cooling lakes, 9 once-through cooling towers, 9 recirculating cooling towers, and 4 direct discharge alternatives. The seven other alternatives included: thermal cogerneration, low-head hydropower, modified reactor operation, fisheries management programs, restocking, protection of similar wetlands, and support of fisheries reseach.

DOE's preferred mitigation alternative is the 1,000-acre colling lake. The environmentally preferred mitigation alternative is a recirculating 2.8°C (5°F) approach temperature cooling tower with treatment of the blowdown.

Disassembly—Basin Purge Water Disposal

The disassembly-basin water becomes contaminated with tritium and other radionuclides from process water adhering to the fuel and target assemblies removed from the reactor. The disassembly-basin water is processed to clarify the water and remove radionuclides other than tritium. Basin water is periodically purged to reduce tritium concentrations for protection of the workers. Alternatives considered for disassembly-basin purge water consisted of discharge to the L Reactor area seepage basin, direct discharge to the Steel Creek system, evaporation, and detritiation of the reactor moderator.

DOE's preferred mitigation alternative is to discharge the disassembly-basin water into the L Area seepage basin. The environmentally preferred alternative is the use of an evaporator. The environmentally preferred mitigation alterative would be detritiation of the reactor moderator if such technology can be developed and demonstrated.

186 Basin Sludge Removal

Some of the suspended solids contained in the water from the Savannah River settles in the bottom of the 186 Basin. This sediment has been found to be a suitable habitat for the asiatic clam. The clam can enter the reactor heat exchangers and, over time, foul the reactor's secondary cooling system. To eliminate this risk, the sludge is periodically removed from the basin.

Alternatives considered for cooling-water reservoir sludge disposal included: batch disposal to the Steel Creek system, land application, borrow pit application, and continuous sediment suspension.

DOE's preferred mitigation alternative is batch disposal into the Steel Creek system. The environmentally preferred mitigation alternative would be either land application or disposal in a borrow pit.

Safety Systems

Safety-system alternatives considered included: existing confinement system, remote storage system, low-temperature absorption system, tall stack, internal containment system, and external containment system.

DOE's preferred alternative is to utilize the existing confinement system. The environmentally preferred mitigation alternative would be the low-termperature absorption system if developed and demonstrated. Among technologies reasonably available, the tall stack is the environmentally preferred alternative.

Basis for Decision [2]

In compliance with NEPA and the Energy and Water Development Appropriations Act, 1984, DOE has analyzed the environmental impacts of a range of production alternatives, as well as the impacts associated with the restart of L Reactor, under numerous mitigation alternatives as discussed in the final EIS. Comments on the draft statement were considered in preparing the final EIS, and the final EIS contains DOE's response to those comments. Comments on the final EIS were considered in the preparation of this Record of Decision.

Production Alternatives

Under the Atomic Energy Act of 1954, DOE is responsible for developing and maintaining the capability to produce all defense nuclear materials required for the U.S. nuclear weapons program. The requirements for increased defense nuclear materials and the production initiatives necessary to provide the additional production capacity have been affirmed and reaffirmed in the NWSM approved annually by each President since 1980. In the most recent NWSM, President Reagan specifically directed that ". . . DOE shall . . . restart the L Reactor at the Savannah River Plant, Aiken, South Carolina, as soon as possible."

The NWSM derives from the requirements of the Atomic Energy Act of 1954 (¶ 91), which authorizes DOE to produce defense nuclear materials, but only with the annual express consent and direction of the President. Accordingly, compliance with the NWSM is one of DOE's most important statutory missions. Any delay in the restart of L Reactor will directly result in lost nuclear materials production for the time period involved, which lessens DOE's ability to fulfill this mission. As discussed in the final EIS, the restart of one of the standby reactors other than L Reactor would necessarily entail a lengthy delay inproduction because of the time needed for upgrading those reactors. Also, this would incure significant costs. Since the environmental impacts associated with the restart of the other reactors are not significantly different from those anticipated with L Reactor and since restart of these reactors involves additional costs and inherent schedule delays, DOE does not adopt the other reactor alternatives. Also, in view of the statutory prohibition against recovery of plutonium form commercial spent fuel, DOE must reject that alternative [Atomic Energy Act of 1954, as amended, 42 U.S.C. ¶ 2007(e)].

None of the partial production options or combinations of these options can provide the needed defense nuclear materials requirements, nor can they fully compensate for the loss of this material that would be produced by L Reactor. Consequently, DOE, in order to best accomplish its mission, does not adopt the partial production options despite their environmental superiority.

Finally, DOE has weighed the environmental benefits of further delay against the security costs of any delay beyond that anticipated from the preferred alternative and has concluded that to further delay the restart of L Reactor results in greater costs than benefits. Therefore, DOE does not adopt the delay alternative and the "no action" alternative.

Mitigation Alternatives

Cooling Water

Of the 33 alternative cooling-water systems and 7 other alternatives, 5 cooling-water systems were selected as the most favorable alternatives for each category to facilitate a comparative

[2] CEQ regulations require that DOE specify "* * * the alternative or alternatives which were considered to be environmentally preferable * * *". (§ 1505.2(b).)

evaluation. These five systems are: a 1,000-acre once-through cooling lake, a 1,300-acre recirculating cooling lake, a once-through cooling tower with a 2.8 °C (5 °F) approach temperature, a recirculating cooling tower with a 2.8 °C (5 °F) approach temperature and treatment of blowdown, and direct discharge to Steel Creek. Of these five alternatives, the recirculating cooling tower was judged to be the most environmentally preferable because it comes closest to maintaining the existing environment of the Steel Creek corridor.

The estimates in the final EIS for construction of the dam for the 1,000-acre once-through cooling lake were based on the assumption that the geology of the dam site was similar to that under the Par Pond dam since detailed geological data of the site on Steel Creek were not yet available. Following development of the final EIS, preliminary analyses of data being obtained to characterize the geological conditions under the dam for the 1,000-acre lake indicate the need for grouting and densification. Current estimates for this additional work indicate that the schedule will be impacted by from 6–9 months and that the costs will increase by $5–$10 million above the estimate provided in the final EIS. These changes were fully considered in reaching this Record of Decision.

The viability of many of the 33 options and 7 other alternatives mentioned above was contingent upon an independent action by the President, the Congress, or the State of South Carolina to allow the thermal discharge from L Reactor to occur. Those options that cannot meet current standards have not been adopted because there are options which do comply with existing laws and are environmentally preferable to those options.

The environmentally preferred alternative, the recirculating cooling tower with a 2.8 °C (5 °F) approach temperature and treatment of blowdown, is estimated to have capital costs of approximately $75 million, which is considerably higher than the $30–$35 million [3] for the preferred alternative. The impacts to the environment averted by this option do not justify the higher costs and the lost production associated with this option. This is especially true in view of the ability of the preferred alternative to meet the State's water quality regulations and minimize lost production due to delayed startup associated with this option. The production loss resulting from the longer construction time needed for the cooling tower compared to the 1,000-acre lake reduces DOE's ability to meet NWSM requirements. It is also noted that the preferred alternative is amenable to backfitting with additional cooling apparatus if it becomes necessary in the future to reduce the production loss associated with the reduced reactor power levels. While the additional cooling might add approximately $10 million to the overall cost of the 1,000-acre cooling lake, the cost would still be significantly less than that of a recirculating cooling tower.

The other recirculating cooling-tower alternatives present lower costs ($39–$60 million) than the 2.8 °C (5 °F) approach temperature cooling tower with treatment of blowdown, but at the price of increased environmental impacts. All of these alternatives would require stream reclassifications from the State. The $39 million cooling tower carries the largest production loss of any of the cooling-tower alternatives. This lost production is caused both by the longer construction time (27 months) and the operational loss due to the tower's inefficiency and the additional need to reduce control power levels in the summer to meet the 90 °F requirement of the State of South Carolina. This latter permanent loss would be in excess of 15 percent. For the other recirculating alternatives, costs would be significantly higher than for the preferred alternative, and these costs coupled with the production loss due to longer construction times are not justified when balanced against the environmental impacts averted.

The once-through cooling-tower alternatives present costs higher ($50–$55 million) than the preferred option. In view of the abrupt flow and temperature changes which do not occur under the preferred alternative, the higher costs, and the need for stream reclassifications from the State for the once-through cooling towers, they do not balance favorably against the preferred alternative and are, therefore, not adopted.

All of the permittable cooling-lake alternatives present significant environmental impacts. Even though these impacts will be different and, in some instances, probably less harmful that those anticipated from the lake identified as the preferred alternative (though not significantly so), all will entail significantly higher ($73–$173 million) costs and greater loss of production than the preferred alternative. As such, there is an inadequate balance between timing and costs on the one hand and impacts averted on the other to select one of these alternatives.

Disposal of Disassembly—Basin Purge Water

For the periodic disposal of disassembly-basin purge water, DOE has decided to use the L Reactor seepage basin and to continue its ongoing research and development program on the feasibility of implementing moderator detritition.

The environmental impacts of the use of the seepage basin are minimal and do not present a health risk to onsite or offsite populations. Although the use of an evaporator would result in lower offsite radiological doses, the significantly higher costs of an evaporator are not justified when balanced against the environmental impacts associated with the use of the seepage basin, and, therefore, DOE has not adopted that alternative.

186 Basin Sludge Removal

DOE has also decided to dispose of the L Reactor cooling-water reservoir sludge by batch discharge to the Steel Creek system as allowed by an NPDES permit that requires the performance of a 1-year study. Based on the minimum environmental effects and costs of batch discharge, the costs of the alternatives do not tip the balance in their favor, especially in view of their lack of significant environmental superiority. Further, since DOE will be monitoring this process in conjunction with the State of South Carolina, any subsequent information that creates a need for alteration of this process can be effected in the future.

Safety Systems

DOE has also decided to use the existing L Reactor confinement system for mitigation of low probabililty radiological releases. Of the safety-system alternatives considered, only the existing confiniment system, the remote storage system, and the tall stack were considered to be technically feasible. The expected low risk from reactor operation and the high costs of the technically available alternatives do not support adoption of the alternatives as a protedtion against highly unlikely occurrences.

Additional Monioring and Mitigation Studies

1,000-Acre Cooling Lake

DOE will fund long-term studies to assure a balanced biological community in the lake and the development and implementation of mitigation and monitoring plans for impacts associated

[3] Current Estimate.

with the operation of the 1,000-acre cooling lake.

Wildlife and Endangered Species

DOE has received findings of "no jeopardy" from the FWS regarding the American alligator and wood stork. DOE will implement mitigative measures for these species based on the results of the consultations with the FWS. The National Marine Fisheries Service has determined that SRP's operations, including the restart of L Reactor would not jeopardize the continued existence of the shortnose sturgeon in the Savannah River. Further, DOE will cooperate with DOI in the use of the HEP to determine further habitat mitigation measures that might be needed.

Groundwater

DOE will pursue the authorization, funding and implementation of the Groundwater Protection Plan for the Savannah River Plant, May 1984, submitted to Congress on June 13, 1984, pursuant to Pub. L. 98-181. All groundwater mitigation proposals will be subject to the NEPA review process.

Conclusion

DOE has weighed the need for the restart of L Reactor against its potential environmental impacts and, after its consideration of the benefits, impacts, and costs of the reasonably available production and mitigation alternatives, has decided to proceed with the restart of L Reactor as soon as practicable after the construction of a 1,000-acre cooling lake. To ensure that the environmental impacts from the restart of L Reactor are minimized, DOE has committed to a number of further measures to monitor, study, and mitigate impacts, as described in the final EIS.

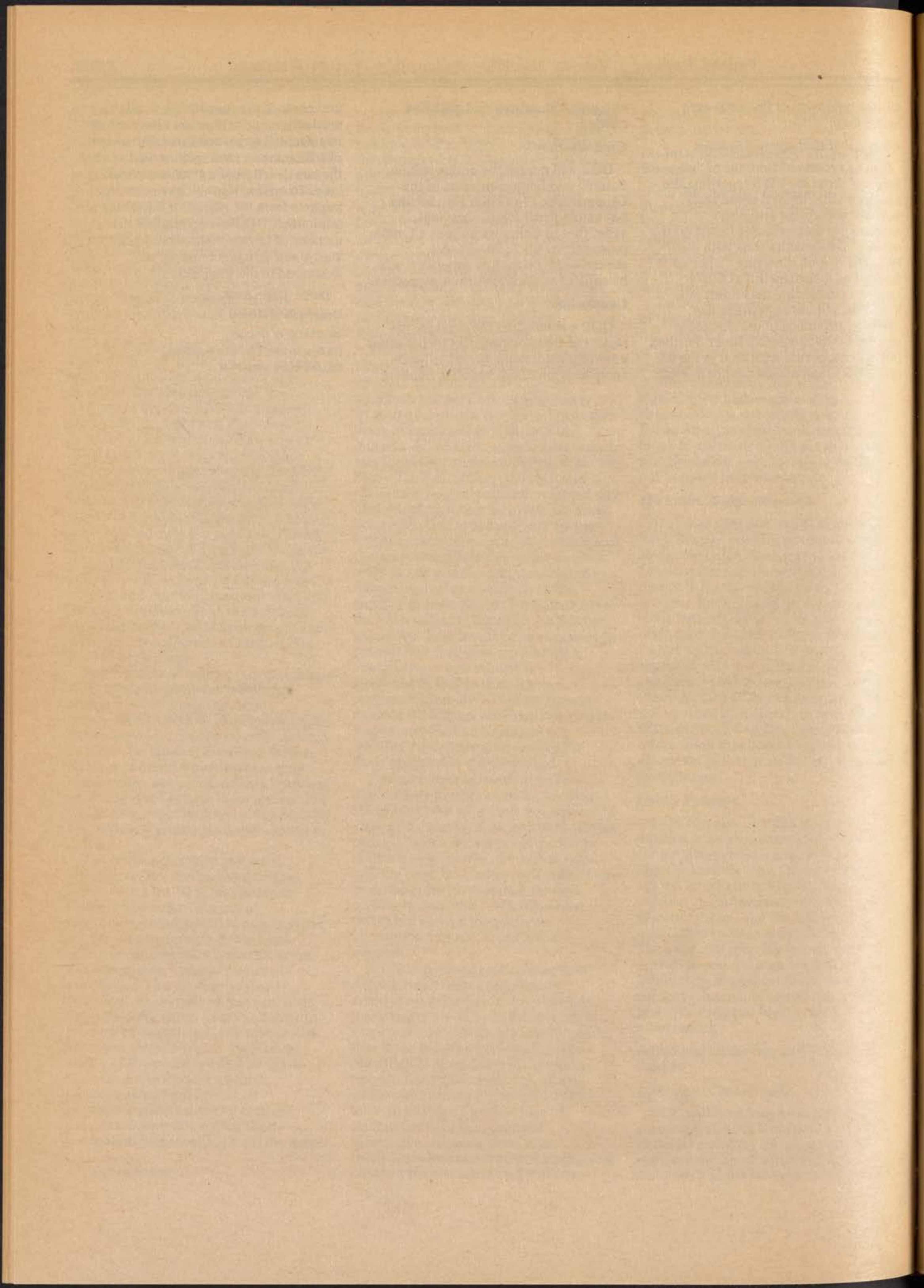
Dated: July 5, 1984.

Donald Paul Hodel,

Secretary of Energy.

[FR Doc. 84-18645 Filed 7-12-84; 8:45 am]

BILLING CODE 6450-01-M



federal register

Friday
July 13, 1984

Part V

Environmental Protection Agency

Creosote, Pentachlorophenol, and Inorganic Arsenicals; Notice of Intent to Cancel; Notice of Determination; Notice of Availability of Position Document

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/28F; PH-FRL 2630-4]

Creosote, Pentachlorophenol, and Inorganic Arsenicals; Intent to Cancel Registrations of Pesticide Products Containing Creosote, Pentachlorophenol (Including Its Salts) and the Inorganic Arsenicals; Determination Concluding the Rebuttable Presumption Against Registration of the Wood Preservative Uses of Pesticide Products; Availability of Position Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Intent to Cancel, Notice of Determination; Notice of Availability of Position Document.

SUMMARY: In October 1978, EPA initiated an administrative review process to consider whether the pesticide registrations for the wood preservative uses of creosote, pentachlorophenol (including its salts), and the inorganic arsenicals should be cancelled or modified. This Notice concludes that process and announces that certain changes in the terms and conditions of registration are required if registrants and applicants wish to avoid cancellation.

DATE: Requests for a hearing by a registrant, applicant, or other adversely affected parties must be received on or before August 13, 1984, or, for a registrant or applicant, within 30 days from their receipt by mail of this Notice, whichever date is the later applicable deadline.

ADDRESS: Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Carol Langley, Special Review Branch, 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. 711, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-7401).

SUPPLEMENTARY INFORMATION:

I. Introduction

The Environmental Protection Agency issued notices of rebuttable presumption against registration (RPAR) for the wood preservative uses of pesticide products containing coal tar, creosote and coal tar neutral oil (these three products are hereinafter referred to as "creosote"), inorganic arsenicals, and pentachlorophenol, including its derivatives, which were published in the **Federal Register** of October 18, 1978 (43 FR 48154, 48267, and 48443, respectively). For creosote, the RPAR was issued on the bases of oncogenicity and mutagenicity. The Agency's bases for the issuance of an RPAR for the inorganic aresenical pesticides were oncogenicity, mutagenicity, and reproductive or fetotoxic effects. For pentachlorophenol, the RPAR was issued on the bases of teratogenicity and fetotoxicity. The Agency issued a preliminary notice of determination concluding the RPAR for the wood preservative uses of creosote, the inorganic arsenicals and pentachlorophenol (including its salts) (hereinafter referred to as the wood preservative chemicals), which was published in the **Federal Register** of February 19, 1981 (46 FR 13020). In the preliminary notice and the supporting Position Document (PD 2/3), the Agency set forth its determination that the wood preservative chemicals continue to exceed the risk criteria which provided the bases for the RPARs. In addition, the Agency determined that the ues of pentachlorophenol poses the risk of oncogenicity because of the presence of the contaminants hexachlorodibenzo-p-dioxin (HxCDD) and hexacholorobenzene (HCB), both of which have the potential to produce teratogenic/fetotoxic effects. To reduce the risks attributable to the use of the wood preservative chemicals, the Agency proposed certain modifications to the terms and conditions of registration, including the classification of certain uses for restricted use, cancelling the registrations of spray pentachlorophenol products with concentrations of pentachlorophenol of less than 5 percent, protective clothing and equipment requirements, prohibitions against eating, drinking and smoking while applying wood preservative chemicals, requirements for proper care and disposal of work clothing and equipment, the requirement for a closed mixing and a closed emptying system for prilled (granular) formulations of pentachlorophenol, powder and prilled formulations of sodium pentachlorophenate and the powder formulations of the inorganic arsenicals, the prohibition against indoor application, the prohibition against applying the wood preservatives to wood intended for interior use with a few exceptions, the prohibition against applying the wood preservative pesticides in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed or drinking and irrigation water, and the requirement for control technologies to reduce arsenic surface residues on the treated wood. In light of the very high economic benefits resulting from the use of the wood preservative chemicals, the Agency determined that the use of the wood preservative chemicals in accordance with these modifications would be expected to satisfy the statutory strandard for registration.

In addition, the Agency recommended that action should be taken to propose regulatory measures for the use of the treated wood under the authority of the Toxic Substances Control Act (TSCA). The focus of this recommendation was a projected rule requiring that labeling providing use, handling, and disposal precautions to users accompany the treated wood products. Among the proposed label recommendations were advising the use of gloves when handling treated wood, the use of a dust mask and coveralls when sawing treated wood, and advising against interior uses of treated wood (with certain enumerated exceptions), against uses which may result in direct exposure to livestock or the contamination of food, feed, or water, and against the burning of treated wood.

The Agency's preliminary determinations were submitted to the FIFRA Scientific Advisory Panel (SAP) and the U.S. Department of Agriculture (USDA) for review pursuant to sections 6(b) and 25(d) of FIFRA. Comments were also solicited from the registrants and any other interested persons. After reviewing the comments which were received from the SAP, the USDA, the registrants and other interested persons, the Agency made certain modifications to the proposed decision announced in the Preliminary Notice of Determination. The Agency held a public meeting on April 14, 1983, notice of which was published in the **Federal Register** of March 30, 1983 (48 FR 13257), to give interested persons the opportunity to comment on the proposed changes to the decision. The comments which were received by the Agency were carefully considered in the development of this final determination, and certain changes were made in the final decision based on the comments. The comments received by the Agency in response to the PD 2/3 and the public meeting, and changes made in the final decision based on those comments are discussed in detail in the supporting Position Document (PD 4).

The modifications which were made to the proposed decision announced in the Preliminary Notice of Determination include: (1) Minor changes in the label

language for clarification; (2) requiring respirators for workers in arsenic treatment plants when the arsenic ambient air levels exceed 10 $\mu g/m^3$, or are unknown, rather than requiring the use of dust masks at all times; (3) elimination of the proposed requirement for a respirator for inorganic arsenical applicators entering treatment cylinder doors except when the ambient air level exceeds 10 $\mu g/m^3$ (averaged over an 8-hour workday) or is unknown; (4) requiring adherence to industry standards that processes used to apply inorganic arsenical formulations shall leave no visible surface deposits on the wood instead of requiring the implementation of specified control technologies; (5) allowing the unrestricted use of arsenical brush-on products for commercial construction use only, rather than restricting the use of these products to certified applicators; (6) requiring a 3-year phase-in period for the use of closed emptying/mixing systems for prilled and flaked formulations of pentachlorophenol and powered formulations of sodium pentachlorophenate and in the interim allowing either protective clothing and a respirator or the use of closed systems; (7) requiring that the stationary spray apparatus used in the spray method of application for pentachlorophenol and sodium pentachlorophenate be operated to minimize overspray and be free of leaks instead of requiring a respirator for applicators; and requiring that where there is a visible mist an applicator in the vicinity of the apparatus must wear a respirator and protective clothing; (8) the addition of certain protective clothing requirements to the labeling for the spray application of creosote and pentachlorophenol products; (9) requiring a teratogenicity label warning for all products containing pentachlorophenol and sodium pentachlorophenate; (10) requiring a 15 ppm upper limit for hexachlorodibenzo-p-dioxin (HxCDD) in all penthachlorophenol and sodium pentachlorophenate technical products with a reduction to 1 ppm within 18 months; (11) requiring that pentachlorophenol products in concentrations of 5 percent or less may only be used by certified applicators, and allowing the spray method of application for these products; (12) requiring that wood treaters who pressure treat wood with creosote, pentachlorophenol, and inorganic arsenicals participate in a mandatory consumer awareness program designed to inform users of treated wood of proper use and handling precautions.

This Notice initiates actions to cancel or deny registrations for all uses of the wood preservative chemicals unless the terms and conditions of registration are modified in accordance with the requirements set forth in this Notice. The workers protection requirements specified in this docunment are established pursuant to FIFRA, which provides no means of regulating occupational safety and health hazards except insofar as they are directly associated with the use of a registered pesticide. EPA has made no attempt to regulate any workplace hazard except those associated with the use of pesticide products containing creosote, pentachlorophenol (and its salts) and the inorganic arsenicals as wood preservatives. EPA in developing these worker protection requirements has only considered the hazards directly attributed to the use of these pesticides.

This Notice is organized into seven units. Unit I is this introduction. Unit II, entitled "Legal Background", provides a general discussion of the reguatory framework within which this action is taken. Unit III sets forth a summary of the bases for the regulatory actions which the Agency is implementing concerning the wood preservative chemicals. Unit IV sets forth the regulatory actions required by this Notice. Unit V discusses the Consumer Awareness Program designed to inform users of treated wood of certain precautions which should be taken when handling treated wood and wood products. Unit VI contains the comments of the Scientific Advisory Panel, the Secretary of Agriculture and the Agency's response to those comments. Finally, Unit VII, entitled "Procedural Matters", provides a brief discussion of the procedures which will be followed in implementing the regulatory actions which the Agency is announcing in this Notice.

The PD 2/3 and the Wood Preservatives Position Document 4 (PD 4) provide the detailed technical data and information to support the regulatory actions announced in this Notice. The Wood Preservatives PD 4 also sets forth in detail the Agency's analysis of comments submitted by the Secretary of Agriculture, the FIFRA Scientific Advisory Panel, the registrants, and other interested parties regarding the regulatory actions announced in the Preliminary Notice.

II. Legal Background

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended ("FIFRA"), an applicant for registration must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment." FIFRA section 3(c)(5). the term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide". FIFRA section 2(bb). This standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practice.

The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information abour the risks and benefits of these uses.

The regulations governing the RPAR process provide that a rebuttable presumption shall arise if a pesticide meets or exceeds risk criteria set out in the regulations. 40 CFR 162.11. The Agency announces that an RPAR has arisen by issuing a notice for publication in the **Federal Register**. Registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to rebut the presumption by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant risk to humans or the environment. In addition to submitting evidence to rebut the risk presumption, commenters may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide outweigh the risks of use. Unless all presumptions of risk are rebutted, the RPAR is concluded by issuance of a Notice of Intent to Cancel.

In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible changes to the terms and

conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency determines that such changes reduce risks to the level where the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registrations. Alternatively, the Agency may determine that no change in the terms and conditions of a registration will adequately assure that use of the pesticide will not pose an unreasonable adverse effect. In either case, the Agency will issue a Notice of Intent to Cancel the registration. Actual cancellation may be avoided by making the specified corrections set forth in the Notice, if possible. Adversely affected persons may also request a hearing on the cancellation of a specified registration and use, and, if they do so in a legally effective manner, that registration and use will be maintained pending a decision at the close of an administrative hearing.

III. Summary of Determination of Risks and Benefits

The Agency has considered information regarding the risks of use of the wood preservative chemicals as well as the economic and other benefits associated with the use of these chemicals. Detailed information on the risk and benefit information considered by the Agency is found in the PD 2/3 and the PD 4. These documents fully set forth the Agency's reasons for concluding the RPAR on the wood preservative chemicals. Copies of the PD 4 are available upon request at the address given previously in this Notice.

Copies of the PD 2/3 (NTIS No. PB82-229956) are available for $61 from:
National Technical Informtion Service, 5285 Port Royal Road, Springfield, Virginia 22161, (703-487-4650).

A. Determination on Risk

The creosote RPAR was based on information indicating that creosote posed the risks of oncogenicity and mutagenicity to humans. The bases for the issuance of the RPAR for the inorganic arsenicals were oncogenic, mutagenic, teratogenic, and fetotoxic or reproductive effects. For pentachlorophenol, the risks of concern were teratogenicity and fetotoxicity, as well as the risk of oncogenicity because of the presence of the contaminants HxCDD and HCB, which are formed during the manufacturing process of technical pentachlorophenol. The oncogenic risks estimated for pentachlorophenol and sodium pentachlorophenate in the PD 2/3 were based on the HxCDD contaminant alone because the HCB-related risk had a negligible effect on the total oncogenic risk. HxCDD and HCB also have the potential to produce teratogenic and fetotoxic effects.

The Agency has reevaluated the available data and has concluded that while the presumption of teratogenicity has not been rebutted, the teratogenic potential of the inorganic arsenicals cannot be quantified until an adequate study is performed. Otherwise, the Agency's conclusions regarding the risks posed by the wood preservative chemcials remain intact. Detailed information about these risks concerns is found in the PD 2/3 and the PD 4.

New exposure information received in response to the PD 2/3 altered the risk estimates for certain uses of the wood preservative chemicals. In addition, the risks estimates for oncogenicity for pentachlorophenol and sodium pentachlorophenate presented in the Position Document vary somewhat from the risk numbers given in the PD 2/3 because the Agency has refined its oncogenic risk assessment method and has used the multi-stage models rather than the one-hit method. The model used for estimating the risks due to dermal/oral and inhalation exposure to the inorganic arsenicals have also been modified. However, absent any changes in exposure, the estimated oncogenic risks derived by these revised methodologies are of the same order of magnitude as the PD 2/3 estimates. Changes in exposure estimates, however, also resulted in modifications in the risks estimates for certain uses of the wood preservative chemicals. The risks of use for all use situations for the three wood preservative chemicals were of sufficient magnitude to require the Agency to determine whether the uses of the wood preservative pesticides offered offsetting social, ecomonic or environmental benefits. The detailed risk estimates for pentachlorophenol and the inorganic arsenicals are fully presented in the PD 4 and are summarized in the following tables, which relate primarily to occupational exposure situations. The creosote risks have not been quantfied because the Agency has inadequate information regarding inhalation exposure to all of the specific oncogenic or mutagenic components of creosote.

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TABLE 1 - RISK ASSESSMENT FOR PENTACHLOROPHENOL

Exposure Situation	Risk 1/ Without Protective Measures HxCDD(15ppm) (onco)	Risk 1/ Without Protective Measures Penta MOS	Risk with Required Protective Measures 2/ HxCDD(1ppm) (onco)	Risk with Required Protective Measures 2/ Penta MOS
1. Pressure treatment plants - pentachlorophenol				
a. Opening cylinder doors 3/	10^{-4}	150	10^{-6}	1500
b. Entering cylinders 4/	Not determined	Not determined	Reduce total dermal exposure by 80% and inhalation exposure by 90%.	
c. Bag emptying 5/	10^{-3} to 10^{-2}	43 to 23	Assume minimal exposure and risk (for closed emptying mixed systems).	
			10^{-4} to 10^{-5} (protective clothing/ respirator)	400 to 160
2. Non-pressure treatment uses - pentachlorophenol				
a. Poles/ groundline	Not determined	Not determined	Reduce total dermal exposure 80%.	
b. Millwork/ plywood				
(i) Dip/flow (5.0%)	10^{-1}	1.2	10^{-4}	12
(ii) Spray (2.5%)	10^{-2} 6/	2.4 6/	10^{-4} 6/	23 6/
	10^{-2} 7/	2.3 7/	10^{-4} 7/	23 7/

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Exposure Situation	Risk 1/ Without Protective Measures HxCDD(15ppm) (onco)	Risk 1/ Without Protective Measures Penta MOS	Risk with Required Protective Measures 2/ HxCDD(1ppm) (onco)	Risk with Required Protective Measures 2/ Penta MOS
c. Sapstain (Sodium pentachlorophenate)				
(i) Dip/flow 8/ (5%)	10^{-2}	60	10^{-4}	600
(ii) Sapstain Spray (0.5% solution)	10^{-2} 9/	440 9/	10^{-5} 9/	1300 9/
	10^{-2} 7/	200 7/	10^{-5} 7/	2000 7/
d. Home and Farm				
(i) Brush-on 10/				
Indoor application	10^{-3}	1.2	No risk (prohibit indoor application).	
Outdoor application	10^{-3}	1.2	10^{-5} 11/	12 11/
(ii) Spray application	Not determined	Not determined	Reduce total dermal exposure 80% and inhalation exposure 90%.	
3. Interior Use of treated wood - pentachlorophenol				
a. Occupational end-use. Poorly ventilated	Negligible	4300 to 1000	Negligible	7500 to >10,000
	[Acute toxicity]		[Reduce acute toxicity 80%]	

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Exposure Situation	Risk Without Protective Measures [1/] HxCDD(15ppm) (onco)	Penta MOS	Risk with Required Protective Measures [2] HxCDD(1ppm) (onco)	Penta MOS
b. Occupational end-use. Well ventilated.	Negligible	7900	Negligible	>10,000
	[Acute toxicity]		[Reduce acute toxicity 80%]	
c. Residential end-use of commercial dip/pressure treated wood	Negligible	940 to 4000	Negligible	6300 to >10,000 or no risk 12/
	[Acute toxicity]		[Reduce acute toxicity 80%.]	
d. Residential end-use of aged treated wood	Negligible	1900 to 38,000	Negligible	>10,000
	[Acute toxicity]		[Reduce acute toxicity 80%.]	

1/ The PD4 risks for HxCDD were based on a dermal absorption rate of 50%. The multi-stage oncogenic risk model was used for the PD4 risk estimates. Oncogenic risks are the estimated increased possibility of cancer resulting from a lifetime of exposure. MOS (Margins of Safety - ratio between the level to which a person is exposed and the level at which no effects are observed in laboratory animals) estimates for teratogenic/fetotoxic risks are rounded off to two significant figures and assume a 50% dermal absorption rate for liquid pentachlorophenol and 1% for dry formulations.

2/ This table includes all risk reduction measures required by this Notice including the reduction of the dioxin level to 1 ppm.

3/ Dermal exposure not determined.

4/ The information for applicators entering cylinders also applies to millwork and plywood applicators who enter, clean, or repair vats or other related equipment that is contaminated with the treatment solution.

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5/ The risks were calculated based on the assumption that an applicator empties/mixes the prilled/flaked formulation a maximum of 2 hrs/day for 2 days/week. The risk estimates also apply to applicators engaging in bag emptying/mixing activities for millwork and plywood application and for bag emptying/mixing powdered sodium pentachlorophenate for sapstain control.

6/ Assuming the applicator is 30 to 40 feet away from the enclosed spray apparatus, is only exposed to pentachlorophenol vapors, not HxCDD, but is exposed dermally (hand contact) with the treatment solutions.

7/ Assuming the applicator is in the vicinity of the enclosed spray apparatus and is exposed to both HxCDD and pentachlorophenol or sodium pentachlorophenate (dermal and inhalation).

8/ Assuming a 5% solution of sodium pentachlorophenate, a 50% dermal absorption rate for HxCDD and a 1% dermal absorption rate for sodium pentachlorophenate in an aqueous solution.

9/ Assuming the applicator is 30 to 40 feet away from the enclosed spray apparatus, is only exposed to pentachlorophenate vapors (not HxCDD), but is exposed dermally (hand contact) to the treatment solutions. The Agency assumed that an applicator may spill 6.0 mls of a 5% sodium pentachlorophenate solution on the hands.

10/ The PD4 oncogenicity risks for brush-on home and farm applications were calculated based on the assumption that an applicator applies the formulation once every three years for two weeks duration. The Agency also assumed that an applicator may spill 6.0 mls of a 5% pentachlorophenol solution on the hands.

11/ Application allowed outdoors, using gloves. Respirators required during application if inhalation of vapors cannot be avoided.

12/ Prohibition of non-pressure application of pentachlorophenol to logs intended for use in the construction of log homes.

TABLE 2 - RISK ASSESSMENT FOR INORGANIC ARSENICALS

Exposure Situation	Risk Without Protective Measures (onco) 1/	Risk with Required Protective Measures (onco) 1/
1. Pressure treatment plant - inorganic arsenicals		
a. Exposure to ambient arsenic	10^{-3} 2/	10^{-5} 3/
b. Opening cylinder doors	Not determined	Reduce dermal exposure by 90%.
c. Entering cylinder	Dermal risk not determined 10^{-3} 2/	Reduce total dermal exposure by 80%. 10^{-5} 3/
d. Handling freshly treated wood and mixing dilute formulations	10^{-2} (d) 10^{-3} (i) 4/	10^{-2} (d) 10^{-5} (i) 4/
e. Bag emptying	10^{-2} (d) 10^{-3} (i) 4/	Minimal risk (closed systems)
2. Brush-on applications - inorganic arsenicals	10^{-3} (d)	10^{-4} (d)
3. Interior uses of wood pressure-treated with inorganic arsenicals	10^{-5} (i) 7/	10^{-6} (i) 6/
4. Sawing/ fabricating wood pressure-treated with inorganic 5/ arsenicals	10^{-4} CCA (g) 10^{-3} ACA (g) 10^{-3} CCA (i) 10^{-3} ACA (i)	10^{-4} CCA (g) 10^{-4} ACA (g) 10^{-4} CCA (i) 10^{-4} ACA (i)

(d) = dermal exposure

(i) = inhalation exposure

(g) = gastrointestinal exposure

1/ Data were inadequate to allow calculation of a NOEL for teratogenic/fetotoxic effects for inorganic arsenic; thus, MOS risks were not estimated. The inhalation risks for inorganic arsenic were calculated using a linear dose response model based on epidemiological data. The dermal/oral risks for inorganic arsenic were calculated using a linear dose response model based on epidemiological data.

2/ Inhalation risks based on an assumed exposure of 10 ug/m^3 inorganic arsenic levels in the air, averaged over an 8-hour workday.

3/ Require respirators if the arsenic level is unknown or exceeds 10 ug/m^3 averaged over an 8-hour work day.

4/ Inhalation risks based on an assumed exposure of 10 ug/m^3 arsenic in ambient air.

5/ Risks based on inhalation and gastrointestinal exposure, assuming negligible exposure from dermal contact with arsenic treated wood.

6/ Risks based on allowing arsenic treated wood in interiors if surfaces are vacuumed (Koppers, Nov. 15, 1983 study).

7/ Based on 1977 National Bureau of Standards study discussed in PD 2/3 and PD 4.

B. Determination of Benefits

A detailed analysis of the economic benefits of the use of the wood preservatives is presented in PD 2/3 and is summarized in the Preliminary Notice of Determination (46 FR 13024), as well as in the PD 4. The Agency has not received any new information which alters this analysis. As discussed in the Preliminary Notice and the PD 4, the application of wood preservative chemicals protects wood from attack by fungi, insects, bacteria, or marine borers. An increase in life expectancy of five or more times that of untreated wood is achieved for most treated wood products, and for most uses this results in extremely high economic benefits.

The uses for pressure treated wood which were considered in the benefits analysis include: (1) Railroad ties, (2) lumber, timber and plywood, (3) pilings, (4) posts, (5) crossarms, and (6) poles. Non-pressure uses which were evaluated include (1) poles-groundline, (2) home and farm, (3) sapstain control, (4) millwork and plywood, and (5) particleboard. The economic impacts for each use were derived by evaluating the cancellation scenarios of each wood preservative in terms of the cost of substitution of remaining registered wood preservatives or alternative materials. A brief summary of the projected economic impacts for each use is provided below:

1. *Railroad ties.* In 1978, about 103.5 million cubic feet of wooden railroad crossties and switchties were treated with wood preservatives for use in the railroad tie system in the United States. Approximately 99.6 percent of these ties were treated with creosote. Cancellation of creosote for this use would result in an estimated annualized cost increase ranging from 40.5 million to 2.4 billion dollars.

2. *Lumber, timber and plywood.* An estimated 105.3 million feet of lumber and timber were treated with the three wood preservatives in 1978. More than 70 percent of this lumber and timber (about 73.32 million cubic feet) was treated with inorganic arsenicals, and about 20 percent (21.21 million cubic feet) was treated with pentachlorophenol. Creosote was used for treating the remaining 10 percent (10.78 million cubic feet). The economic impact of the cancellation of creosote was estimated at an annual cost increase of $39 million. For the cancellation of pentachlorophenol, the annual cost increase would fall in the $18 million range. Dollar impacts are not strictly proportional to the volume of wood treated. Factors include costs of alternative chemicals, service life associated with the alternatives and necessary capital investment. If the inorganic arsenicals and creosote were cancelled, there would be major cost impacts since pentachlorophenol is not an acceptable substitute for most uses of lumber, timber and plywood. The cancellation of all three wood preservatives for this use would result in the substitution of higher cost non-wood materials. Due to the diversity of end uses for lumber, timber and plywood, the projected economic impact cannot be fully evaluated.

3. *Pilings.* An estimated 12.09 million cubic feet of pilings were treated with wood preservatives in 1978 for use as marine and foundation pilings. Creosote was used to treat 82.7 percent of these pilings in 1978, while pentachlorophenol was the wood preservative for 9.5 percent of the pilings and the inorganic arsenicals were used for 7.8 percent. The annual cost impact of the cancellation of creosote would be a $9 to 10 million cost increase; if pentachlorophenol were cancelled, a $8.3 to 9 million annual cost increase would result.

4. *Posts.* In 1978, an estimated 20 million cubic feet of posts were treated with preservatives. The average service life of untreated fence posts is only 3.3 years, compared with 38 years for creosote or inorganic arsenical-treated posts (ACA) and 33 years for posts treated with pentachlorophenol. In 1978, 22.9 percent of treated fenceposts were treated with creosote, 54.8 percent with pentachlorophenol, and 22.3 percent with the inorganic arsenicals. If pentachlorophenol were cancelled, there would be an annual increase in the cost of treated wood posts of $0.75 million to $5.1 million. The cancellation of creosote would result in an annual cost increase of $3.3 million; for the inorganic arsenicals, the annual cost increase resulting from cancellation would be $4.0 million to $4.5 million.

5. *Crossarms.* An estimated 1.69 million cubic feet of crossarms (the cross members of assembled utility poles) were treated with wood preservatives in 1978. Two and a half percent were treated with creosote, 95.8 percent with pentachlorophenol and 1.7 percent with the inorganic arsenicals. The 1978 cost of treated crossarms was estimated as $14.86 million. The service lives of crossarms treated with the three major wood preservatives are approximately 40 years. If only one of the wood preservative chemicals were cancelled for the crossarm use, the economic impact would range from minor to moderate since the remaining preservatives could be substituted for this use. However, if all three wood preservatives were cancelled for this use, and steel crossarms were used as a substitute, there would be major adverse economic consequences.

6. *Poles.* Treated poles are the principal structural support elements in the 4.52 million miles of the electric distribution system and the estimated 640,000 miles of electrical transmission lines in the United States. Treated poles are also used to support telephone lines, as light standards, and for construction uses in residential and other buildings. In 1978, an estimated 64.2 million cubic feet of wood were treated for pole use (2.86 million treated poles). The distribution of the three preservatives for pole treatment by volume in 1978 was 65.3 percent for pentachlorophenol, 28.4 percent for creosote and 6.3 percent for the inorganic arsenicals. If any one or two of the wood preservative chemicals were cancelled for this use, the annual cost increase could be as high as $32.8 million dollars. If all three wood preservatives were cancelled for the pole use, the most likely substitutes would be concrete and steel. The use of these materials would result in an annual cost increase ranging from $1.3 billion to $2.1 billion.

7. *Poles-groundline.* In groundline treatment of poles (poles-groundline), wood preservatives are applied to a previously installed pressure-treated pole over a section both above and below the ground level of the pole. This treatment can delay decay and subsequent pole failure for 20 years or more. The two major formulations of commercial poles-groundline treatments marketed in the United States contain both creosote and pentachlorophenol. If both creosote and pentachlorophenol were cancelled for the poles-groundline use, the resultant average annual cost increase could range from $36.8 million to $70 million.

8. *Home and farm.* Pentachlorophenol and creosote solutions are applied by homeowners, farmers, and, to some extent, by carpenters, by brushing, rolling, dipping, soaking or spraying the wood. About 1.6 million pounds of pentachlorophenol and 2.0 million pounds of creosote are used around homes and farms to protect various wood structures and products exposed to natural elements. If either pentachlorophenol or creosote were cancelled for home and farm use, however, would eliminate the products with the widest range of control.

9. *Sapstain control.* Sodium and potassium pentachlorophenate are currently the primary antimicrobials used to control sapstaining and surface staining fungi in the United States.

About 1.15 million pounds of sodium pentachlorophenate are used annually for this purpose. If sodium pentachlorophenate were cancelled for the sapstain control use, the alkali salts of tetrachlorophenol would likely replace the sodium pentachlorophenate with minor increases in treatment costs.

10. *Millwork and plywood.* Millwork includes wood windows, sash screens, blinds, shutters, window frames, doors, foor frames and mouldings, as well as machined parts of these products. If pentachlorophenol were cancelled for the millwork and plywood use, there would be minor adverse economic consequences if the alternative chemical used is TBTO. TBTO treated wood, however, is effective for above ground exposure only if painted; moreover the TBTO treated wood does not provide the prolonged service life afforded by pentachlorophenol treated wood under severe exposure situtions. While the economic impacts of the cancellation are considered to be minor in terms of absolute dollars, the impact would be significant for users who would not have any equally efficacious alternative chemical to apply.

11. *Particleboard.* Pentachlorophenol is currently the preservative used for treating particileboard to prevent attack by dry-wood termites and other wood destroying insects. Treated particleboard is produced at only one plant and represented only 0.005 percent of the 3.9 billion square feet of particleboard produced in the United States in 1978.

IV. Initiation of Regulatory Action

Based on the determinations summarized above and discussed in greater detail in the PD 2/3 and the PD 4, the Agency has determined that certain modifications to the terms and conditions of registration for the wood preservative products are required to bring these products into compliance with the statautory standard for registration. With these modifications to the terms and conditions of registration, the Agency has determined that the use of the wood preservative products would not be expected to cause unreasonable adverse effects on the environment.

A. Label Changes

In order to avoid cancellation, registrants must make the modifications specified below to the labeling of their products folowing the procedures set forth in Unit VII of this Notice:

1. *For all products labeled for use as wood preservatives and containing pentachlorophenol or its salts, the following language must appear on the labels:*

The U.S. EPA has determined that pentachlorophenol can produce defects in the offspring of laboratory animals. Exposure to pentachlorophenol during pregnancy should be avoided.

2. *For all products labeled for pressure treatment of wood and containing inorganic arsenicals, the following language must appear on the labels:*

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment solution (e.g., cylinders that are in operation or are not free of the treatment solution) must wear protective clothing, including overalls, jacket, gloves, and boots, impervious to the wood treatment formulation. In addition, individuals who enter pressure-treatment cylinders must wear properly fitting, well-maintained, high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air (10 μ/m^3) averaged over an 8-hour work period. Air monitoring programs, procedures and record retention and submission must be conducted in accordance with the instructions on the attached labeling material.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment fomulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it show signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in a manner approved for pesticide disposal and in accordance with state and federal regulations.

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

A closed emptying and mixing system must be used for all powder formulations of the inorganic arsenicals. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment.

Processes used to apply inorganic arsenical formulations shall leave no visible surface deposits on the wood, as defined by AWPA Standard C-1 and AWPB Standards LP2 and LP22. (Visible surface deposits means a surface residue or crystallization on the treated wood. Small isolated or infrequent spots or chemical on otherwise clean wood shall be allowed.)

This pesticide product may not be used for treatment of wood or wood products for sale or distribution unless the wood treater is participating in or affiliated with a program adequate to inform users of the treated wood of proper precautions to be taken in handling and using such treated wood.

At a minimum wood treaters must:

a. Distribute adequate consumer information sheets (CIS) which each shipment of pressure-treated wood so that at least one CIS will be securely attached to each bundle or batch of treated wood as it leaves the treating plant;

b. Attach at least one CIS to each invoice for sale of pressure-treated wood;

c. Make available to retailers, wholesalers and distributors an adequate supply of CIS's and signs or placards to inform consumers of the existence of the CIS's; and

d. Encourage retailers to display signs or placards informing consumers of the availability of the CIS's and to make the CIS's readily available to the consumers.

The information which EPA requires to be included in the CIS is found in the attached labeling.

Individuals in the work area of an arsenical wood treatment plant must wear properly fitting, well-maintained high efficiency filter respirators, MSHA/NIOSH-approved for inorganic arsenic, if the level of inorganic arsenic in the plant is unknown or exceeds 10 micrograms per cubic meter of air (10 $\mu g/m^3$) averaged over an 8-hour work period. Air monitoring programs, procedures and record retention and

submission must be conducted in accordance with the instructions on the attached labeling material.

Note to User: Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of inorganic arsenicals are vinyl, polyvinyl chloride (PVC), neoprene, NBR (Buna-N), rubber, and polyethylene.

3. *For all products labeled for pressure treatment of wood and containing inorganic arsenicals, the following language must be attached as labeling:*

a. *Implementation of the permissible exposure limit (PEL) monitoring program*—(1) *Implementation.*

Each arsenical wood treatment plant employer shall require all employees potentially exposed to airborne inorganic arsenic to wear properly fitting, well maintained high efficiency filter respirators MSHA/NIOSH-approved for inorganic arsenic for the entire period that the employees are in the treatment application work area or engaged in any activity associated with the treatment process. Alternatively, to potentially relieve employees from the burden of wearing respirators, the employer may implement a Permissible Exposure Limit (PEL) monitoring program.

All wood treatment plant employers who elect to implement the PEL monitoring program must determine the current levels of airborne arsenic, average over an 8-hour period, to which their employees are exposed. Monitoring data obtained one year prior to this implementation date may be used to determine the initial levels of airborne exposure to employees, if the data were obtained in the same manner as described below in the "Monitoring and Measurements Procedures" unit, and if the employer can certify that no changes have been made since the time of monitoring that could have resulted in new or additional employee exposure to inorganic arsenic including events on the "PEL Checklist" below.

If the initial or subsequent monitoring demonstrates that airborne inorganic arsenic in a work area is greater than 10 $\mu g/m^3$, all employees working in that area are required to wear properly fitting, well-maintained high efficiency filter respirators MSHA/NIOSH-approved for inorganic arsenic. If in subsequent monitoring, at least two consecutive measurements taken at least 7 days apart, the inorganic arsenic levels are below 10 $\mu g/m^3$, employees in those areas may discontinue the wearing of the respirators, except as discussed in the "PEL Checklist" below. However, if the employee exposure is above 5 $\mu g/m^3$ and below 10 $\mu g/m^3$, the employer shall repeat monitoring at least every 6 months until at least two consecutive measurements, taken at least seven days apart, are below 5 $\mu g/m^3$. The employer may then discontinue monitoring, except as discussed in the "PEL Checklist" below.

If the monitoring reveals employees are exposed to airborne arsenic levels below 5 $\mu g/m^3$, monitoring need not be repeated, except as discussed in the "PEL Checklist" below.

PEL Checklist. In all cases where there has been a change in production, process, control, or employee handling procedures, or if any events in the PEL Checklist occurred, or if, for any other reason an employer should suspect new or additional airborne inorganic arsenic, additional monitoring that complies with the requirements for initial monitoring shall be completed. Responses to the Checklist will become part of the monitoring records. Monitoring is required within 2 months if any of the following events/questions on the check list can be answered in the affirmative with respect to any events which may have occurred since the last monitoring report submitted to the Agency:

1. After the wood has been treated, have you changed from hand stacking to mechanical stacking or from mechanical stacking to hand stacking? If yes, when?
2. Has your production capacity increased significantly? If yes, when?
3. Have you changed from a ready-to-use or dilute concentrate to a mix-it-yourself formulation? Have the proportional amount of arsenic in the solution increased, e.g., have you shifted from CCA type A or C to type B? If yes, when?
4. Has a significant, i.e., reportable under the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (Superfund), 42 U.S.C. 9601 *et seq.*, spill occurred? If yes, when?
5. Is treated wood being retained on the drip pad for less time? If yes, when?
6. Have there been any other production, process, control or employee handling procedure changes which could result in new or additional airborne inorganic arsenic? Identify change, and when it occurred.

Monitoring and Measurement Procedures. The employer shall collect personal air samples, including at least one sample which is adequate to represent typical conditions for a full work shift (at least 7 hours) for each job classification in each work area. Sampling should be done using a personal sampling pump calibrated at a flow rate of 2 liters per minute. Samples should be collected on 0.8 micrometer pore size membrance filter (37 mm diameter). The method of sampling analysis should have an accuracy of not less than ±25 percent (with a confidence limit of 95 percent) for 10 micrograms per cubic meter of air (10 $\mu g/m^3$) and ±35 percent (with a confidence limit of 95 percent) for concentrations of inorganic arsenic between 5 and 10 $\mu g/m^3$.

Monitoring may be conducted through a request made to the Occupational Safety and Health Administration (OSHA) for monitoring assistance which may be provided free of charge under the terms of the OSHA consultation program as provided under section 7(c)(1) of the OSHA Act, or by employees or contractors of the employer's choosing.

The Environmental Protection Agency (EPA) may direct that remonitoring take place at statistically selected establishments to assure that the Checklist is effective in identifying events which increase airborne arsenic. Selected employers will be notified by EPA/State enforcement representatives. The employer will be responsible for obtaining current air monitoring data within the time specified in the remonitoring notification and for submitting these data and reports to the EPA as described below.

Data Submission and Certification. The employer shall establish and maintain accurate records which include responses to the PEL Checklist and all monitoring reports.

The annual records or copies thereof shall be submitted to the:

U.S. Environmental Protection Agency, Office of Pesticides and Toxic Substances Compliance Monitoring Staff (EN-342), 401 M St., SW., Washington, D.C. 20460.

All records submitted will be certified by the employer as accurate and in compliance with all calibration, analytical and sampling requirements outlined in this program. If the employer received assistance from an OSHA 7(c)(1) consultant, that consultant's report to the employer will be an acceptable record of calibration, analysis, and monitoring requiring no additional certification.

b. The following wording is required for the Consumer Information Sheet (CIS) for inorganic arsenical pressure-treated wood:

Consumer Information

This wood has been preserved by treatment with an EPA-registered pesticide containing inorganic arsenic to protect it from insect attack and decay. Wood treated with inorganic arsenic

should be used only where such protection is important.

Inorganic arsenic penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to inorganic arsenic may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use or dispose of the treated wood.

Use Site Precautions for Inorganic Arsenical Pressure-Treated Wood

Wood pressure-treated with waterborne arsenical preservatives may be used inside residences as long as all dust is vacuumed from the wood surface.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residue should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Handling Precautions for Inorganic Arsenical Pressure-Treated Wood

Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes. Large quantities of treated wood from commercial or industrial use (e.g., construction sites) may be burned in commercial or industrial incinerators in accordance with state and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

When power-sawing and machining, wear goggles to protect eyes from flying particles.

Wash exposed areas thoroughly after skin contact, and before eating, drinking or use of tobacco products.

If preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

4. *For all products labeled for pressure treatment of wood and containing creosote, the labels must include:*

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Individuals must wear gloves impervious to the wood treatment formulation in all situations where dermal contact with creosote is expected (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who manually open cylinder doors must wear gloves and a respirator.

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with the wood treatment formulation (e.g., cylinders that are in operation or are not free of the treatment formulation) must wear protective clothing (including overalls, jacket, gloves and boots) impervious to the wood treatment formulation and a respirator.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formuation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash throughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out protective clothing and workshoes or boots must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

This pesticide product may not be used for treatment of wood or wood products for sale or distribution unless the wood treater is participating in or affiliated with a program adequate to inform users of the treated wood of proper precautions to be taken in handling and using such treated wood.

At a minimum wood treaters must:

a. Distribute adequate consumer information sheets (CIS) with each shipment of pressure-treated wood so that at least one CIS will be securely attached to each bundle or batch of treated wood as it leaves the treating plant;

b. Attach at least one CIS to each invoice for sale of pressure-treated wood;

c. Make available to retailers, wholesalers and distributors an adequate supply of CIS's and signs or placards to inform consumers of the existence of the CIS's; and

d. Encourage retailers to display signs or placards informing consumers of the availability of the CIS's and to make the CIS's readily available to the consumers.

The information which EPA requires to be included in the CIS is found in the attached labeling.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N).

5. *For all products labeled for pressure-treatment of wood and containing creosote, the following language must be attached as labeling:* The following wording is required for the Consumer Information Sheets (CIS) for creosote pressure-treated wood:

Consumer Information

This wood has been preserved by pressure treatment with an EPA-registered pesticide containing creosote to protect it from insect attack and decay. Wood treated with creosote should be used only where such protection is important. Creosote penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to creosote may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use the treated wood.

Use Site Precautions for Creosote Pressure-Treated Wood

Wood treated with creosote should not be used where it will be in frequent or prolonged contact with bare skin (for

example, chairs and other outdoor furniture) unless an effective sealer has been applied.

Creosote-treated wood should not be used in residential interiors. Creosote-treated wood in interiors of industrial buildings should be used only for wood-block flooring and industrial building components which are in ground contact and are subject to decay or insect infestation, and where two coats of an appropriate sealer are applied.

Wood treated with creosote should not be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood.

In interiors of farm buildings where domestic animals or livestock are *unlikely* to crib (bite) or lick the wood, creosote-treated wood may be used for building components which are in ground contact and are subject to decay or insect infestation if two coats of an effective sealer are applied.

Do not use creosote treated wood for farrowing or brooding facilities.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such use would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residues should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Creosote-treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Do not use creosote-treated wood where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Handling Precautions for Creosote Pressure-Treated Wood

Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes. Large quantities of treated wood from commercial or industrial use (e.g., construction sites) may be burned in commercial or industrial incinerators in accordance with state and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dusk mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

Avoid frequent or prolonged skin contact with creosote-treated wood; when handling the treated wood, wear tightly woven coveralls and use gloves impervious to the chemicals (for example, gloves that are vinyl-coated).

When power-sawing and machining, wear goggles to protect eyes from flying particles.

Wash exposed areas thoroughly after skin contact, and before eating, drinking or use of tobacco products.

If oily preservative or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

Coal tar pitch and coal tar pitch emulsion are effective sealers for creosote-treated wood-block flooring. Urethane, epoxy, and shellac are acceptable sealers for all creosote-treated wood.

6. *For all products labeled for pressure treatment of wood and containing pentachlorophenol, the following language must appear on the labels:*

Restricted Use Pesticide

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is exposed (e.g., handling freshly treated wood and manually opening cylinder doors).

Individuals who manually open cylinder doors must wear gloves and a respirator.

Individuals who enter pressure treatment cylinders and other related equipment that is contaminated with wood treatment formulation (e.g., cylinders that are in operation or are not free of the treatment solution) must wear protective clothing including overalls, jacket, gloves and boots) impervious to the wood treatment formulation and a respirator.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation (e.g., manually opening/closing cylinder doors, moving trams out of cylinders, mixing chemicals, and handling freshly treated wood).

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave protective clothing and workshoes or boots and equipment at the plant. Worn-out clothing and workshoes or boots must be left at the treatment plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves and tightly woven, long-sleeved cotton or disposable coveralls) must be worn when emptying and mixing prilled or flaked formulations of pentachlorophenol. After September 1, 1987, a closed system must be used when emptying and mixing prilled or flaked formulations of pentachlorophenol. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, jackets, and boots) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile. In addition, plastic-coated disposable coveralls impervious to dust are acceptable for dust protection.

This pesticide product may not be used for treatment of wood or wood products for sale or distribution unless the wood treater is participating in or affiliated with a program adequate to inform users of the treated wood of proper precautions to be taken in handling and using such treated wood.

At a minimum wood treaters must:

a. Distribute adequate consumer information sheets (CIS) with each shipment of pressure-treated wood so

that at least one CIS will be securely attached to each bundle or batch of treated wood as it leaves the treating plant;

b. Attach at least one CIS to each invoice for sale of pressure-treated wood;

c. Make available to retailers, wholesalers and distributors an adequate supply of CIS's and signs or placards to inform consumers of the existence of the CIS's; and

d. Encourage retailers to display signs or placards informing consumers of the availability of the CIS's and to make the CIS's readily available to the consumers.

The information which EPA requires to be included in the CIS is found in the attached labeling.

7. *For all products labeled for pressure treatment of wood and containing pentachlorophenol, the following language must be attached as labeling:*

The following wording is required for the Consumer Information Sheets (CIS) for pentachlorophenol pressure-treated wood:

Consumer Information

This wood has been preserved by treatment with an EPA-registered pesticide containing pentachlorophenol to protect it from insect attack and decay. Wood treated with pentachlorophenol should be used only where such protection is important. Pentachlorophenol penetrates deeply into and remains in the pressure-treated wood for a long time. Exposure to pentachlorophenol may present certain hazards. Therefore, the following precautions should be taken both when handling the treated wood and in determining where to use and dispose of the treated wood.

Use Site Precautions for Pentachlorophenol Pressure-Treated Wood

Wood treated with pentachlorophenol should not be used where it will be in frequent or prolonged contact with bare skin (for example, chairs and other outdoor furniture), unless an effective sealer has been applied.

Pentachlorophenol-treated wood should not be used in residential, industrial, or commercial interiors except for laminated beams or building components which are in ground contact and are subject to decay or insect infestation and where two coats of an appropriate sealer are applied.

Wood treated with pentachlorophenol should not be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood.

In interiors of farm buildings where domestic animals or livestock are *unlikely* to crib (bite) or lick the wood, pentachlorophenol-treated wood may be used for building components which are in ground contact and are subject to decay or insect infestation and where two coats of an appropriate sealer are applied.

Do not use pentachlorophenol-treated wood or farrowing or brooding facilities.

Do not use treated wood under circumstances where the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use treated wood for cutting-boards or countertops.

Only treated wood that is visibly clean and free of surface residue should be used for patios, decks and walkways.

Do not use treated wood for construction of those portions of beehives which may come into contact with the honey.

Pentachlorophenol-treated wood should not be used where it may come into direct or indirect contact with public drinking water, except for uses involving incidental contact such as docks and bridges.

Do not use pentachlorophenol-treated wood where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Handling Precautions for Pentachlorophenol Pressure-Treated Wood

Dispose of treated wood by ordinary trash collection or burial. Treated wood should not be burned in open fires or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes. Large quantities of treated wood from commercial or industrial use (e.g., construction sites) may be burned in commercial or industrial incerators in accordance with State and Federal regulations.

Avoid frequent or prolonged inhalation of sawdust from treated wood. When sawing and machining treated wood, wear a dust mask. Whenever possible, these operations should be performed outdoors to avoid indoor accumulations of airborne sawdust from treated wood.

Avoid frequent or prolonged skin contact with pentachlorophenol-treated wood; when handling the treated wood, wear tightly woven coveralls and use gloves impervious to the chemicals (for example, gloves that are vinyl-coated).

When power-sawing and machining, wear goggles to protect eyes from flying particles.

Wash exposed areas thoroughly after skin contact, and before eating, drinking or use of tobacco products.

If oily preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household clothing.

Urethane, shellac, latex epoxy enamel and varnish are acceptable sealers for pentachlorophenol-treated wood.

8. *For all products labeled for groundline treatment of utility poles and containing creosote and/or pentachlorophenol, the following language must appear on the label:*

Restricted Use

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulations (e.g., polyvinyl acetate, polyvinly chloride or neoprene) in all situations where dermal contact is expected (e.g., during the actual application process and when handling freshly treated wood).

Applicators must wear disposable coveralls (e.g., nitrile or neoprene for creosote; nitrile or polythylene for pentachlorophenol) or other suitable impermeable protective clothing during the application and mixing processes and all situations where dermal contact is expected.

Protective clothing must be changed when it shows signs of contamination. Launder non-disposable protective clothing separately from other household clothing. Dispose of worn-out protective clothing and workshoes or boots in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal Law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

9. *For all products labeled as wood preservatives for home and farm use (including products for railroad tie repair) which contain creosote, the following language must appear on the label:*

Restricted Use

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contract is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves and boots) impervious to the wood treatment formulation, and a respirator, head covering, and goggles.

Applicators who apply creosote by other application processes (e.g., brush-on) must wear disposable coveralls or other suitable impermeable protective clothing. Launder non-disposable protective clothing separately from other clothing.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Dispose of worn-out protective clothing and workshoes or boots in a general landfill, in the trash or in any other manner approved for pesticide disposal.

For products for farm use or for railroad tie repair: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For household/domestic products: Securely wrap original pesticide container in several layers of newspaper and discard in the trash. Do not reuse empty containers.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well-maintained half-mask canister or cartridge respirator which is MSHA/NIOSH-approved for polynuclear aromatics and organic vapors.

Do not apply where there may be direct contract with domestic animals or livestock, and where there may be contamination of food, feed, or drinking and irrigation water.

Do not apply in interiors. Do not apply to wood intended for use in interiors except for those support structures which are in contact with the soil in barns, stables, and similar sites and which are subject to decay or insect infestation. Interior surfaces of the treated wood should be sealed with two coats of an appropriate sealer.

Do not apply creosote to wood intended for farrowing or brooding facilities. Do not apply creosote to wood intended to be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood. Creosote may be used to treat wood intended to be used in interiors of farm buildings where domestic animals or livestock are *unlikely* to crib or lick the wood, if two coats of an appropriate sealer will be applied.

Do not apply to wood intended to be used in a manner in which the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use this product to treat wood intended to be used for cutting boards or counter tops.

Do not use this product to treat wood intended for construction of those portions of beehives which may come into contact with the honey.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with public drinking water, except for those uses involving incidental contact such as docks and bridges.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Wood to be treated with this product should be cut to size before treatment. If it is necessary to saw or machine wood after treatment, wear goggles to protect the eyes from flying particles and a dust mask to avoid inhaling sawdust from the treated wood. If oily preservatives or sawdust accumulate on clothes, launder before re-use. Wash work clothes separately from other household laundry.

Contact with treated surfaces should be avoided even after the preservative has dried. When handling treated wood wear tightly woven coveralls and gloves which are impervious (e.g., vinyl coated) to the pesticide. Wash exposed skin thoroughly after contact with treated wood and before eating, drinking or using tobacco products.

Wood which has been treated with this product should be disposed of by burial or ordinary trash collection. Do not burn treated wood in an outdoor fire or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes.

This product should not be used to treat wood which will be in frequent or prolonged contact with skin, unless the wood will be treated with an effective sealer.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained, half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for polynuclear aromatics and organic vapors. Examples of acceptable materials for protective clothing (e.g., gloves, overalls, head covering, jackets, and boots) required during application and handling of creosote are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N). In addition to these materials, nitrile is also acceptable for disposable coveralls. Urethane, epoxy, and shellac are acceptable sealers for all creosote-treated wood.

10. *For all products labeled as wood preservatives for home and farm use (including products for railroad tie repair) which contain pentachlorophenol, the following language must appear in the labels:*

Restricted Use

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the actual application process and when handling freshly treated wood).

Spray applicators must wear protective clothing (including overalls, jackets, gloves and boots) impervious to the wood treatment formulation, and a respirator, head covering, and goggles when spraying.

Applicators who apply pentachlorophenol by other application methods (e.g., brush-on) must wear disposable coveralls or other suitable impermeable protective clothing. Launder non-disposable protective clothing separately from other clothing.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Dispose of worn-out protective clothing and workshoes or boots in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

For products for farm use or railroad tie repair: Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinstate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For household/domestic use products: Securely wrap original pesticide container in several layers of newspaper and discard in the trash. Do not reuse empty containers.

Avoid inhaling vapors. If inhalation of vapors cannot be avoided, applicators must wear a properly fitting, well-maintained half-mask cannister or cartridge respirator which is MSHA/NIOSH-approved for organic vapors and acid gases.

Do not apply where there may be direct contact with domestic animals or livestock, and where there may be contamination of food, feed, or drinking and irrigation water.

Do not apply in interiors. Do not apply to wood intended for use in interiors except for those support structures which are in contact with the soil in barns, stables, and similar sites and which are subject to decay or insect infestation; and millwork which has outdoor surfaces (e.g., doorframes, windows and patio frames). Interior surfaces of the treated wood should be sealed with two coats of an appropriate sealer.

Do not apply pentachlorophenol to wood intended for farrowing or brooding facilities. Do not apply pentachlorophenol to wood intended to be used in the interiors of farm buildings where there may be direct contact with domestic animals or livestock which may crib (bite) or lick the wood. Pentachlorophenol may be used to treat wood intended to be used in interiors of farm buildings where domestic animals or livestock are unlikely to crib or lick the wood, if two coats of an appropriate sealer will be applied.

Do not apply to wood intended to be used in a manner in which the preservative may become a component of food or animal feed. Examples of such sites would be structures or containers for storing silage or food.

Do not use this product to treat wood intended to be used for cutting-boards or counter tops.

Do not use this product to treat wood intended for construction of those portions of beehives which may come into contact with the honey.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with public drinking water, except for those uses involving incidental contact such as docks and bridges.

Do not use this product to treat wood intended to be used where it may come into direct or indirect contact with drinking water for domestic animals or livestock, except for uses involving incidental contact such as docks and bridges.

Wood to be treated with this product should be cut to size before treatment. If it is necessary to saw or machine wood after treatment, wear goggles to protect the eyes from flying particles and a dust mask to avoid inhaling sawdust from the treated wood. If oily preservatives or sawdust accumulate on clothes, launder before reuse. Wash work clothes separately from other household laundry.

Contact with treated surfaces should be avoided even after the preservative has dried. When handling treated wood wear tightly woven coveralls and gloves which are impervious (e.g., vinyl coated) to the pesticide. Wash exposed skin thoroughly after contact with treated wood, and before eating, drinking or using tobacco products.

Wood which has been treated with this product should be disposed by burial or ordinary trash collection. Do not burn treated wood in an outdoor fire or in stoves or fireplaces because toxic chemicals may be produced as part of the smoke and ashes.

This product should not be used to treat wood which will be in frequent or prolonged contact with skin, unless the wood will be treated with an effective sealer.

Note to User. As used on this label, the term "respirators" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable materials for protective clothing (e.g., overalls, jackets, head covering, boots, disposable coveralls, and gloves) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, NBR (Buna-N), and nitrile. Urethane, shellac, latex epoxy enamel and varnish are acceptable sealers for pentachlorophenol-treated wood.

11. *For all products labeled as wood preservatives for brush-on treatment which contain inorganic arsenicals, the following language must appear on the labels:*

Applicators must wear gloves (e.g., rubber, vinyl or neoprene) impervious to the wood treatment solution in all situations where dermal contact is expected (e.g., during the application process and handling freshly treated wood).

Applicators must wear disposable coveralls (e.g., vinyl or polyethylene) or other similar impermeable clothing during the application process where dermal contact is expected.

Applicators must not eat, drink, or use tobacco products during these parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when its shows obvious signs of contamination. Launder non-disposable protective clothing separately from other household clothing. Dispose of worn-out protective clothing in a manner approved for pesticide disposal and in accordance with state and federal regulations.

Pesticide wastes are acutely hazardous. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannnot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

For application to the cut ends of pressure-treated wood only. Do not dilute or mix with other products.

For commercial construction use only. Not for household use.

12. *For all products labeled as wood preservatives for sapstain control and containing salts of pentachlorophenol, the following language must appear on the labels:*

For Restricted Use

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

All applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the application process and when handling freshly treated wood).

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves and tightly woven,

long-sleeved cotton or disposable coveralls) must be worn when emptying and mixing powder formulations or pentachlorophenate. After September 1, 1987, a closed system must be used when emptying and mixing powder formulations of pentachlorophenate. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment.

For the spray method of application: Spray apparatus must (1) be operated so as to minimize overspray (i.e., no visible mist) and (2) be free of leaks in the system. Should there be a visible mist, spray applicators in the vicinity of the apparatus (the zone in which the mist is visible) must wear a respirator and protective clothing (including overalls, jackets, boots, head covering impervious to the wood treatment formulation and goggles).

Individuals who enter, clean, or repair vats, tanks or other related equipment that is contaminated with the treatment solution must wear a respirator. In addition, where dermal contact is expected, these individuals must wear overalls, jackets, boots, head covering impervious to the wood treatment formulation, and goggles.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave all protective clothing, workshoes or boots, and equipment at the plant. Worn-out protective clothing, and workshoes or boots, must be left at the plant and disposed of in any general landfill, in the trash, or in any other manner approved for pesticide disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors. Examples of acceptable materials for protective clothing (e.g., overalls, jackets, head covering, boots, disposable coveralls, and gloves) required during application and handling of sodium pentachlorophenate are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N), and nitrile.

13. *For all products labeled as wood preservatives for use in non-pressure treatment plants which contain pentachlorophenol, the following language must appear on the labels:*

Restricted Use

For sale to and use only by certified applicators or by persons under their direct supervision and only for those uses covered by the certified applicators' certification.

Applicators must wear gloves impervious to the wood treatment formulation in all situations where dermal contact is expected (for example, during the application process and when handling freshly treated wood).

Until August 31, 1987, a closed emptying and mixing system must be used or protective clothing (including respirator, gloves and tightly woven, long-sleeved cotton or disposable coveralls) must be worn when emptying and mixing prilled or flaked formulations of pentachlorophenol. After September 1, 1987, a closed system must be used when emptying and mixing prilled or flaked formulations of pentachlorophenol. A closed system is defined as any containment which prevents the release of subject chemicals into the surrounding external environment.

For the spray method of application: spray apparatus must (1) be operated so as to minimize overspray (e.g., no visible mist) and (2) be free of leaks in the system. Should there be a visible mist, spray applicators in the vicinity of the apparatus (the zone in which the mist is visible) must wear a respirator and protective clothing (including overalls, jackets, boots, head covering impervious to the wood treatment formulation, and goggles).

Individuals who enter, clean, or repair vats, tanks or other related equipment that are contaminated with the treatment solution must wear a respirator. In addition, where dermal contact is expected, these individuals must wear overalls, jackets, boots, head covering impervious to the wood treatment formulation, and goggles.

Applicators must not eat, drink, or use tobacco products during those parts of the application process that may expose them to the wood treatment formulation.

Wash thoroughly after skin contact, and before eating, drinking, use of tobacco products, or using restrooms.

Protective clothing must be changed when it shows signs of contamination. Applicators must leave all protective clothing, workshoes or boots, and equipment at the plant. Worn-out protective clothing, and workshoes or boots must be left at the plant and disposed of in any general landfill, in the trash, or in any other other manner approved for pesticide disposal.

Pesticide wastes are toxic. Improper disposal of excess pesticide, spray mixture, or rinsate is a violation of Federal law. If these wastes cannot be disposed of by use according to label instructions, contact your State Pesticide or Environmental Control Agency, or the Hazardous Waste representative at the nearest EPA Regional Office for guidance.

Do not apply to logs which are intended for use in construction of log homes.

Note to User: As used on this label, the term "respirators" means properly fitting, well-maintained half-mask canister or cartridge respirators which are MSHA/NIOSH-approved for organic vapors and acid gases. Examples of acceptable materials for protective clothing (e.g., overalls, jackets, head covering, boots, disposable coveralls, and gloves) required during application and handling of pentachlorophenol are polyvinyl acetate (PVA), polyvinyl chloride (PVC), neoprene, and NBR (Buna-N), and nitrile. In addition, plastic-coated disposable coveralls impervious to dust are acceptable for dust protection.

14. *For any other wood preservative products,* the Agency has specified no modifications which will be sufficient to avoid cancellation.

B. Other Required Changes in the Terms and Conditions of Registration

In addition to implementing the label changes specified in the preceding discussion, the Agency has also determined that all registrants of products labeled for use as wood preservatives which contain pentachlorophenol or its salts must within the time permitted by Unit VII of this Notice:

1. File an application to amend the Confidential Statements of Formula (CSF) for products containing technical pentachlorophenol or its salts to indicate that the HxCDD contamination does not exceed 15 ppm, and that 2,3,7,8-TCDD is below the limits of detection using a gas chromatography-mass spectrophotometry method acceptable to the Agency.

2. File an application to amend the Confidential Statements of Formula for products containing technical pentachlorophenol or its salts to indicate that, effective 18 months after publication of this Notice or receipt by the registrant (whichever occurs later), the HxCDD contamination does not exceed 1.0 ppm. The method used to

lower the HxCDD levels to 15.0 ppm or 1.0 ppm or lower must not increase the hexachlorobenzene or the chlorinated dibenzofuran levels above the levels in products marketed at the time of publication of this Notice.

C. Other Actions Taken by the Agency

In an action separate from this Notice, registrants will be required to submit certain data within 90 days after notification to maintain existing registrations in effect pursuant to FIFRA 3(c)(2)(B).

1. Registrants of products containing technical pentachlorophenol or its salts will be required to submit the following:

a. A description of the starting materials, manufacturing process and reaction conditions including any steps to reduce HxCDD.

b. Information on product identity relative to identification of ingredients, statement of composition and a discussion of the formation of impurities.

c. Data on the analysis and certification of product ingredients relative to preliminary analysis, certification of limits, and analytical methods for the enforcement of limits. An analytical method employing combined gas chromatography and mass spectrophotometry is acceptable.

d. HxCDD analyses every three months, the first analysis to be submitted within the stated 90-day period.

e. A description of any changes in the manufacturing process used to lower HxCDD to 15 ppm and/or 1.0 ppm or lower must also be submitted within the stated time period of 90 days. The methods used to lower HxCDD must not increase the chlorinated dibenzofurans and HCB contaminants above the levels in products marketed at the time of publication of this Notice.

f. Information on the technical feasibility and costs of reducing HxCDD contamination further than the 1.0 ppm upper limit.

2. Registrants of creosote will be required to submit the following:

a. Epidemiology study on workers at creosote treatment plants.

b. Air monitoring and dermal exposure data from creosote treatment plants.

3. Registrants of creosote and arsenic will be required to submit the following:

a. Data on permeability of glove and protective clothing materials indicating degree of protection for creosote and inorganic arenical formulations.

4. Registrants of bis (tri-n-butyltin) oxide, copper-8-quinolinolate, copper-naphthenate, acid copper chromate, chromated zinc chloride, sodium tetrachlorophenate, zinc naphthenate and 3-iodo-2-propynyl butylcarbamate and barium metaborate will be required to submit the following:

a. Chronic feeding studies.

b. Oncogenicity studies.

c. Reproduction studies.

d. Teratology studies.

5. Registrants of pentachlorophenol will be required to submit dermal and inhalation exposure data on products containing pentachlorophenol for home and farm spray application.

The details of the above requirements will be set forth in the notification letters sent to registrants pursuant to section 3(c)(2)(B) of FIFRA.

D. Existing Stocks Provisions

The following provisions issued pursuant to section 6 of FIFRA govern the existing stocks of products affected by this Notice which exist within the territorial United States. No product governed by this provision may be distributed, sold, held for sale, shipped, delivered for shipment, or received and (having been so received) delivered or offered for delivery to any person except in compliance with these existing stocks provisions. Essentially, this provision will require relabeling of all pesticide products by November 1, 1984, for registrants and by February 1, 1985, for other persons. It will also allow sale, distribution and use of products containing greater than 15 ppm HxCCD until September 1, 1987, or until the existing stocks are exhausted, whichever occurs first, subject to certain restrictions. Finally, after the imposition of the 1 ppm HxCCD limit, this provision allows registrants to sell and distribute existing stocks of their products above that level for a limited time.

This existing stocks provision is divided into three subunits. The first subunit applies to all products affected by this Notice, whether or not they are also included in the coverage of any other subunit. The second subunit applies only to those wood preservatives containing pentachlorophenol which are in existence on the date of publication of this Notice in the **Federal Register**. The third subunit applies only to those wood preservative products containing pentachlorophenol manufactured between July 13, 1984 and the date on which a 1 ppm HxCDD limit is imposed.

1. *All wood preservative products affected by this notice.* a. Existing stocks for this subunit are defined as any product affected by this Notice which has been packaged for sale and distribution prior to the date by which the registration of the product is cancelled as a result of this Notice, or the date by which the registrant is required to submit an amendment of the registration of the product to comply with the terms and conditions of this Notice.

b. From July 13, 1984 to November 1, 1984, any existing stocks in the care, custody, or control of a registrant may be distributed, sold, offered for sale, held for sale, shipped, delivered for shipment, or received and (having been so received) delivered or offered for delivery by the registrant to any person if the product bears the labeling approved for the product at the time of publication of this Notice.

c. From July 13, 1984 to February 1, 1985, any existing stocks in the possession of a person other than the registrant of the product may be distributed, sold, offered for sale, shipped, delivered for shipment, or received (and having been received) delivered or offered for delivery by a person other than the registrant of the product to any person if the product bears the labeling approved for the product at the time of publication of this Notice.

d. Except as permitted by (b) and (c) above, products affected by this Notice may only be distributed, sold, offered for sale, shipped, delivered for shipment, or received (and having been so received) delivered or offered for delivery to any person if they bear or are accompanied by labeling which complies with the requirements imposed by Unit IV.A of this Notice.

e. All persons taking advantage of this subunit of the Existing Stocks Provision must also comply fully with the requirements of subunit 2 or 3 to the extent these are applicable to the existing stocks.

2. *All wood preservative products containing pentachlorophenol (or its salts) in existence on July 13, 1984.* a. Existing Stocks for this subsection are defined as any wood preservative product containing pentachlorophenol (or its salts) formulated for end-use and any technical grade pentachlorophenol (or its salts) which is in existence on July 13, 1984.

b. Within 60 days July 13, 1984, any registrant who has existing stocks in his care, custody or control may provide EPA with an itemized inventory of all existing stocks for which the levels of HxCCD are unknown or are known to exceed 15 ppm HxCDD. Unless such an itemized inventory is provided to the Agency, after 60 days from publication of this Notice existing stocks containing more than 15 ppm HxCCD may not be distributed, sold, offered for sale, held for sale, shipped, delivered for shipment,

or received (and having been so received) delivered or offered for delivery by the registrant to any other persons.

c. Registrants who have filed an itemized inventory under (b) above, may until September 1, 1987, continue to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive (and having so received) deliver or offer for delivery any existing stocks containing greater than 15 ppm HxCDD if 6 months from submission of the initial itemized inventory of stocks, and every six months thereafter until the inventory is depleted, the registrant submits a revised inventory of existing stocks and a detailed description of depletion of the inventory, sufficient to allow the Agency to follow dispersal of the initial inventory. After September 1, 1987, a registrant may not distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive (and having so received) deliver or offer for delivery any product containing pentachlorophenol (or its salts) for use as a wood preservative, including technical grade products for formulation into wood preservative products, unless the HxCDD content of the product is 15 ppm or less.

d. Formulators of end-use wood preservative products may use existing stocks of technical grade pentachlorophenol (or its salts) containing greater than 15 ppm HxCDD to formulate their registered products provided the inventory required by (b) and (c) above, is expanded to include any end-use products formulated from existing stocks of technical grade pentachlorophenol (or its salts).

e. Persons other than registrants of affected products containing pentachlorophenol (or its salts) may continue to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive (and having so received) deliver or offer for delivery to any person any existing stocks of products containing pentachlorophenol (or its salts).

f. All persons taking advantage of this subunit of the Existing Stocks Provision must also comply fully with the requirements of subunit (1) above.

3. *All Wood Preservative Products Containing Pentachlorophenol (Or Its Salts) Produced After July 13, 1984 and Before Imposition of the 1 ppm Limit on HxCDD.* a. Existing stocks for this subunit of the Existing Stock Provision are defined as any wood preservative products containing pentachlorophenol (or its salts) formulated for end-use and all technical grade pentachlorophenol (or its salts), except those stocks governed by Subunit 2 above, which are in existence on the date of imposition of a limit of 1 ppm HxCDD and which contain greater than 1 ppm HxCDD, and all end-use products which are formulated from existing stock technical grade pentachlorophenol (or its salts) (as defined by this paragraph) after that date.

b. Registrants who have care, custody or control of existing stocks of technical grade pentachlorophenol (or its salts) may for 60 days after imposition of a 1 ppm limit on HxCDD continue to distribute, sell, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer for delivery to any person existing stocks of the technical grade pentachlorophenol.

c. Registrants of end-use wood preservative products containing pentachlorophenol (or its salts) may for 180 days after imposition of a 1 ppm limit on HxCDD continue to distribute, sell, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer for delivery to any person existing stocks of any product containing pentachlorophenol (or its salts) which has been formulated for end-use.

d. Persons other than registrants of pesticide products containing pentachlorophenol (or its salts) may for 60 days after imposition of a 1 ppm limit on HxCDD continue to distribute, sell, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer for delivery to any person existing stocks of the technical grade pentachlorophenol (or its salts).

e. Persons other than registrants of pesticide products containing pentachlorophenol (or its salts) may continue to distribute, sell, hold for sale, ship, deliver for shipment, or offer for delivery to any person existing stocks of any product containing pentachlorophenol (or its salts) which has been formulated for end-use.

f. All persons taking advantage of this subunit of the Existing Stocks Provision must also comply fully with the requirements of subunit (1), above.

V. Consumer Awareness Program

The American Wood Preservers Institute (AWPI) and the Society of American Wood Preservers (SAWP) previously proposed to voluntary consumer awareness program to the Agency designed to educate the consumer about the proper uses of pressure-treated wood products and the precautions to follow when using wood products. The Agency has chosen to implement this concept by requiring that all persons who pressure-treat wood for commercial distribution participate in implementing a Consumer Awareness Program (CAP). Such a program is necessary to assure that the use of pressure-treated wood products does not pose an unreasonable adverse effect. The focus of this program is a Consumer Information Sheet (CIS), which will be distributed to purchasers of pressure-treated wood products at the time of sale or delivery. Based on its expectation that this CIS can adequately serve to inform the public of the safe use, handling and disposal measures for treated wood products, the Agency has decided not to implement a TSCA rulemaking at this time.

The obligation to implement an adequate Consumer Awareness Program is on the users of the wood preservatives who pressure treated wood commercially. To fulfill this obligation they must:

1. Distribute adequate consumer information sheets with each shipment of pressure-treated wood so that at least one CIS will be securely attached to each bundle or batch of treated wood as it leaves the treating plant.

2. Attach at least one CIS to each invoice for sale of pressure-treated wood.

3. Make available to retailers, wholesalers, and distributors an adequate supply of CIS's and signs or placards to inform customers of the existence of the CIS.

4. Encourage retailers to display signs or placards informing consumers of the availability of the CIS's and to make the CIS's readily available to the consumer.

Although only the users of the wood preservatives are actually required by the label instructions to implement the Consumer Awareness Program, EPA expects and encourages other organizations to participate as well. Such additional organizations include the wood preserving industry trade associations and the registrants of the affected wood preservative products. These organizations may be able to implement parts of the program more economically and efficiently, for example, by printing Consumer Information Sheets in bulk for distribution or by serving as a centralized clearinghouse for encouraging distributors and retailers of treated wood to implement the Consumer Awareness Program fully. Two wood preservative trade associations, the American Wood Preservers Institute and the Society of American Wood Preservers, previously submitted a plan for implementing a Consumer Awareness Program to EPA. In this plan the wood treaters, the trade associations and the registrants would work together to attempt to assure the

program is effective. EPA has reviewed this plan and has found it to be a satisfactory means of carrying out the label requirements and encourages the industry to fully implement it. The ultimate obligation to carry out an adequate program to inform the public, however, lies on the users of the wood preservatives for pressure-treatment of wood as a condition of their legal use of the products.

Each wood treater will be able to customize its CIS. Thus, the individual wood treater's CIS, at a minimum, would contain in one section the information required by EPA, insofar as it applies to the wood preserver's product. The CIS might also include in a separate section additional information not contradictory to the statements required by EPA. Such additional information might include the treater's name, address and logo. In all cases, however, the information required by EPA would have to be distinct and clearly legible using Bodoni Bold 12 point type.

The wood treater will have primary responsibility for ensuring that the CIS is disseminated to the consuming public. Wood treaters are expected to distribute CIS's and signs or placards to their retailers, wholesalers and distributors, attach a CIS to each bundle or batch of treated wood, and attach a CIS to each invoice. The preservative manufacturers, formulators and trade associations may also work to ensure that the consumer receives the necessary product information. The Consumer Awareness Program must be implemented when the amended labels for the wood preservatives appear on the market.The information which the Agency requires to be included in the CIS is set forth in Unit III–A of this Notice, and must be attached as labeling to the wood preservative products.

VI. Comments of Scientific Advisory Panel and of the Secretary of Agriculture and the Environmental Protection Agency's Response

A. Comments of the Scientific Advisory Panel (SAP)

The Scientific Advisory Panel held an open meeting on June 17 through 19, 1981 in Arlington, Virginia, to review the Preliminary Notice of Determination concluding the RPAR for the wood preservative chemicals. At this meeting, the SAP heard presentations by the Agency, the registrants, and other interested members of the public. The comments of the SAP are published in full below:

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) Scientific Advisory Panel

Review of Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration (RPAR) on Wood Preservative Uses of Pentachlorophenol, Inorganic Arsenicals, and Creosote

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel has completed review of plans by the Environmental Protection Agency (EPA) for initiation of regulatory action on pesticide products containing pentachlorophenol, inorganic arsenicals, and creosote under the provisions of section 6(b)(1) of FIFRA as amended. The review was completed in open meetings held in Arlington, Virginia, during the period June 17–19, 1981. The following Panel members participated in the review: Drs. Torgeson, Davis, Smuckler, Davies, and Metcalf (June 17 and 18).

Maximum public participation was encouraged for the review. Public notice of the meeting was published in the **Federal Register** on Tuesday, June 2, 1981. In addition, telephone calls were received from and special mailings sent to the general public expressing an interest in activities of the Panel. Written and oral statements were received from the technical staff of the Environmental Protection Agency, from representatives of the American Wood Preservers Institute, Cherokee Industries, Inc., and from several private individuals.

The Panel wishes to express its appreciation to Special Pesticide Review Division and Hazard Evaluation Division staff for their informative briefings. In particular, the Panel wishes to thank Dr. Minnie Sochard for an outstanding scientific briefing on the mutagenicity of the inorganic arsenical compounds. On the other hand, the Panel deplores the lack of scientific objectivity of the presentations by industry concerning biological hazards of wood preservatives, and finds the industry's denial of scientific data concerning the mutagenicity and carcinogenicity of the wood preservatives to be disturbing.

In consideration of all matters brought out during the meeting and careful review of all documents presented by the Agency and other parties, the Panel unanimously submits the following report:*

*All page numbers in the report refer to the EPA Position Document 2/3.

Report of Scientific Advisory Panel Recommendations

The Agency requested the Panel to focus its attention upon a set of issues relating to each of the three wood preservatives (or groups of the wood preservatives) under consideration. There follows a list of the issues and the Panel's response thereto:

Pentachlorophenol

1. In PD–1, margins of safety were calculated based on a no observable effect level (NOEL) of 5.8 mg/kg/day (commercial penta) in a rat teratology study. However, since 5.0 mg/kg/day purified penta produced delayed skull ossification in the same study and this was the lowest dose tested, the Agency stated in the PD–2/3 that no NOEL could be accurately determined. Does the Panel agree that the occurrence of delayed skull ossification indicates an adverse effect which precludes the establishment of a NOEL at that level?

Panel response. The Panel believes that one must assume some effect on in utero growth, given the considerable loss of litters in the rat teratology study. Therefore, the Panel agrees that establishment of a No Effect Level (NOEL) at 5.8 mg/kg/day is precluded both by the litter loss phenomenon and by the delayed skull ossification which occurred at the above level in the rat study.

2. Although the fetotoxic margin of safety for homeowner application was estimated to be as low as 6 (see p. 357) and the oncogenic risk was estimated to be as low as 1.3×10^{-4} (see p. 364), the Agency did not propose to restrict the sale of over-the-counter products containing 5% or less penta (i.e., ready-to-use penta products). These upper bounds of the risks estimates were based on the assumption that the individual may spill an amount of commercial penta on himself equivalent to the amount that would cover both hands (i.e., 6 ml; see pp. 331–332), a situation that the Agency does not consider likely. Does the Panel believe the Agency is adequately protecting human health by permitting the over-the-counter sales of 5% or less penta to continue?

Panel response. The Panel believes that the Agency is adequately protecting human health by permitting the over-the-counter sales of 5% or less penta to continue, *provided* that the label requires: (1) Use of protective clothing, including rubberized gauntlets, goggles and coveralls; and (2) that all uses take place in a well ventilated area.

3. The Agency's estimate of risk to log home residents is currently based on the three measurements of airborne penta in penta-treated log homes (0.77, 0.38, and 0.20 ug/m^3). Although the Agency has proposed the prohibition of future use of penta on the interior surfaces of living quarters, does the Panel have any opinions regarding the need for further exposure studies of log homes?

Panel response. The lack of data on human exposure to penta suggests that a more critical review of the fate of penta and its pathways in the environment is badly needed. A full assessment of human urinary excretion of penta, which appears to be widespread in the U.S. population is most important. Additional exposure and epidemiological studies should be conducted. Any future decisions regarding penta should be based on the additional data.

4. The Agency has information suggesting that penta is photolytically converted to hexachlorodibenzo-p-dioxin and hexachlorobenzene. Does the Panel believe the Agency should investigate this subject further in order to adequately assess the risk to individuals exposed to penta-treated wood?

Panel response. Yes.

5. On pages 273–274 of PD–2/3, the Agency addresses the role of the wood preserving industry as a source of ambient background levels of penta in the environment. In the absence of data to the contrary, the Agency's common sense approach assumed that the amount of ambient penta levels contributed by an industry is related to the amount of penta used by that industry. The wood preserving industry uses about 80% of the penta produced in the U.S. Does the Panel agree with this approach? If not, can the Panel suggest a feasible/appropriate method of more accurately addressing the question of the source of environmental penta?

Panel response. The Panel believes that it is essentially the Agency's responsibility to develop a method of determining the source of environmental penta. In general, the Agency's reasoning appears to be sound. However, the Panel wishes to stress the need for determining the use(s) of the remaining 20 percent of the penta produced in the U.S., in order that an accurate exposure assessment can be made. The Agency also presented the Panel with a set of proposed regulatory actions and modifications relating to penta. These actions are listed below followed by the Panel's recommendation:

1. *Require protective clothing—gloves.* Panel concurs with the proviso that elbow length rubberized gauntlets be required, *not* merely gloves.

2. *Require protective clothing—disposable coveralls.* Panel concurs.

3. *Require gloves and respirators during spraying (non-pressure) and opening cylinder doors—(pressure treatment plants).* Panel concurs, with the proviso that coveralls be required as well as gloves and respirators.

4. *Require dust masks:* Not applicable to penta.

5. *Require proper disposal of protective clothing.* Panel concurs.

6. *Prohibit eating, drinking, and smoking during application.* Panel concurs.

7. *Require closed systems during emptying and mixing operations.* Panel concurs, with the proviso that such systems be *recommended* for use wherever practicable, rather than required. The Panel believes such a requirement would impose an unfair burden on small operators in terms of additional capital investment, and it encourages the Agency to search for less costly alternatives.

8. *Classify for restricted use.* Panel concurs; however, see also Panel response to Issue #2, page 2.

9. *Limit application of pesticide or use of treated wood to outdoors.* Panel concurs, but wishes also to express its concern over the problem of disposal of treated wood.

10. *Prohibit uses likely to result in contamination of food, feed or potable water.* Panel concurs.

11. Not applicable to penta.

12. *Cancel spray application for homeowner use.* Panel concurs.

13. *Require protective clothing—neoprene suit and respirator.* Panel concurs.

In concluding its review of penta, the Panel wishes to stress two further points: (1) EPA should impose new monitoring requirements in order to establish the sources of penta in the environment; and (2) EPA should require industry to reduce the dioxin content of penta to as low a level as is technologically and economically feasible.

Inorganic Arsenicals

There follows a set of issues relating to the inorganic arsenicals posed to the Panel by EPA and the Panel's response thereto:

1. Given that arsenic occurs predominantly in the pentavalent oxidation state in treated wood, problems still remain in the speciation of arsenic in mammals and the environment and in the determination of the effective toxicological agent.

a. How can analytical problems of determining the species of arsenic in the Taiwanese well-water study be best resolved for risk assessment? (CAG, 1978b)

b. If pentavalent arsenic is absorbed, will it convert in the body to trivalent arsenic? (pp. 95–101)

Panel response. The Panel does not believe there is sufficient scientific information to resolve this question at the present time.

2. The estimated oncogenic risks associated with the use of arsenic as a wood preservative are very high. The regulatory options are not correspondingly stringent (Chapter 5). Consequently,

a. Are the Agency's exposure calculations for workers and consumers realistic? (pp. 195–210)

b. Is the dermal absorption factor used to estimate human exposure to arsenic from treated wood appropriate? (p. 199)

c. Is it appropriate to use the Taiwanese study, the smelters study and other epidemiology studies (in which total arsenic levels are used, regardless of oxidation state) to estimate exposure to pentavalent arsenic in treated wood? (pps. 214–217)

d. Are there other factors affecting the oncogenic potency of arsenic in the epidemiology studies on which the risk model is based?

Panel response. The Panel chooses not to respond directly to the four parts of Question #2. However, the Panel does believe that with the additional recommendations which it is making in connection with the Agency's proposed regulatory options and modifications, such options and modifications are sufficiently stringent to reduce risk due to arsenic exposure to a satisfactory level.

3. Is additional sampling needed to determine exposure to arsenic in all-weather wood foundations? The Agency is concerned because,

a. Exposure ranges from the National Bureau of Standards (NBS), American Wood Preservers Institute (AWPI), and National Concrete and Masonry studies vary significantly. (p. 189)

b. The air sampling techniques used may not have been appropriate, i.e., air volume of samplers, filter materials, absence of arsine gas measurements.

Panel response. The Panel does not believe that additional measurements are necessary.

4. Should the Agency reconsider the present teratology and fetotoxicity triggers for the inorganic arsenicals?

Panel response. The Panel does not believe that the teratology and

fetotoxicity triggers need to be reconsidered. However, additional exposure data on the arsenicals is needed, and the Panel encourages EPA to develop and implement monitoring studies to obtain such data.

With regard to the set of proposed regulatory options and modifications for the inorganic arsenicals, the Panel concurs in all the proposed actions applying to both penta and arsenic, with the same provisos as indicated above. With regard to the options pertaining to arsenic alone, the Panel recommends as follows:

(4) *Require Dust Masks:* Panel concurs.

(10) *Prohibit uses likely to result in contamination of food, feed, or potable water* (also applicable to penta and creosote). Following discussion of the apparent need for arsenic treatment of grape stakes, a use EPA has proposed cancelling, the Panel chooses to defer to EPA's judgment on this issue.

(11) *Reduce arsenic surface residues on treated wood.* The Panel recommends reducing arsenical residues on treated wood by using clean wood for treatment. The Panel also notes the need for developing a good sealant for outdoor wood treated with arsenic.

Creosote

There follows a set of issues relating to cresote posed to the Panel by EPA and the Panel's response thereto:

1. The Agency determination that creosote is a mutagen is based on consideration of the following issues (see pp. 75–81):

a. Cresote is a complex mixture exhibiting toxicity as well as mutagenicity: Cresote P1 and P2 are demonstrably toxic in microbial and mammalian test systems.

b. Responsiveness of the Ames test to the mutagenicity of creosote as well as other complex mixtures. Does the Panel confirm the bases of our reasoning?

Panel response. The Panel confirms the basis of the Agency's reasoning.

2. Epidemiology of Cresote—The Agency did not use the Tabershaw and American Association of Railroads surveys (see pp. 49–51) to estimate the oncogenic risk to humans of creosote because of inadequacies of the studies.

a. Can these human studies be used to substantiate the need for well-conducted epidemiology studies?

b. Can the information in these studies (i.e., length of employment, age and race distribution, etc.) be used in the design of improved studies?

Panel response. The Panel recommends that in light of the inadequacies of the above mentioned studies, EPA conduct additional epidemiological studies to obtain the necessary data. The data in the Tabershaw and AAR studies can be used in the design of improved studies.

3. The Agency performed a qualitative evaluation, rather than a quantitative risk assessment, for oncogencity of cresote (see pp. 85–94) because of the variable composition of cresote due to source and industrial preparation, synergism among its chemical components, insufficient exposure information and lack of an appropriate epidemiology study for direct estimation of human risk. Does the Panel advise the Agency to ask for:

a. Rodent inhalation studies using cresote aerosols?

b. Epidemiology studies of wood preservative treatment plant workers?

c. More extensive exposure studies in wood preservative pressure treatment plant in which cresote vapor and polycyclic particulate organic matter (PPOM) are sampled quantitatively and qualitatively (the latter to identify chemical profiles of airborne material)?

Panel response. The Panel believes there is enough rodent data available on creosote. However, it does recommend additional epidemiological studies of wood preservative treatment plant workers and more extensive exposure studies in such plants.

4. It has been brought to the Agency's attention that some cresote is used in commercial non-pressure operations. Does the Panel advise that the Agency seek exposure data for estimation of hazard to workers in non-pressure treatment plants?

Panel response. The Panel believes it logical that EPA seek such information.

5. Cresote for home and farm use, railroad tie repair, and groundline treatment of poles is being proposed as restricted to certified applicators only. In light of the lack of exposure data, other than isolated case studies, does the Panel think this restriction is justified?

Panel response. The Panel believes the certified applicator requirement justified except in the case of farm use where it appears to be too restrictive. The Panel suggests the Agency examine ways to alleviate this situation.

With regard to the Agency's proposed regulatory options and modifications pertaining to cresote, the Panel concurs in all of the Agency's recommendations with one exception. As indicated above, the Panel believes it unfair to small farmers to require them to seek certification in order to use cresote and recommends that ways be found of enabling farmers to use this compound without becoming certified.

The Panel also recommends that EPA examine further the possible use of sealants in connection with indoor uses of creosote, some of which the industry claims are essential.

For the Chairman.

Certified as an accurate report of Findings:

Philip H. Gray, Jr.,

Executive Secretary, FIFRA Scientific Advisory Panel.

Date: July 15, 1981.

B. Response of the Agency to the Comments of the SAP

The SAP agreed with most of the Agency's proposed regulatory actions for the wood preservative uses of creosote, pentachlorophenol and the inorganic arsenicals. Certain changes in the regulatory decision have been made in response to the recommendations of the SAP. Specifically, the Agency has responded to the SAP's concerns regarding the imposition of the requirement for a closed emptying and mixing system for the prilled and flaked formulations of pentachlorophenol (and powdered sodium pentachlorophenate) by modifying its proposed regulatory action to provide a 3 year "phase-in" period for treatment plants to install closed systems. In the interim, protective clothing and respirators will be required to reduce worker exposure.

The Agency has also reconsidered its proposed action to prohibit the application of creosote to all wood intended for interior use in light of the SAP's recommendations and has concluded that the use of creosote wood-block flooring in an industrial setting poses limited risks if the flooring is sealed.

In response to the Panel's recommendation that applicators who handle pentachlorophenol wear rubberized gauntlets, the Agency has concluded that worker's arms will be sufficiently protected from exposure by the protective clothing measures required by this Notice. This conclusion is supported by field observations by Agency personnel that workers would cut the guauntlets because this protective device was too hot and combersome.

With regard to the Panel's recommendation that EPA require industry to reduce the dioxin content of pentachlorophenol products to as low a level as is technologically and economically feasible, the Agency has determined to impose an immediate limit of 15 ppm for hexachlorodibenzo-p-dioxin and to require that registrants reduce this contaminant to 1.0 ppm or below within 18 months.

With regard to the issue of the speciation of arsenic in the Taiwanese well-water study and the conversion of pentavalent arsenic to trivalent arsenic in the body, the Agency has received additional information since the time of the SAP response which sheds further light of these issues. Specifically, the new information indicates that (1) the arsenic in the Taiwanese well-water was 80 percent pentavalent and (2) pentavalent arsenic absorbed by the body has been shown to convert to the trivalent form. This information does not necessitate a change in the Agency's regulatory position because the Agency's determinations were based on studies showing that both valence states of arsenic have the potential to produce similar adverse effects.

With regard to the Panel's suggestion that the Agency require certain additional studies, the Agency has determined to require the submission of certain data pursuant to section 3(c)(2)(B) of FIFRA. In those areas where the Agency is not requesting additional data, this conclusion is based on the Agency's belief that, even though there may be uncertainties in certain of the risk parameters at this time, the protective measures which the Agency is requiring will be adequate to reduce those risks to an acceptable level.

Finally, the Agency believes that any changes in the proposed regulatory action which have been made in response to comments and other information received after the SAP review are consistent with the SAP's recommendations. Such changes either reflect a different method for achieving the same degree of risk reduction as the method proposed in the Preliminary Notice of Determination or are responsive to information which demonstrates a lower degree of exposure than estimated previously by the Agency.

C. Comments of the United States Department of Agriculture

The United States Department of Agriculture (USDA) also responded to the PD 2/3 recommendations. Their comments are printed in full below:

Honorable Anne M. Gorsuch,
Administrator, U.S. Environmental Protection Agency, Washington, DC 20460

Dear Ms. Gorsuch: This is the U.S. Department of Agriculture's response to the U.S. Environmental Protection Agency's (EPA) Preliminary Notice of Determination concluding the Rebuttable Presumption Against Registration (RPAR) of the wood preservative uses of pesticide products containing creosote, inorganic arsenicals, and pentachlorophenol.

We concur with the decisions to cancel the spray method of application of products containing five percent or less pentachlorophenol, and to continue the registrations of the other wood preservative uses of creosote, pentacholorophenol, and the inorganic arsenicals. We have identified several problems with the proposed modifications in the terms and conditions of the registrations. Our specific comments are contained in the enclosure which is an integral part of this response.

We believe EPA has underestimated the economic impacts that could result if specific uses of the wood preservatives were cancelled or restricted. There are no indications that EPA has taken into account data that was included in Chapter 8 of the USDA-States-EPA Assessment Team Report transmitted to the agency on November 4, 1980. For example, EPA apparently did not consider economic impacts to local communities, omitted the costs of converting treatment plants from use of arsenicals to either creosote or pentachlorophenol, only considered first-year impacts for certain uses, and underestimated the use of untreated wood as a substitute for treated sills, plates and structural framing.

We agree that more data are needed on applicator exposure, disposal of treated wood, and residue level of the wood preservatives in water, air, and food or feed that result from the uses of these products. The Department is currently involved in studies on migration of creosote in soil and water, determination of levels of wood preservatives in the air around or in treated wood structures, development of methods to reduce vaporization and surface residues, quantification of applicator exposure, and the determination of inorganic arsenic in food crops. We are willing to cooperate with EPA and industry in considering the need for additional data or studies as necessary.

Sincerely,

Barry R. Flamm,

Director.

2 Enclosures

Secretary of Agriculture's Specific Comments to the Wood Preservatives Notice of Determination PD 2/3

We agree with the recommended label modifications requiring protective clothing and equipment with one exception. The use of a half-mask canister or cartridge respirator is not necessary when entering arsenical pressure treatment cylinders. Since these wood preservatives are inorganic salts which have no measurable vapor pressure, there are no fumes that need to be trapped. A dust mask which would prevent inhalation of arsenate particles or mist would be sufficient.

Clarification is needed regarding the requirements for protective clothing for certified and noncertified applicators of creosote and pentachlorophenol for home and farm uses. For applications of creosote, or pentachlorophenol concentrations of greater than 5 percent, no differentiation in clothing requirements should exist; that is, both certified and noncertified applicators (who may be applying the chemical under the supervision of a certified applicator) should wear the same protective clothing. Once pentachlorophenol is diluted to 5 percent or less, or in the case of products sold in a 5 percent or less formulation, long-sleeved shirts and trousers offer adequate protection.

The use of wood preservatives for industrial uses should be restricted where the worker has the risk of exposure on a daily basis. However, the restrictions on homeowner use and on those contractors doing construction work for the homeowner appear to be extreme given the limited risk of exposure for persons in these categories. For example, classifying the brush-on use of inorganic arsenicals as restricted-use pesticides would mean that carpenters who want to treat the end cuts during fabrication of a structure must be certified pesticide applicators. We are also concerned that the proposed restricted-use classification will require certification of entirely new groups of workers who do not fit into the classification of commercial forestry, or farm-oriented certified applicators. We question whether current certification programs apply to these new groups.

The proposed statements prohibiting the application of creosote, pentachlorophenol, or inorganic aresenicals to wood which is intended for interiors, except for those support structures which are in contact with soil in barns, stables, similar sites, and all weather wood foundations, sills and plates, may cancel some uses for which there are no substitutes. Exposure can be reduced for many of these uses, such as sealing creosote treated woodblock flooring beneath a pitch wearing surface. Another important use is that of penta treated wood for laminated timbers for warehouses, indoor swimming pools, and other buildings where the type of use creates a high decay hazard. Other preservatives are not practical. Creosote is an unsuitable preservative for esthetic reasons and arsenicals interfere with gluing. Recent research has shown that the exposure from the use of penta in enclosures is small, generally less than 1 microgram per cubic meter which can be reduced by 80 to 90 percent by coatings or by surface treatments that convert the penta to chemicals with essentially zero vapor pressure. (We are enclosing a research paper about clear coatings.) A solution formulated for the latter use is now commercially available. We believe such formulations can be used safely, and these specialty uses should not be limited where exposure can be effectively reduced.

The precautionary statements proposed in the Position Document which prohibit the application of the inorganic arsenicals, creosote, or pentachlorophenol to wood which will be used in a manner which may result in direct exposure to domestic animals or livestock, or in the contamination of food, feed, or drinking and irrigation water (e.g., food crates, irrigation flumes, vegetable stakes, feedlot bins and watering troughs), could prohibit virtually all agricultural uses of treated wood (such as fence posts, gates, cattle guards, supports for feed bunks, retaining walls, etc.) since it can be argued that any of these uses could result in direct animal contact. A strict interpretation of these restrictions could also prohibit the use of treated wood in the construction of bridges or docks because in many cases treated

timbers are in direct contact with surface water or the subsurface water table. Although more data are needed on residue levels of the wood preservatives that result from such uses, available data in the USDA-States-EPA Assessment Report does not support the contention that these uses will result in significant exposure to the general public. A case in point is the use of arsenical treated wood for vegetable stakes and grape stakes, watering troughs, and feed bunks. If "visibly clean" wood treated which contains not more than 0.1 mg. of soluble arsenic per 100 cm^2, and if it is assumed that all available arsenic is solubilized in the initial fill of a watering trough 2 feet x 2 feet x 6 feet, the arsenic content in that water would not exceed the maximum drinking water standards for humans as established by the Department of Health, Education, and Welfare in 1962. A strong data base (see Chapter 10, Report of the USDA-States-EPA Preservative Assessment Team) supports the thesis that contact of plants with arsenates does not increase the arsenic content of these plants.

While no food tolerances have been set specifically for the wood preservative pesticides, there are tolerances for arsenic residues on a wide variety of food crops. Normal residue levels for any crop could be used as the tolerance level for that crop to insure that no increase in residue resulted from the use of treated wood. The fact that "clean" salt pressure treated wood would have essentially no residue which could be picked up by a food crop must be taken into account, especially when considering the fact that crops grow in a soil environment containing 2 to 5 parts per million arsenic and that plants contain arsenic as a natural component of the fruit, leaf, or root. The use of arsenic as a plant growth regulator in grapefruit production and the long-term use of arsenical treated wood for vegetable and grape stakes—both without any increase in arsenic levels of the produce—are also strong arguments that the restrictions proposed for arsenical treated wood for agricultural uses (greenhouses, mushroom flats, support stakes for vegetables and grapes, etc.) are inappropriate.

The proposed label requirement that inline filters must be used with arsenical preservatives may not achieve the desired result of limiting surface deposits of arsenical preservatives unless the filters are properly maintained. The requirement that a post impregnation vacuum be applied is poor technology, at least in the case of chromated copper arsenate (CCA) preservatives, since this practice will introduce wood sugars into the treating solutions and result in sludging of CCA solids in storage and working tanks, thus aggravating the very problem the requirement is intended to solve. A simple label requirement that arsenical treated wood must be visibly clean would achieve the result desired and would not place EPA in the position of dictating treatment methodology and fixing the state-of-the-art. The post-treatment rinsing to remove surface residues could be made mandatory for wood to be used in food contact applications. However, the water used to wash the wood would have to be collected, stored, and disposed of as a hazardous waste. Since few waste disposal sites will take arsenic wastes, this process would greatly add to the cost of wood treatment and add to the already critical waste disposal problem. We believe it would be preferable to set concentration or residue standards and let industry meet the standard in ways that best suit their specific situations.

The proposed requirement that treated wood either be disposed of by onsite burial, or that if the pesticide-treated wood wastes exceed 1,000 kilograms per site, disposal must comply with the provisions of the Resource Conservation and Recovery Act, as amended, will result in significant costs contrary to EPA's expectation. There are over 4,000 bridges on National Forest System lands which utilize treated timber piles, posts, and planks as bridge components. The total weight of each bridge would exceed 1,000 kg in about every case. Unusable materials from these bridges are often burned when the bridges are replaced. The cost of dismantling, hauling, and disposing of this material in approved disposal sites will be significant.

Such added costs would adversely impact the cost of road construction which ultimately affects our ability to manage the forest resources. We believe such requirements are premature because EPA admits that the hazards of current disposal methods have not been quantified. We are willing to work with the EPA in the development of scientific data designed to valuate workable disposal methods.

We are also concerned with the proposal to require labels under the Toxic Substances Control Act (TSCA) requiring impervious gloves to be worn by all who handle preservative treated wood and requiring individuals who saw pesticide treated wood to wear protective clothing and a dust mask. We feel these regulations involve unrealistic and unenforceable restrictions.

D. Agency's Response to the Comments of the United States Department of Agriculture

The U.S. Department of Agriculture concurred generally with the Agency's decision to continue the registrations of the wood preservative uses of pentachlorophenol, creosote and the inorganic arsenicals, with modifications in the terms and conditions of the registrations. USDA furnished specific comments on several proposed modifications of the terms and conditions of registration of these pesticides. The Agency's responses to these comments are set forth below.

USDA apparently concurred with the Agency's proposal in the Preliminary Notice of Determination to cancel registrations for pentachlorophenol in concentrations less than 5 percent intended for application by a spray method. The Agency has decided not to cancel registrations for this use of pentachlorophenol, but will instead require that all spray application uses of pentachlorophenol will be classified for restricted use. The Agency believes that these uses can be retained without unreasonable adverse effects on the environment if the pesticide is used only by certified applicators required to wear protective clothing, a respirator, head covering, and eye protection while spraying.

USDA stated its concern that EPA had underrestimated the economic impacts that could result if specific uses of the wood preservatives were cancelled or restricted. The Agency believes that it has taken such considerations into account in reaching its conclusions about continued use of the wood preserving chemicals. The Agency believes that restricted use classification is necessary for most uses of the wood preservatives in order to assure that they are used by applicators with the requisite training to handle these products properly. The Agency has taken into account USDA's concern about the need for treated wood sills, plates and structural framing, and has permitted such uses with certain restrictions.

USDA has suggested that more data is needed on applicator exposure, disposal of treated wood, and residue levels of wood preservatives in water, air, food and feed. The Agency is always receptive to additional data pertinent to its regulatory positions, and would certainly consider any data that is submitted that would bear on any of the positions taken in this Notice. However, the Agency believes that the positions taken in this Notice have a sound factual basis as described in detail in the PD 4.

USDA commented that respirators are not necessary for applicators who enter arsenical pressure-treatment cylinders because the inorganic arsenicals do not release fumes. The Agency agrees and has eliminated this requirement. The Agency also agrees with USDA's suggestion that dust masks are useful in preventing inhalation of arsenate particles. However, the Agency believes that respirators will be more effective minimizing inhalation exposure of employees at arsenical plants. Therefore, the agency has adopted a Permissible Exposure Level standard whereby respirators will be required for workers in arsenical plants if the level of arsenic in the ambient air exceeds 10 $\mu g/m^3$, averaged over an 8-hour workday.

USDA stated that applicators of creosote, and of pentachlorophenol in concentrations above 5 percent should have the same protective clothing requirements. The Agency agrees that protective clothing requirements should generally be the same for all applicators

of creosote and pentachlorophenol. The Agency has concluded that gloves, disposable coveralls or other suitable impermeable protective clothing, provide adequate protection for persons treating wood for non-spray applications of pentachlorophenol. However, additional protective clothing will be required for certified applicators of pentachlorophenol who use the spray method. Such applicators shall be required to wear suitable head covering and eye protection (goggles) during spraying activities.

USDA contended that pesticides which are used by homeowners and by contractors performing construction for homeowners should not be classified for restricted use because of their relatively limited exposure. The Agency agrees in the case of brush-on arsenicals in construction and has decided not to classify the brush-on arsenicals for restricted use; the label, however, will indicate these products are for commercial construction use only and are not for household use. EPA believes that a restricted use classification is necessary for other home and farm products to avoid unreasonable adverse effects.

USDA expressed concern that the Agency's proposed limitations on interior uses of the wood preservatives were too stringent, and would result in the unavilability of wood preservatives for some uses for which there are no substitutes. USDA commented that exposure can be reduced by effective sealers to a level where the pesticides can be used safely. The Agency agrees, and will permit limited interior uses of pentachlorophenol or creosote-treated wood where exposures can be reduced to an acceptable level by the use of sealers. Arsenic treated wood may be used if it is first vacuumed clean of dust. This determination will be implemented for pressure-treated wood by means of a Consumer Information Sheet distributed by wood treaters to consumers of treated wood products.

USDA commented that prohibitions against the application of wood preservatives to wood that will be used in a manner which may result in direct exposure to animals or contamination of food, feed, drinking or irrigation water are unnecessarily broad. These restrictions, USDA argued, "could prohibit virtually all agricultural uses of treated wood" and could prohibit the use of treated wood on docks and bridges. In the view of USDA, available data does not support the contention that these uses will result in significant exposures to the public. The Agency has refined its label requirements in response to USDA comments to allow for uses involving incidental contact with water such as docks and bridges and for other uses where there is unlikely to be contact by animals or livestock.

USDA objected to a proposed labeling requirement in the Preliminary Notice of Determination dictating the method to be used to reduce surface deposits on wood treated with arsenical compounds, and favored a labeling requirement that "arsenical treated wood must be visibly clean." The Agency agrees and has included such a provision in this Notice.

USDA objected to the requirement proposed in the Preliminary Notice that treated wood be disposed of by onsite burial, and that wood wastes in excess of 1,000 kilograms per site be disposed of in accordance with the provisions of the Resource Conservation Recovery Act. The CIS addresses this issue and provides that treated wood should be disposed of by ordinary trash collection or burial; that treated wood should not be burned in open fires or in stoves or fireplaces, but may be burned for commercial or industrial applications in accordance with State and Federal regulations.

USDA expressed concern about the Agency's proposal to require all persons handling treated wood to wear impervious gloves, and requiring individuals who saw treated wood to wear protective clothing and a dust mask. It characterized such regulations as unrealistic and unenforceable. The Agency believes that such precuations are desirable to minimize inhalation and dermal exposure to the wood preservatives. Therefore, the Agency is requiring industry to implement a Consumer Awareness Program to alert infrequent users of wood preservatives to these and other precautions to be taken in the use of preserved wood.

VII. Procedural Matters

This Notice announces the Agency's intent to cancel the registrations of wood preservative products containing creosote, pentachlorophenol (or its salts), or inorganic arsenic unless the changes required by this Notice are made. In order to avoid cancellation, registrants must submit an application for amended registration which incorporates the modifications to the terms and conditions of registration set forth in Unit IV of this Notice. An applicant for a new registration whose product is subject to this Notice may also submit an amended application as set forth below to avoid the denial of his application. Under sections 6(b)(1) and 3(c)(6) of FIFRA, applicants, registrants and certain other adversely affected parties may also request a hearing on the cancellation and denial actions that this Notice initiates. Unless the registrant or applicant makes the required corrections or a hearing is properly requested with regard to a particular registration or application, the registration will be cancelled or the application denied. This Unit of the Notice explains how such persons may request a hearing (and the consequences of requesting or failing to request a hearing in accordance with the procedures specified in this Notice) and how a registrant may amend its registrations or an applicant amend its application as required by this Notice.

A. Procedure for Amending the Terms and Conditions of Registration to Avoid Cancellation or Denial of Application

Registrants affected by the cancellation actions set forth in this Notice may avoid cancellation by filing an application for an amended registration which contains the label modifications detailed in Unit IV of this Notice. This application must be filed within 30 days of receipt of this Notice, or within 30 days from publication of this Notice, whichever occurs later. Applicants for a registration subject to this Notice must file an amended application for registration within the applicable 30 day period to avoid denial of the application.

Applications must be submitted to:

By mail:

Mr. Henry Jacoby, Product Manager 21, Registration Division (TS-767C), Office of Presticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number:

Rm. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1900).

B. Procedure for Requesting a Hearing

To contest the regulatory actions (including the provisions governing existing stocks) set forth by this Notice, registrants, and any applicants whose applications have been denied by this Notice, may request a hearing within 30 days of receipt of this Notice, or within 30 days from publication of this Notice, whichever occurs later. Any other person adversely affected by the cancellation action described in this Notice, or any interested person with the concurrence of an applicant whose application for registration has been denied, may request a hearing within 30 days of publication of this Notice in the **Federal Register.**

All registrants, applicants, and other adversely affected parties who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require, among other things, that all requests must identify the specific registration(s) by registration number(s) and the specific use(s) for which a hearing is requested, and that all requests must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. Requests for a hearing should also be accompanied by objections that are specific for each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to:

Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

C. Consequences of Filing or Failing To File a Hearing Request

1. *Consequences of Filing a Timely and Effective Hearing Request.* If a hearing on any action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice for hearings under FIFRA section 6 (40 CFR Part 164). In the event of a hearing, each cancellation action concerning the specific use or uses of the specific registered product which is the subject of the hearing will not become effective except pursuant to an order of the Administrator at the conclusion of the hearing. Similarly, in the event of a hearing, each denial of registration which is the subject of the hearing will not become effective prior to the final order of the Administrator at the conclusion of the hearing.

The hearing will be limited to the specific uses and specific registrations or applications for which the hearing is requested.

2. *Consequences of Failure To File in a Timely and Effective Manner.* If a hearing concerning the cancellation or denial of registration of a specific wood preservative pesticide product subject to this Notice is not requested by the end of the applicable 30-day period, registration of that product will be cancelled, or the denial will be effective, unless the registrant or applicant files a request for an amended label within the statutory period provided herein. If a registrant wishes to contest the cancellation or required conditions for particular identified uses, but desires to modify the terms and conditions of registration to secure continued registration of one or more of those uses permitted by this Notice, the registrant must file a request to amend his label in accordance with the terms and conditions of registration set forth herein as well as submit the hearing request.

D. Procedures Required for Products Registered Pursuant to 40 CFR 162.17

EPA is aware of a number of pesticide products containing the wood preservatives which are not federally registered and which are being marketed under the authority of 40 CFR 162.17. The Agency hereby notifies all persons producing or distributing such products that they must submit a full application for Federal registration, including all required supporting data as prescribed by the provisions of section 3 of FIFRA, of 40 CFR Part 162, and of P.R. Notice 83-4 and 83-4a, within 30 days of receipt of this Notice or publication in the **Federal Register**, whichever is later. The Agency further notifies all such applicants that only products which conform with the requirements of this Notice will be registered. Any person who wishes to register a product which would not conform with the requirements of this Notice is informed that this Notice is a denial of his application, and that if he wishes to contest the denial, he must request a hearing within the applicable 30-day period provided by this Notice.

E. Separation of Functions

The Agency's rules of practice forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. 40 CFR 164.7.

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial staff to perform the judicial function of the Agency in any administrative hearing on this Notice of Intent To Cancel: the office of the Administrative Law Judge, the office of the Judicial Officer, the Deputy Administrator, the members of the staff in the immediate office of the Deputy Administrator, and the members of the staff in the immediate office of the Administrator. Administrator Ruckelshaus has recused himself from all particular matters specifically focused on wood preservatives. None of the persons designated as the judicial staff may have any *ex parte* communication with the trial staff or any other interested person not employed by EPA, on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

Dated: July 10, 1984.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 84-18666 Filed 7-11-84; 10:32 am]

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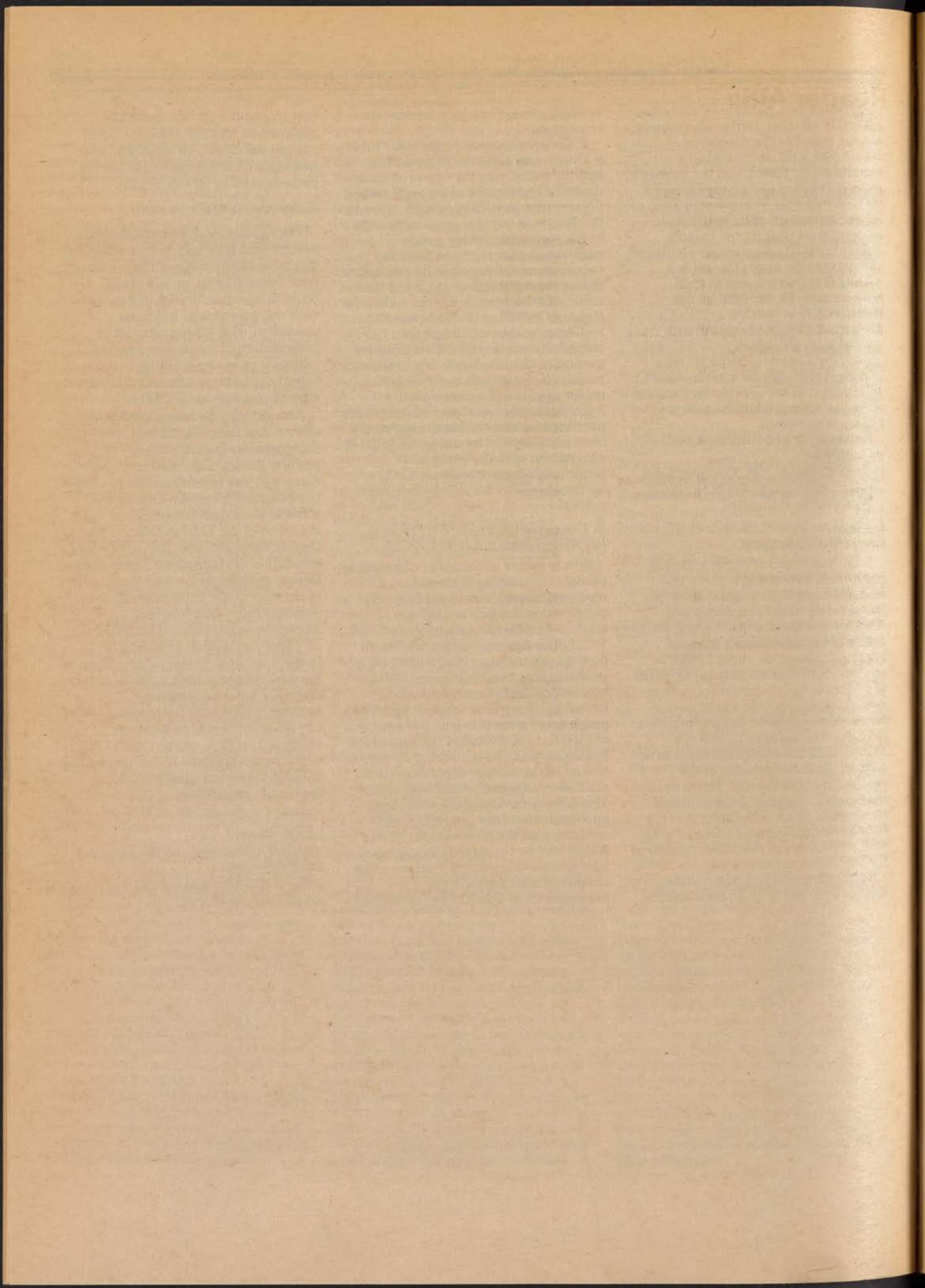

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Vol. 49, No. 136
Friday, July 13, 1984

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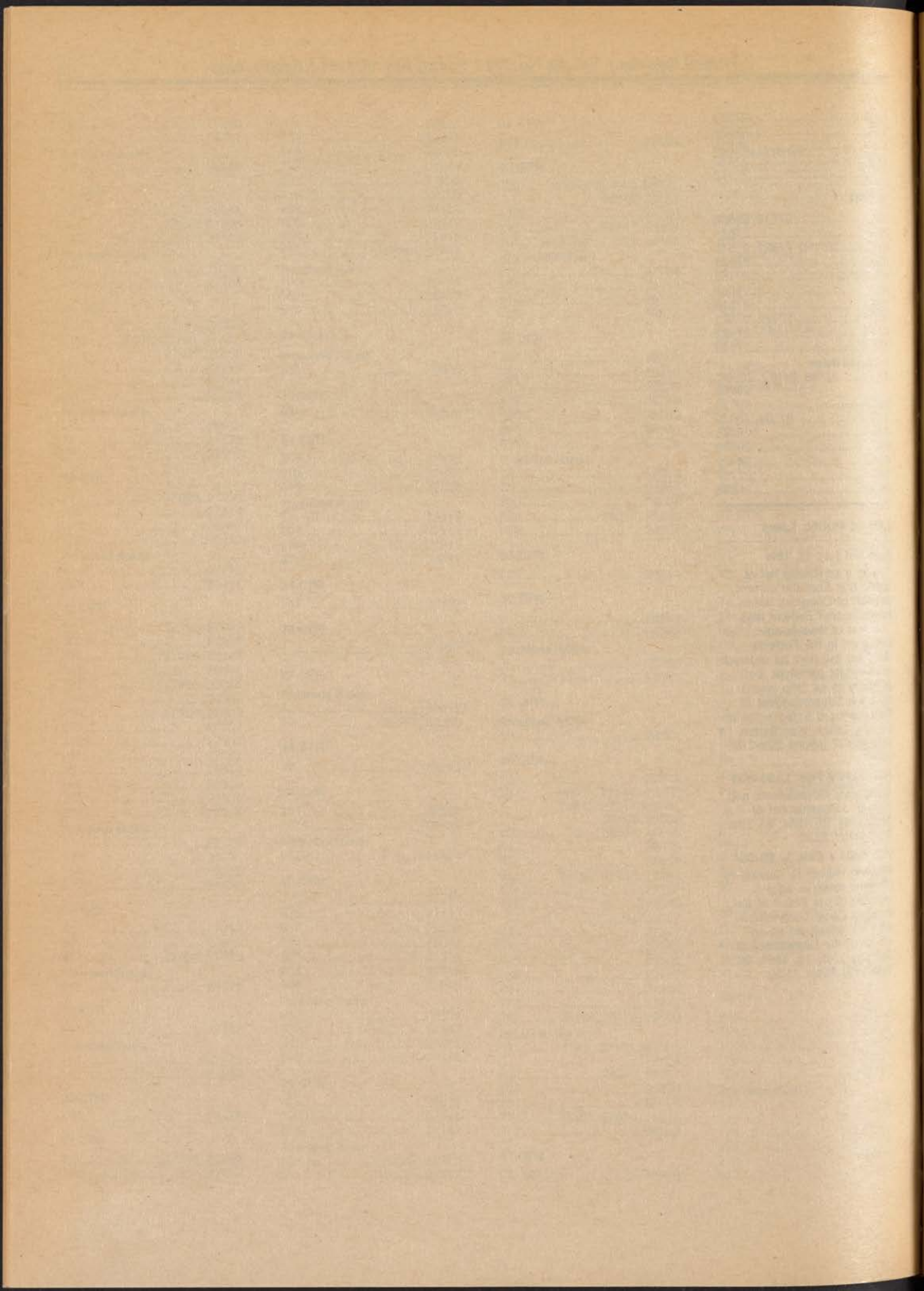
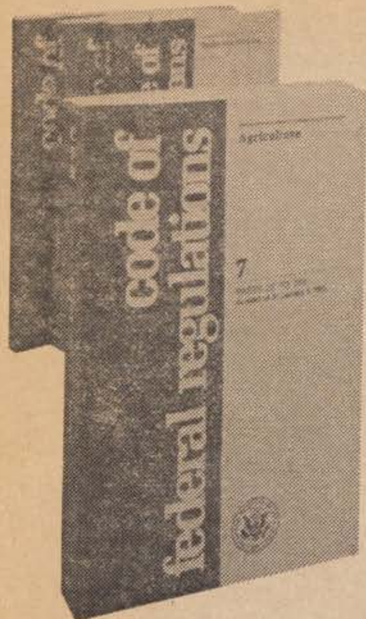
H.R. 5174 / Pub. L. 98-353

Bankruptcy Amendments and Federal Judgeship Act of 1984 (July 10, 1984; 98 Stat. 333) Price: $3.75

H.R. 5404 / Pub. L. 98-354

Allowing William R. Gianelli to continue to serve as a member of the Board of the Panama Canal Commission after his retirement as an officer of the Department of Defense. (July 10, 1984; 98 Stat. 393) Price: $1.50





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