AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-20-84
Vol. 49 No. 14
Pages 2463-2740

Federal Register

Friday
January 20, 1984

Selected Subjects

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Endangered and Threatened Species
Fish and Wildlife Service

Food Assistance Programs
Food and Nutrition Service

Income Taxes
Internal Revenue Service

Low and Moderate Income Housing
Housing and Urban Development Department

Marketing Agreements
Agricultural Marketing Service

Motor Carriers
Interstate Commerce Commission

Petroleum
Energy Department

Poultry and Poultry Products
Federal Grain Inspection Service

Price Support Programs
Commodity Credit Corporation

Radio Broadcasting
Federal Communications Commission

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

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.

Selected Subjects

Securities
Securities and Exchange Commission

Surface Mining
Surface Mining Reclamation and Enforcement Office

Contents

Federal Register
Vol. 49, No. 14
Friday, January 20, 1984

Agricultural Marketing Service
RULES
2465 Lemons grown in Ariz. and Calif.

Agriculture Department
See Agricultural Marketing Service; Commodity Credit Corporation; Food and Nutrition Service; Food Safety and Inspection Service.

Air Force Department
NOTICES
Environmental statements; availability, etc.:
2506 146 Tactical Airlift Wing; relocation from Van Nuys Airport to NAS Pt. Mugu, Calif.

Arts and Humanities, National Foundation
NOTICES
Meetings:
2561 Ad Hoc Planning Committee

Blind and Other Severely Handicapped, Committee for Purchase from
NOTICES
2502 Procurement list, 1984; additions and deletions (2 documents)

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

Commodity Credit Corporation
RULES
Loan and purchase programs:
2466 Tobacco; interim

Consumer Product Safety Commission
NOTICES
2573 Meetings; Sunshine Act

Defense Department
See also Air Force Department; Engineers Corps.; Navy Department.
NOTICES
2502 Weapon system procurement; draft guidance on written guarantees

Employment and Training Administration
NOTICES
Adjustment assistance:
2559 Endicott Forging & Manufacturing Co., Inc.
2560 Knickerbocker Toy Co.
2560 Republic Steel Corp.
2559 Employment transfer and business competition determinations; financial assistance applications

Employment Standards Administration
NOTICES
2600 Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Conn., Iowa, Kans., Md., N.Y., Ohio, R.I., Tex., and Utah)

Energy Department
See also Energy Research Office; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.
RULES
2692 Strategic petroleum reserve oil; standard sales provisions

Energy Research Office
NOTICES
Meetings:
2508 Energy Research Advisory Board; cancellation

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
2506 Milford and Bradley, Maine

Environmental Protection Agency
RULES
Air pollution; standards of performance for new stationary sources:
2470 Nevada; authority delegations (2 documents)
Air quality planning purposes; designation of areas:
2471 Maine; correction
PROPOSED RULES
Air pollution; standards of performance for new stationary sources:
2656 Onshore natural gas processing plants; equipment leaks of volatile organic compounds
2636 Onshore natural gas processing plants; sulfur dioxide emissions
Toxic substances:
2478 1,2-Dichloropropane; testing requirements; correction
NOTICES
Environmental statements; availability, etc.:
2525 Agency statements; weekly receipts
Meetings:
2525 Construction Grants Program Management Advisory Group
Toxic and hazardous substances control:
2526 Interagency Testing Committees; responses, etc.; ethylene oxide
2526 Premanufacture notification requirements; test marketing exemption applications; correction
2526 Premanufacture notices receipts

Farm Credit Administration
NOTICES
Senior Executive Service:
2527 Performance Review Board; membership

Federal Aviation Administration
RULES
Airworthiness directives:
2467 Garrett

Federal Communications Commission
PROPOSED RULES
Radio broadcasting:
2478 Multiple ownership; regional concentration of control rule

NOTICES
2527 Cellular radio interconnection working groups; information availability
Meetings:
2527 North Atlantic facilities planning issues

Federal Emergency Management Agency
NOTICES
Radiological emergency; State plans:
2528 California

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
2514 Arkansas Louisiana Gas Co.
2508, 2510, 2515 Columbia Gas Transmission Corp. (4 documents)
2509 Columbia Gas Transmission Corp. et al. (2 documents)
2510 Consolidated Gas Supply Corp. et al.
2511–2519 National Fuel Gas Supply Corp. (13 documents)
2512 Northwest Central Pipeline Corp.
2520 Northwest Pipeline Corp.
2520 Pacific Gas & Electric Co.
2513 Tennessee Gas Pipeline Co. et al.
2512 Texas Eastern Transmission Corp.
Natural Gas Policy Act:
2672–2680 Jurisdictional agency determinations (3 documents)

Federal Maritime Commission
NOTICES
2573 Meetings; Sunshine Act

Federal Reserve System
NOTICES
Bank holding company applications, etc.:
2528 Barnett Banks of Florida, Inc., et al.
2529 BOE Bancshares, Inc., et al.
2529 Citizens-Texas Banc Shares, Inc.
2530 CNB Financial Corp. et al.
2573 Meetings; Sunshine Act (3 documents)

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species:
2485 Petitions findings and description of progress on listing actions

Food and Drug Administration
NOTICES
Meetings:
2530 Advisory committees, panels, etc.

Food and Nutrition Service
RULES
Child nutrition programs:
2463 Summer food service program; claim and report submission

Food Safety and Inspection Service
PROPOSED RULES
Meat and poultry inspection:
2473 Broilers and Cornish hens; new line speed inspection system

Health and Human Services Department
See also Food and Drug Administration; National Institutes of Health.
NOTICES
2530 Agency information collection activities under OMB review

Hearings and Appeals Office, Energy Department
NOTICES
Applications for exception:
2521, 2522 Cases filed (2 documents)
2522, 2524 Decisions and orders (3 documents)

Housing and Urban Development Department
RULES
Low income housing:
2608 Public housing (including Indian housing) projects development; prototype cost determination
NOTICES
Grants; availability, etc.:
2686 Rental rehabilitation program demonstration

Indian Affairs Bureau
NOTICES
Liquor and tobacco sale or distribution ordinance:
2534 Colorado River Indian Reservation, Ariz. and Calif.

Interior Department
See also Fish and Wildlife; Indian Affairs Bureau; Land Management Bureau; Minerals Management Service; National Park Service; Surface Mining Reclamation and Enforcement Office.
NOTICES
Watches, and watch movements; allocation of quotas:
2493 Virgin Islands, Guam, and American Samoa
Meetings:
2534 Fair Market Value Policy for Federal Coal Leasing Commission

Internal Revenue Service
RULES
Income taxes:
2469, 2470 Barter exchanges; information returns; correction (2 documents)

International Trade Administration
NOTICES
Antidumping:
2492 Bicycle tires and tubes from Taiwan
Countervailing duties:
2489 Sodium gluconate from European Communities
Export privileges, actions affecting:
2489 Mandel, Arnold I.
Scientific articles; duty free entry:
2491 Armand Hammer Foundation
2491 National Bureau of Standards
2491 State University of New York at Buffalo
2491 University of California
2492 University of Pennsylvania
2492 University of Utah

Watches and watch movements; allocation of quotas:
2493 Virgin Islands, Guam, and American Samoa

Interstate Commerce Commission
RULES
Tariffs and schedules:
2471 Motor carriers and freight forwarders; expansion of zone of reasonableness
NOTICE
Motor carriers:
2558 Compensated intercorporate hauling operations; intent to engage in
Railroad services abandonment:
2552–2557 Burlington Northern Railroad Co. (17 documents)
2558 St. Louis Southwestern Railway Co.

Labor Department
See also Employment and Training Administration; Employment Standards Administration.
RULES
2739 Administrative hearings before Office of Administrative Law Judges; practice and procedure rules; technical amendments

Land Management Bureau
NOTICES
Sale of public lands:
2538–2549 Nebraska (16 documents)
Withdrawal and reservation of lands:
2550 California; opportunity for hearing

Minerals Management Service
NOTICES
Environmental statements; availability, etc.:
2550 Atlantic OCS oil and gas operations; mineral exploration proposals
2550 Gulf of Alaska/Cook Inlet area oil and gas lease offering

National Aeronautics and Space Administration
NOTICES
Meetings:
2560 Advisory Council

National Bureau of Standards
NOTICES
Laboratory Accreditation Program, National Voluntary:
2494 Commercial product testing; paint, paper, and mattresses
2496 Fees
Voluntary product standards:
2499 Status report

National Institutes of Health
NOTICES
Meetings:
2532 Animal Resources Review Committee
2532 Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
2533 Arthritis, Diabetes, and Digestive and Kidney Diseases National Advisory Council
2532 Communicative Disorders Review Committee
2532, 2533 Neurological Disorders Program Project Review Committees (2 documents)
2533 Research Grants Division study sections
2534 Research Resources National Advisory Council

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
2472 Bering Sea and Aleutian Islands groundfish; domestic and foreign; correction
NOTICES
Marine mammal permit applications, etc.:
2500 National Zoological Park
2500 New York Aquarium
Marine mammals:
2499 Ringed seals; taking incidental to on-ice seismic activities; letters of authorization issuance
Meetings:
2500 Mid-Atlantic Fishery Management Council
2501 North Pacific Fishery Management Council
2501 Pacific Fishery Management Council

National Park Service
NOTICES
World heritage properties list:
2551 U.S. nominations

National Science Foundation
NOTICES
2561 Agency information collection activities under OMB review
Meetings:
2561 Physiology, Cellular, and Molecular Biology Advisory Panel

Navy Department
NOTICES
Meetings:
2507 Naval Research Advisory Committee (2 documents)

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
2562 Cincinnati Gas & Electric Co.
2562, 2563 Consumers Power Co. (2 documents)
2564 Duquesne Light Co. et al.
2564 Kerr-McGee Chemical Corp.
2564 U.S. Testing Co., Inc.
Environmental statements; availability, etc.:
2561 Commonwealth Edison Co., Braidwood Station, Ill.
2566 Washington Public Power Supply Systems et al.
Regulatory agreements:
2588 Utah; republication

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer pension plans; bond/escrow exemption requests:
2567 Kittinger Co.

Securities and Exchange Commission
RULES
Securities:
2468 Public statements by corporate representatives; antifraud provisions

NOTICES
Hearings, etc.:
2569 Exxon Corp. et al.
2570 Offerman Money Market Fund, Inc.
2570 Ziegler Money Market Trust
Self-regulatory organizations; proposed rule changes:
2571 Midwest Clearing Corp.

Small Business Administration
NOTICES
Applications, etc.:
2572 First American Capital Funding, Inc.

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission; various States:
2478 Pennsylvania; comment period reopened

Textile Agreements Implementation Committee
NOTICES
Cotton, wool, and man-made textiles:
2501 China

Trade Representative, Office of United States
NOTICES
Meetings
2567 Commodity Policy Advisory Committee
2567 Trade Negotiations Advisory Committee
2567 Specialty steel import relief modification

Transportation Department
See Federal Aviation Administration.

Treasury Department
See Internal Revenue Service.

Separate Parts in This Issue

Part II
2588 Nuclear Regulatory Commission

Part III
2600 Department of Labor, Employment Standards Administration

Part IV
2608 Department of Housing and Urban Development, Office of the Secretary

Part V
2636 Environmental Protection Agency

Part VI
2672 Department of Energy, Federal Energy Regulatory Commission

Part VII
2686 Department of Housing and Urban Development

Part VIII
2692 Department of Energy

Part IX
2739 Department of Labor, Office of the Secretary

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
225 2463
910 2465
1464 2466

9 CFR
Proposed Rules:
381 2473

10 CFR
625 2692

14 CFR
39 2467

17 CFR
231 2468
241 2468
251 2468
271 2468

24 CFR
841 2608

26 CFR
1 (2 documents) 2469, 2470

29 CFR
18 2739

30 CFR
Proposed Rules:
938 2478

40 CFR
60 (2 documents) 2470
81 2471
Proposed Rules:
60 (2 documents) 2636, 2656
799 2478

47 CFR
Proposed Rules:
73 2478

49 CFR
1309 2471
1310 2471

50 CFR
611 2472
675 2472
Proposed Rules:
17 2485

Rules and Regulations

Federal Register
Vol. 49, No. 14
Friday, January 20, 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

Food and Nutrition Service

7 CFR Part 225

Summer Food Service Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes permanent 60 and 90 day deadlines for the submission of claims and reports for Federal reimbursement in the Summer Food Service Program (SFSP). Exceptions to these time limits may be granted at the discretion of the Food and Nutrition Service. This final rule also specifies appeal rights regarding requests for exceptions from these time limits. This rule will ensure that timely and accurate reporting of participation data is submitted and will result in improved fiscal accountability at the local, State, and Federal levels. The current regulations for the SFSP remain unchanged in other respects and shall be used to administer the Program in 1984.

EFFECTIVE DATE: This final rule is effective February 21, 1984.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This rulemaking has been reviewed in accordance with Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or the ability of U.S. enterprises to compete with foreign based enterprises. This rule has also been reviewed with regard to the requirements of Pub. L. 96–354, the Regulatory Flexibility Act. The Administrator of the Food and Nutrition Service has certified that this rule does not have a significant economic impact on a substantial number of small entities.

This final rule establishes the same reporting deadlines for 1984 as existed for 1983. The requirements for the SFSP Claim for Reimbursement Form (FNS–143) have been approved by the Office of Management and Budget (OMB) for use through September 30, 1984 (0584–0041). The monthly report (FNS–44) was approved by OMB for use through December 31, 1985 (0584–0057).

Background

Other than the revisions set forth in this regulation, the current Summer Food Service Program regulations published on February 16, 1982, (47 FR 6790) and amended on January 4, 1983, (48 FR 374) remain in effect. This rule makes permanent the 60 and 90 day deadlines for claim and report submission which were mandated for Fiscal Year 1983 by Pub. L. 97–370 and for Fiscal Year 1984 by Pub. L. 98–151. These deadlines will result in more timely disbursement of funds to sponsors and will enable the Department to more closely monitor program operations and make projections for the following year.

On November 3, 1983, (48 FR 50743) the Department proposed to permanently establish the 60 and 90 day deadlines for submission of claims and reports.

Interested parties were given 30 days in which to submit their comments on that proposal. In response to the proposed rule, the Department received 11 comments—one from a food advocacy group, five from State agencies and five from Food and Nutrition Service Regional and Washington Offices. The commentors were generally supportive of the Department's proposal but several has specific concerns and recommendations. The Department has made every effort to incorporate into this final rule all commentor suggestions which clarify or improve the overall approach to revised claim and report submission requirements as set forth in the proposed rule.

The remainder of this preamble will discuss the specific changes from the proposal that are made in this final rule. For ease of reference, the changes are presented under the same headings as in the preamble of the proposed rule. All other provisions of the proposed rule have been retained; however, in some cases, minor editorial changes have been made for clarification purposes.

1. *Deadlines for submission of Final Claims and Reports.*—One commentor pointed out that § 225.11 paragraph (c)(3), which was redesignated paragraph (c)(2) by the proposal, is not consistent with the 60 day claim submission deadline. Under this paragraph, sponsors which operate less than 10 days in the final month of operation must submit a combined claim for that month and the preceding month within 10 days of the last day of operation. The Department acknowledges that this provision was overlooked in the proposal and has provided, in this final rule, that combined claims for final months of operation be submitted within 60 days of the last day of operation.

Another commentor pointed out that the proposed language in § 225.11 paragraph (c)(5), which prohibits payment of claims not filed within 60 days, should be limited to the payment of Federal program funds. That commentor indicated that in the absence of an exception from FNS, State agencies would have the option of using State funds to pay late claims. This is correct and the Department has revised this paragraph to make it clear that only Federal program funds are affected by the 60 day claim submission requirements.

2. *Adjustments/3. Exceptions.*—The proposed rule provides that downward adjustments in final claims for reimbursement and final reports of program operations shall always be made regardless of when it is determined that such adjustments are necessary. One commentor suggested that is be made clear that FNS authorization is not required for downward adjustments. The Department agrees and has revised § 225.10(c) and § 225.11(c)(5) accordingly.

Three commentors expressed concern that the proposal provides for upward adjustments to claim and reports only if an exception is granted by FNS whereas

downward adjustments are required to be made without FNS exception. It was pointed out that audits and administrative reviews routinely reveal the need for legitimate upward adjustments and that State agencies should have the authority to make such adjustments without obtaining exceptions from FNS. The Department is sensitive to these concerns and has revised the language dealing with upward adjustments in this final rule to indicate that FNS "authorization" and not "an exception" is needed to make upward adjustments in claims and reports. This language will enable the Department to provide both general authorization for upward adjustments in certain specific situations and case-by-case authorization in all other instances. The Department will issue guidance concerning this authorization. It should be noted that a general authorization as described above will only be applicable to making upward adjustments to claims or reports and not to paying claims or reports submitted after the 60/90 day submission deadlines. Any exceptions to these deadlines will be handled on a case-by-case basis.

4. *Appeals.*—One commenter pointed out that the sponsor appeal rights specified in § 225.15(a) should not apply to the denial of claims that are submitted after the 60-day deadline since State agencies would be obligated by the rule to deny payment of Federal funds for such claims. In such cases, the State agency would decide whether or not to forward the sponsor's request for an exception to FNS. This decision is the "State action" that would be subject to sponsor appeal. The Department agrees with the commentor and has revised § 225.15a) accordingly.

5. *Sanctions.*—No significant changes from the proposed rule were suggested by commentors or made in this area.

List of Subjects in 7 CFR Part 225

Food assistance programs, Grant programs—health, Infants and children, Reporting and recordkeeping requirements, Surplus agriculture commodities.

PART 225—SUMMER FOOD SERVICE PROGRAM

Accordingly, 7 CFR Part 225 is amended as follows:

1. § 225.4(c) is revised and a new sentence is added to the end of paragraph (e) to read as follows:

§ 225.4 Payment to State agencies and use of Program funds.

* * * * *

(c) *Remaining funds.* FNS shall make available any remaining Program funds due within 45 days of the receipt of valid Claims or Reimbursement from sponsors by the State agency. However no payment shall be made for claims submitted later than 60 days after the month covered by the claim unless an exception is granted by FNS.

* * * * *

(e) * * * If a State agency fails to submit timely and accurate reports under § 225.10(c) of this part, State administrative funds payable under this paragraph shall be subject to sanction. For such failure, FNS may recover, withhold or cancel payment of up to one hundred percent of the funds payable to the State agency under this paragraph during the fiscal year.

* * * * *

2. Section 225.10(c) and the first sentence of paragraph (d) are revised to read as follows:

§ 225.10 Records and reports.

* * * * *

(c) Each State agency shall submit to FNS a final report on the Summer Food Service Program Operations (FNS–44) for each month no more than 90 days following the last day of the month covered by the report. States shall not receive Program funds for any month for which the final report is not postmarked and/or submitted within this time limit unless FNS grants an exception. Upward adjustments to a State's report shall not be made after 90 days from the month covered by the report unless authorized by FNS. Downward adjustments shall always be made without FNS authorization, regardless of when it is determined that such adjustments need to be made. Adjustments to a State's report shall be reported to FNS in accordance with procedures established by FNS. Each State agency shall also submit to FNS a quarterly Financial Status Report (SF–269) on the use of Program funds. Such reports shall be submitted no later than 30 days after the end of each fiscal year quarter. Obligations shall be reported only for the fiscal year in which they occur. Action may be taken against the State agency, in accordance with § 225.4(e), for failure to submit accurate and timely reports.

(d) the State agency must submit to FNS a final Financial Status Report no later than 120 days after the end of the fiscal year, on a form (SF–269) provided by FNS. * * *

* * * * *

3. Section 225.11(c)(2), (c)(5), and (c)(6) are removed, and paragraphs (c) (3), (4), (7), (8), (9), (10), (11), (12) and (13) are redesignated as paragraph (c) (2), (3), (4), (5), (6), (7), (8), (9) and (10). In addition, newly redesignated paragraphs (c)(2), (c)(4) and (c)(5) are revised to read as follows:

§ 225.11 Program payments.

* * * * *

(c) * * *

(2) Sponsors which operate less than 10 days in the final month of operations shall submit a combined claim for the final month and the immediate preceding month within 60 days of the last day of operation.

* * * * *

(4) Claims for reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide Reports of Summer Food Service Program Operations required under § 225.10(c). In submitting a claim for reimbursement, each sponsor shall certify that the claim is correct and that records are available to support this claim. The cost of meals served to adults performing necessary food service labor may be included in the claim. Furthermore, the State agency may choose to allow sponsors to include the cost of disallowed children's meals, in accordance with § 225.13(e) (1) and (2), in its report of operating costs on its claim for reimbursement. In no case shall the cost of meals in excess of the site's approved level of meal service established under § 225.7(j) be considered allowable.

(5) A final claim for Reimbursement shall be postmarked and/or submitted to the State agency not later than 60 days after the last day of the month covered by the claim. State agencies may establish shorter deadlines at their discretion. Claims not filed within the 60 day deadline shall not be paid with Program funds unless FNS determines that an exception should be granted. The State agency shall promptly take corrective action with respect to any Claim for Reimbursement as determined necessary through its claim review process or otherwise. In taking such corrective action, State agencies may make upward adjustments in Program funds claimed on claims filed within the 60 day deadline if such adjustments are completed within 90 days of the last day of the month covered by the claim and are reflected in the final Program Operations Report (FNS–44). Upward adjustments in Program funds claimed which are not reflected in the final FNS–44 for the month covered by the claim cannot be made unless authorized by FNS. Downward adjustments in Program funds claimed shall always be made

without FNS authorization, regardless of when it is determined that such adjustments are necessary.

* * * * *

4. Section 225.15(a) is revised to read as follows:

§ 225.15 Appeal procedures.

(a) Each State agency shall establish a procedure to be followed by an applicant requesting a review of a denial of an application for participation, a denial of a request by a sponsor for an advance payment, a denial of a claim by a sponsor for reimbursement (except for late submission under § 225.11(c)(5)), a denial by the State agency to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim, a claim against a sponsor for remittance of a payment, the termination of the sponsor or a site, a denial of a sponsor's application for a site, a denial of a food service management company's application for registration, or revocation of a food service management company's registration. Appeals shall not be allowed on decisions made by FNS with respect to late claims or upward adjustments under § 225.11(c)(5).

* * * * *

5. In § 225.16, a new paragraph (e)(13) is added to read as follows:

§ 225.16 Procedures for food service management companies.

* * * * *

(e) * * *

(13) The food service management companies shall submit all costs incurred pertaining to the sponsor's food service operation in sufficient time to allow the sponsor to prepare and submit the claim for reimbursement to meet the 60 day submission deadline.

* * * * *

6. Section 225.19(e) is revised to read as follows:

§ 225.19 Operational responsibilities of sponsors.

* * * * *

(e) Sponsors shall submit claims for reimbursement in accordance with this part. All final claims must be submitted to the State agency within 60 days following the last day of the month covered by the claim.

* * * * *

(Sec. 2, Pub. L. 95-627, 92 Stat. 3603, 42 U.S.C. 1766)

Dated: January 16, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84-1775 Filed 1-19-84; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 447; Lemon Reg. 446, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 210,000 cartons during the period January 22-28, 1984, and increases the quantity of lemons that may be shipped to 230,000 cartons during the period January 15-21, 1984. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective January 22, 1984, and the amendment is effective for the period January 15-21, 1984.

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

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

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

This action is consistent with the marketing policy currently in effect. The committee met publicly on January 17, 1984, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues steady.

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

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.747 is added as follows:

§ 910.747 Lemon regulation 447.

The quantity of lemons grown in California and Arizona which may be handled during the period January 22, 1984, through January 28, 1984, is established at 210,000 cartons.

2. Section 910.746 Lemon Regulation 447 (49 FR 1667) is revised to read as follows:

§ 910.746 Lemon regulation 446.

The quantity of lemons grown in California and Arizona which may be handled during the period January 15, 1984, through January 21, 1984 is established at 230,000 cartons.

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

Dated: January 18, 1984.

Russell L. Hawes,

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

[FR Doc. 84-1848 Filed 1-19-84; 11:41am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations at 7 CFR Part 1464 to require that producers of flue-cured tobacco must produce such tobacco on an acreage which does not exceed the effective farm acreage allotment in order for the producers to be eligible to receive price support on flue-cured tobacco. The effect of this amendment is to eliminate a program which is commonly referred to as the "4 leaf program." The "4 leaf program" is being eliminated because the need for which the program was originally instituted no longer exists.

DATES: Effective January 17, 1984. Comments must be received by March 20, 1984 in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750, South Building, USDA, Fourteenth Street and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jack S. Forlines, Agricultural Program Specialist, Tobacco and Peanuts Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013; (202) 382–0200. The Final Regulatory Impact Analysis covering this rule will be available on request from Mr. Forlines.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." The provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local government agencies or a geographic region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Information collection requirements contained in this regulation (7 CFR Part 1464) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB number 0560–0076.

The title and number of the Federal Assistance Program to which this rule applies are: Title—Commodity Loan and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation ("CCC") is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Producers of flue-cured tobacco need to be informed of the provisions of this rule as soon as possible because they are making their planting decisions at this time. Accordingly, it has been determined that this interim rule shall become effective upon the date of filing with the Director, Office of the Federal Register without prior opportunity for public comment. However, the public is invited to comment on this interim rule for a period of 60 days after the date of publication in the **Federal Register**. A final document discussing comments received and any amendments to this interim rule which may be considered necessary will be published in the **Federal Register** as soon as possible.

Before the implementation of the "4 leaf program," a large percentage of lower stalk marketings of flue-cured tobacco was pledged as collateral for price support loans. This resulted in a substantial quantity of such tobacco in loan stocks and created the potential for substantial losses to the Commodity Credit Corporation. On March 6, 1978, the tobacco loan program regulations, 7 CFR 1464.7, were amended to permit flue-cured tobacco producers who agreed not to harvest the four bottom leaves on each stalk of tobacco produced on the farm to be eligible for price support loans for their tobacco if the planted acreage of tobacco did not exceed 120 percent of the effective farm acreage allotment. This provision has been commonly referred to as the "4 leaf program." A later amendment to the regulations changed the percentage from 120 percent to 110 percent.

While the implementation of the "4 leaf program" contributed to a reduction in the use of such tobacco as collateral for price support loans, substantial quantities of lower stalk tobacco were still being pledged as loan collateral. Therefore, beginning with the 1980 crop of flue-cured tobacco, the Department announced that price support loans would not be available for certain grades of lower stalk tobacco. As a result of this action, the quantities of lower stalk tobacco pledged as collateral have been reduced dramatically and it is anticipated that the quantities of such tobacco will remain at levels which will not adversely affect its marketability. Thus, the "4 leaf program" is no longer needed. Accordingly, this interim rule eliminates the "4 leaf program" effective with the 1984 crop of flue-cured tobacco.

List of Subjects in 7 CFR Part 1464

Price support program, Tobacco.

PART 1464—[AMENDED]

Accordingly, 7 CFR Part 1464 is amended as follows:

1. The table of contents is amended by adding § 1464.11 to read as follows:

* * * * *

Sec.

1464.11 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

2. The authority citation for Part 1464 reads as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070 as amended (15 U.S.C. 714b, 714c); Secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6 (7 U.S.C. 1441, 1445, 1421, 1423).

3. In § 1464.7, paragraphs (b) and (c) are revised to read as follows:

Tobacco Loan Program

§ 1464.7 Eligible producers.

* * * * *

(b) All the tobacco produced on the farm is produced on acreage which does not exceed the acreage allotment.

(c) If acreage allotments and marketing quotas are in effect for a kind of tobacco, the producer has reported the acreage planted to tobacco on the farm for the applicable year to the local county ASC committee in accordance with Part 718 of this chapter.

* * * * *

4. A new § 1464.11 is added to read as follows:

§ 1464.11 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this regulations (7 CFR Part 1464) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control Number 0560–0076.

Signed at Washington, D.C. on, December 30, 1983.

C. Hoke Leggett,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-1585 Filed 1-17-84; 11:39 am]

BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-10; Amdt. 39-4792]

Airworthiness Directives; Garrett Turbine Engine Co., Engine Models TSE 331-3 and TPE 331-1, -2, -3, -5 and -6 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes a currently effective Airworthiness Directive (AD) applicable to turbine sections of Garrett Turbine Engine Company (GTEC) TSE 331-3 and TPE 331-1, -2, -3, -5, and -6 series engines. The supersedure amendment is needed since the existing AD is being significantly amended by both more and less restrictive changes.

DATES: Effective January 25, 1984, Compliance schedule—As prescribed in the body of AD.

Incorporation of Reference—The Director of the Federal Register approved the incorporation of reference of the manufacturer's Service Bulletins referred to in this AD on January 11, 1984.

ADDRESSES: The applicable service information may be obtained from Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010; telephone 602-231-1000. A copy of the service information is contained in the FAA Rules Docket, New England Region, Office of the Regional Counsel, Attn: Docket No. 82-ANE-10, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bob Liddiard, Aerospace Engineer, ANM-174W, Western Aircraft Certification Field Office, Northwest Mountain Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009; telephone 213-536-6380.

SUPPLEMENTARY INFORMATION: Amendment 39-4528, 48 FR 1031, AD 82-27-07, is the currently effective AD being superseded. The supersedure is necessary to:

(1) Reduce the initial inspection period of certain Part Number (P/N) 868630-1, -2, -3, -4, and -7 third stage turbine wheels from 1500 cycles to 1000 cycles, since an additional wheel failed at less than 1500 cycles.

(2) Increase life limits for the first and second stage turbine wheels, and simplify the AD by eliminating the requirements to differentiate between types of service to which the turbine wheels may be subjected. This is based on newly acquired empirical and analytical data in conjunction with service experience which show that increased wheel life limits are justified and that these new limits, which correlate with low cycle fatigue (LCF) phenomena, are most appropriately controlled by limiting the number of engine cycles rather than engine hours.

(3) Incorporate the P/N 867569-3 first stage turbine wheel to the cyclic life limit section of the AD. This P/N had not been previously included.

(4) Require cyclic life recording for all affected turbine wheels introduced into service prior to March 24, 1978.

(5) Delete the requirement for calendar date replacement of third stage turbine stator assembly and seals since there is no effect on flight safety, on a calendar basis.

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

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation of reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding AD 82-27-07 with the following new AD:

Garrett Turbine Engine Company (GTEC, formerly AiResearch Manufacturing Company of Arizona): Applies to GTEC Engine Models TSE331-3 and TPE331-1, -2, -3, -5, and -6 series engines.

Compliance required as indicated, unless already accomplished.

To reduce the possibility of rapid destruction of the engine turbine, accomplish the following:

(a) Inspect in accordance with the following schedule, P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels, identified by serial number (S/N) below, in accordance with paragraph 2 of GTEC Service Bulletin (SB) No. TPE/TSE331-72-0351, dated April 14, 1982, or equivalent approved by the Manager, Western Aircraft Certification Field Office. Remove from service, prior to further flight, third stage turbine wheels not meeting the inspection criteria. Third stage turbine wheels meeting the inspection criteria may be continued in service to the life limits of paragraph (d) herein.

Wheel total cycles	Inspect
Less Than 900	Before accumulation of 1,000 cycles.
900 or more, and less than 1,000.	Within the next 100 cycles.
1,000 or more, and less than 1,200.	Within the next 50 cycles.
More than 1,200	Within the next 10 cycles.

Notes.—For purposes of this AD, a cycle is defined as any operating sequence involving an engine start, aircraft takeoff and landing, followed by engine shutdown, and one cycle shall be counted for each such operational sequence.

For purposes of this AD, turbine wheels which comply with paragraph 2 of GTEC SB No. TPE/TSE/331-72-0351 or an equivalent approved by the Manager, Western Aircraft Certification Field Office, must have the SB annotated on the life limited parts log card which is located either with the third stage wheel assembly or with the engine log book.

S/N 0-01345-419, 420, 421, 422, 423, 424, 425, 426, 428, 430, 431, 432, 433, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 458, 459, 461, 463, 1296, 1298, 1299, 1301, 1302, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1328, 1329, 1330, 1331, 1332, 1335, 1336, 1338, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2364, 2365, 2366, 2367, 2369, 2371, 2372, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2529, 3106, 3107, 3109, 3110, 3111, 3112, 3113, 3114, 3118, 3119, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3140, 3141, 3145, 3146, 3147, 3149, 3150, 3152, 3153, 3737, 15426, 15427, 15428, 15429, 15432, 15433, 18246, 18247, 18248, 18250, 18251, 18252, 18253, 18256, 18258, 18259, 18260, 18262, 18263, 18264, 18265, 18266, 18286, 18287, 18288, 18289, 18302, 18304, 18305, 18310, 18311, 18316, 18317, 18318, 18320, 18321, 18323, 18324, 18325, 18326, 18328, 18329, 18330, 18414, 18415.

(b) Remove from service according to the following schedule, P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels identified by S/N below:

Wheel total cycles	Remove*
Less than 1,300	Before accumulation of 1,500 cycles.
1,300 or more and less than 2,550.	Before accumulation of 2,600 cycles or within the next 200 cycles whichever occurs first.
2,550 or more	Within the next 50 cycles.

* No wheel listed below may exceed 1,500 total cycles in service after June 1, 1983.

S/N 0-01345-18350, 18623, 18659, 18660, 18663, 18669, 18672, 18673, 18674, 18676, 18677, 18678, 19294, 19295, 19321, 19980, 19983, 19984, 19985, 19986, 19987, 19988, 19989, 19990, 19991, 19992, 19993, 19994, 19995, 19996, 19997, 19998, 19999, 20000, 20001, 20002, 20003, 20004, 20008, 20009, 20010, 20011, 20012, 20013, 20014, 20015, 20016, 20017, 20018, 20019, 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20130, 20588, 20589, 20590, 20591, 20592, 20593, 20594, 20595, 20596, 20597, 20598, 20599, 20600, 20601, 20602, 20603, 20604, 20605, 20606, 20607, 20608, 20609, 20611, 20612, 20613, 20614, 20615, 20616, 20617, 20618, 20619, 20620, 20621, 20622, 20623, 20624, 20625, 20626, 20627, 20628, 20629, 20630, 20631, 30632, 20633, 20634, 20635, 20637, 20779, 21869, 21870, 21871, 21872, 21873, 21874, 21875, 21876, 21877, 21878, 21879, 21880, 21881, 21882, 21883, 21884, 21885, 21886, 21887, 21888, 21889, 21890, 21891, 21892, 21893, 21894, 21895, 21896, 21897, 21898, 21899, 21900, 21903, 21904, 21905, 21906, 21907, 21908, 21909, 21910, 21911, 21914, 22332, 22333.

(c) Inspect, prior to accumulating 2600 total wheel cycles, P/N 868630-1, -2, -3, -4, and -7 third stage turbine wheels introduced into service on or after March 24, 1978, and not listed by S/N in paragraph (a) or (b) herein, in accordance with paragraph 2 of GTEC SB No. TPE/TSE/331-72-0351, dated April 14, 1982, or equivalent approved by the Manager, Western Aircraft Certification Field Office. Remove from service prior to further flight third stage turbine wheels not meeting the inspection criteria. Third stage turbine wheels meeting the inspection criteria may be continued in service to the life limits of paragraph (d) herein.

(d) Remove from service the following turbine wheels within the cyclic life limits specified below:

Wheel stage	Part number	Cycle life
First	867569-1, -3, -7	5,700 cycles.
Second	868272-1, -2, -3, -4	5,400 cycles.
Third	868630-1, -2, -3, -4, -7	3,600 cycles.
Third	868630-8	4,300 cycles.
Third	895539-1, -2, -3, -4	2,000 cycles.

Turbine wheels listed in this paragraph introduced into service prior to March 24, 1978, were not required to have their cyclic lives recorded. As of the effective date of this AD, lives of these wheels shall be converted to cycles by crediting each hour of operation with 1.5 cycles (i.e: 3500 hrs × 1.5=5250 cycles). Actual cycles, if known, may be used in lieu of this conversion. Thereafter, wheel operating life shall be accrued in cycles.

Remove from service in accordance with the following schedule P/N 895539-1, -2, -3, and -4 third stage turbine wheels which exceed the above-listed cyclic limits after converting from hours to cycles:

Wheel total cycles	Remove
2,000 to 3,750	Within the next 300 cycles.
3,751 to 4,500	Within the next 175 cycles.
4,501 to 5,250	Within the next 75 cycles.

Remove from service within the next 300 cycles or 10 months in service, whichever comes first after the effective date of this amendment, P/N 867569-1, -3, -7, P/N 868272-1, -2, -3, -4, and P/N 868630-1, -2, -3, -4, -7 turbine wheels which exceed the above-listed cyclic limits after converting from hours to cycles.

(e) Prior to accumulating an additional 2700 cycles after February 11, 1982, on all affected engines containing P/N 868630-1, -2, -3, or -4 or P/N 895539-1, -2, -3, or -4 third stage turbine wheels, or upon next removal of the third stage turbine wheel, after September 9, 1982, whichever occurs earlier, either:

(1) Remove curvic coupling gasket, P/N 868892-2, located forward of third stage turbine wheel, and replace it with a serviceable P/N 868892-9 curvic coupling gasket or subsequently approved part number gasket as prescribed in paragraph 2 of GTEC SB No. TPE331-72-0300, dated September 9, 1981, or an equivalent approved by the Manager, Western Aircraft Certification Field Office; or,

(2) Replace the third stage turbine wheel with a P/N 868630-7, P/N 868630-8, or an equivalent approved by the Manager, Western Aircraft Certification Field Office.

Note.—The P/N 868630-1, -2, -3, or -4 turbine wheel may be modified to the P/N 868630-7 third stage turbine wheel design by compliance with instructions provided in GTEC SB No. TPE331-72-0327, dated December 14, 1981, or an equivalent approved by the Manager, Western Aircraft Certification Field Office.

(f) Remove the third stage turbine seal P/N 868259-1 and replace with a serviceable P/N 868259-2 or subsequently approved part number seal as prescribed in paragraph 2 of GTEC SB No. TPE331-72-0380, dated November 17, 1982, or an equivalent approved by the Manager, Western Aircraft Certification Field Office, upon next removal of the third stage turbine wheel from all affected engines after February 1, 1983.

(g) Remove third stage turbine stators P/N 868379-1 from all affected engines and replace with a serviceable P/N 868379-3 or subsequently approved part number stator, as prescribed in paragraph 2 of GTEC SB No. TPE331-72-0384, dated November 17, 1982, or an equivalent approved by the Manager, Western Aircraft Certification Field Office, no later than next removal of the third stage turbine wheel after 2000 hours stator third stage total time, or time since new, or time since overhaul.

Note.—Operating time and cycles are to be recorded in the Engine Log Book for P/N 868379-3 and subsequent P/N turbine stators.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate aircraft to a base for the accomplishment of inspections or modifications required by this AD.

(i) Alternative inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Manager, Western Aircraft Certification Field Office, FAA Northwest Mountain Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett Turbine Engine Company, Attn: Customer Service Engineering, Department 77-4, P.O. Box 5217, Phoenix, Arizona 85010. These documents also may be examined at FAA Rules Docket, Federal Aviation Administration, New England Region, Office of the Regional Counsel, Burlington, Massachusetts 01803.

This AD supersedes AD 82-27-07, Amendment 39-4528, which became effective January 7, 1983.

This amendment becomes effective January 25, 1984.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive order 12291. It is impracticable for the agency to follow the procedures of order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11035; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Burlington, Massachusetts, on December 22, 1983.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 84-1561 Filed 1-19-84; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, 251, and 271

[Release Nos. 33-6504; 34-20560; 35-23199; IC-13718]

Public Statements by Corporate Representatives

AGENCY: Securities and Exchange Commission.

ACTION: Publication of interpretation.

SUMMARY: The Commission is reminding registrants that the antifraud provisions of the federal securities laws apply to all public statements by persons speaking on behalf of the registrant. This release provides guidance to these persons concerning their public statements.

FOR FURTHER INFORMATION CONTACT: Alan L. Dye, Division of Corporation Finance, Securities and Exchange

Commission, Washington, D.C. 20549, (202) 272-2573.

SUPPLEMENTARY INFORMATION: One of the primary purposes of the federal securities laws is to ensure that the investing public is provided with complete and accurate information about companies whose securities are publicly traded. In addition to filing the periodic reports required under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a, et seq.], publicly held companies disclose current information about themselves in a variety of ways, including public announcements, press releases, interviews with media representatives, and discussions with groups whose members have a particular interest in the company's affairs. The Commission has long encouraged corporate disclosure through these informal channels as a complement to the disclosure requirements of the Exchange Act.[1]

It has come to the Commission's attention, however, that companies and their spokesmen may not be exercising the care and attention necessary under the federal securities laws when addressing audiences other than investors and the marketplace.[2] The antifraud provisions of the federal securities laws [3] apply to all company statements that can reasonably be expected to reach investors and the trading markets, whoever the intended primary audience. Thus, as with any communications to investors, such statements should not be materially misleading, as the result of either misstatement or omission. To the extent that the standard for accuracy and completeness embodied in the antifraud provisions is not met, the company and any person responsible for the statements may be liable under the federal securities law.[4]

Public companies and their spokesmen need to be mindful of these obligations under the federal securities laws when making statements that can reasonably be expected to be made known to the market. Examples of such statements are statements made in or concerning rate filings or other publicly available filings with government agencies, or negotiations with creditors, labor unions, or other groups whose cooperation or assistance may be sought by the company. While the Commission is aware of the interest a company has in making the best case available to further its interests in any of these contexts, companies must not serve such interests at the risk of misleading the investing public. To do so would have serious consequences under the antifraud provisions of the securities laws. Company spokemen should therefore take care that all statements that can reasonably be expected to reach investors and the securities markets adhere to the facts.

List of Subjects

17 CFR Parts 231 and 241

Reporting and recordkeeping requirements, Securities.

17 CFR Part 251

Reporting and recordkeeping requirements, Securities, Utilities.

17 CFR Part 271

Investment companies, Securities.

Text of Amendment

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PARTS 231, 241, 251 AND 271—[AMENDED]

1. Parts 231, 241, 251 and 271 are amended by adding this Release No. 33-6504; 34-20560; 35-23199; IC-13718 (January 13, 1984) to the lists of interpretive releases.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-1532 Filed 1-19-84; 8:45 am]

BILLING CODE 8010-01-M

---

[1] *See, e.g.*, Release No. 34-8995 (October 15, 1970) [35 FR 16733] and Release No. 34-18271 (November 19, 1981).

[2] This release does not address the obligations of privately held issuers or companies whose securities are being offered or sold. The Commission's position regarding "gun-jumping" is discussed in Release No. 33-3844 (October 8, 1957) [22 FR 8359]; Release No. 33-4967 (June 5, 1964) [29 FR 7317]; Release No. 33-5009 (October 7, 1969) [34 FR 16870]; and Release No. 33-5180 (August 16, 1971) [36 FR 16506].

[3] *See* Section 17 of the Securities Act of 1933 [15 U.S.C. 77a, et seq.] and Section 10(b) of the Exchange Act, and the rules thereunder, particularly Rule 10b-5 [17 CFR 240.10b-5].

[4] *See, e.g., SEC. v. Texas Gulf Sulphur Co.*, 401 F. 2d 833, 858-60 (2d Cir. 1968), *cert. denied*, 394 U.S. 976 (1969). Moreover, misstatements may be violative of the antifraud rules even though there is no contemporaneous trading in the company's securities by insiders or by the corporation itself. *Heit v. Weitzen*, 402 F. 2d 909 (2d Cir. 1968), *cert. denied*, 395 U.S. 903 (1969). Where corporate misstatements are material and are reasonably relied on by the trading public, the company may be liable for any resulting damages. *See HSL, Inc. v. Daniels*, [Current Binder] Fed. Sec. L. Rep. (CCH) ¶ 99,557 (N.D. Ill. 1983), discussing the "fraud on the market" theory which permits traders who are harmed by misstatements to recover damages even though they were unaware of and did not rely on the misstatements. This theory of liability assumes that traders rely on the integrity of a marketplace that has established a trading price for the company's securities which takes into account the false or misleading information.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7932]

Income Tax; Information Returns of Barter Exchanges

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the **Federal Register** publication beginning at 48 FR 57485 of the final regulations which were the subject of Treasury Decision 7932 relating to information returns of barter exchanges.

EFFECTIVE DATE: The amendments to the regulations that are the subject of this correction are effective after December 31, 1983.

FOR FURTHER INFORMATION CONTACT: Cynthia Grigsby of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, Washington, D.C. 20224, telephone 202-566-3935 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1983, the **Federal Register** published final regulations (48 FR 57485) relating to information returns of barter exchanges. The amendments are issued under the authority of sections 6045 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 600, 26 U.S.C. 6045, 68A Stat. 917, 26 U.S.C. 7805).

Need for a Correction

As published, Treasury Decision 7932 incorrectly includes the phrase "corporate clients or members" rather than the phrase "corporate member or client". This error appears in the heading of § 1.6045-1(f)(2)(ii), on page 57485 in the right-hand column.

Correction of Publication

PART 1—[AMENDED]

§ 1.6045-1 [Corrected]

Accordingly, the publication of Treasury Decision 7932 which was subject of FR Doc. 83-34766, is corrected by removing the phrase "corporate

clients or members" from the heading of § 1.6045–1(f)(2)(ii), in the right-hand column of page 57485 and adding the phrase "corporate member or client" in its place.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 84–1716 Filed 1–19–84; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Part 1

[T.D. 7932]

Income Tax; Information Returns of Barter Exchanges

In FR Doc. 83–34768 beginning on page 57485 in the issue of Friday, December 30, 1983, make the following correction:

On page 57485, first column, in the last line of the **SUMMARY**, "generally affect exchanges" should have read "generally affect barter exchanges".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A–9–FRL 2508–2]

Delegation of New Source Performance Standards (NSPS); Clark County Health District, State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the Clark County Health District (CCHD). This action is necessary to bring the NSPS program delegation up to date with recent EPA promulgations and amendments of these categories. This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to State and local governments.

EFFECTIVE DATE: December 19, 1983.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A–3–1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974–8236, FTS 454–8236.

SUPPLEMENTARY INFORMATION: The CCHD has requested authority for delegation of certain NSPS categories. Delegation of authority was granted by a letter dated December 2, 1983 and is reproduced in its entirety as follows:

Michael H. Naylor, P.E., Director, Air Pollution Control Division, Clark County Health District, P.O. Box 4426, 625 Shadow Lane, Las Vegas, NV 89127.

Dear Mr. Naylor: In response to your request of November 15, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce certain categories of New Source Performance Standards (NSPS). We have reviewed your request for delegation and have found your present programs and procedures to be acceptable. This delegation includes authority for the following source categories:

NSPS	40 CFR Part 60, subpart
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 Roofing and Asphalt Roofing Manufacture.	UU.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA's test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely,

Judith E. Ayres,

Regional Administrator.

With respect to the areas under the jurisdiction of the CCHD, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the CCHD at the address shown in the letter that appears in this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Under the Regulatory Flexibility Act I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: December 22, 1983.

John Wise,

Acting Regional Administrator.

[FR Doc. 84–1448 Filed 1–19–84; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 60

[A–9–FRL 2508–1]

Delegation of New Source Performance Standards (NSPS), State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS authority to the Nevada Department of Conservation and Natural Resources (NDCNR). This action does not create any new regulatory requirements affecting the public. The effect of the delegation is to shift the primary program responsibility for the affected NSPS categories from EPA to the State government.

EFFECTIVE DATE: November 17, 1983.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose, New Source Section (A–3–1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974–8236 FTS 454–8236.

SUPPLEMENTARY INFORMATION: The NDCNR has requested authority for delegation of certain NSPS categories. Delegation of authority was granted by letters dated October 14, 1983 and November 2, 1983 and are reproduced in their entirety as follows:

October 14, 1983.

Mr. Richard Serdoz,

Air Quality Officer, Division of Environmental Protection, Nevada Department of Conservation & Natural Resources, 201 South Fall Street, Carson City, NV

Dear Mr. Serdoz: In response to your request of September 22, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standard (NSPS) category in 40 CFR Part 60: Subpart XX—Standards of Performance for Bulk Gasoline Terminals. We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the **Federal Register** in the near future.

Sincerely,

John Wise,

Acting Regional Administrator.

November 2, 1983.

Mr. Richard Serdoz,
Air Quality Officer, Division of Environmental Protection, Nevada Department of Conservation and Natural Resources, 201 South Fall Street, Carson City, NV

Dear Mr. Serdoz: In response to your request of October 10, 1983, I am pleased to inform you that we are delegating to your agency authority to implement and enforce the New Source Performance Standard (NSPS) category in 40 CFR Part 60: Subpart WW—Standards of Performance for Beverage Can Surface Coating Industry. We have reviewed your request for delegation and have found your present programs and procedures to be acceptable.

Acceptance of this delegation constitutes your agreement to follow all applicable provisions of 40 CFR Part 60, including use of EPA approved test methods and procedures. The delegation is effective upon the date of this letter unless the USEPA receives written notice from you of any objections within 10 days of receipt of this letter. A notice of this delegated authority will be published in the *Federal Register* in the near future.

Sincerely,

John Wise,
Acting Regional Administrator.

With respect to the areas under the jurisdiction of the NDCNR, all reports, applications, submittals, and other communications pertaining to the above listed NSPS source categories should be directed to the NDCNR at the address shown in the letters that appear in this notice.

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

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*).

Under the Regulatory Flexibility Act I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: December 22, 1983.

John Wise,
Acting Regional Administrator.

[FR Doc. 84-1445 Filed 1-19-84; 8:45 am]
BILLING CODE 6560-50-M

---

40 CFR Part 81

[AD-FRL 2510-2]

Designation of Areas for Air Quality Planning Purposes; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule redesignating the Town of Lincoln, Maine, nonattainment for the primary and secondary total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS), which was published on December 20, 1983 (48 FR 56219-21). The regulatory text portion of the notice was inadvertently omitted. Accordingly, EPA is hereby publishing the text of the amendment to 40 CFR § 81.320 that was announced on December 20, 1983.

FOR FURTHER INFORMATION CONTACT: Peter Hagerty, Air Management Division, EPA, Region I, Room 2312, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5625.

§ 81.320 Maine.

MAINE—TSP

Designated areas	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 109—(Downeast) Bangor/Brewer		X		
Baileyville		X		
Lincoln	X	X		
Rest of Region				X

[FR Doc. 84-1660 Filed 1-19-84; 8:45 am]
BILLING CODE 6560-50-M

Dated: January 13, 1984.

Sheldon Meyers,
Acting Assistant Administrator for Air and Radiation.

PART 81—DESIGNATION OF AIR QUALITY CONTROL REGIONS

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

1. In § 81.320 the attainment status designation table for TSP for AQCR 109 is revised to read as follows:

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1309 and 1310

[Ex Parte No. MC-169]

Motor Carriers; Expansion of Zone of Reasonableness for Motor Common Carriers of Property and Freight Forwarders

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: Pursuant to 49 U.S.C. 10708(d)(2), the Commission has exercised its authority to expand the zone of rate freedom (ZORF), which permits motor common carriers of property and freight forwarders to reduce or increase rates within a 10 percent zone without Commission interference, by increasing the present zone from 10 percent to 15 percent. The Commission concluded that the statute does not authorize cumulative increases in the ZORF boundaries. In addition, the Commission has adopted rules which will streamline its tariff filing requirements governing rates and charges filed pursuant to zone of rate freedom authority.

EFFECTIVE DATE: These rules will be effective February 21, 1984.

FOR FURTHER INFORMATION CONTACT:
Leonard L. Arnaiz (202) 275-7831
or
Howell I. Sporn (202) 275-7691.

SUPPLEMENTARY INFORMATION: We instituted this proceeding by a notice of proposed rulemaking published at 48 FR 20780, May 9, 1983.

Additional information is contained in the Commission's Decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Energy and Environmental Considerations

We affirm our preliminary determination that this decision will not significantly affect the quality of the human environment or conservation of energy resources.

Regulatory Flexibility Analysis

The notice indicated our preliminary conclusion that this action would have no significant economic impact on a substantial number of small entities. We suggested that carriers and freight forwarders would be beneficially affected because the new rules would give them additional flexibility in responding to market demands and simplify requirements for tariff filings. We also suggested that shippers would likewise be beneficially affected since they too would benefit from the carriers' ability to be more responsive to their needs and may benefit as well from simplified tariffs and the reduced carrier

costs in filing them. We affirm our prior conclusions in this regard.

List of Subjects

49 CFR Part 1309

Freight, Freight forwarders, Motor carriers, and Moving of household goods.

49 CFR Part 1310

Exports, Freight,

Imports, Intermodal transportation, Maritime carriers, and Motor carriers.

This decision is issued pursuant to 49 U.S.C. §§ 10321 and 10708(d)(2) and 5 U.S.C. § 553.

Decided: January 10, 1984.

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

James H. Bayne,

Acting Secretary.

Appendix

PART 1309—[AMENDED]

Title 49 Parts 1309 and 1310 are amended as follows:

§ 1309.8 [Amended]

1. Paragraph (a) of § 1309.8 is removed.

2. Paragraph (b) of § 1309.8 is redesignated as paragraph (a), and in the newly redesignated paragraph (a) paragraphs (2), (3), and (6) are revised and paragraph (4) is removed and reserved as follows:

§ 1309.8 Zone of rate freedom.

(a) *Letters of transmittal*

* * * * *

(2) If the application of the proposed rate, charge, or provision would result in an increase in charges, the letter shall state that the proposed increase in the aggregate is not more than 15 percent [1] above that in effect 1 year prior to the effective date of the proposed increase.

(3) If the application of the proposed rate, charge, or provision would result in a reduction in charges, the letter shall state that the proposed reduction in the aggregate shall be no more than 15 percent [1] below the lesser of that in effect on July 1, 1980 (or the date, if after July 1, 1980, on which a rate, charge, or provision first became effective for a service not provided by the freight forwarder on July 1, 1980), or that in effect 1 year prior to the effective date of the proposed reduction.

(4) [Reserved]

* * * * *

(6) The freight forwarder will also be required in the letter to certify that the rates or provisions do not exceed the amount allowed by Section 10708(d)(3)(A or B); and that the rates or provisions fall within the 15 percent [1] zone; also, if the rate is more than 15 percent [1] above the rate in effect one year earlier, to include in the statement whether the proposed rate has been subject to general rate increases during the previous year, what percent increase was taken, the bureaus which published the increase, and the effective date.

3. A new paragraph (b) is added to § 1309.8 to read as follows:

§ 1309.8 Zone of rate freedom

* * * * *

(b) The letter need not identify the number of the item (or page) and tariff in which the rate, charge, or provision may be found that was in effect one year prior to the date of the proposed rate, or on July 1, 1980, or later, as appropriate. However, if the rate is protested, the carrier, in its reply to the protest, must make such identification.

PART 1310—[AMENDED]

§ 1310.1 [Amended]

4. Section 1310.1 is amended by revising paragraphs (c)(6) (ii), (iii), (iv), and (vi) as follows.

§ 1310.1 Filing tariffs (rule 1).

* * * * *

(c) *Letters of transmittal* * * *

(6) * * *

(ii) If the application of the proposed rate, charge, or provision would result in an increase in charges, the letter shall state that the proposed increase in the aggregate is not more than 15 percent [1] above that in effect 1 year prior to the effective date of the proposed increase.

(iii) If the application of the proposed rate, charge, or provision would result in a reduction in charges, the letter shall state that the proposed reduction in the aggregate shall be no more than 15 percent [1] below the lesser of that in effect on July 1, 1980 (or the date, if after July 1, 1980, on which a rate, charge, or provision first became effective for a service not provided by the carrier on July 1, 1980), or that in effect 1 year prior to the effective date of the proposed reduction.

(iv) The letter need not identify the number of the item (or page) and tariff in which the rate, charge, or provision may be found that was in effect one year prior to the date of the proposed reduction, or on July 1, 1980 or later, as appropriate. However, if the rate is protested, the carrier, in its reply to the protest, must make such identification.

* * * * *

(vi) The carrier will also be required in the letter to certify that the rate or provisions do not exceed the amount allowed by Section 10708(d)(3)(A or B) and that the rates or provisions fall within the 15 percent [1] zone; also, if the rate is more than 15 percent [1] above the rate in effect one year earlier, to include in the statement whether the proposed rate has been subject to general rate increases during the previous year, what percent increase was taken, the bureau which published the increase, and the effective date.

* * * * *

§ 1310.4 [Amended]

5. Section 1310.4 is amended by removing and reserving paragraph (f)(6).

§ 1310.5 [Amended]

6. Section 1310.5 is amended by removing and reserving paragraph (m).

[FR Doc. 84-1587 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[1] This percentage shall be increased or decreased, as the case may be, by the percentage change in the Producers Price Index, as published by the Department of Labor that has occurred during the one-year period prior to the effective date of the proposed rate. 49 U.S.C. 10708(d)(3)(B).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 31214-236]

Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

Correction

In FR Doc. 84-152 beginning on page 396 in the issue of Wednesday, January 4, 1984, make the following corrections.

1. On page 400, third column, the table in § 611.93(c)(2)(i) should have been set forth as follows:

Latitude	*Longitude*
52°51′ N.	178°30′ W.
52°51′ N.	179°00′ E.
51°15′ N.	179°00′ E.
51°15′ N.	178°30′ W.
52°51′ N.	178°30′ W.

2. On page 402, first column, the table in § 675.20(d), should have been set forth as follows:

Latitude	*Longitude*
54°36′ N.	164°55′42″ W. (Cape Sarichef Light)
54°48′ N.	170°00′ W.
55°30′ N.	170°00′ W.
55°30′ N.	166°47′ W.
56°00′ N.	167°45′ W.
56°00′ N.	166°00′ W.
56°30′ N.	166°00′ W.
56°30′ N.	163°00′ W.
55°16′ N.	166°10′ W.
54°36′ N.	164°55′42″ W.

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 49, No. 14
Friday, January 20, 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

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. 82-023P]

New Line Speed Inspection System for Broilers and Cornish Hens

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal poultry products inspection regulations by establishing an alternate voluntary method of post-mortem inspection for broilers and cornish hens known as the "New Line Speed" (NELS) inspection system. The NELS inspection system would require three inspectors on each eviscerating line to inspect the whole carcass of all birds; each inspector inspecting every third bird. Establishments would be responsible for performing the necessary trim of designated outside defects on the passed carcasses and for operating a quality control program designed to assure that poultry as shipped is wholesome and properly prepared. The proposed rule would also establish staffing and facility requirements for the proposed system based on work measurement data. Studies show that application of the NELS inspection system to broiler and cornish hen production lines would result in an increase in the number of birds per minute that can be inspected effectively. This would allow increased efficiency in the use of Department resources and those of the poultry industry, while still providing consumers with wholesome and otherwise unadulterated products.

DATE: Comments must be received on or before March 20, 1984.

ADDRESS: Written comments should be sent in duplicate to the Regulations Office, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments may be directed to Dr. John C. Prucha, (202) 447-3219. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION:

Executvie Order 12291

The Agency has made a determination that this proposed rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The principal effect of this proposed rule is to offer the Department and industry an alternative to current inspection procedures for broilers and cornish hens which would result in increased productivity. If an establishment would choose to operate under the NELS inspection system, certain new requirements would be placed upon the establishment; however, these requirements would be counterbalanced by the dollar gain resulting from the increased productivity.

Effect on Small Entities

The Administrator, FSIS, has determined that this proposed rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). The NELS inspection system, if adopted, would merely be an alternate inspection procedure; any establishment adopting NELS and meeting the requirements of the system would do so voluntarily.

Paperwork Requirements

This proposed rule would require establishments opting to operate under the NELS system to develop and submit to the Administrator for approval a partial quality control program designed to assure that poultry is wholesome and properly prepared. Such establishments would also be required to maintain certain records to fulfill their obligation under the approved partial quality control programs. The recordkeeping and reporting requirements contained in this proposed regulation have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act.

Comments

Interested persons are invited to submit written comments concerning this proposed rule. Written comments should be sent in duplicate to the Regulations Office and should refer to the docket number appearing in the heading of this document. Any person desiring an opportunity for oral presentation of views on this proposed rule must make such request to Dr. John C. Prucha so that arrangements may be made for such views to be presented. A transcript will be made of all oral presentations. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

The United States has had mandatory poultry inspection since 1959. The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) (PPIA) requires, among other provisions, that the Secretary of Agriculture, through appointed inspectors, carry out a post-mortem examination of the carcasses of each bird processed in each official establishment processing poultry for commerce or otherwise subject to inspection under the Act. This post-mortem inspection is performed by veterinarians or trained food inspectors under veterinary supervision. Working on a moving production line, inspectors view the exterior, interior, and viscera (internal organs) of each bird slaughtered for the purpose of detecting disease or other conditions which could render the carcass or any part thereof

unfit for human food. In performing the examination, the inspectors follow standardized inspection procedures and initiate actions consistent with their findings. The procedures are designed to provide assurance that only wholesome carcasses and parts are passed for human food.

Post-mortem inspection of meat and poultry requires a large portion of the Department's expenditures for meat and poultry inspection. Consequently, the Department's ongoing responsibility for efficient utilization of its resources is especially important with respect to post-mortem inspection. Use of the most efficient post-mortem inspection procedures and staffing standards is necessary to minimize costs to the public. After conducting tests with the NELS inspection system, the Department believes that this system can enable both the Department and the industry to become more efficient with no loss in consumer protection.

Poultry Inspection Procedures

There are presently two inspection procedures used for inspecting broilers and cornish hens, namely traditional inspection and modified traditional inspection. The NELS inspection systems would be an additional inspection procedure, available to plant operators committing themselves to having specified facilities and procedures that assure wholesome and properly prepared poultry, which would allow both the Department and plant operators to better utilize their resources.

A. *Traditional Inspection Procedure.* Traditional inspection is a procedure by which one inspector inspects the whole bird and is responsible for the proper disposition of the bird, including any required trimming, before it leaves the inspection station. The traditional inspection procedure was satisfactory to FSIS and the poultry industry for many years.

B. *Modified Traditional Inspection (MTI) Procedure.* In the middle 1970's, the development of automated evisceration equipment, as well as improvements in genetics, nutrition, health, and flock management, allowed the poultry industry to present uniform lots of birds to inspectors faster than inspectors could properly inspect the birds under the traditional inspection procedure. Therefore, a new inspection procedure was developed in 1978 which allowed better utilization of inspection resources and permitted the poultry industry to take advantage of these new technologies and production improvements. This new procedure, called "modified traditional inspection" (MTI), allows industry to run an eviscerating line at speeds of up to 70 birds per minute.

MTI reduces the number of motions required of each of three inspectors on the line by splitting post-mortem inspection into two functional tasks. One task is the outside inspection of each prepositioned carcass, using a mirror to observe surfaces not directly visible. Plant personnel then reposition the carcass and its attached viscera for inside and viscera inspection.

C. *New Line Speed (NELS) Inspection System.* Since the implementation of MTI, the poultry industry has continued to make significant technological advances. Consequently, many establishments can present uniform lots of birds to inspectors faster than 70 birds per minute. This has been made possible by the increased use and further refinement of automated equipment, and through better control of the production process. In such cases, the inspection process has again become a limiting factor in establishment productivity, and restricts the return investment on the development and installation of modern, innovative equipment and facilities. Merely expanding the use of current inspection procedures would not alleviate this restraint given the limits on the line speeds attainable under those procedures. Furthermore, merely increasing the use of current procedures would be inefficient, and would place demands upon Department resources which would be difficult to meet.

Recent studies have reinforced the Department's longstanding view that Federal inspection is more efficient and effective in establishments where quality control is emphasized. This is in contrast to establishments which do not have or maintain the facilities, personnel or procedures necessary to assure the highest practicable degree of quality control. Such establishments may tend to rely on Federal inspection as a substitute for the proper control of their own operations, to place the Federal inspectors in a burdensome, quasi-supervisory role not appropriate under the PPIA. The NELS inspection procedure would eliminate much of the need for post-mortem inspectors to act in such a role. It would require that participating establishments have and maintain specific quality control facilities, personnel and procedures, as spelled out in a written partial quality control agreement approved by the Department, and would thereby assure the inspector in charge that certain functions are being effectively performed by the plant.

The proposed "New Line Speed", or "NELS" inspection system, utilizes three post-mortem inspectors on each eviscerating line. Each inspects the outside (with the aid of a mirror), the inside, and the viscera of every bird presented; each is presented every third bird on the line. The inspectors determine whether the bird should be condemned, salvaged, retained for disposition by a veterinarian, reprocessed, or proceed down the line as a passed bird subject to reinspection.

After post-mortem inspection is completed at the inspection stations, plant employees would independently perform any necessary outside trim on all passed carcasses after the giblets are harvested. Under traditional and MTI inspection procedures, the inspector is responsible for identifying those carcasses needing to be trimmed, directing the establishment employee to trim the defects, and verifying that the bird has been properly trimmed. However, the NELS inspection system shifts the responsibility of performing specified outside trim to the establishment employees.

Thus, the complete NELS inspection system consists of three inspectors performing the NELS inspection procedure, and an inspector monitoring the application of the approved partial QC program and assuring that the program is being followed.

Poultry Carcass On-Line Quality Control (PCOLQC) Program

The poultry carcass on-line quality control (PCOLQC) program is a statistically based sampling system designed to assure control of an establishment's processing operations. It would be the basis for approving use of the NELS inspection system in any establishment. The program consists of two parts—plant quality control (QC) and the Department's monitoring of the QC program.

The plant QC program would be a partial QC program, applied for and approved by the Administrator under § 381.145 (9 CFR 381.145) and the requirements in the proposed regulation. It would consist of identifying all points on the eviscerating line critical to the quality of the carcass, and, in operation, checking periodically at each point to determine compliance with predetermined standards. Products not meeting the standards would be subject to corrective actions predetermined and described in the approved QC program.

A carcass reinspection station is located at a point on the eviscerating line after the carcasses have been trimmed and washed. At this point,

carcasses are sampled and examined, and findings are reported by plant quality control personnel as prescribed in the PCOLQC.

The Department's monitoring program would consist primarily of reviewing data and if necessary sampling product at those points on the eviscerating line critical to the performance of inspection activities and the wholesomeness of product.

Under the NELS inspecion system, USDA inspectors will be responsible for carcass inspection and for monitoring the plant's application of the quality control program—for reviewing all data collected under the partial QC program and for conducting regular verification and evaluation sampling and observations to assure that the plant's data are accurate and truthful, and that ready-to-cook poultry conforms to all applicable regulatory requirements.

Designing and Testing the NELS Inspection System

Under the NELS inspection system, inspection consists of (1) inspection of all birds by three FSIS inspectors, each inspecting every third bird, and (2) carcass reinspection. The NELS system relies upon the independent trimming of defects from carcasses by plant personnel as specified in the partial QC agreement, prior to reinspection.

The NELS system was developed in two phases. In the first phase, the system was tested by utilizing three inspectors performing post-mortem inspection and a fourth inspector who reinspected each carcass. Effectiveness studies to test the system and compare it with both traditional and MTI procedures were conducted.[1] Testing was performed in one plant using MTI for comparison, and in two plants using traditional inspection for comparison.

The effectiveness test results indicated that there were no significant differences in error rates among traditional inspection, MTI, and NELS inspection. For example, there was no significant difference in the error rates of the three procedures for trim errors or for errors in condemning birds that should have been passed.

The second phase consisted of designing and incorporated the PCOLQC program into the NELS inspection system. This QC program is designed to enable the plant to control its processing and trimming operations without the direct intervention of the inspector and results in product which meets predetermined standards.

[1] A copy of the report is available for public inspection in the office of the FSIS Hearing Clerk.

Inspection Rates/Line Speeds

In conjunction with the effectiveness study, the amount of work performed by the inspectors using the NELS inspection procedure was measured by the Department. These data were used to determine both the time required to perform the task of inspection and the maximum line speeds.

The maximum line speed achievable under NELS is 91 birds per minute. This speed may be reached when all plant conditions are optimal. The inspector in charge is responsible for reducing the line speed when, in his/her judgment, the exising NELS system would not permit adequate inspection because the birds are not presented properly or the health conditions of a particular flock dictate a need for a more extended inspection procedure.

Impact of the NELS Inspection System and Facility Requirements

The NELS system is an alternate way of inspecting broilers and cornish hens. NELS would allow establishments to run their eviscerating lines at a faster rate than is now available under other inspection methods. It would, however, require establishments to develop and submit to the Administrator for approval a partial QC program designed to assure that poultry is wholesome and properly prepared. As previously discussed, the new system would also require the industry to be responsible for trimming specified defects on the outside of bird carcasses after the giblets are harvested.

Establishments also must meet certain equipment and facility requirements in order to utilize the NELS system. The eviscerating line would have minimum height requirements higher than those found in traditional and MTI procedures to allow for maximum adjustment of the inspection platform. Specific measurements and adjustments would be required for the adjustable platform to minimize the physical effort placed upon the inspector.

The NELS system would also require a specific floor space configuration of the inspection station. The configuration of the presenter, inspector, and helper proved to be the most effective during the tests. An establishment employee must be placed before each inspector to present the birds. During the testing of the NELS system, the manner of presentation of the birds to the inspector was shown to have a direct impact on the amount of work placed upon the inspector and on the consequent ability of the establishment to operate at higher line speeds. Another establishment employee, the helper, must be placed after the inspector to mark carcasses for trimming before reinspection and to perform certain related tasks as directed by the inspector.

A minimum lighting requirement of 200 footcandles would be necessary at each NELS inspection and reinspection station. This level, which is above the 150 footcandles required for MTI, is necessary to facilitate the inspection of the inside surfaces of birds moving at higher line speeds. A minimum color rendering index (CRI) value for the type of lighting would also be required at each inspection and reinspection station. The type of lighting is important since many available types of light in poultry processing establishments mask certain disease conditions and hinder the inspector in the performance of his/her job.

These specific requirements, along with certain other facility changes, would involve some cost to those establishments choosing to operate under the NELS system. However, FSIS anticipates those costs would be outweighed by savings resulting from higher line speeds gained by operating under the NELS system.

List of Subjects 9 CFR Part 381

Facilities, Poultry products inspection, Post-mortem, Quality control, Recordkeeping requirements.

Proposed Rule

PART 381—[AMENDED]

The poultry products inspection regulations would be revised as follows:

1. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 441, as amended, 21 U.S.C. 451 *et seq.*, 33 U.S.C. 1254.

2. Section 3816.36 (9 CFR 381.36) would be amended by adding a new paragraph (d) to read as follows:

§ 381.36 Facilities required.

* * * * *

(d) Facilities for the New Line Speed (NELS) inspection system. The following requirements for lines operating under the NELS inspection system are in addition to the normal requirements to obtain a grant of inspection and to the requirements for NELS in § 381.76(b) and (c).

(1) The following provisions shall apply to every inspection station:

(i) The conveyor line shall be level for the entire length of the inspection station. The vertical distance from the bottom of the shackles to the top of the adjustable platform (paragraph (d)(f)(iv)

of this section) in its lowest position shall not be less than 60 inches.

(ii) Floor space shall consist of 6 feet along the conveyor line for the establishment employee presenting the birds, 4 feet for the inspector, and 4 feet for the establishment helper. A total of at least 42 feet along the conveyor line shall be supplied for three inspection stations.

(iii) Selectors or "kickouts" shall be installed so the three inspection stations will receive birds on 18-inch centers with no intervening birds to impede inspection. The selector must move the bird to the edge of the trough for the presenter, inspector, and establishment helper. The selectors must be smooth, steady, and consistent in moving the birds parallel and through the inspection station. Birds shall be selected and released smoothly to avoid splashing the mirror (paragraph (d)(1)(vii) of this section) and swinging when entering the inspection station. Guide bars shall not extend in front of the inspection station mirror to avoid obstructing the inspector's view.

(iv) Each inspector's station shall have an easily and rapidly adjustable platform, with a minimum of 14 inches of vertical adjustment, which covers the entire length of the station (4 feet) and has a minimum width of 2 feet. The platform shall be designed with a 42-inch high rail on the back side and with ½-inch foot bumpers on both sides and front to allow safe working conditions.

(v) Conveyor line stop/start switches shall be located within easy reach of each inspector.

(vi) A trough complying with § 381.53(g)(4) of this Part shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the trimming has been performed. The trough must be of sufficient width to preclude trimmings, drippage, and debris from accomulating on the floor or platforms. The clearance between the suspended carcasses and the trough must be sufficient to preclude contamination of carcasses by splash.

(vii) A distortion-free mirror, at least 3 feet wide and 2 feet high, shall be mounted at each inspection station so that it can be adjusted between 5 and 15 inches behind the shackles, tilt up and down, tilt from side to side, and be raised and lowered. The mirror shall be positioned in relation to the inspection platform so that the inspector can position himself/herself opposite it from 8 to 12 inches from the downstream edge. The mirror must be maintained abrasion free.

(viii) A minimum of 200 footcandles of shadow-free lighting with minimum color rendering index value of 85[1] where the birds are inspected to facilitate inspection, notwithstanding the requirement of § 381.52(b). A light shall also be positioned above and slightly in front of the mirror to facilitate the illumination of the bird and mirror surfaces.

(ix) "On-line" handrinsing facilities shall be provided for and within easy reach of each inspector and each establishment presenter and helper.

(x) Hangback racks shall be provided for and positioned within easy reach of the establishment helpers.

(xi) Each inspection station shall be provided with receptacles for condemned carcasses and parts. Such receptacles shall conform to the requirements of § 381.53(m).

(2) The following provisions shall apply only to the reinspection station:

(i) Floor space shall consist of 6 feet along the conveyor line. The space shall be level and protected from all traffic and overhead obstructions.

(ii) The vertical distance from the bottom of the shackles to the floor shall not be less than 60 inches.

(iii) A table, at least 3 feet wide and 2 feet deep, shall be provided for reinspecting the sampled birds.

(iv) A minimum of 200 footcandles of shadow free lighting with a mimimum color rendering index of 85[1] on the table surface.

(v) A recorder counter shall be positioned within easy reach above the table for recording defects on the sampled birds.

(vi) A separate clip board holder shall be provided for holding the recording sheets.

(vii) On-line handrinsing facilities shall be provided for and shall be within easy reach of persons working at the station.

(viii) Handback racks designed to hold 10 carcasses shall be provided for and positioned within easy reach of the person at the station.

3. Section 381.76 (9 CFR 381.76) would be amended by revising the section heading and paragraph (b)(1) and (2), and by adding new paragraphs (b)(4) and (c) to read as follows:

§ 381.76 Post-mortem inspection, when required; extent; traditional, modified traditional, and New Line Speed (NELS) post-mortem inspection; rate of inspection.

* * * * *

(b)(1) There are three systems of post-mortem inspection: modified traditional inspection, NELS inspection and traditional inspection, which shall be used in the following circumstances:

(i) Modified traditional inspection shall be used only for young chickens if:[1]

(*a*) The operator requests modified traditional inspection and the Administrator determines that the system will result in no loss of inspection efficiency; or

(*b*) The Administrator determines that modified traditional inspection will increase inspector efficiency.

(ii) NELS shall be used only for broilers and cornish hens if:

(*a*) The operator requests NELS inspection, and

(*b*) The Administrator determines that the establishment has the intent and capability to operate at line speeds greater than 70 birds per minute, meets all the facility requirements in § 381.36(d), and receives approval of its partial quality control program as specified in paragraph (c) of this section.

(iii) Traditional inspection shall be used when neither modified traditional inspection nor NELS inspection is used.

(2) The requirements of paragraph (a) of this section are applicable to all three inspection systems.

(3) * * *

(4) The following requirements are also applicable to NELS inspection:

(i) Inspection under NELS is conducted in two phases, a post-mortem inspection phase and a reinspection phase.

(*a*) Post-mortem inspection. The establishment shall provide three inspection stations on each eviscerating line in compliance with the facility requirements in § 381.36(d)(1). The three inspectors shall inspect the inside, viscera, and outside of all birds presented. Each inspector shall be presented every third bird on the line. Each inspector shall be flanked by two establishment employees—the presenter and the helper. The presenter shall ensure that the bird is properly eviscerated and presented for inspection with the back side toward the inspector and the viscera leading. The inspector shall determine which birds shall be salvaged, reprocessed, retained for disposition by a veterinarian, or allowed to proceed down the line as a passed bird subject to reinspection. Poultry carcasses with certain obvious, readily observable outside defects not requiring condemnation of the entire carcass and specified in the partial quality control

[1] This requirement may be met by the cool white type of fluorescent lighting.

[1] The standards in § 381.170(a) of the regulations (9 CFR 381.170(a)) specify which classes of chickens constitute young chickens.

agreement as defects the establishment shall remove, shall be passed by the inspector, but shall be subject to reinspection to ensure the physical removal of the specified defects. The helper, under the supervision of the inspector, shall mark such carcasses for trim. Trimming of birds passed subject to reinspection shall be performed by other establishment employees after post-mortem inspection and prior to reinspection.

(*b*) A reinspection station shall be located at the end of each line. This station shall comply with the facility requirements in § 381.36(d)(2). The inspector shall ensure that establishments have performed the indicated trimming of carcasses passed subject to reinspection by visually monitoring, checking data, and/or gathering samples at the station and at other critical points on the line. Specific reinspection activities shall be based on the establishment's partial quality control system and its performance under that system as determined by the inspector.

(ii) The approved quality control program for the establishment shall include critical control points on the line, which shall be monitored by the inspector. Establishment quality control employees shall operate the poultry carcass on-line quality control program and shall make immediately available to inspection personnel any and all data collected and maintained under the approved partial quality control program.

(iii) An inspector shall monitor the establishment's application of the poultry carcass on-line quality control program and shall take corrective action when he/she determines that the establishment has failed to maintain or correct its process as described in the approved quality control program.

(iv) The maximum inspection rate for NELS shall be 91 birds per minute per eviscerating line.

(c) Applying for and terminating the Partial Quality Control Agreement for the NELS inspection system.

(1) Any owner or operator of an official establishment preparing poultry products who wishes to apply for the NELS system must submit to the Administrator a partial quality control program designed to assure that poultry is wholesome and properly prepared and shall request a determination as to whether or not that program is adequate to result in product being in compliance with the requirements of the Act and, therefore, qualify for the NELS inspection system. Such a request shall, as a minimum, include:

(i) A letter to the Administrator from the establishment owner or operator stating the objective of the program and willingness to adhere to the requirements of the program as approved by the Department; that all data and information generated under the program will be maintained and be available to departmental personnel to enable the Department to monitor compliance; that plant quality control personnel will have authority to halt production or shipping of product in cases where the submitted quality control program requires it; and that the owner or opeator (or his/her designee) will be available for consultation at any time departmental personnel consider it necessary.

(ii) Identification of establishment quality control personnel. In the case of an establishment having one or more full-time persons whose primary duties are related to the quality control program, agreement that such people shall ultimately report to an establishment official whose quality control responsibilities are independent of or not predominantly production responsibilities. In the case of an establishment which does not have full-time quality control personnel, detailed information indicating the nature of the duties and responsibilities of the person who will be responsible for the quality control program.

(iii) Detailed information concerning the manner in which the program will function. Such information shall include, but not be limited to, the critical check or control points on each eviscerating line from the unloading area to the finished product, the nature and frequency of tests to be made at each check point, the nature of charts and other records that will be maintained by the official establishment, the type of deficiencies the program is designed to identify and control, the defect criteria which will be used and the points at which corrective action will occur and the nature of the corrective action—ranging from the least to the most severe.

(2)(i) The Administrator shall evaluate the submitted partial quality control program in accordance with the provisions of this paragraph. If it is determined by the Administrator that the partial quality control program will result in finished products being in full compliance with the requirements of the Act and regulations thereunder, the partial quality control program will be approved and implemented, under departmental supervision, as soon thereafter as practicable.

(ii) In any situtation where the program is found by the Administrator to be unacceptable, written notification shall be given to the applicant of the basis for the denial. The applicant will be afforded a reasonable opportunity to modify the program in accordance with the notification. The applicant shall also be afforded a reasonable opportunity to submit a written statement in response to this notification of denial and/or to request a hearing on the denial. If the applicant requests a hearing and the Administrator, after review of the applicant's answer to the notice, finds the initial determination to be correct, the applicant must file with the Hearing Clerk of the Food Safety and Inspection Service the notification, answer and the request for hearing, which shall constitute the complaint and answer in the proceeding, which shall thereafter be conducted in accordance with Rules of Practice which shall be adopted for this proceeding.

(iii) The approved partial quality control program constitutes an operating agreement between the establishment and the Department. The establishment owner or operator shall be responsible for the effective operation of the approved partial quality control program, and to obtain approval of any changes required in that program, to assure continuing compliance with the requirements of the Act and regulations thereunder. The Secretary shall provide the Federal inspection necessary, as determined by the operating conditions at the establishment, to carry out his responsibilities under the Act.

(3) The approval of the partial quality control program under the NELS inspection system may be terminated at any time by the owner or operator of the official establishment upon written notice to the Administrator. The establishment will be provided inspection under one of the two remaining inspection systems, as appropriate.

(4) The approval of the partial quality control program under the NELS inspection system will terminate upon receipt by the establishment of written notice from the Administrator (or his designee). Such notice will specify the deficiency and will be issued:

(i) If unwholesome or otherwise adulterated poultry products are found by the Administrator to have been prepared for or distributed in commerce by the subject establishment, or

(ii) If the establishment fails to comply with the quality control program to which it has agreed.

(5) The establishment owner or operator receiving notice that approval has terminated may respond to the notice, in writing, to the Administrator

within 30 days of receipt of such notice. In those instances where there are issues of fact, a hearing under applicable Rules of Practice will be provided to the establishment owner or operator to resolve the conflict. The Administrator's termination of approval shall remain in effect pending the final determination of the proceeding.

(6) If approval of the partial quality control program under the NELS inspection system has been terminated in accordance with the provisions of this section, an application and request for approval of the same or modified quality control program will not be evaluated by the Administrator for at least 2 months from the termination date. In order for the Department to provide the Federal inspection required under the Act, an establishment whose quality control program has been terminated will be allowed to continue operating under the traditional or modified traditional inspection system, provided all requirements of the Act and regulations thereunder are met.

Done at Washington, D.C., on January 9, 1984.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 84-1723 Filed 1-19-84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Consideration of Amendments to the Pennsylvania Permanent Program Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Reopening of public comment period.

SUMMARY: OSM is reopening the period for review and comment on certain amendments submitted by the Commonwealth of Pennsylvania to its program for the regulation of surface coal mining and reclamation in the State. The amendments relate to (1) citizen complaint procedures, (2) inspection frequency, (3) enforcement procedures, and (4) the civil penalty program. OSM is reopening the comment period to allow the public sufficient time to consider and comment on the proposed amendments.

DATES: Written comments, data or other relevant information must be received on or before 4:00 p.m. February 6, 1984 to be considered.

ADDRESS: Comments should be sent or hand-delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Harrisburg, Pennsylvania 17101; Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION: On September 7, 1982, OSM received, pursuant to the 30 CFR 732.17 State program amendment procedures, revised inspection and enforcement policy statements. On October 14, 1983, OSM published a notice in the **Federal Register** announcing receipt of the amendments to the Pennsylvania program and inviting public comment thereon (48 FR 46817-46819). The public comment period ended November 14, 1983. The public hearing scheduled for November 3, 1983, was not held because no one expressed a desire to present testimony.

On January 17, 1984, OSM received additional material from Pennsylvania responding to issues raised on December 15, 1983, by OSM in a meeting with the Department of Environmental Resources regarding the Pennsylvania amendments. This material consists of an explanatory letter, a new policy statement pertaining to citizen complaint procedures, and revised policy statements pertaining to inspections, enforcement, and civil penalties.

OSM is reopening the comment period for an additional 15 days to allow the public sufficient time to review and comment on the above Pennsylvania amendments. Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations of why the commenter believes or does not believe that the proposed amendment includes the same or similar procedural requirements as provided in 30 CFR Parts 842, 843 and 845.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

Dated: January 17, 1984.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 84-1686 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42043; TSH-FRL 2477-8]

1,2-Dichloropropane; Proposed Test Rule

Correction

In FR Doc. 84-326 beginning on page 899 in the issue of Friday, January 6, 1984, in the heading, the OPTS number should have appeared as set forth above.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-19; RM-4564; FCC 84-10]

Repeal of the "Regional Concentration of Control" Provisions of the Commission's Multiple Ownership Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to repeal or relax the Commission's regional concentration of control provisions of §§ 73.35(b)(1), 73.240(a)(2), 73.636(a)(2) of the Rules. These sections prohibit any party from directly or indirectly owning, operating, or controlling three commercial AM, FM, or television stations where any two stations are within 100 miles of the third, and where there is primary service contour overlap between any of the stations. This rule making is being instituted because the existing rule has produced inconsistent and anomalous results in the cases and may be imposing substantial costs on both the public and the broadcasting industry. Moreover, the significant growth in media outlets in recent years strongly suggests a need to reevaluate the assumptions underlying regional concentration restraints in general.

DATES: Comments are due by February 21, 1984 and replies by March 7, 1984.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Andrew J. Rhodes, Mass Media Bureau, (202) 632-7792.

List of Subjects in 47 CFR Part 73

Radio and television broadcasting.

Notice of Proposed Rule Making

In the matter of repeal of the "Regional Concentration of Control" Provisions of the Commission's multiple ownership rules (MM Docket No. 84-19, RM-4564).

Adopted: January 12, 1984.
Released: January 17, 1984.

By the Commission: Commissioner Rivera dissenting and issuing a statement.

Introduction

1. Before the Commission is a petition for rule making filed by the National Association of Broadcasters ("NAB"), seeking repeal of the "regional concentration of control" provisions of §§ 73.35(b)(1), 73.240(a)(2), and 73.636(a)(2) of the Commission's Rules.[1] These sections, which are identical, prohibit any party from directly or indirectly owning, operating, or controlling three commercial AM, FM, or television stations where any two stations are located within 100 miles of the third, and where there is primary service contour overlap between any of the stations.[2] The rule provides for two exceptions. First, AM-FM combinations may be considered as one station if their communities of license meet certain geographical criteria. Second, applications raising regional concentration issues based on contour overlaps involving UHF television stations are treated on a case-by-case basis.[3]

2. Based upon our review of the petition, the comments filed in response thereto and our own experience in administering the rule, we believe that the commencement of a rule making proceeding is warranted to determine whether the existing regional concentration provisions should be repealed. We are particularly concerned that our regional ownership rules inadequately reflect the significant changes in the telecommunications marketplace that have occurred in recent years.

Background

3. The three-station regional concentration of control rule is the Commission's most recent multiple ownership provision. In the past, as the Commission developed fixed limits on the number of stations that a party could control on a national basis, there was a belief by the Commission that the common ownership, operation, or control of a smaller number of stations in close proximity to one another or in a small geographic area may precipitate a concentration of control contary to the public interest.[4] Accordingly, when the Commission adopted its "seven station rule" limiting common ownership, operation, or control to no more than 7 AM, 7 FM, and 7 television stations (of which only 5 may be VHF), the Commission also set forth specific factors for determining, on a case-by-case basis, whether a particular regional ownership pattern would constitute an undue concentration of control. Specifically, §§ 73.35(b), 73.240(a)(2), and 73.636(a)(2) of the Rules provided that:

> In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question.[5]

The authority to make these case-by-case determinations was delegated to the Chief of the Broadcast Bureau, except for cases involving the "acquisition of a third broadcast station within 100 miles of a presently owned station," which were referred to the Commission, *en banc*, for consideration. *See Order*, 43 FCC 2d 638, 639 (1973).

4. This case-by-case approach proved to be burdensome to applicants who found themselves conducting extensive media surveys to disprove the possibility that grant of an application would result in a regional concentration of control contrary to the public interest. It also led to a lack of predictability because, even though most applications raising regional concentration issues were granted, applicants were nevertheless unsure as to the significance of each of the factors weighed by the Commission. *See, e.g., Clarksburg Publishing Company v. FCC*, 225 F. 2d 511 (D.C. Cir. 1955); *Wichita-Hutchinson Co., Inc.*, 17 R.R. 2d 1235 (1969); and *Forum Communications Co.*, 34 R.R. 2d 1163 (1975).[6] As a result, the Commission decided, upon its own motion, to issue a *Notice of Proposed Rule Making* in Docket No. 20548, 54 FCC 2d 331 (1975), looking toward the establishment of a "fixed" regional concentration standard in lieu of the case-by-case approach. The *Notice* proposed as its primary option to prohibit the acquisition of a fifth commonly owned broadcast facility within any single state.

5. After reviewing the comments in Docket No. 20548, the Commission abandoned its proposed limitation of four stations per state because it was clearly shown that such a rule would be inequitable in the larger states while not actually preventing the development of regional concentrations of control in "cluster areas" between states. *First Report and Order* in Docket No. 20548, 63 FCC 2d 824, 827-28 (1977). Instead, the Commission adopted the present rule prohibiting the acquisition of a station or the modification of facilities if this would result in the common ownership of three broadcast stations where any two are within 100 miles of the third, and where there is primary service contour overlap between any of the stations. The Commission based this rule upon a review of all recent applications where concentration of control issues were raised by the staff and referred to the Commission, *en banc*, for determination. This review revealed that "the probability that a concentration of control will result where there is no overlap of the primary service contours of the commonly owned stations is too unlikely to require

[1] Public notice of the petition was given August 19, 1983, Report No. 1421, Mimeo No. 6028. Eight parties filed comments in response to this notice and are listed in Appendix A. No reply comments were filed.

[2] The term "primary service contour" refers to the predicted or measured 0.5 mV/m contour for AM stations, the predicted 1.0 mV/m contour for FM stations, and the predicted Grade B contour for TV stations, computed in accordance with §§ 73.183, 73.186, 73.313, and 73.684 of the Commission's Rules.

[3] *See* Note 11 to §§ 73.35, 73.240, and 73.636 of the Commission's Rules. The full text of the rule, as applied to each broadcast service, is attached as Appendix B.

[4] For example, in 1941, the Commission adopted § 4.226 of the Rules permitting the common ownership of a maximum of three "experimental television stations. However, the rule also stated that "no person . . . shall directly or indirectly, own, operate, or control more than one television station except upon a showing . . . that such ownership, operation, or control would not result in the concentration of control of television broadcasting facilities in a manner inconsistent with public interest, convenience, or necessity. . . ." 6 FR 2282, 2284-85 (1941).

[5] *Report and Order* in Docket No. 8967, 18 FCC 288, 296-297 (1953).

[6] For example, the presence of a substantial number of other media services was a significant factor in the *Forum* case in which the Commission granted an application for a construction permit for a satellite television station in Pierre, South Dakota, even though the grant resulted in the common ownership of a fifth VHF television station and a seventh broadcast station in a contiguous two state area. However, in the *Wichita-Hutchinson* case, the Commission denied an application for the transfer of control of a VHF television station in Hutchinson, Kansas, which would have resulted in the transferee's controlling four television stations in a three state area, as well as newspaper interests in one of these states, even though there were two other VHF television stations and 25 AM and FM stations serving the Wichita-Hutchinson market.

extensive showings from applicants in such cases." [7] Accordingly, the Commission decided that, generally, it would not raise regional concentration issues unless both the "overlap" and "distance" factors were present. However, the Commission reserved the right to request concentration showings "where specific allegations of fact coming to the Commission's attention, or other substantial and material questions of fact noticed by the Commission, raise the possibility that a grant of an application would create a concentration of control and be inconsistent with the public interest." [8]

6. The Commission subsequently modified the *First Report and Order* in Docket No. 20548 to provide for ad hoc consideration of regional concentration issues involving UHF television stations and to clarify its single market AM–FM combination exception to the rule. *See Memorandum Opinion and Order* in Docket No. 20548, 67 FCC 2d 54, 57–58 (1977). A petition for partial reconsideration or clarification of the *Memorandum Opinion and Order*, filed by Great Trails Broadcasting Corporation, is still pending, along with responsive pleadings filed by Group One Broadcasting Co. and Lares Broadcasting Corporation. To the extent still relevant, these pleadings are incorporated and will be considered in this proceedings.[9]

NAB's Petition

7. NAB believes that the existing regional concentration rule is arbitrary and that subsequent developments in the telecommunications marketplace have rendered it obsolete. Specifically, NAB contends that the rule has been applied mechanically without regard to the diversity of voices or programming in any given region, with the adverse effect of precluding station acquisitions and improvements in facilities that would otherwise serve the public interest. For example, it notes that in the recent case of *Tri-State Broadcasting, Inc.*, 52 R.R. 2d 1013 (1982), the Commission strictly applied the rule to block the transfer of control of a radio station without regard to the *de minimis* nature of the contour overlap involved. Generally, NAB suggests that "a review of the current rule might well disclose that in the vast majority of cases there is no more danger of concentration of control inimical to the public interest where there is overlap than where there is not." [10]

8. NAB also asserts that the remedy is not to return to the burdensome case-by-case approach but rather to determine, in the context of a rule making, whether any regional concentration restraints are necessary in light of the increasing competition within the telecommunications marketplace. In this regard, NAB points out that by 1977, the year in which the current rule was adopted, there were 8,505 authorized radio stations (4,536 AM and 3,969 FM) and 1,029 television stations, but that as of January 1, 1983, there were 9,798 radio stations (4,828 AM and 4,970 FM) and 1,276 television stations.[11] NAB states that this represents increases of 15.2% and 24.0% in the number of radio and television stations, respectively, over the past six years. NAB believes that this dramatic increase in the number of broadcast voices is merely one of the new developments that has rendered the rule unnecessary. Equally significant, according to NAB, is the growth and authorization of new non-broadcast media delivery systems. For example, NAB notes that, in 1977, there were 3,832 cable television systems serving 11,900,000 subscribers, and that, in 1982, there were almost 1,000 more systems serving approximately 21,000,000 subscribers.[12] Additionally, NAB states that:

> [In] 1983, there are . . . at least 99 multipoint distribution services with 564,655 subscribers; 206 operating low power television stations and at least 8,500 pending applications for new ones; [and] eight entities authorized to begin providing Direct Broadcast Satellite Service * * *.[13]

As a result of these significant developments, NAB believes that regional concentration limitations are no longer necessary to promote competition and diversity of voices and program sources because these goals are already being accomplished by the marketplace.

9. NAB also contends that repeal of the regional concentration rule would result in several public interest benefits. NAB believes that it would enable broadcasters in marginal economic situations, such as in rural areas, to benefit from the economies of scale of limited multiple ownership and, thus, could result in the activation of some unused channels and frequencies currently considered as too great an economic risk. Additionally, NAB believes that the Commission would be freed of the burden of adjudicating requests for waiver and could utilize its resources in other more important areas. Moreover, repeal of the rule would, according to NAB, have the beneficial effect of promoting diversity of voices and competition by removing a restriction that only applies to commercial broadcasters and not to other media competitors. Finally, NAB asserts that repeal of the rule could benefit new, smaller-scale entrants to the broadcast industry and could result in increased minority ownership of broadcast stations.

10. NAB does not contend "that there might never be legitimate concerns about undue regional concentration." It does argue, however, that regulatory intervention is not required to redress such situations. Rather, it believes that the Commission should "leave what regulation proved to be necessary to the antitrust laws and to the marketplace itself, the natural regulator of program diversity and operation in the public interest." NAB Petition at 10.

Comments

11. With one exception, the commenting parties support NAB's petition seeking repeal of the three-station regional concentration rule. Generally, these parties reiterate NAB's arguments that the arbitrary application of the rule has prevented station acquisitions and improvements in facilities, and that changes in the

[7] *First Report and Order* in Docket No. 20548, 63 FCC 2d 824, 828 (1977).

[8] *Id.*

[9] Great Trails argues that commonly owned AM and FM stations should be considered in the same "market" and counted as one station for purposes of the regional concentration rule based on the contour encompassment standards used in the Commission's "one-to-a-market" rules rather than on the "15 mile/urbanized area" criteria adopted in the *Memorandum Opinion and Order*. Great Trails also contends that the Commission should permit reasonable improvements of facilities by stations that are "grandfathered" under the rule. In this latter regard, we note that Congress recently amended Section 310 of the Communications Act to permit facilities improvements by such "grandfathered" stations and that this aspect of Great Trails' request would appear therefore to be moot. *See* Act of December 8, 1983, Pub. L. 98–214, § 7. It should be emphasized that this amendment is intended to permit changes in transmitter location, antenna height, or power but not changes in frequency or class of station. Moreover, the Committee stated in its report that "this section addresses an exception to existing Commission rules and does not express any intent with respect to the ability of the Commission to revise or modify these rules." H.R. Rep. No. 98–356, 98th Cong., 1st Sess. (1983) at 19.

[10] NAB Petition for Rule Making at 5.

[11] NAB's source for these statistics is the *Broadcasting/Cablecasting Yearbook*, 1983 edition, at B–384. As of November 30, 1983, Commission records show 10,112 authorized radio stations (4,891 AM and 5,221 FM) and 1,407 authorized TV stations.

[12] For figures about cable television, NAB relies upon *Television Factbook*, 1981–82 edition, at 83–a. The 1982–83 edition of the *Television Factbook* indicates that there were 25 million cable subscribers and 5,600 systems as of January 1, 1983. *Id.* at 1560.

[13] NAB Petition for Rule Making at 7. NAB bases these figures upon its own publication, *Profile: Broadcasting 1983*, as well as upon FCC sources.

telecommunications marketplace have rendered the rule unnecessary. With respect to the arbitrariness of the rule, there is a clear consensus that the rule is applied without regard to diversity of programming or concerns about oligopolistic control of the media which prompted promulgation of the rule in the first place. As examples of this, Great Trails Broadcasting Corporation ("Great Trails") points out that in the case of *Radio Soo, Inc.*, 50 R.R. 2d 373 (1981), the acquisition of a second AM–FM combination within a 60 mile area was permitted, and in *Millard V. Oakley*, 45 R.R. 2d 661 (1979), a construction permit was granted for a third AM station within 100 miles of two other stations, resulting in the common ownership of five radio stations in eastern Tennessee. Great Trails believes that it is anomalous to permit such ownership situations because of a lack of primary service contour overlap but to prohibit, by strict application of the rule, other concentrations of ownership merely because of the existence of *de minimis* overlap. Great Trails also agrees that the rule has the adverse effect of preventing improvement in stations' facilities and that this is unfair to many FM licensees who must, according to the Commission's recent *Report and Order* in BC Docket No. 80–90, maximize facilities or ultimately lose their protected status as Class B or C stations.[14]

12. Other commenting parties (Viacom International, Inc., and Beasley Broadcasting Corporation) emphasize that, even if there existed well-founded concerns over oligopolistic control of the broadcast media, other sections of the Commission's multiple ownership rules, such as the "duopoly" and "one-to-a-market" provisions, are more appropriate for dealing with such concerns.[15] In any event, all of the parties supporting NAB's petition agree that the current diversity in the telecommunications marketplace has outstripped the need for the rule. Viacom and the National Radio Broadcasters Association ("NRBA") buttress NAB's showing in this regard by noting that 30,000 applications were recently filed for systems in the new multichannel multipoint distribution service, which will ultimately provide further competition and diversity of voices. Finally, several commenting parties note that, due to the dramatic changes in the marketplace, the Commission has recently refused to adopt multiple ownership rules for cable television, low power television and direct broadcast satellite services.

13. Citizens Communications Center ("Citizens") opposes NAB's petition, alleging that NAB has not set forth any factual or legal basis for repeal of the rule. Specifically, Citizens contends that NAB has not shown that any changes in current network practices and ownership patterns have occurred that would warrant the commencement of a rule making proceeding. Citizens further believes that NAB's objection to the rule on the basis of its "arbitrariness" is misplaced. In this regard, Citizens asserts that practically all regulations relying upon objective standards, such as the instant rule, are arbitrary to some extent, but that this does not undermine the basic rationality of the rule. Cases marginally violative of the rule can always be addressed through appropriate waiver procedures. Moreover, Citizens questions whether there actually is sufficient diversity in the telecommunications marketplace to warrant repeal of the rule. It asserts that, as long as there are more prospective applicants than there are frequencies, the Commission should retain the rule in order to promote competition and the diversity of voices.

Discussion

14. After reviewing NAB's petition and the comments filed in connection with it, we believe that a rule making proceeding to reexamine our current regional ownership limitations is clearly warranted. First, the existing rule does not appear to have produced rational results. Second, the rule may be imposing significant costs on both the public and the broadcast industry. Finally, dramatic changes in the telecommunications marketplace, particularly the availability of many new broadcast and nonbroadcast outlets, may have obviated the need for any rule in this area, or at least may warrant substantial relaxation of the present restrictions.

15. *The 100-Mile Rule.* To begin with, our experience in administering the current rule leads us to the conclusion that it is arbitrary. In particular, the rule's rigid "minimum distance" and "contour overlap" criteria have not proved effective in accurately or consistently identifying circumstances in which undue concentration of control may occur and may actually have prevented consideration of factors plainly relevant to such determinations, such as the level of competing service. This has produced quite anomalous results in the cases. For example, in *WFGL, Incorporated*, 68 FCC 2d 892 (1982), an application to assign an AM–FM combination was dismissed even though the proposed assignee had shown that the community in question was separated from other commonly-owned stations by extensive mountainous terrain and numerous competing broadcast stations, thus offsetting any potential for concentration of control of the media. Similarly, in *Tri-State Broadcasting, Inc.*, 52 R.R. 2d 1013 (1982), the acquisition of an AM station was prevented without regard to the *de minimis* nature of the contour overlap involved (4% of the coverage area of the other two stations) and despite the fact that the overlap actually predated the adoption of the rule. Moreover, the inflexible requirements of the rule compelled this result notwithstanding a showing that the closest commonly owned station was 85 miles distant and was separated by the much larger market of Ft. Wayne, Indiana, that had numerous and more dominant broadcast outlets.[16]

16. Other cases, of similar potential concern but technically outside the scope of the rule, have been treated quite differently. For example, in *Millard V. Oakley*, 45 R.R. 2d 661 (1979), a construction permit was granted for a third AM station within 100 miles of two other stations, resulting in common ownership of five radio stations in eastern Tennessee. Despite the geographic proximity of the stations involved, the rule was not triggered because measurements revealed that there was no primary service contour overlap. In resolving an informal objection based on concentration concerns, the Commission determined that, regardless of the operation of the "fixed" rule, no concentration of control was likely because "the cities involved are quite small . . . [and] there is no indication that the cities' broadcast facilities compete with each other for

[14] *See Report and Order* in BC Docket No. 80–90, 53 R.R. 2d 1550 (1983).

[15] The "duopoly" rule prohibits the common ownership, operation, or control of two broadcast stations in the same service whose relevant contours overlap. The "one-to-a-market" rule prohibits ownership, operation, or control of more than one AM–FM combination, or one television station, or one daily newspaper in a market. However, overlap situations involving UHF television stations are considered on a case-by-case basis. These rules are found in §§ 73.35(a), 73.240(a)(1), and 73.636(a)(1) of the Commission's Rules.

[16] It should be noted that both the *WFGL* and *Tri-State* cases involved requests for waiver of the "fixed" regional concentration rule. In such cases, the Commission had held that an applicant for waiver would have to show more than the presence of factors which under the former case-by-case approach, would have justified an exception. *See also, Piedmont Service Corporation*, 68 FCC 2d 992 (1978) and *Robeson Broadcasting Corporation*, 52 R.R. 2d 1412 (1982).

advertising revenue."[17] Additionally, the Commission noted that there was no evidence of anticompetitive behavior by the applicant.

17. Similarly, in the recent case of *Acadian Television Corporation*, 51 R.R. 2d 743 (1982), an assignee was permitted to acquire a VHF television station in Lafayette, Louisiana, even though it already controlled a clear channel AM facility and FM and VHF broadcast stations in New Orleans. Although there was primary service contour overlap of the television stations, the rule did not apply because the stations were located approximately 125 miles apart. Because a petition to deny had been filed raising concentration questions, the Commission substantively addressed the issue, concluding that the presence of numerous other broadcast outlets, as well as the lack of any evidence of unfair business practices, militated against the possibility of an undue concentration of control. It is particularly striking here that, in finding no danger of concentration, the Commission explicitly relied on factors such as the presence of numerous other broadcast stations, while this very consideration was deemed unpersuasive in cases within the ambit of the rule, such as *Tri-State Broadcasting, Inc., supra.*

18. In our view, the anomalous results illustrated by the above cases call into serious question the continued advisability of our current approach to regional concentration of control issues. Our doubts in this regard are reinforced by our concern that the stringency and strict application of the existing rule may be imposing unwarranted, and possibly counterproductive, costs on both the public and the broadcast industry. In this connection, the rule may have prohibited the acquisition of stations which could have resulted in enhanced program service in given markets. Similarly, in cases such as *Piedmont Service Corporation*, 68 FCC 2d 992 (1978), the rule has precluded the improvement of existing facilities that may have provided a first daytime or nighttime broadcast service in certain areas.

19. Moreover, it has been suggested that the rule restricts various economies of scale inherent in the multiple ownership of stations that, were they available, might actually contribute to diversification of viewpoints.[18] For example, permitting increased multiple ownership on a regional basis could afford a broadcaster access to larger audiences and advertising bases that might justify incurring the costs of providing additional programing to the public. Regional networking, with the cost benefits such arrangements could provide in terms of program development and distribution, also might be facilitated. Additionally, certain organizational and operational efficiencies may accrue from greater multiple ownership. The resources saved by such efficiencies could then be turned to expanding programing or activating unused allocations that might be viewed as too great an economic risk absent the benefits of multiple ownership. We invite interested parties to address our analysis of the existing regional concentration of control provisions and request that they specifically review the benefits and detriments of the current rule.

20. *Marketplace Developments.* Beyond the specific difficulties surrounding the existing regional concentration rule, we believe that the significant growth in media outlets in recent years clearly constitutes a substantial change in circumstances that strongly suggests a need to reevaluate our assumptions in setting regional ownership constraints, including whether such constraints, in any form, are still necessary.[19] In adopting regional ownership limitations, we were concerned with avoiding undue ownership concentration of the media within a given area. Specifically, the Commission sought through its ownership restrictions to enhance the diversity of viewpoints available to the public and to preserve economic competition in the broadcast media.[20] However, as the number of competing voices in the marketplace rises, the potential influence of any given combination of commonly owned outlets is diluted and our concern with the impact of such combinations on diversity and levels of competition declines accordingly.

21. The increase in the number and variety of media voices in telecommunications markets is well documented and substantial. Specifically, we note that the number of authorized radio and television stations has increased by 18.9% and 36.7%, respectively, since the "fixed" regional concentration rule was adopted six years ago. Moreover, these figures are likely to increase due to several Commission actions in the allocation of radio and television frequencies. For example, in Docket No. 20642, we permitted the shared use of Class I–A clear channel frequencies, which may ultimately result in the addition of more than 100 new AM stations.[21] Similarly, our recent action in BC Docket No. 80–90 could create approximately 500 new FM stations.[22] We also have granted over 300 construction permits, with some 11,000 additional applications still pending, in the new low power television service.

22. It is also true, as NAB points out, that the broadcast industry faces additional competition from the expansion or authorization of new media delivery systems, which have the potential of promoting even greater diversity of ownership and viewpoints. As noted earlier, the growth in the cable industry has been quite significant, with cable subscribers totalling approximately 25 million as of January 1, 1983.[23] Moreover, Commission records reveal that, as of September 9, 1983, approximately 16,500 applications were filed for systems in the newly authorized multichannel multipoint distribution service.[24] Additionally, eight entities have been authorized to provide direct broadcast satellite ("DBS") service, with each operator capable of providing two or ten channels of programing to all television households in the United States. Although these companies might not commence DBS service until 1986, at least one entity is already providing "satellite-to-home" television

[17] *Millard V. Oakley*, 45 R.R. 2d 661, 664 (1979).

[18] *See, e.g.*, A. Parkman, *An Economic Analysis of the FCC's Multiple Ownership Rules*, 31 Admin. L. Rev. 205, 217–221 (1979). *See also Notice of Proposed Rule Making* in Gen. Docket No. 83–1009, 48 FR 49438, published October 25, 1983, at para. 38.

[19] In recognition of these dynamic changes, we already have instituted rule making proceedings looking toward revision of the national multiple ownership rules ("seven station" rule) and repeal of the network/cable cross-ownership prohibition. *Notice of Proposed Rule Making* in Gen. Docket No. 83–1009, 48 FR 49438, published October 25, 1983; *Notice of Proposed Rule Making* in CT Docket No. 82–434, 47 FR 39212, published September 7, 1982. Similarly, these marketplace changes largely motivated our recent deregulation of the commercial radio service and our pending proposal to deregulate the commercial television service. *Report and Order* in BC Docket No. 79–219, 84 FCC 2d 968 (1981), *recon. granted in part* 87 FCC 2d 797 (1981), *aff'd. in part and remanded in part sub non. Office of Communication of the United Church of Christ* v. *FCC*, 707 F.2d 1413 (D.C. Cir. 1983); *Notice of Proposed Rule Making* in MM Docket No. 83–670, 48 FR 37239, published August 17, 1983.

[20] *See First Report and Order* in Docket No. 20548, 63 FCC 2d 824, 827 (1977). *See also First Report and Order* in Docket No. 18110, 22 FCC 2d 306, 307 (1970).

[21] *Report and Order* in Docket No. 20642, 78 FCC 2d 1345 (1980), *recon. denied*, 48 R.R. 2d 1077 (1980), *aff'd sub nom. Loyola University v. FCC*, 670 F.2d 1222 (D.C. Cir. 1982).

[22] *Supra* note 14.

[23] *Supra* note 12.

[24] FCC Public Notice, Mimeo No. 327, October 24, 1983.

programing to subscribers by use of the fixed satellite band.[25] Further competition can be expected from satellite master antenna systems, conventional multipoint distribution systems and subscription television stations in certain markets, and other distribution services. Accordingly, we request comments concerning the impact of this continuing growth of both broadcast and nonbroadcast outlets on the diversity of voices and levels of competition in modern telecommunications market and whether changes in this regard warrant elimination or substantial relaxation of our regional concentration requirements.[26]

23. Given this significant increase in the number of media outlets, as well as the arbitrary results and clear costs associated with the regional ownership provisions, our initial judgment is that the rule should be repealed. However, to the extent that commenting parties recommend relaxation rather than elimination of the rule, they should explicitly address the question of how the rule should be changed and what effect the proposed changes are expected to have. We also solicit information concerning the effect of our Commission ownership constraints, such as the "duopoly" and "one-to-a-market" rules, on the continued need for regional concentration of control provisions. Similarly, we seek comments on whether and to what extent non-Commission restrictions on concentration of control such as the antitrust laws, should affect our decision. In this connection, we specifically request comment on NAB's suggestion that the antitrust laws and the marketplace itself are better suited to redressing any concentration concerns that might arise if there are still situations where the general growth in media outlets has not yet produced adequately competitive or diverse markets.

24. Commenters are also invited to address the nature and extent of the costs imposed by regional ownership limitations, particularly those which may be adversely affecting our diversity and competition goals. In this connection, we specifically direct the attention of commenting parties to the possible economies of scale which may be lost by continued application of regional ownership constraints and the effect these "opportunity costs" might have on impeding the expansion of diversity and competition. Similarly, parties should address the impact of such constraints in preventing the expansion of existing facilities, thus frustrating the extension of new service.

Administrative Matters

25. Accordingly, it is ordered, that the Petition for Rule Making (RM–4564) filed by the National Association of Broadcasters is granted.

26. This action is taken pursuant to the authority contained in Sections 4(i) and (j), 303 and 313 of the Communications Act of 1934, as amended.

27. Pursuant to procedures set out in § 1.415 of the Commission's Rules, interested parties may file comments on or before February 21, 1984, and reply comments on or before March 7, 1984. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

28. In accordance with the provisions of § 1.419 of the Rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All timely comments will be considered, regardless of the number of copies submitted. In any event, all comments must contain reference to the appropriate docket number (MM Docket No. 84–19). All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 "M" Street NW., Washington, D.C. 20554. For general information on how to file comments, please contact the FCC Consumer Assistance and Small Business Division at (202) 632–7000.

29. As required by Section 603 of the Regulatory Flexibility Act, the FCC has prepared an initial regulatory flexibility analysis ("IRFA") of the expected impact on small entities of the proposals advanced herein. The IRFA is set forth in Appendix "C". Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the regulatory flexibility analysis. The Secretary shall cause a copy of this *Notice*, including the initial regulatory flexibility analysis, to be sent to the Chief Counsel for Advocacy of the Small Business Administration, as required by Section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 50 U.S.C. 601 *et seq.*, (1981)).

30. For purposes of this nonrestricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a Public Notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments and formal oral arguments) addressing the merits of a pending proceeding and containing matters not fully covered in any previously filed written comments for the proceeding. Any person who submits a written *ex parte* presentation must submit a copy of that presentation to the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation must prepare a written summary of it which must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. *See generally*, § 1.231 of the Commission's Rules.

31. For further information regarding this proceeding, contact Andrew J. Rhodes, Mass Media Bureau, (202) 632–7792.

[25] *See GTE Satellite Corporation*, 90 FCC 1009 (1982), *recon. denied, FCC 83–271, released June 23, 1983. See also Satellite Business System*, FCC 83–403, released November 2, 1983.

[26] Various methodologies have been suggested concerning the means we might use to gauge levels of diversity and competition for purposes of reevaluating our ownership rules. *See, e.g., Notice of Proposed Rule Making* in Gen. Docket No. 83–1009, 48 FR 49438, published October 25, 1983; and *Notice of Proposed Rule Making* in CT Docket No. 82–434, 47 FR 39212, published September 7, 1982. *See also* J. D. Levy and F.O. Setzer, *Measurement of Concentration in Home Video Markets*, FCC Office of Plans and Policy, December 23, 1982. Parties are invited to consider the suitability of these approaches, as well as others, in the context of our regional concentration proposals.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A

List of Commenters

American Broadcasting Companies, Inc., Beasley Broadcasting Corporation, Citizens Communications Center, Great Trails Broadcasting Corporation, Knight Quality Stations, National Radio Broadcasters Association, Viacom International, Inc.

Joint Statement of: Forward Communications Corporation, Group One Broadcasting Company, May Broadcasting Company, Ralph C. Wilson Industries, Inc., Wilson Communications, Inc., WKRG–TV, Inc.

Appendix B

The "Three-Station Regional Concentration Rule"

Sections 73.35(b) (1) and (2) [AM], 73.240(a) (2) and (3) [FM], and 73.636(a) (2) and (3) [TV] of the Commission's Rules provide:

"No license for an AM [FM] [television] broadcast station shall be granted to any party (including all parties under common control) if such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other AM [FM] [television] broadcast station if the grant of such license would result in a concentration of control of AM [FM] [television] broadcasting in a manner inconsistent with the public interest, convenience or necessity. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers or directors of . . . three broadcast stations in one or several services, where any two are within 100 miles of the third (measured city to city), if there is primary contour overlap of any of the stations."

"The reference points which shall be used for city-to-city measurements are those listed in the Index to the *National Atlas of the United States of America*, United States Department of the Interior, Geological Survey, Washington, D.C., 1970. (Future editions will supersede). In the case of any community of license which is not referenced by the National Atlas, such as a newly established community, the point of reference shall be the main post office until such town is referenced. The National Atlas is available for reference at most public libraries and at the FCC in Washington."

Note 11: For the purposes of the three station regional concentration provision of this section, (a) an application raising a regional concentration of control issue which involves overlap of or by one or more UHF television stations will be treated on a case-by-case basis, consistent with the precedents of UHF determinations made under the one-to-a-market proscriptions of this section, and (b) AM and FM broadcast stations licensed to communities which are within 15 miles (city reference point to reference point) and/or within the same urbanized area (as mapped by the U.S. Bureau of the Census), will be considered as a combination and counted as one station."

Appendix C

Initial Regulatory Flexibility Analysis

I. *Reason for Action.* Based on its experience in administering the regional concentration of control rule, the Commission believes that a rule making proceeding is warranted to determine the extent of problems associated with the present rule, as well as whether there is still a need for any type of regional ownership restraints. Specifically, the rule is arbitrary and does not appear to have produced rational results in the cases. Additionally, it may actually work against enhancing diversity of viewpoints and increasing levels of competition by imposing unnecessary costs on the broadcast industry. Moreover, the significant changes in the telecommunications marketplace, particularly the availability of many new broadcast and non-broadcast voices, raises the question of whether the marketplace itself is achieving the goals of the rule.

II. *Objectives.* The Commission seeks to review the benefits and detriments of the present regional concentration of control rule, with particular attention to the question of whether the instant rule has been effective in achieving its goals. Further, the Commission seeks to determine whether the increased levels of competition and diversity of viewpoints within telecommunications markets warrant repeal or substantial relaxation of our regional concentration requirements.

III. *Legal Basis.* The action taken by the *Notice* is authorized by Sections 4 (i) and (j), 303 and 313 of the Communications Act of 1934, as amended.

IV. *Description, Potential Impact and Number of Small Entities Affected.* Adoption of the proposals set forth in this *Notice* would permit increased multiple ownership of commercial AM, FM and television stations on a regional basis. Under the present rule, the common ownership, operation, or control of a third AM, FM or television station is prohibited if such station is located within 100 miles of two other stations and there is primary service contour overlap between any of the stations. A substantial number of existing broadcast stations potentially subject to this rule are small entities. However, the impact of either repeal or relaxation of the rule on those stations owned by small entities is not known. In any event, the Commission believes that several benefits to all broadcasters, including small entities, may flow from this proposal. For example, repeal or relaxation of the rule may permit broadcasters to realize certain economies of scale which, in turn, may result in greater efficiency and increased programming.

V. *Recording, Record Keeping and Other Compliance Requirements.* The proposed repeal or relaxation of the rule would eliminate the need for broadcasters, including small entities, to file for waiver of the rule. It is estimated that approximately 712 long-form broadcast applications raise regional concentration issues each year.

VI. *Federal Rules which Overlap, Duplicate or Conflict with this Rule.* None.

VII. *Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with the Stated Objective.* None other than those advanced in the *Notice.*

Dissenting Statement of Commissioner Henry M. Rivera

Re: Notice of Proposed Rulemaking Regarding Repeal of the Regional Concentration of Control Rules

I dissent to the issuance of this NPRM because it portends considerable further erosion [1] of the FCC's longstanding and meritorious broadcast ownership diversification objectives without substantial countervailing public interest benefits.[2] Had the NPRM

[1] *See generally Notice of Proposed Rulemaking*, FCC 83-440, —— FCC 2d ——, 48 FR 49438, 49453–55 (Oct. 25, 1983) (Dissenting Statement of Commissioner Henry M. Rivera).

[2] For example, the Notice's suggestion that without the rule broadcasters are likely to produce more programming is speculative at best. The argument that if the rule is repealed existing broadcasters may activate unused allocations is similarly unpersuasive as a justification for repealing the rule. There is no dearth of applicants for radio and television authorizations and, thus, no inducement is needed on this score.

seriously analyzed alternatives to the current rules short of repeal, I could have agreed in principal with its issuance.[3] However, the Notice makes plain that the outcome of this proceeding is almost certainly the elimination of the regional concentration rules. That being the case, I cannot endorse it. Perhaps the commenting parties will persuade me that the FCC's prior commitment to maximizing diffusion of broadcast ownership will not be seriously compromised if these rules are repealed, but I remain to be convinced.

[FR Doc. 84-1691 Filed 1-19-84; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Pending Petitions and Description of Progress on Listing Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of findings on pending petitions and description of progress on listing actions.

SUMMARY: The Service announces its findings on pending petitions to revise the lists of endangered and threatened plant and animal species. Provisions of the Endangered Species Act Amendments of 1982 (Amendments) required that these findings be made within one year of the effective date of the Amendments. This notice also includes a summary of the Service's progress in revising the lists since passage of the Amendments.

DATE: The findings described in this notice were made on October 13, 1983. The description of the Service's progress in revising the lists is current as of that same date.

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: Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the lists of endangered and threatened wildlife and plants that contains substantial scientific or commercial information, findings be made within 12 months of the date of receipt of the petition. Provisions at Section 2(b)(1) of the Amendments require that petitions pending on the date of enactment of the Amendments (hereafter called pending petitions) be treated as having been filed on that date. Findings (hereafter called 12-month findings) on these petitions were therefore made on October 13, 1983. This notice reports these findings and describes the Service's progress in revising the lists of endangered and threatened wildlife and plants during the year following the enactment of the Amendments.

Findings

The petitioned actions that are the subjects of this notice are those for which a previous determination had been made that the petition contained substantial scientific or commercial information indicating that the petitioned action may be warranted. Some of these determinations were made and announced in the **Federal Register** before the enactment of the Amendments. The remainder of these determinations were announced in the **Federal Register** on February 15, 1983 (48 FR 6752-6753).

Subsequent to the February 15, 1983, **Federal Register** notice, the Service has determined that the petition for designation of critical habitat for the Higgins' eye pearly mussel is not a petition requiring published findings under the Act. The petition review provision in Section 4(b)(3)(D) of the Act applies to petitions to revise existing critical habitat, not to petitions to designate critical habitat in the first instance (see proposed Section 4 regulations, 48 FR 36062 (August 8, 1983) proposed to be codified at 50 CFR 424.14(d)). Although further published findings under the Act on this particular petition are therefore unnecessary, it has nevertheless been considered as a general petition for rule under the Administrative Procedure Act (5 U.S.C. 553). The Service has determined that such designation would be inappropriate in this case, and has so informed the petitioner.

Section 4(b)(3)(B) of the Act requires that the Service make one of the following 12-month findings on each petition containing substantial information: (i) The petitioned action is not warranted; (ii) the petitioned action is warranted and the petitioned action will be proposed promptly; or (iii) the petitioned action is warranted but precluded by other efforts to revise the lists, and expeditious progress is being made in listing and delisting species.

Petitioned actions found to be warranted ((ii) above) will be the subjects of proposals that will be published soon or have already been published in the **Federal Register.** Findings of "not warranted" and "warranted but precluded" ((i) and (iii) above, respectively) for pending petitions are reported here.

The Service's 12-month findings of "not warranted" or "warranted but precluded" on pending petitions on animal taxa are given in Table 1. Petitioned actions that are found to be not warranted are indicated by the word "No" in the "Warranted?" column opposite the name of the affected species. Species that are the subjects of petitioned actions that are found to be warranted but precluded are designated with either "Yes"or "Yes*" in the "Warranted?" column. ("Yes" and "Yes*" correspond to categories 1 and 2. respectively, in the general animal notices of review. The general notice for vertebrate animals was published on December 30, 1982 (47 FR 58454-58460), and can be consulted on the definitions of these category designations. The general notice on invertebrate animals is currently being prepared.)

In the case of the petitions for the bobcat *(Lynx rufus)* and the river otter *(Lutra canadensis)*, reported as "not warranted," the Service has considered available information and existing regulatory mechanisms (such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora) and believes that listing action under Section 4(a) of the Act is not warranted at this time. An additional finding of "warranted but precluded" is made herein in the case of 58 foreign bird species for which listing was petitioned in 1980 by Dr. Warren B. King, Chairman, United States Section, International Council for Bird Preservation. The Service published a notice of review for these species on May 12, 1981 (46 FR 26464). Readers should refer to that notice for the names of the species involved. Publication of a proposal to list these species is planned during the present fiscal year (ending September 30, 1984).

[3] While a persuasive case for outright repeal has not been made, few rules cannot be improved by periodic reexamination, and these are probably no exception.

TABLE 1.—12 MONTH FINDINGS ON PENDING PETITIONS ON ANIMAL SPECIES.

Species	Petitioner	Date	Status review	Warranted
Muscular sponge, *Anheteromeyenia biceps*	Ronald M. Cowden	June 17, 1974	Apr. 22, 1975 (40 FR 17764)	No.
Carolina sponge, *Corvomeyenia carolinensis*	do	do	do	Yes.*
Oklawaha sponge, *Dosilia palmeri*	do	do	do	Yes.*
Kissimmee sponge, *Ephydatia subtilis*	do	do	do	Yes.*
Pennsylvania sponge, *Heteromeyenia longistylis*	do	do	do	Yes.*
Oneida sponge, *Spongilla heterosclerite*	do	do	do	Yes.*
Spongy sponge, *Spongilla spongiosa*	do	do	do	No.
Central Missouri cave amphipod, *Allocrangonyx hubrichti*	National Speleological Society	Sept. 9, 1974	Apr. 28, 1975 (40 FR 18476)	Yes.*
Oklahoma cave amphipod, *Allocrangonyx pellucidus*	do	do	do	Yes.*
Kansas well amphipod, *Bactrurus hubrichti*	do	do	do	No.
Anomalous spring amphipod, *Crangonyx anomalus*	do	do	do	No.
Appalachian Valley cave amphipod, *Crangonyx antennatus*	do	do	do	No.
Pennsylvania cave amphipod, *Crangonyx dearolfi*	do	do	do	Yes.*
Hobb's cave amphipod, *Crangonyx hobbsi*	do	do	do	Yes.*
Minor cave amphipod amphipod, *Crangonyx minor*	do	do	do	No.
Packard's cave amphipod, *Crangonyx packardi*	do	do	do	No.
Illinois cave amphipod, *Gammarus acherondytes*	do	do	do	Yes.*
Bousfield's amphipod, *Gammarus bousfieldi*	do	do	do	Yes.*
Noel's amphipod, *Gammarus desperatus*	do	do	do	Yes.*
Diminutive amphipod, *Gammarus hyalleloides*	do	do	do	Yes.*
Pecos amphipod, *Gammarus pecos*	do	do	do	Yes.*
Allegheny cave amphipod, *Stygobromus (=Stygonectes) alleghenyensis.*	do	do	do	No.
Tidewater interstitial amphipod, *Stygobromus (=Apocrangonyx) araeus.*	do	do	do	Yes.*
Arizona cave amphipod, *Stygobromus arizonensis*	J. Holsinger	July 12, 1974	do	Yes.*
Balcones cave amphipod, *Stygobromus (=Stygonectes) balconis*	National Speleological Society	Sept. 9, 1974	do	Yes.*
Barr's cave amphipod, *Stygobromus (=Stygonectes) barri*	do	do	do	Yes.*
Bifurcated cave amphipod, *Stygobromus (=Stygonectes) bifurcatus*	do	do	do	Yes.*
Bowman's cave amphipod, *Stygobromus (=Stygonectes) bowmani*	do	do	do	Yes.*
Clanton's cave amphipod, *Stygobromus (=Stygonectes) clantoni*	do	do	do	Yes.*
Burnsville Cove cave amphipod, *Stygobromus (=Stygonectes) conradi.*	do	do	do	Yes.*
Cooper's cave amphipod, *Stygobromus (=Stygonectes) cooperi*	do	do	do	Yes.*
Cascade Cave amphipod, *Stygobromus (=Stygonectes) dejectus*	do	do	do	Yes.*
Elevated spring amphipod, *Stygobromus (=Stygonectes) elatus*	do	do	do	Yes.*
Greenbriar Cave amphipod, *Stygobromus (=Stygonectes) emarginatus.*	do	do	do	Yes.*
Ephemeral cave amphipod, *Stygobromus (=Apocrangonyx) ephemerus.*	do	do	do	Yes.*
Central Kentucky cave amphipod, *Stygobromus exilis*	do	do	do	No.
Ezell's Cave amphipod, *Stygobromus (=Stygonectes) flagellatus*	do	do	do	Yes.*
Shenandoah Valley cave amphipod, *Stygobromus (=Stygonectes) gracilipes.*	do	do	do	No.
Grady's cave amphipod, *Stygobromus gradi*	J. Holsinger	July 12, 1974	do	Yes.*
Devil's Sinkhole amphipod, *Stygobromus (=Stygonectes) hadenoecus.*	National Speleological Society	Sept. 9, 1974	do	Yes.*
Hara's cave amphipod, *Stygobromus harai*	J. Holsinger	July 12, 1974	do	Yes.*
Amphipod (no common name), *Stygobromus heteropodus*	National Speleological Society	Aug. 9, 1974	do	Yes.*
Malheur Cave amphipod, *Stygobromus hubbsi*	J. Holsinger	July 12, 1974	do	Yes.*
Tidewater amphipod, *Stygobromus (=Stygonectes) indentatus*	National Speleological Society	Sept. 9, 1974	do	Yes.*
Iowa amphipod, *Stygobromus iowae*	do	do	do	No.
Long-legged cave amphipod, *Stygobromus (=Stygonectes) longipes.*	do	do	do	Yes.*
Rubious cave amphipod, *Stygobromus (=Apocrangonyx) Lucifugus*	do	do	do	No.
Mackenzie's cave amphipod, *Stygobromus mackenziei*	J. Holsinger	July 12, 1974	do	Yes.*
Southwestern Virginia cave amphipod, *Stygobromus mackini*	National Speleological Society	Sept. 9, 1974	do	No.
Mountain cave amphipod, *Stygobromus (=Stygonectes) montanus*	do	do	do	Yes.*
Morrison's cave amphipod, *Stygobromus (=Stygonectes) morrisoni*	do	do	do	Yes.*
Bath County cave amphipod, *Stygobromus (=Stygonectes) mundus*	do	do	do	Yes.*
Norton's cave amphipod, *Stygobromus (=Apocrangonyx) nortoni*	do	do	do	Yes.*
Onondaga cave amphipod, *Stygobromus onondagaensis*	do	do	do	Yes.*
Oregon cave amphipod, *Stygobromus oregonensis*	J. Holsinger	July 12, 1974	do	No.
Ozark cave amphipod, *Stygobromus (=Stygonectes) ozarkensis*	National Speleological Society	Sept. 9, 1974	do	Yes.*
Minute cave amphipod, *Stygobromus (=Apocrangonyx) parvus*	do	do	do	Yes.*
Peck's cave amphipod, *Stygobromus (=Stygonectes) pecki*	do	do	do	Yes.*
Pizzini's cave amphipod, *Stygobromus (=Stygonectes) pizzinii*	do	do	do	Yes.*
Wisconsin well amphipod, Stygobromus putealis	do	do	do	Yes.*
Reddell's cave amphipod, *Stygobromus (=Stygonectes) reddelli*	do	do	do	Yes.*
Alabama well amphipod, *Stygobromus smithi*	do	do	do	Yes.*
Spring cave amphipod, *Stygobromus (=Stygonectes) spinatus*	do	do	do	Yes.*
Stellmack's cave amphipod, *Stygobromus (=Stygonectes) stellmacki.*	do	do	do	Yes.*
Subtle cave amphipod, *Stygobromus (=Apocrangonyx) subtilis*	do	do	do	Yes.*
Potomac groundwater amphipod, *Stygobromus (=Stygonectes) tenuis potomacus.*	do	do	do	No.
Wengerors' cave amphipod, *Stygobromus wengerorum*	J. Holsinger	July 12, 1974	do	Yes.*
Palm Springs cave crayfish, *Procambarus acherontis*	National Speleological Society	Sept 9, 1974	do	Yes.*
Texas cave shrimp, *Palaemonetes antrorum*	do	do	do	Yes.*
Squirrel Chimney cave shrimp, *Palaemonetes cummingi*	do	do	do	Yes.*
Alabama cave shrimp, *Palaemonias alabamae*	do	do	do	Yes.*
Columbia River tiger beetle, *Cicindela columbica*	Gary Shook	Dec. 15, 1979	Mar. 3, 1980 (45 FR 13786)	Yes.*
Wilbur Springs shore bug, *Saldula usingeri*	A. Andrade, Friends of Wilbur	Mar. 7, 1979	July 25, 1979 (44 FR 43709)	No.
Uncompaghre fritillary butterfly, *Boloria acrocnema*	Lawrence F. Gall	Nov. 5, 1979	Feb. 6, 1980 (45 FR 8029)	Yes.*
Florida atala butterfly, *Eumaeus atala florida*	Jo Brewer	Oct. 23, 1974	Mar. 20, 1975 (40 FR 12691)	No.
Bay checkerspot butterfly, *Euphydryas editha bayensis*	Bruce A. Wilcox, Dennis D. Murphy, and Paul R. Ehrlich.	Oct. 21, 1980	Feb. 13, 1981 (46 FR 43709)	Yes.*
Mitchell's woodsatyr butterfly, *Neonympha (Euptychia) mitchellii*	R. Charles	Nov. 19, 1974	Mar. 20, 1975 (40 FR 17757)	No.
Atossa fritillary butterfly, *Speyeria adiaste atossa*	Jo Brewer	Oct. 23, 1974	Mar. 20, 1975 (40 FR 17757)	No.
Weist's sphinx moth, *Euproserpinus weisti*	Karolis Bagdonas	Jan 26, 1981	June 26, 1981 (46 FR 33063)	Yes.*
San Francisco tree lupine moth, *Grapholitha edwardsiana*	Richard A. Arnold and Jerry A. Powell	Dec. 12, 1982	Feb. 15, 1980 (48 FR 6752)	Yes.*
Bliss Rapids snail, Hydrobiidae (species and genus undescribed)	Peter A. Bowler	Feb. 07, 1980	Apr. 23, 1980 (45 FR 27723)	Yes.*

TABLE 1.—12 MONTH FINDINGS ON PENDING PETITIONS ON ANIMAL SPECIES.—Continued

Species	Petitioner	Date	Status review	Warranted
Snake River physa snail, *Physa* sp.	....do	....do	....do	Yes.*
Ozark cavefish, *Amblyopsis rosea*	Missouri Department of Conservation	July 23, 1982	Dec. 30, 1982 (47 FR 58454)	Yes.*
Niangua darter, *Etheostoma nianguae*	Ozarks Endangered Species Task Force	Dec. 10, 1980	Apr. 19, 1981 (46 FR 21208)	Yes.*
Shoshone sculpin, *Cottus greenei*	P.A. Bowler	Dec. 13, 1979	Mar. 26, 1980 (45 FR 19853)	Yes.*
Bonneville cutthroat trout, *Salmo clarki utah*	P.G. Sanchez, Desert Fishes Council	Oct. 23, 1979	Mar. 26, 1980 (45 FR 19857)	Yes.*
Marianas crow, *Corvus kubaryi*	Internat. Counc. Bird Preservation	Nov. 24, 1980	May 12, 1981 (46 FR 26464)	Yes.*
Marianas fruit dove, *Ptilinopus roseicapillus*	....do	....do	....do	Yes.*
Rufous-fronted fantail, *Rhipidura rufifrons uraniae*	Paul M. Calvo, Governor of Guam	Dec. 23, 1981	Dec. 30, 1982 (47 FR 58454)	Yes.*
Marianas gallinule, *Gallinula chloropus guami*	Internat. Counc. Bird Preservation	Nov. 24 1980	May 12, 1981 (46 FR 26464)	Yes.*
Tule white-fronted goose, *Anser albifrons elgasi*	....do	....do	....do	No.
Puerto Rican sharp-shinned hawk, *Accipiter striatus venator*	....do	....do	....do	Yes.*
Puerto Rican broad-winged hawk, *Buteo platypterus brunnescens*	....do	....do	....do	Yes.*
Guam Micronesian kingfisher, *Halcyon cinnomomina cinnomomina*	....do	....do	....do	Yes.*
Truk monarch, *Metabolus rugensis*	....do	....do	....do	Yes.*
Ponape short-eared owl, *Asio flameus ponapensis*	Internat. Counc. Bird Preservation	Nov. 24, 1980	May 12, 1981 (46 FR 26464)	Yes.*
Virgin Islands screech owl, *Otus nudipes newtoni*	....do	....do	....do	Yes.*
Palau blue-faced parrotfinch, *Erythrura trichroa pelewensis*	....do	....do	....do	Yes.*
Palau Nicobar pigeon, *Caloenas nicobarica pelewensis*	....do	....do	....do	Yes.*
Radak Micronesian pigeon, *Ducula oceanica raatakensis*	....do	....do	....do	Yes.*
Truk Micronesian pigeon, *Ducula oceanica teraoki*	....do	....do	....do	Yes.*
Guam rail, *Rallus owstoni*	....do	....do	....do	Yes.*
Amak song sparrow, *Melospiza conspicillata rotensis*	....do	....do	....do	Yes.*
Interior least tern, *Sterna albifrons athalasso*	Oklahoma Ornithological Society	Nov. 17, 1975	Dec. 30, 1982 (47 FR 58454)	Yes.*
Arizona Bell's *vireo Vario bellii arizonae*	James M. Graves	Nov. 8, 1979	Feb. 8 1980 (45 FR 8030)	No.
Least Bell's vireo, *Vireo bellii pusillus*	....do	....do	....do	Yes.*
Truk greater white-eye, *Rukia ruki*	Internat. Counc. Bird Preservation	Nov. 24 1980	May 12, 1981 (46 FR 26464)	Yes.*
Rota bridled white-eye, *Zosterops conspicillata rotensis*	....do	....do	....do	Yes.*
Palau white-breasted woodswallow, *Artamus leucorhynchus pelewensis.*	....do	....do	....do	Yes.*
Bobcat, *Lynx rufus*	Defenders of Wildlife	Jan. 20, 1977	July 13, 1977 (42 FR 35996)	No.
Woodland caribou, *Rangifer tarandus montanus*	Jan Strobeck, C.E. Knoder, W.D. Carrier and J. M. Coniey.	Oct. 24, 1982	Feb. 09, 1981 (46 FR 11567)	Yes.*
Marten, *Martes americana americana*	Sierra Club	June 25, 1975	Aug. 25, 1976 (41 FR 35855)	No.
Choctawhatchee beach mouse, *Peromyscus polionotus allophrys*	S. R. Humphrey	June 16, 1982	Oct. 6, 1982 (47 FR 44125)	Yes.*
Alabama beach mouse, *Peromyscus polionotus ammobates*	D. C. Holliman	Nov. 2, 1982	Dec. 30, 1982 (47 FR 58454)	Yes.*
Perdido Key beach mouse, *Peromyscus polionotus trissyllepsis*	S. R. Humphrey	June 16, 1982	Oct. 6, 1982 (47 FR 44125)	Yes.*
River otter, *Lutra canadensis*	Fund for Animals	Apr. 11, 1977	July 28, 1977 (42 FR 38395)	No.
Silver rice rat, *Oryzomys argentatus*	Center for Action on Endangered Species.	Apr. 12, 1980	July 14, 1980 (45 FR 47365)	Yes.*

"Not warranted" and "warranted but precluded" findings for pending plant petitions are announced in this notice by categories; their application to individual taxa is published in a supplementary plant notice of review in the November 28, 1983, **Federal Register** (48 FR 53640–53670). The plant notice category number opposite the name of each taxon that is the subject of a pending petition indicates the Service's finding on that taxon. Findings of "not warranted" on the petitioned action are hereby reported by the designation of subcategories 3A, 3B, or 3C for such taxa. Findings of "warranted but precluded" are hereby reported by the designation of category 1, 1*, 1**, 2, or 2* for such subject taxa. The complete definitions of these category numbers are described in the supplement to the 1980 general plant notice (45 FR 82479).

Section 4(b)(3)(C)(i) of the Act requires that a petition found to be warranted but precluded be treated as an accepted petition newly submitted on the date of the finding. A finding on such a petition must then be made again within 12 months of the date of the first 12-month finding.

Progress in Revision of the Lists

Section 4(b)(3)(B)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. The Service's progress in revising the lists since October 13, 1982, the effective date of the Amendments, is described in this section of the present notice. The described activities preclude immediate action on the "warranted but precluded" petitioned actions.

Section 4(g) of the Amendments requires the Service to establish agency guidelines so that revisions of the lists may take place efficiently and effectively. The Service accordingly established listing priority guidelines in a notice published in the **Federal Register** (48 FR 43098–43105) on September 21, 1983. The Service has further complied with Section 4 by proposing (48 FR 36062–36069; published August 8, 1983) to revise listing procedures to comply with the Amendments. A final rule establishing these procedures is now being prepared for publication in the **Federal Register**.

The Service's progress in revising the lists during the 12-month period following the effective date of the Amendments is represented by the publication in the **Federal Register** of final listing actions on 28 species, proposed listing actions on 83 species, and emergency listings on 8 species. The number of species affected by each type of listing action published during this period is presented in Table 2.

TABLE 2—LISTING ACTIONS DURING THE 1-YEAR PERIOD FOLLOWING THE EFFECTIVE DATE OF THE ENDANGERED SPECIES ACT AMENDMENTS OF 1982

Type of action	Number of species affected
Final endangered status with critical habitat	6
Emergency endangered status with critical habitat	2
Emergency endangered status	3
Final endangered status	6
Final threatened status	12
Proposed change from threatened to endangered status	1
Proposed endangered status with critical habitat	12
Proposed threatened status with critical habitat	3
Proposed endangered status	45
Proposed threatened status	14
Final change from endangered and threatened to threatened by similarity of appearance	1
Proposed change from endangered to threatened status	2
Final removal from lists	3
Proposed removal from lists	6

As of October 13, 1983, the Service's Washington Office of Endangered Species was also reviewing documents that would propose or make final listing actions on 95 species. The type of action and numbers of affected species are given in Table 3.

TABLE 3.—POSSIBLE LISTING ACTIONS FOR WHICH THE SERVICE WAS REVIEWING DRAFT DOCUMENTS ON OCTOBER 13, 1983

Type of action	Number of species affected
Final endangered status	3
Final threatened status with critical habitat	2
Final threatened status	1
Proposed endangered status with critical habitat	58
Proposed threatened status with critical habitat	13
Proposed endangered status	5
Proposed threatened status	3
Proposed change from threatened to threatened by similarity of appearance	1
Final removal from lists	1
Proposed removal from lists	6
Final designation of critical habitat	2

The Service has also identified 173 species for which listing documents are to be developed during the fiscal year beginning October 1, 1983. The numbers of species affected and types of listing actions are given in Table 4. The Service anticipates that listing actions in addition to these will be identified during the fiscal year.

TABLE 4.—POSSIBLE LISTING ACTIONS FOR WHICH THE SERVICE EXPECTS TO DEVELOP DRAFT LISTING DOCUMENTS DURING THE FISCAL YEAR BEGINNING OCTOBER 1, 1983

Type of action	Number of species affected
Final endangered status with critical habitat	14
Final endangered status	20
Final threatened status with critical habitat	2
Final threatened status	5
Proposed endangered status with critical habitat	13
Proposed threatened status with critical habitat	5
Proposed endangered status	82
Proposed threatened status	4
Proposed change from endangered to threatened status	15
Final removal from lists	1
Proposed removal from lists	12

The Service has also funded status surveys for 29 species during the 12-month period following passage of the Amendments. These surveys are designed to gather any additional data needed to make a determination on whether the subject species are eligible for protection under the Act.

The general plant and animal notices of review are important tools for gathering data on species that are candidates for listing and informing interested parties of the Service's general views on the status of present and past candidate species. A general notice on vertebrate animals was published on December 30, 1982 (47 FR 58454–58460). A supplemental general notice on plants was published on November 28, 1983 (48 FR 53640–53670). The Service will soon publish the first general notice of review on invertebrate animals.

Provisions of the Amendments that address the handling of petitions have made it necessary for the Service to implement extensive new procedures for conforming to deadlines and making findings on petitions. These internal procedures have been developed during the 12 months since the effective date of the Amendments and have been set down by the Service in an interim document entitled *Petition Management Guidelines*, which is available from the Service on request (see **"FOR FURTHER INFORMATION CONTACT:"** above).

Author

This notice was prepared by Dr. Steven M. Chambers, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240; (703/235–1975).

List of Subjects in 50 CFR Part 17

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

(Pub. L. 93–205, 87 Stat. 884; 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.*))

Dated: January 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84–1210 Filed 1–19–84; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 49, No. 14
Friday, January 20, 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 COMMERCE

International Trade Administration

[C-408-001]

Sodium Gluconate From the European Communities; Preliminary Results of Administrative Review of Suspension Agreement

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of suspension agreement.

SUMMARY: The Department of Commerce has conducted an administrative review of the agreement suspending the countervailing duty investigation on sodium gluconate from the European Communities. The review covers the period June 1, 1982 through October 31, 1982.

As a result of the review, the Department has preliminarily determined that the signatories have complied with the terms of the suspension agreement and that their combined shipments constituted more than 85 percent of the imports of sodium gluconate into the United States from the European Communities during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 20, 1984.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Brian Kelly, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 24411) the final results of its last administrative review and supplement to the agreement suspending the countervailing duty investigation on sodium gluconate from the European Communities ("the EC") (46 FR 58132, November 30, 1981). The Department also announced its intent to conduct the next administrative review. As required by section 751(a)(1) 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 the chemical sodium gluconate from the EC. Such merchandise is currently classifiable under item 437.5250 of the Tariff Schedules of the United States Annotated. The review covers the period June 1, 1982 through October 31, 1982 and two programs: production refunds and export restitution payments. Funds for these programs are provided through the Guidance and Guarantee Fund operated under the Common Agricultural Policy of the EC.

The review covers the original signatory to the agreement, Joh. A. Benckiser GmbH of West Germany, and the supplemental signatory, Akzo Chemie Nederland B. V. of the Netherlands. Akzo did not become subject to the terms of the suspension until June 1, 1983; however, the firm responded to our questionnaire for the period of review.

Analysis of Programs

(1) Production Refunds

The EC provides production refunds to companies involved in the transformation of certain agricultural goods into manufactured products. Dextrose and glucose, ingredients used in the production of sodium gluconate, are manufactured products of corn and potatoes and are eligible for production refunds. Akzo and Benckiser received no production refunds for merchandise shipped to the United States during the period of review.

(2) Restitution Payments

Restitution payments are fixed on a periodic basis and granted when the world price of sodium gluconate is lower than the EC "market" price. Akzo and Benckiser did not apply for or receive export restitution payments or any equivalent payments from the EC for merchandise shipped to the United States during the period of review.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that Akzo and Benckiser have complied with the terms of the suspension agreement for the period June 1, 1982 through October 31, 1982. The agreement can remain in force only so long as shipments covered by the agreement account for at least 85 percent of the exports of such merchandise to the United States. Our information indicates that Akzo and Benckiser accounted for 88 percent of the imports into the United States of EC sodium gluconate during the review period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: January 13, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84-1582 Filed 1-19-84; 8:45 am]
BILLING CODE 3510-DS-M

International Trade Administrative

[Case No. 650]

Arnold I. Mandel, et al.; Order Temporarily Denying Export Privileges

In the matter of: Arnold I. Mandel, P.O. Box 1368, 24763 Restive Way, Grass Valley, California, 95945, Rona K. Link Mandel, a/k/a Rona K. Link, P.O. Box 1368, 24763 Restive Way, Grass Valley, California, 95945, TIRRCO, P.O. Box

1368, 24763 Restive Way, Grass Valley, California, 95945, and 215 Club Drive, San Carlos, California, 94070.

The Department of Commerce (the Department), pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR Parts 368–399 (1983)) (the Regulations), has petitoned the Hearing Commissioner for an order temporarily denying all export privileges to Arnold I. Mandel and Rona K. Link Mandel, also known as Rona K. Link, of Grass Valley, California and their company, TIRRCO, located in Grass Valley and San Carolos, Califoronia (hereinafter collectively referred to as respondents).

The Department states that the respondents are under investigation by the Department's Office of Export Enforcement. The Department states further that its investigation gives it reason to believe: (1) That respondents exported U.S.-origin commodities to the United Kingdom and Hong Kong without authorization from the Department for those exports; (2) that respondents made false and misleading statements to officials of the United States Government in effecting the export of U.S.-origin commodities from the United States to the United Kingdom and Hong Kong by representing on the documents accompanying those exports that the commodites described theron were being exported under a validated export license when in truth and in fact respondents had not obtained a validated export license from the Department authorizing the export of those commodities; (3) that respondents engaged in the unauthorized use of export control documents by seeking to obtain export licences and by obtaining an export license for the purpose of facilitating and effecting the export of U.S.-origin goods other than as set forth in the export license and the export license applications; (4) that respondents exported U.S.-origin commodities with knowledge or reason to know that violations of the Export Administration Act and the Regulations were intended to occur with respect to those exports, and (5) that respondents may attempt further exports contrary to the Regulations, either directly or through the known related parties, unless appropriate action is taken to preclude such attempts.

Based on the showing made by the Department, I find that an order temporarily denying all export privileges to Arnold I. Mandel, Rona K. Link Mandel, and TIRRCO, and to parties related to them, is required in the public interest to facilitate enforcement of the Export Administration Act of 1979, as amended (50 U.S.C. app. Sections 2401–2420 (Supp. V 1981)), and the Regulations and to permit completion of the Department's investigation.

Anyone who is now or may in the future be dealing with the above-named respondents or any related party in transactions that in any way involve U.S.-origin commodities or technical data is specifically alerted to the provisions set forth in Paragraph IV below.

Accordingly, it is hereby Ordered:

I. All outstanding validated export licenses in which respondents or any related party appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexport authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successors. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which respondents are now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services. Those parties now known to be affiliated with at least one of the respondents, and which are accordingly subject to the provisions of this order, are:

CES, 2 Kansas Street, Suite M–8, San Francisco, California 94103

U.S. Equipment Remarketing, Inc., 1230 High Street, #224, Auburn, California 95603

and

P.O. Box 1368, 24763 Restive Way, Grass Valley, California 95945

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest in or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Regulations, the respondents or any related party may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 6716, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceedings initiated against the respondents as a result of the ongoing investigation. A

copy of this order and Parts 387 and 388 of the Regulations shall be served upon the respondents and the above-named related parties.

Dated: January 16, 1984, 11:45 a.m., EST.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 84-1675 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-01-M

Armand Hammer Foundation; Decision on Application for Duty-Free Entry of Scientific Instrument

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.: 83-116. Applicant: The Armand Hammer Foundation, Los Angeles, CA 90024. Instrument: AGA Infrared Equipment. Manufacturer: AGA Infrared Systems AB, Sweden. Intended use: See notice at 48 FR 13215.

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 permits nondestructive examination of concealed or covered artifacts for anthropological research, dating and education. The instrument operates in the 2 to 5 micron region, is temperature sensitive to better than 0.2°C, and capable of displaying a full grey scale equivalent to a range of 2°C. The National Bureau of Standards advises in its memorandum dated November 10, 1983 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. 84-1618 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards; Decision on Application for Duty-Free Entry of Scientific Instrument

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. 83-269. Applicant: National Bureau of Standards, Washington, D.C. 20234. Instrument: Fluorescence Decay Instrument. Manufacturer: Photochemical Research Associates, Inc., Canada. Intended use: See notice at 48 FR 38870.

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 provides high (single-photon) sensitivity (detection of fluorescence lifetimes down to 250 picoseconds) and a pulse-excitation fluorometer which allows determination of fluorescence decays of two (2) or more components. The National Institutes of Health advises in its memorandum dated November 2, 1983 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,

Statutory Import Programs Staff.

[FR Doc. 84-1678 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

State University of New York at Buffalo; Decision on Application for Duty-Free Entry of Scientific Instrument

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. 83-262. Applicant: State University of New York at Buffalo, Buffalo, NY 14260. Instrument: Polarizing Fourier Transform Spectrometer System and Accessories. Manufacturer: SPECAC, Analytical Accessories, Ltd., United Kingdom. Intended Use: See notice on 48 FR 36504.

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 provides null-free spectral analysis at low wavenumbers (10 cm^{-1} or lower) which is in the region of greatest interest to the applicant. The National Bureau of Standards advises in its memorandum dated November 1, 1983 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. 84-1680 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

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 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-279. Applicant: University of California, Davis, Davis, CA 95616. Instrument: Myograph with Electronic Box/Power Supply and Accessories. Manufacturer: J. P. Trading, Denmark. Intended use: See notice at 48 FR 39266.

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 instrument is capable of detecting and recording (simultaneous measurement of circumferential wall tension) the very small forces generated by the smallest blood vessels. The National Institutes of Health advises in its memorandum dated November 23, 1983 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. 84-1681 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Instrument

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. 83-261. Applicant: University of Pennsylvania, Philadelphia, PA 19104. Instrument: Micromanipulator, MS-500. Manufacturer: Max Frankenberger, West Germany. Intended use: See notice at 48 FR 36503.

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 permits penetration of live epithelial cell membranes with minimal vibration in the cell's X-Y plane. The National Institutes of Health advises in its memorandum dated November 2, 1983 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. 84-1677 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Instrument

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.: 83-321. Applicant: University of Utah, Salt Lake City, UT 84112. Instrument: Excimer Laser Pumped Dye Laser System and Accessories. Manufacturer: Lambda Physik, West Germany. Intended use: See notice at 48 FR 47041.

Comments: None. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, was being manufactured in the United States at the time of purchase (January 31, 1983).

Reasons: The foreign instrument provides a combination of the lowest possible amplified spontaneous emission (ASE) and high power. Low (e.g., 0.1 percent) ASE enhances spectral quality. The National Bureau of Standards advises in its memorandum dated November 17, 1983 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 was being manufactured in the United States at the time of purchase.

(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. 84-1679 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

Bicycle Tires and Tubes From Taiwan; Redetermination of Sales at Less Than Fair Value and Suspension of Liquidation

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of redetermination of sales at less than fair value and suspension of liquidation.

SUMMARY: On December 5, 1983, the United States Court of International Trade (The Court) entered an order affirming the remand results and redetermination of sales at less than fair value in the antidumping investigation of bicycle tires and tubes from Taiwan. In accordance with the Court's order, the Department of Commerce (the Department) has directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, except bicycle tires and tubes produced by Nan Kang Rubber and Industrial Corp. (Nan Kang), which are entered, or withdrawn from warehouse, for consumption on or after the day after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice. This case is being referred to the United States International Trade Commission for a determination whether these imports are materially injuring, or are threatening to materially injure, a United States industry.

EFFECTIVE DATE: January 23, 1984.

FOR FURTHER INFORMATION CONTACT: Stuart S. Keitz, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-1769.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1978, the Department of the Treasury published a notice of "Determination of Sales at Not Less Than Fair Value and Discontinuance of Antidumping

Investigation" in the case of Bicycle Tires and Tubes from the Republic of China (43 FR 61066). The determination stated that either no margins, de minimis margins, or margins considered to be minimal were found on sales of the subject merchandise.

The petitioner challenged the determination in court, and on May 12, 1982, the Court remanded the case to the Secretary of Commerce for reevaluation of certain standards applied in reaching the determination, for recalculation of certain deductions and adjustments to purchase price and home market price, and for redetermination of dumping margins, if necessary. The Court's remand did not include Nan Kang, and, as no margins were found for this firm in the original negative determination, Nan Kang is excluded from the redetermination.

On October 11, 1983, the Department issued its remand results and affirmative redetermination. Based on its recalculation, the Department redetermined that certain bicycle tires and tubes from Taiwan were, or were likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended, by the Trade Act of 1974 (19 U.S.C. 160 *et seq.*), and that the weighted-average margins set forth below existed. The remand results and affirmative redetermination of sales at less than fair value were accepted by the petitioner (plaintiff), and the following stipulation was entered with the Court:

(1) Plaintiff accepts the remand results and affirmative redetermination issued on October 11, 1983 except that plaintiff points out and defendant agrees that in addition to the margins of sales at less than fair value set forth for Cheng Shin Rubber Industrial Co., Ltd., Kenda Rubber Tire Corp., Ltd., and Hwa Fong Rubber Industrial Co., Ltd., the affirmative redetermination should include a weighted average of those margins which is to be applied to entries of the subject merchandise from exporters other than the three named producer/exporters except Nan Kang. The parties agree that the weighted average margin for "all other manufacturers/exporters" is 3.65 percent and that the following weighted-average dumping margins exist for Taiwan manufacturers of bicycle tires and tubes:

Manufacturer/exporter	Time period	Margin (percent)
Cheng Shin Rubber Industrial Co., Ltd	9/1/77-2/28/78	1.66
Kenda Rubber Tire Corp., Ltd	9/1/77-2/28/78	7.02
Hwa Fong Rubber Industrial Co., Ltd	9/1/77-2/28/78	3.30
All others except Nan Kang	9/1/77-2/28/78	3.65

(2) If this Court enters an opinion and order affirming the aforementioned remand results and redetermination and the agreement set forth above regarding the weighted average margins for all other Taiwan manufacturers of bicycle tires and tubes except Nan Kang, the International Trade Administration (ITA) shall expedite the publication of the Court's decision in the **Federal Register**, and shall direct the United States Customs Service (a) to suspend liquidation of all bicycle tires and tubes from Taiwan entered, or withdrawn from warehouse, for consumption commencing the day after the date of publication of this Court's decision affirming the remand results and antidumping redetermination; and (b) to require a cash deposit or bond in the amount indicated above for each entry of the subject merchandise for which liquidation is ordered suspended.

On December 5, 1983, the Court affirmed the stipulation and entered an order in accordance therewith.

Scope of the Redetermination

The merchandise covered by the redetermination is pneumatic bicycle tires and tubes of rubber or plastic, whether sold together as units or separately, and currently classifiable under item numbers 772.48 and 772.57 of the *Tariff Schedules of the United States*, respectively.

Suspension of Liquidation

In accordance with the Court's order, we are directing the United States Customs Service to suspend liquidation of all entries of bicycle tires and tubes from Taiwan, except those produced by Nan Kang, which are entered, or withdrawn from warehouse, for consumption, on or after the day after the date of publication of this notice in the **Federal Register**. Except for Nan Kang, the Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to the redetermination exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers exporters	Time period	Weighted-average margin percentage
Cheng Shin Rubber Industrial Co., Ltd	9/1/77-2/28/78	1.66
Kenda Rubber Tire Corp. Ltd	9/1/77-2/28/78	7.02
Hwa Fong Rubber Industrial Co., Ltd	9/1/77-2/28/78	3.30
All other manufacturers/producers/exporters except Nan Kang Rubber and Industrial Corp	9/1/77-2/28/78	3.65

International Trade Commission (ITC) Notification

We will notify the ITC of our redetermination and will refer the case to them for an injury determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to the investigation and redetermination. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. If the ITC determines that such injury does exist, we will issue an antidumping order directing Customs officers to assess an antidumping duty on bicycle tires and tubes from Taiwan, except those produced by Nan Kang, entered or withdrawn from warehouse, for consumption after the suspension of liquidation equal to the amount by which the foreign market value exceeds the United States price. This notice is published pursuant to Court order of December 5, 1983.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

January 10, 1984.

[FR Doc. 84-1712 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Limit on Duty-Free Insular Watches in Calendar Year 1984

On December 5, 1983, the Departments proposed to establish for calendar year 1984 a total quantity of watches and watch movements which may be entered free of duty and shares of this total which may be entered from the Virgin Islands, Guam, and American Samoa (48 FR 54531).

We invited comments on the proposal from interested persons.

We received no comments. Accordingly, the amounts for calendar year 1984 will be as shown in the following table:

Territory	Share
Virgin Islands	3,000,000
Guam	1,200,000
American Samoa	600,000
Total	4,800,00

Richard T. Montoya,

Deputy Assistant Secretary, Territorial and International Affairs, Department of the Interior.

Frank W. Creel,

Acting Director, Statutory Import Programs Staff, Department of Commerce.

[FR Doc. 84-1676 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DS-M

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

National Bureau of Standards

National Voluntary Laboratory Accreditation Program (NVLAP); Establishment

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of formal establishment of a program for accrediting laboratories that test commercial products (paint, paper, and mattresses).

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the formal establishment of a laboratory accreditation program (LAP) for laboratories that test commercial products (Commercial Products LAP). Initially, the LAP will cover test methods for paints and related coatings, paper and paper products, and mattresses. A separate notice appearing in this issue of the **Federal Register** includes the fees for this LAP. Laboratories that are interested in becoming accredited under the Commercial Products LAP may request an application package by contacting the Manager, Laboratory Accreditation, National Bureau of Standards.

DATES: Each laboratory that submits a completed application which is postmarked no later than April 1, 1984, will be included in the first group of laboratories to be evaluated for accreditation. Applications received after that date will be included in subsequent groups as they can be scheduled.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background. This notice is issued in accordance with section 7a.8 of the NVLAP procedures (15 CFR Part 7a). Establishment of this laboratory accreditation program (LAP) for laboratories that test commercial products (Commercial Products LAP) follows the request letter from the International Coalition for Procurement Standards (ICPS) dated March 18, 1983. The ICPS letter identified a number of standards and test methods for paints and related coatings, paper and paper products, and mattresses for initial inclusion in the LAP. Additional standards and test methods have been included based upon requests received after the preliminary finding of need notice which was published on May 20, 1983 (45 FR 22771-22775). The notice annoucing the final finding of need for this LAP was published on October 5, 1983 (48 FR 45448-45453). Other related products, standards and tests methods may be added in response to requests as long as they are covered by the ASTM Book of "Standards for the Purchasing Community" which defines the scope of this LAP. The purpose of the LAP is to nationally recognize laboratories capable of performing tests in accordance with the designated test methods.

Accreditation Process. The accreditation process for this LAP is described below, followed by an appendix of operational information for this LAP.

Dated: January 13, 1984.

Ernest Ambler,

Director, National Bureau of Standards.

Accreditation Process for the Commercial Products LAP

Requesting an Application. Any testing laboratory interested in becoming accredited under this LAP should contact the Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, D.C. 20234, (301) 921-3431. He will send an application package as explained below. All laboratories submitting applications postmarked by April 1, 1984, and accompanied by the requisite fee or purchase order will be scheduled for an initial on-site visit as part of the first group of laboratories considered for accreditation under this LAP. Applications received after this date will be included in subsequent groups of laboratories to be considered for accreditation.

Application Package. The application package includes an application form with a test method selection list and fee schedule, and the Commercial Products LAP Handbook which describes the general requirements for accreditation.

Fees. In a separate notice appearing in this issue of the **Federal Register**, NBS announces the fees for the Commercial Products LAP. The fees notice provides interested laboratories with the information needed to calculate the annual fee associated with the scope of accreditation desired. This fee must be paid before any accreditation decision is made. Also, failure to pay an annual renewal fee will lead to automatic expiration of accreditation at the end of the laboratory's accreditation period.

Enrollment. After payment of the required accreditation fee, the laboratory will be scheduled for an on-site visit and will be notified of any additional written information which must be supplied, and of any applicable proficiency testing requirements which must be completed for the evaluation.

Basic Conditions for Accreditation. To be accredited under the NVLAP procedures, a laboratory must agree in writing to the following conditions:

(1) Be examined and audited, initially and on a continuing basis;

(2) Pay accreditation fees and charges;

(3) Avoid reference by itself and forbid others utilizing its services from referencing its accredited status under NVLAP in consumer media and in product advertising or on product labels, containers, and packaging or the contents therein, or in any other way which might convey the concept of product certification by NBS (Note: A NVLAP accredited laboratory may advertise its accredited status on its letterhead, brochures, and test reports as well as in trade publications and other laboratory services publications.);

(4) Maintain compliance with applicable general and specific criteria and with applicable requirements of the NVLAP procedures (15 CFR Part 7a); and

(5) Participate in proficiency testing that may be required for attaining or maintaining accreditation.

Criteria. The NVLAP general and specific criteria for evaluating laboratories, which are described in sections 7a.19-7a.30 of the NVLAP procedures (15 CFR 7a.19-7a.30), address a laboratory's organizational structure, technical management, professional and ethical business practices, and system for assuring the quality of test results. The criteria also address aspects of a laboratory directly related to the reliable performance of each test method for which the laboratory desires accreditation, including staff competence and training, facilities and equipment, test plans, calibration procedures, recordkeeping,

data handling procedures, and quality control checks and audits.

On-site Visits. Regularly scheduled on-site visits are conducted to assess a laboratory's compliance with the NVLAP criteria. In addition, monitoring visits of limited scope are used to assure that accredited laboratories continue to comply with the criteria or to resolve any testing problems that an accredited laboratory may appear to have. The on-site assessor will conduct an exit interview with the laboratory's management at the conclusion of an on-site visit to summarize the assessor's findings. Each laboratory is notified whenever deficiencies are identified and is given an opportunity to correct those deficiencies before formal accreditation recommendations are prepared for any action is started to revoke accreditation. The laboratory must permit the on-site assessor to review and examine any records or other documents required by the criteria. Also, if a hearing under 5 U.S.C. 556 has been instituted under the NVLAP procedures, the laboratory must permit NBS personnel to review and copy any records or other documents required by the criteria. Failure of the laboratory to cooperate with the on-site assessor will be grounds for the initiation of adverse accreditation action.

Proficiency Testing. Proficiency testing is an integral part of the NVLAP accreditation process. While the existence of facilities, equipment, and personnel which satisfy the criteria indicates a laboratory's overall capability to obtain good results, an analysis of actual test results for certain test methods is also necessary to determine if the overall capability does in fact produce the desired results. A laboratory's failure to participate fully in the conduct of required proficiency testing may also be grounds for the initiation of adverse accreditation action.

Evaluation and Recommendations. An evaluation team composed primarily of peers in the applicable testing areas uses the following information to review each laboratory:

(1) Written information supplied by the laboratory;

(2) Results of proficiency testing; and

(3) Written reports of the assessor regarding on-site visits to the laboratory.

If additional deficiencies are identified beyond those cited during the on-site visit, the laboratory is given written notification of those deficiencies and a reasonable period (ordinarily 30 days) in which to correct or resolve them. After review of the above information and the laboratory's response to any notification of deficiencies, an accreditation recommendation for the laboratory will be made by the evaluation team.

Accreditation Decision. Aided by the recommendation of the evaluation team, a decision is made whether to grant or deny initial accreditation for new laboratories or renewal for currently accredited laboratories. The laboratory is notified by letter of the decision. If accreditation denial is proposed, the notification letter will state the reason.

Appeals. When denial of accreditation is proposed, a laboratory has 30 days from the date of receipt of the notification to request a hearing. The notification will specify to whom a request for a hearing should be sent. If a hearing is not requested, the denial becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Accreditation Period. Laboratories are granted accreditation for one year with individual laboratory anniversary dates occurring on the first of January, April, July, or October. A laboratory will be assigned one of these anniversary dates which is closest to the time that the decision to grant accreditation is made but in no case shall the anniversary date be less than 12 months from the date of the decision.

Accreditation Renewal. Each accredited laboratory is sent a renewal application form before its current accreditation expires (anniversary date). If acted upon promptly by the laboratory, the lead time will be sufficient to complete the renewal evaluation before the current accreditation expires. The laboratory may use the renewal application form to add or drop test methods for the new accreditation period.

Termination. Any accredited laboratory may voluntarily terminate its accreditation at any time. Likewise, an applicant laboratory may voluntarily terminate its application at any time prior to the completion of action on the application. The matter of refunds is covered in section 7a.15 of the NVLAP Procedures (15 CFR 7a.15).

Revocation. If the Director of NBS or designee finds that an accredited laboratory has violated the terms of its accreditation, the Director or his designee may, after consultation with the laboratory, notify that laboratory that he proposes to revoke its accreditation. The laboratory has 39 days in which to appeal a proposed revocation by requesting a hearing. A proposed revocation will specify to whom a request for a hearing should be sent. If a hearing is not requested, the revocation becomes final. If a hearing is requested, it is held pursuant to 5 U.S.C. 556.

Public Notification. Accreditation actions are published in the **Federal Register** within 30 days of such action and in NVLAP quarterly and annual reports.

Compliance with Existing Laws. NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing federal, state, and local statutes, ordinances, or regulations that may be applicable to its operations, including consumer protection and antitrust laws.

Appendix—Operational Information for the Commercial Products LAP

On-site Visits. Regularly scheduled on-site visits will occur every two years. In addition, laboratories will be subject to monitoring visits.

Test Methods. The test methods included in the Commercial Products LAP are listed in the Appendix to the notice of fees for the Commercial Products LAP which appears in this issue of the **Federal Register.** Applicant laboratories may be accredited for one or more of the test methods listed.

Proficiency Testing. NBS recognizes that there may be existing or developing collaborative reference or round-robin testing programs that could be adopted as an integral part of proficiency testing requirements for this LAP. Those parties responsible for such programs are invited to identify themselves and the details of their program for consideration and use as a proficiency testing program for this LAP. Interested parties should contact the Manager, Laboratory Accreditation, NBS, TECH B141, Washington, D.C. 20234; (301) 921–3431. To be accepted for use as a proficiency testing program for this LAP, the program must:

(1) Be ongoing and open to anyone interested in participating;

(2) Issue written reports of its results which include statistical analyses of submitted data and identification of statistical outliers;

(3) Have published descriptions of its programs and procedures which are available to anyone;

(4) Have adequate procedures for the distribution, control, and characterization of testing samples; and

(5) Be willing to provide the identity of participating laboratories and their individual results if they are also participating in the LAP.

NBS may select one or more of these programs for use as a requirement in this LAP. This selection would be based on minimum cost to the laboratories seeking accreditation and availability of

programs to meet the overall needs of the LAP.

[FR Doc. 84-1564 Filed 1-19-84; 8:45 am]
BILLING CODE 3510-13-M

National Voluntary Laboratory Accreditation Program (NVLAP); Fees

AGENCY: National Bureau of Standards, Commerce.

ACTION: Notice of fees for the laboratory accreditation program for commercial products.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Bureau of Standards (NBS) announces the fees for the laboratory accreditation program (LAP) for laboratories that test commercial products (Commercial Products LAP). A separate notice appearing in this issue of the **Federal Register** describes the accreditation process for the Commercial Products LAP. Laboratories that are interested in becoming accredited under this LAP may request an application package by contacting the Manager, Laboratory Accreditation, National Bureau of Standards.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT: John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234; (301) 921-3431.

SUPPLEMENTARY INFORMATION:

Background. In a separate notice in this issue of the **Federal Register**, NBS announced the formal establishment of a laboratory accreditation program (LAP) for laboratories that test commercial products (Commercial Products LAP). Pursuant to section 7a.8 of the NVLAP procedures, notice is hereby given of the fees which the Director of the National Bureau of Standards (NBS) has established for the Commercial Products LAP.

Basis of Fees. NVLAP fees are based on the premise that all operational costs incurred by NBS in evaluating laboratories seeking accreditation are recovered from fees charged to the applicant laboratories. Fees pay for processing applications, preparing evaluation reports and certificates, as well as the work-hours, travel, and per diem costs of assessors involved in the evaluation process. The fees vary depending on the assessment time, which in turn depends on complexity of test methods and frequency of visits to the laboratories.

Administrative Fee. An annual administrative fee of $800 will be charged each participating laboratory. This fee is based on the estimated administrative costs for operating the LAP.

LAP Initiation Fee. This is a one-time fee of $600 for new applicants in this LAP. The fee is based on higher costs for processing new applicants, assisting new applicants and initial assessment.

Test Method Fee. There is a fee associated with each test method. The total cost of test method fees is obtained by summing individual fees for those test methods in which the applicant requests accreditation. Minimum and maximum fees are imposed for this LAP. The total test method fees are limited by a minimum of $600 and a maximum of $3,000. Laboratories already enrolled in other LAPs are not required to pay the minimum for this LAP if they apply for test methods whose fees total less than $600.

Fees for Foreign Laboratories. Foreign laboratories are offered NVLAP accreditation on the same basis and involving the same criteria as is required of domestic laboratories. However, the cost of the assessor's travel time and expenses and the cost of mailing proficiency testing materials outside of the continental United States will be added to the normal fees.

Special Evaluation Fee. For those applicants requiring faster service than the normal evaluation schedule allows, a fee to cover the extra travel and labor expenses to carry out the special evaluation may be charged. Extra fees will be discussed with the applicant before being imposed.

The fee model for the Commercial Products LAP is outlined below.

Dated: January 16, 1984.

Ernest Ambler,

Director, National Bureau of Standards.

Appendix—Commercial Products LAP Fee Model

Administrative Fee: $800.

Initiation Fee: $600.

Total Test Method Fee: The Total Test Method Fee is the sum of the individual test method fees for those test methods in which a laboratory seeks accreditation, except where the minimum or maximum total test method fees apply. The minimum is $600. The maximum is $3,000. The minimum is assessed when the sum of the individual fees is less than that amount. (Note that laboratories already enrolled in other LAPs are not subject to this minimum.) The maximum is assessed when the sum exceeds that amount. The individual test method fees are given in the following table listing the test methods.

TABLE—TEST METHODS FOR COMMERCIAL PRODUCTS LAP

NVLAP code	Test method designation	Short title	Test method fee (dollars)
		Paints and Related Coatings and Materials	
Measurements of Intrinsic Physical Properties			
09/A01	ASTM D56-82	Flash Point by Tag Closed Tester	70
09/A02	ASTM D93-80	Flash Point by Pensky-Martens Closed Tester	70
09/A03	ASTM D153-82	Specific Gravity of Pigments	70
09/A04	ASTM D185-78	Coarse Particles in Pigments, Pastes and Paints	70
09/A05	ASTM D281-31 (1980)	Oil Absorption of Pigments by Spatula Rub-Out	70
09/A06	ASTM D387-81	Color and Strength of Color Pigments With a Mechanical Muller	70
09/A07	ASTM D523-80	Specular Gloss	70
09/A08	ASTM D562-81	Consistency of Paints Using the Stormer Viscometer	70
09/A09	ASTM D1005-51 (1971)	Dry Film Thickness of Organic Coatings	70
09/A10	ASTM D1186-81	Dry Film Thickness of Non-magnetic Coatings Applied to a Ferrous Base	70
09/A11	ASTM D1200-82	Viscosity of Paints, Varnishes, and Lacquers by Ford Viscosity Cup	70
09/A12	ASTM D1210-79	Fineness of Dispersion of Pigment-Vehicle Systems	70
09/A13	ASTM D1212-79	Wet Film Thickness of Organic Coatings	70
09/A14	ASTM D1296-79	Odor of Volatile Solvents and Diluents	70
09/A15	ASTM D1310-82	Flash-Point of Liquids by Tag Open-Cup Apparatus	70
09/A16	ASTM D1400-81	Dry Film Thickness of Non-conductive Coatings Applied to a Nonferrous Metal Base	70
09/A17	ASTM D1475-60 (1980)	Density of Paint, Varnish, Lacquer, and Related Products	70
09/A18	ASTM D1544-80	Color of Transparent Liquids (Gardner Color Scale)	70
09/A19	ASTM D1729-82	Visual Evaluation of Color Differences of Opaque Materials	70

TABLE—TEST METHODS FOR COMMERCIAL PRODUCTS LAP—Continued

NVLAP code	Test method designation	Short title	Test method fee (dollars)
09/A20	ASTM D2244-79	Instrumental Evaluation of Color Difference of Opaque Materials	70
09/A21	ASTM D3278-82	Flash Point of Liquids by Setaflash Closed Tester	70
09/A22	ASTM D3363-74 (1980)	Film Hardness by Pencil Test	70
09/A23	ASTM D3793-79	Low-Temperature Coalescence of Latex Paint Films	70
09/A24	ASTM D4061-81	Specific Luminance of Horizontal Coatings	70
09/A25	ASTM D4212-82	Viscosity by Dip-Type Viscosity	70
09/A26	ASTM E97-82	45- deg, O-deg Directional Reflectance Factor of Opaque Specimens by Broad-Band Filter Reflectometry	70
09/A27	ASTM E308-66 (1981)	Spectrophotometry and Description of Color in CIE 1931 System	70
09/A28	ASTM E313-73	Indexes of Whiteness and Yellowness of Near-White Opaque Materials	70
09/A29	ASTM E430-78	Gloss of High-Gloss Surfaces by Goniophotometry	70
Measurements of Performance and Performance Change			
09/B01	ASTM D279-73 (1979)	Bleeding of Pigments	100
09/B02	ASTM D332-80	Tinting Strength of White Pigments	100
09/B03	ASTM D344-39 (1976)	Relative Dry Hiding Power of Paints	100
09/B04	ASTM D610-68 (1981)	Rusting on Painted Steel Surfaces	100
09/B05	ASTM D659-80	Chalking of Exterior Paints	100
09/B06	ASTM D660-44 (1981)	Checking of Exterior Paints	100
09/B07	ASTM D661-44 (1981)	Cracking of Exterior Paints	100
09/B08	ASTM D662-44 (1981)	Erosion of Exterior Paints	100
09/B09	ASTM D711-75	No-Pick-Up Time of Traffic Paint	100
09/B10	ASTM D714-56 (1981)	Blistering of Paints	100
09/B11	ASTM D772-47 (1981)	Flaking (Scaling) of Exterior Paints	100
09/B12	ASTM D821-47 (1974)	Abrasion, Erosion or a Combination of Both in Road Service Tests of Traffic Paints	100
09/B13	ASTM D868-48 (1981)	Bleeding of Traffic Paint	100
09/B14	ASTM D869-78	Settling of Traffic Paint	100
09/B15	ASTM D870-54 (1980)	Water Immersion Test of Organic Coatings on Steel	100
09/B16	ASTM D913-51 (1981)	Chipping of Traffic Paint	100
09/B17	ASTM D968-81	Abrasion Resistance of Organic Coatings by the Falling Abrasive Tester	100
09/B18	ASTM D969-54 (1981)	Bleeding of Traffic Paint	100
09/B19	ASTM D1308-79 (1981)	Effect of Household Chemicals on Clear and Pigmented Organic Finishes	100
09/B20	ASTM D1309-56 (1975)	Settling Properties of Traffic Paint During Storage	100
09/B21	ASTM D1360-79	Fire-Retardancy of Paints (Cabinet Method)	100
09/B22	ASTM D1543-63 (1981)	Color Permanence of White Architectural Enamels	100
09/B23	ASTM D1640-69 (1974)	Drying, Curing, or Film Formation of Organic Coatings at Room Temperature	100
09/B24	ASTM D1737-62 (1979)	Elongation of Attached Organic Coatings with Cylindrical Mandrel Apparatus	100
09/B25	ASTM D2197-68 (1979	Adhesion of Organic Coatings	100
09/B26	ASTM D2243-82	Freeze-Thaw Resistance of Latex and Emulsion Paints	100
09/B27	ASTM D2248-73 (1982)	Detergent Resistance of Organic Finishes	100
09/B28	ASTM D2366-68 (1980)	Moisture Blister Resistance of Exterior House Paints on Wood	100
09/B29	ASTM D2486-79	Scrub Resistance of Interior Latex Flat Wall Paints	100
09/B30	ASTM D2801-69 (1981)	Leveling Characteristics of Paints by Draw-Down Method	100
09/B31	ASTM D2805-80	Hiding Power of Paints	100
09/B32	ASTM D3273-82	Resistance to Growth of Mold on the Surface of Interior Coatings in an Environmental Chamber	100
09/B33	ASTM D3274-82	Surface Disfigurement of Paint Films by Fungal Growth or Soil and Dirt Accumulation	100
09/B34	ASTM D3450-80	Washability Properties of Interior Architectural Coatings	100
09/B35	ASTM D3456-75 (1981)	Susceptability of Paint Films to Microbiological Attack	100
09/B36	ASTM D3623-78a (1982)	Antifouling Panels in Shallow Submergence	100
09/B37	ASTM D4060-81	Abrasion Resistance of Organic Coatings by the Taber Abraser	100
09/B38	ASTM D4062-81	Leveling of Paints by Draw-Down Method	100
09/B39	ASTM D4213-82	Wet Abrasion Resistance of Interior Paint by Weight Loss	100
09/B40	ASTM D4214-82	Chalking of Exterior Paint Films	100
09/B41	Fed. Std. 141, Method 4494	Sag Test (Multinotch Blade	100
09/B42	Fed. Std. 141, Method 4061	Drying Time	100
Measurement of Chemical Properties and Compositions			
09/C01	ASTM D34-73 (1979)	Chemical Analysis of White Pigments	100
09/C02	ASTM D95-70 (1980)	Water in Petroleum Products and Bituminous Materials by Distillation	100
09/C03	ASTM D521-81	Chemical Analysis of Zinc Dust (Metallic Zinc Powder)	100
09/C04	ASTM D563-80	Phthalic Anhydride Content of Alkyd Resins and Resin Solutions	100
09/C05	ASTM D611-82	Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents	100
09/C06	ASTM D1078-78	Distillation Range of Volatile Organic Liquids	100
09/C07	ASTM D1133-78	Kauri-Butanol Value of Hydrocarbon Solvents	100
09/C08	ASTM D1208-78	Common Properties of Certain Pigments	100
09/C09	ASTM D1259-61 (1980)	Nonvolatile Content of Resin Solutions	100
09/C10	ASTM D1306-80	Phthalic Anhydride Content of Alkyd Resins and Esters Containing Other Dibasic Acids (Gravimetric)	100
09/C11	ASTM D1353-78	Nonvolatile Matter in Volatile Solvents for Use in Paint, Varnish, Lacquer and Related Products	100
09/C12	ASTM D1364-78	Water in Volatile Solvents (Fischer Reagent Titration Method)	100
09/C13	ASTM D1394-76 (1981)	Chemical Analysis of White Titanium Pigments	100
09/C14	ASTM D1397-80	Unsaponifiable Matter in Alkyd Resins and Resins Solutions	100
09/C15	ASTM D1398-77	Fatty Acid Content of Alkyd Resins and Alkyd Resin Solutions	100
09/C16	ASTM D1399-81	Unsaponifiable Content of Tricresyl Phosphate	100
09/C17	ASTM D1467-72 (1981)	Fatty Acids Used in Protective Coatings	100
09/C18	ASTM D1469-73 (1981)	Total Rosin Acid Content of Coating Vehicles	100
09/C19	ASTM D1541-60 (1979)	Total Iodine Value of Drying Oils and Their Derivatives	100
09/C20	ASTM D1613-81	Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer and Related Products	100
09/C21	ASTM D1639-70 (1981)	Acid Value of Organic Coating Materials	100
09/C22	ASTM D1644-75 (1981)	Nonvolatile Content of Varnishes	100
09/C23	ASTM D1652-73 (1980)	Epoxy Content of Expoxy Resins	100
09/C24	ASTM D2075-66 (1981)	Iodine Value of Fatty Amines, Amidoamines, and Diamines	100
09/C25	ASTM D2076-64 (1981)	Acid Value and Amine Value of Fatty Quaternary Ammonium Chlorides	100
09/C26	ASTM D2369-81	Volatile Content of Paints	100
09/C27	ASTM D2371-73 (1979)	Pigment Content of Solvent-Type Paints	100
09/C28	ASTM D2697-73 (1979)	Volume Nonvolatile Matter in Clear or Pigmented Coatings	100
09/C29	ASTM D2698-73 (1979)	Pigment Content of Solvent-Type Paints by High-Speed Centrifuging	100
09/C30	ASTM D2832-69 (1980)	Nonvolatile Content of Paint and Paint Materials	100
09/C31	ASTM D3009-72 (1981)	Composition of Turpentine by Gas Chromatography	100
09/C32	ASTM D3271-76 (1981)	Direct Injection of Solvent-Base Paints into a Gas Chromatograph for Solvent Analysis	100
09/C33	ASTM D3272-76 (1981)	Vacuum Distillation of Solvents from Solvent-Base Paints for Analysis	100
09/C34	ASTM D3355-78	Low Concentrations of Lead, Cadmium, and Cobalt in Paint by Atomic Absorption Spectroscopy	100

TABLE—TEST METHODS FOR COMMERCIAL PRODUCTS LAP—Continued

NVLAP code	Test method designation	Short title	Test method fee (dollars)
09/C35	ASTM D3624-78	Low Concentration of Mercury in Paint by Atomic Absorption Spectroscopy	100
09/C36	ASTM D3718-78	Low Concentration of Chromium in Paint by Atomic Absorption Spectroscopy	100
09/C37	ASTM D3723-78	Pigment Content of Water-Emulsion Paints by Low-Temperature Ashing	100
09/C38	ASTM D3792-79	Water Content of Waterborn Paints by Direct Injection into a Gas Chromatograph	100
09/C39	ASTM D3960-81	Volatile Organic Contents (VOC) of Paints and Related Coatings	100
09/C40	ASTM D4017-81	Water in Paints and Paint Materials by Karl Fischer Method	100
Test Sample Conditioning and Preparation			
09/D01	ASTM B117-73 (1979)	Salt Spray (Fog) Testing	70
09/D02	ASTM D609-73 (1980)	Preparation of Steel Panels for Testing Paints, Varnish, Lacquer, and Related Products	70
09/D03	ASTM D822-80 (1981)	Operating Light-and-Water-Exposure Apparatus (Carbon-Arc Type) for Testing Paint, Varnish, Lacquer, and Related Products.	70
09/D04	ASTM D823-53 (1980)	Producing Films of Uniform Thickness of Paint, Varnish, Lacquer, and Related Products on Test Panels	70
09/D05	ASTM D1006-73 (1981)	Exterior Exposure Tests of Paints on Wood	70
09/D06	ASTM D1014-66 (1973)	Exterior Exposure Tests of Paints on Steel	70
09/D07	ASTM D1654-79	Painted or Coated Specimens Subjected to Corrosive Environments	70
09/D08	ASTM D1730-67 (1973)	Preparation of Aluminum and Aluminum-Alloy Surfaces for Painting	70
09/D09	ASTM D1734-63 (1980)	Making and Preparing Concrete and Masonry Panels for Testing Paint Finishes	70
09/D10	ASTM D2247-68 (1980)	Coated Metal Specimens at 100% Relative Humidity	70
09/D11	ASTM D2372-73 (1979)	Separation of Vehicle Solvent-Type Paints	70
09/D12	ASTM D3361-81	Operating Light-and-Water-Exposure Apparatus (Unfiltered Carbon-Arc Type) for Testing Paint, Varnish, Lacquer, and Related Products Using the Dew Cycle.	70
09/D13	ASTM D3924-82	Standard Environment for Conditioning and Testing Paint, Varnish, Lacquer, and Related Materials	70
09/D14	ASTM G23-81	Operating Light-Exposure Apparatus (Carbon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials.	70
09/D15	ASTM G26-77	Operating Light-Exposure Apparatus (Xenon-Arc Type) With and Without Water for Exposure of Nonmetallic Materials.	70
09/D16	ASTM G53-77	Operating Light- and Water-Exposure Apparatus (Fluorescent UV-Condensation Type) for Exposure of Nonmetallic Materials.	70
		Paper and Related Products	
Paper and Paperboard			
09/E01	TAPPI T208-OS-78	Moisture in Wood, Pulp, Paper and Paperboard by Toluene Distillation	70
09/E02	TAPPI T402-OM-83, ASTM D685	Standard Conditioning and Testing Atmospheres for Paper, Board, Pulp Handsheets and Related Products	100
09/E03	TAPPI T403-OS-76, ASTM D774	Bursting Strength of Paper	70
09/E04	TAPPI T404-OM-82, ASTM D828	Tensile Breaking Strength and Elongatio of Paper and Paperboard (Using Pendulum-Type Tester)	70
09/E05	TAPPI T410-OM-83	Grammage of Paper and Paperboard (Weight per Unit Area)	70
09/E06	TAPPI T411-OM-83	Thickness (Caliper) of Paper and Paperboard	70
09/E07	TAPPI 412-OM-83, ASTM D644	Moisture in Paper and Paperboard	70
09/E08	TAPPI T414-OM-82, ASTM D689	Internal Tearing Resistance of Paper	70
09/E09	TAPPI T425-OM-81	Opacity of Paper (15/Diffuse Illuminant A, 89% Reflectance Backing and Paper Backing)	70
09/E10	TAPPI T435-OM-83	Hydrogen Ion Concentration (pH) of Paper Extracts—(Hot Extraction Method)	100
09/E11	TAPPI T452-OM-83	Brightness of Pulp, Paper and Paperboard (Directional Reflectance at 457 nm)	70
09/E12	TAPPI T459-OM-83 ASTM D2482	Surface Strength of Paper (Wax Pick Test)	70
09/E13	TAPPI T460-OM-83, ASTM D726	Air Resistance of Paper	70
09/E14	TAPPI T470-OM-70	Edge Tearing Resistance of Paper (Finch Method)	70
09/E15	TAPPI T480-OS-78	Specular Gloss of Paper and Paperboard at 75 Degrees	70
09/E16	TAPPI T489-OS-76	Stiffness of Paperboard	70
09/E17	TAPPI T494-OM-81	Tensile Breaking Properties of Paper and Paperboard (Using Constant Rate of Elongation Apparatus)	70
09/E18	TAPPI T511-OM-83, ASTM D2176	Folding Endurance of Paper (MIT Tester)	70
09/E19	TAPPI T538-PM-82	Sheffield Smoothness of Paper and Paperboard (Air Flow Method)	70
09/E20	TAPPI T809-OM-82	Flat (Crush of Corrugating Medium (CMT Test)	70
09/E21	TAPPI T818-oM-82, ASTM D1164	Ring Crush of Paperboard	70
Paper Specifications			
09/F01	ASTM D3208-81 para.11	Manifold Papers for Permanent Records	70
09/F02	ASTM D3290-81 para. 11.2	Bond and Ledger Papers for Permanent Records	70
Pressure Sensitive Tapes			
09/G01	ASTM D3330-81, D3330M-81	Test for Peel Adhesion of Pressure-Sensitive Tape at 180-deg Angle	70
09/G02	ASTM D3652-78	Test for Thickness of Pressure-Sensitive Tapes	70
09/G03	ASTM D3654-82, D3654M-82	Test for Holding Power of Pressure-Sensitive Tapes	70
09/G04	ASTM D3662-78	Test for Bursting Strength of Pressure Sensitive and Gummed-Tapes	70
09/G05	ASTM D3715-78	Practice for Quality Assurance of Pressure-Sensitive Tapes	70
09/G06	ASTM D3759-79	Test for Tensile Strength and Elongation of Pressure-Sensitive Tapes	70
09/G07	ASTM D3811-79	Test for Unwind Force of Pressure-Sensitive Tapes	70
09/G08	ASTM D3815-79	Practice for Accelerated Aging of Pressure-Sensitive Tapes by Carbon-Arc Exposure Apparatus	70
Packaging			
09/H01	ASTM D642-76	Compression Test for Shipping Containers	100
09/H02	ASTM D895-79	Test for Water Vapor Permeability of Packages	70
09/H03	ASTM D1008-64 (1977)	Tests for Water Vapor Transmission of Shipping Containers	70
Federal Test Method Standard for Preservation, Packaging, and Packaging Materials:	FED STD 101C		
09/H04	Method 4035	Water Absorption by Cushioning Materials	70
09/H05	Method 4047	Accelerated Aging of Pressure-Sensitive Packaging Tapes (Heat and Humidity; or Heat Only)	70
09/H06	Method 5001	Assembly and Disassembly Test of Containers of Complete Packs	70
09/H07	Method 5005.1	Cornerwise Drop (Rotational) Test	70
09/H08	Method 5007.1	Drop Test (Free Fall)	70
09/H09	Method 5008.1	Edgewise Drop (Rotational) Test	70
09/H10	Method 5009.2	Leaks in Containers	70
09/H11	Method 5011.1	Mechanical Handling Test	70
09/H12	Method 5012	Pendulum-Impact Test	70
09/H13	Method 5013	Revolving Hexagonal Drum Test	70
09/H14	Method 5014	Rollover Test	70
09/H15	Method 5015	Shipping Test	70

TABLE—TEST METHODS FOR COMMERCIAL PRODUCTS LAP—Continued

NVLAP code	Test method designation	Short title	Test method fee (dollars)
09/H16	Method 5016.1	Superimposed Load Test (Stackability with Dunnage)	70
09/H17	Method 5017	Superimposed Load Test (Uniformally Distributed, without Dunnage)	70
09/H18	Method 5018	Tipover Test	70
09/H19	Method 5019.1	Vibration (Repetitive Shock) Test	70
09/H20	Method 5020.1	Vibration (Sinusoidal Motion) Test	70
09/H21	Method 5023	Incline-Impact Test	70
09/H22	Method 5026	Penetration of Packaging Materials by Water	70
		Mattresses	
09/K01	16 CFR Part 1632 Sec. 1632.4	Flammability of Mattresses; Test Procedure	100
09/K02	MIL-R-0020092J(SH) Sec. 4.4	Rubber Sheets and Assembled and Molded Shapes, Cellular, Synthetic Open Cell (Foamed Latex); Test Methods.	130
09/K03	MIL-M-18251F Sec. 4.5.1	Mattresses and Mattress Ticks; Test Methods	100
09/K04	CCC-C-436D Sec. 4.4	Cloth, Ticking Twill, Cotton; Test Methods	100
09/K05	V-M-96H Sec. 4.4.1.1 and Sec. 4.5	Mattress, Bed, Innerspring; Test Methods	130
09/K06	AH&MA/NABM	Cornell Testing Procedure for Support Firmness (ANCOR tester)	70

[FR Doc. 84-1565 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-13-M

Status Report on Voluntary Product Standards

AGENCY: National Bureau of Standards, Commerce.

ACTION: Development, maintenance, and withdrawal of certain voluntary standards.

SUPPLEMENTARY INFORMATION: On January 20, 1983, the Department of Commerce (Department) announced in the **Federal Register** (48 FR 2581) the status of 19 standards classified as Voluntary Product Standards and specified the retention of seven standards for a period of one year. The announcement was made in accordance with the revised "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10). The current status of all existing Voluntary Product Standards is identified below.

The following Voluntary Product Standards will continue to be maintained by the Department:

Standard and Proponent Organization

PS 1-83 "Construction and Industrial Plywood"—American Plywood Association

PS 20-70 "American Softwood Lumber Standard"—American Lumber Standards Committee

PS 73-77 "Carbonated Soft Drink Bottles"—Glass Packaging Institute

The Department has agreed to the development of a Voluntary Product Standard for the production of carbonated soft drinks in glass bottles, which was requested by the National Soft Drink Association. It has been determined that this standards project meets the six requirements for Department sponsorship stated in § 10.0(b) of the mentioned Procedures.

In accordance with § 10.13 of the mentioned Procedures, notice is hereby given of the withdrawal of the following standards:

PS 56-73 "Structural Glued Laminated Timber"—American Institute of Timber Construction

PS 67-76 "Marking of Gold Filled and Rolled Gold Plate Articles Other Than Watchcases"—Jewelers Vigilance Committee

PS 68-76 "Marking of Articles Made of Silver in Combination with Gold"—Jewelers Vigilance Committee

PS 69-76 "Marking of Articles Made Wholly or in Part of Platinum"—Jewelers Vigilance Committee

PS 70-76 "Marking of Articles Made of Karat Gold"—Jewelers Vigilance Committee

PS 71-76 "Marking of Jewelry and Novelties of Silver"—Jewelers Vigilance Committee

PS 72-76 "Toy Safety"—American Society for Testing and Materials

This action is taken in furtherance of the Department's announced intentions as set forth in the January 20, 1983, notice to withdraw these standards. The effective date for the withdrawal of the standards will be March 21, 1984. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures. The organizations listed above with each standard have assumed responsibility for these standards.

FOR FURTHER INFORMATION CONTACT: Karl G. Newell, Jr., Office of Product Standards Policy, National Bureau of Standards, Washington, D.C. 20234. Telephone: (301) 921-3287.

Dated: January 10, 1984.

Ernest Ambler,

Director.

[FR Doc. 84-938 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Letters of Authorization; CGG American Services Inc. and Geophysical Service Inc.

An amendment made to the Marine Mammal Protection Act in 1981 directs the Secretary to allow, on request, the taking of small numbers of non-depleted marine mammals incidental to specific activities in specified geographical areas, if the Secretary makes certain findings concerning the affects of the activities and establishes regulations covering these activities. In 1982, the National Marine Fisheries Service issued Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities. These included specific regulations allowing the taking of ringed seals incidental to on-ice seismic activities in the Beaufort Sea. Any company or contractor wishing to be covered by these regulations must apply for and receive a Letter of Authorization, which is valid for one operating year. We have received two applications for a Letter of Authorization to conduct on-ice seismic activities in the Beaufort Sea in 1984. We have determined that the requests are consistent with the findings made for the specific regulations and that the level of taking will have a negligible impact on the ringed seals species or stock and its habitat and its availability

for subsistence use. Therefore, notice is being given that the National Marine Fisheries Service issued two Letters of Authorization under the authority of the Marine Mammal Protection Act of 1972, as amended, to conduct activities allowed under 50 CFR Part 228, Subpart B—Taking of Ringed Seals Incidental to on-Ice Seismic Activities to the following:

CGG American Services Inc., 699 Hampshire Road, Suite 203, Westlake Village, California 91361, Issued on January 1984

Geophysical Service Inc., 5801 Silverado Way, Anchorage, Alaska 99502, Issued on January 1984.

These Letters of Authorization are valid for 1984 and are subject to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing Small Takes of Marine Mammals Incidental to Specified Activities (50 CFR Part 228, Subparts A and B).

These Letters of Authorization are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 13, 1984.

Carmen J. Blondin,

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

[FR Doc. 84–1555 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

[Modification No. 3 to Permit No. 346]

Marine Mammal Permit Applications; National Zoological Park, Smithsonian Institution

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 346 issued to the National Zoological Park, Smithsonian Institution, Washington, D.C. on July 16, 1981, as modified on July 7, 1982 (47 FR 30562) and July 29, 1983 (48 FR 35693), is further modified to extend the period of authorized taking for two years.

Accordingly, Section B–5 is deleted and replaced by: "5. This permit is valid with respect to the activities authorized herein until December 31, 1985."

This modification became effective January 1, 1984.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 13, 1984.

Carmen J. Blondin,

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

[FR Doc. 84–1557 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Receipt of Application for Permit; New York Aquarium

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name New York Aquarium (P112E).

b. Address Boardwalk West 8th Street, Brooklyn, New York 11224.

2. Type of Permit, Public Display.

3. Name and Number of Animals: Belukha Whales (Delphinapterus leucas) 3.

4. Type of Take: Live Import.

5. Location of Activity: Canada, Western Hudson Bay.

6. Period of Activity: 2 Years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this appliction should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: January 13, 1984.

Carmen J. Blondin,

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

[FR Doc. 84–1556 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265 as amended), will meet to discuss Atlantic mackerel, squid and butterfsih quotas; joint ventures; status of fishery management plans; and other fishery management and administrative matters.

DATES: The meeting will begin at approximately 9:00 a.m., and February 15, 1984, and adjourn at approximately noon, February 16, 1984. The meeting may be lengthened or shortened depending upon progress on the agenda. The Council may go into closed session to discuss personnel and/or other national security matters.

ADDRESS: The meeting will be held at Quality Inn/Colony 7, Baltimore-Washington Parkway (I–295) at Maryland Rt. 32, Box 7, Annapolis Junction, Maryland 20701 (adjacent to Fort Meade) Phone: 301–725–510.

FOR FURTHER INFORMATION CONTACT:
John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115—Federal Building, 300 South New Street, Dover, Delaware 19901, Phone: 302–674–2331.

Dated: January 17, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84–1719 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

North Pacific Fishery Management Council; Amended Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The North Pacific Fisheries Management Council, its Scientific and Statistical Committee (SSC) and Advisory Panel (AP) will meet in Juneau, Alaska, during the week of January 30, 1984. there have been changes in the agenda, in the starting time for some meetings, and additional workgroup and plan team meetings have been added to the schedule published on January 13, 1984 (49 FR 1784). The changes and additions are as follows:

The SSC and the AP meetings will begin at 1:00 p.m. on Monday, January 30, 1984. Either committee may hold an evening session on Monday, January 30.

A workgroup to discuss procedures for the joint meetings between the Council and the Alaska Board of Fisheries will meet at the Baranof Hotel in Juneau at 1:30 p.m., on Tuesday, January 31. Meeting site will be posted at the hotel. The Council' Permit Review Committee will meet at 3:30 p.m., on January 31, in the Baranof.

The Council's Plan Maintenance Team for salmon will meet at 8:30 a.m. on January 30, in the Alaska NMFS Conference Room. the Council's workgroup on net-marked salmon will meet at 8:30 a.m., January 30, in the Alaska NMFS Conference Room also.

For Bering Sea/Aleutian Islands groundfish, the Council may resubmit the amendment for the proposed Fishery Development Zone to Secretarial Review.

Also on the Council's agenda will be consideration of management proposals to promote a developmental halibut fishery in the Bering Sea by residents of the Pribilof and Nelson Islands. A draft Environmental Assessment of these management proposals is available to the public and a copy may be requested by contacting: Ron Miller, Special Advisor, North Pacific Fishery Management Council, Box 103136, Anchorage, Alaska 99510, phone (907) 274–4563.

All meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:
Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, anchorage, Alaska.

Dated: January 17, 1984.

Roland Finch,

Director, Office of Fisheries Management National Marine Fisheries Service.

[FR Doc. 84–1717 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Public Meeting of Groundfish Task Group

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the Groundfish Task Group of the Pacific Fishery Management Council. The Council was established by Sec. 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265, as amended), and the Council has established this advisory group to assist in carrying out Council responsibilities.

DATE: January 19, 1984.

ADDRESS: The meeting will be held in Room 298, Smith Memorial Center, Portland State University, 724 S.W. Harrison, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT:
Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, (503–221–6352).

SUPPLEMENTARY INFORMATION:

Agenda: (Open session 8:30 a.m.) The major item for discussion is whether or not the line on which 1984 *Sebastes* complex trip limits and frequencies are based should be relocated. The public may submit oral or written comments regarding this matter.

Dated: January 17, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 84–1718 Filed 1–19–84; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing Import Limits for Certain Cotton Apparel Products Exported from the People's Republic of China

January 17, 1984.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs, to be effective on January 20, 1984. For further information contact Diana Bass, International Trade Specialist (202) 377–4212.

Background

On November 1, 1983 a notice was published in the **Federal Register** (48 FR 50387) which, among other things, established an import restraint limit for cotton underwear in Category 352, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on October 22, 1983 and extended through January 19, 1984. The notice also stated that the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, if no mutually satisfactory solution is reached on levels for this category during consulations, to limit its exports during the twelve-month period following the ninety-day consultation period to 739,786 dozen.

The United States Government has decided, pending further consulations concerning this category to control imports of cotton textile products in Category 352 exported during the twelve-month period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limit established for the ninety-day period has been exceeded, such excess amounts, if they are allowed to enter, will be charged to the level established for the twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14,

1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

January 17, 1984.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (U.S.C. 1854), pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 19, 1983, betweeen the Governments of the United States and the People's Republic of China and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 20, 1984, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 352, produced or manufactured in the People's Republic of China and exported during the twelve-month period beginning on January 20, 1984 and extending through January 19, 1985, in excess of 739,786 dozen.[1]

Textile products in Category 352 which have been exported to the United States during the ninety-day period which began on October 22, 1983 shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), and December 30, 1983 (48 FR 57584).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 533. This letter will be published in the **Federal Register.**

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 84-1584 Filed 1-19-84; 8:45 am]

BILLING CODE 3510-DR-M

[1] The level has not been adjusted to account for any imports exported before January 20, 1984.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Addition to Procurement List

SUMMARY: This action adds to Procurement List 1984 a commodity to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: January 20, 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: On August 5, 1983, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (48 FR 35695) of proposed addition to Procurement List 1984, October 18, 1983 (48 FR 48415).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractor for the commodity listed.

c. The action will result in authorizing small entities to produce a commodity procured by the Government.

Accordingly, the following commodity is hereby added to Procurement List 1984:

Class 7210

Sheet, Bed, Disposable; 7210-00-139-6376

C. W. Fletcher,

Executive Director.

[FR Doc. 84-1583 Filed 1-19-84; 8:45 am]

BILLING CODE 6820-33-M

Proposed Additions to Procurement List

SUMMARY: The Committee has received proposals to add to Procurement List 1984 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

Comments Must Be Received on or Before: February 22, 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 commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1984, October 18, 1983 (48 FR 48415):

Class 2540

Kit, Deep Water Fording; 2540-00-780-0844

Class 6532

Slippers, Convalescent Patient's: 6532-00-079-7899, 6532-00-079-7902, 6532-00-079-7904, 6532-00-241-6393, 6532-00-079-7794

Class 7510

Binder, Award Certificate: 75102-00-755-7077

Class 8115

Box Shipping: 8115-01-093-3730

SIC 0782

Grounds Maintenance, Federal Center, 620 Central Avenue, Alameda, California

Grounds Maintenance, U.S. Court of Appeals, 7th and Mission Streets, San Francisco, California

C. W. Fletcher,

Executive Director.

[FR Doc. 84-1584 Filed 1-19-84; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Draft Guidance on Written Guarantees

AGENCY: Office of the Secretary, DOD.

ACTION: Notice.

SUMMARY: By this notice, the Department of Defense seeks written comments on proposed guidance to implement section 794 of the Department of Defense Appropriations Act, 1984 (Pub. L. 98-212), which provides that no funds may be obligated or expended for the procurement of a weapon system unless the contractors for such system provide certain written guarantees to the United States. The proposed guidance provides specific direction to heads of DOD Components with respect to DOD policy and

procedures, developed as a result of Section 794, for requiring and obtaining such guarantees at the weapon system or Component level or both in connection with the procurement of weapon systems by the Department of Defense.

DATES: Written comments must be received by February 12, 1984.

ADDRESS: Office of the Deputy Under Secretary of Defense for Research and Engineering (Acquisition Management), The Pentagon, Room 2A330, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Bulmer, (202) 695–4235.

SUPPLEMENTARY INFORMATION: Development of guidance to meet the statutory requirements of section 794 has required revision of, or tradeoffs between a number of fundamental procurement policies. Our practice of applying warranties when appropriate in competitive firm fixed price type contracts has been modified by the statutory requirement to include guarantees in all procurements that qualify regardless of whether competitive or not and regardless of contract type. Section 794 requires acquisition of guarantees for weapon systems which reverses long standing DOD policy of using warranties selectively at the subsystem and Component level rather than the systems level.

Implementation of section 794, a copy of which is reproduced below, is anticipated to require increased surveillance and enforcement of guarantee provisions by contract administration facilities both within the government and within industry. Since there will be significant assumption of risk by defense prime contractors as a result of this statute, in all probability, greater risks will have to be shared by subcontractors and vendors.

SEC. 794. (a) Except as otherwise provided in this section, none of the funds appropriated by this or any other Act may be obligated or expended for the procurement of a weapon system unless the prime contractor or other contractors for such system provides the United States with written guarantees—

(1) that the system and each component thereof were designed and manufactured so as to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor;

(2) that the system and each component thereof, at the time they are provided to the United States, are free from all defects (in materials and workmanship) which would cause the system to fail to conform to the Government's performance requirements as specifically delineated (A) in the production contract, or (B) in any other agreement relating to the production of such system entered into by the United States and the contractor; and

(3) that, in the event of a failure of the weapon system or a component to meet the conditions specified in clauses (1) and (2)—

(A) the contractor will bear the cost of all work promptly to repair or replace such parts as are necessary to achieve the required performance requirements; or

(B) if the contractor fails to repair or replace such parts promptly, as determined by the Secretary of Defense, the contractor will pay the costs incurred by the United States in procuring such parts from another source.

(b) A written guarantee provided pursuant to subsection (a) shall not apply in the case of any weapon system or component thereof which has been furnished by the Government to a contractor.

(c) The Secretary of Defense may waive the requirements of subsection (a) in the case of weapon system if the Secretary—

(1) determines that the waiver is necessary in the interest of the national defense or would not be cost-effective; and

(2) notifies the Committees on Armed Services and Appropriations of the Senate and the House of Representatives in writing of his intention to waive such requirements with respect to such weapon system and includes in the notice an explanation of the reasons for the waiver.

(d) The requirements for written guarantees provided in subsection (a) hereof shall apply only to contracts which are awarded after the date of enactment of this Act and shall not cover combat damage.

Policy Guidance

Section 794 of the Department of Defense Appropriations Act, 1984 requires that written guarantees be obtained in connection with the procurement of weapon systems. This guidance is issued to provide for implementation of section 794. It sets forth the policy and procedures for requiring and obtaining such guarantees at the weapon system and/or component level.

1. Definitions

For purposes of this guidance:

(a) "Weapon System" is equipment which, without substantial modification, is or can be used directly by armed forces to carry out combat missions. By way of illustration, the term includes bombers, fighter aircraft, attack helicopters, combat naval vessels, strategic and tactical missiles, tanks, combat vehicles, small arms, torpedoes, bombs and artillery. The term includes software, ordnance, related support equipment, such as ground handling equipment, training devices, test equipment, and their accessories.

(b) A "component" is an assembly or any combination of parts, subassemblies, and assemblies mounted together in manufacture, assembly, maintenance, or rebuild. Spare parts, per se, are not deemed components unless otherwise fitting this definition.

(c) A "procurement" is a direct contract between the government and a contractor for the production of a weapon system and/or components thereof, *irrespective of contract type.*

(d) A "specified performance requirement" is any specifically delineated mandatory performance requirement set forth *anywhere* in a government production contract for a weapon system or in any other agreement relating to the production of such system incorporated or referenced in such contract.

(e) "Conform" means designed and manufactured so as to meet or achieve, or both, the government's specified performance requirement.

(f) "Bear the cost of" means at no increase in contract price irrespective of contract type. The written guarantees set forth in a contract award for the production of a weapon system shall be a separately priced firm fixed price line item.

(g) "At no cost to the government" means that the costs will not be reimbursed the contractor directly or indirectly under the production contract for the weapon system or any other government contract (except for the firm fixed price guarantee line item).

2. This guidance applies only to contract awards made after March 14, 1984.

For purposes of this guidance:

(a) A modification to a contract to add additional quantities constitutes a contract award.

(b) The exercise of a priced production option even when no further definition or negotiation of terms is required constitutes a contract award.

(c) The notice to proceed with quantities after the first year quantity in a multi-year procurement *does not* constitute a contract award.

(d) The placement of an order under a basic agreement or basic ordering agreement constitutes a contract award.

(e) The definitization of an existing redeterminable contract *does not* constitute a new award.

(f) The definitization of a letter contract constitutes a contract award.

3. Except to the extent otherwise provided herein, all government contracts for the production of a weapon system or components thereof shall contain a clause:

(a) Guaranteeing that the weapon system and each component thereof were designed and manufactured so as to conform to the government's specified performance requirements and that, at the time of delivery to the government, the weapon system and each component thereof are free from such defects in materials and workmanship as would cause the system to fail to conform to

the government's specified performance requirements delineated in the contract.

(b) Guaranteeing that the contractor will bear the cost of all work promptly to repair or replace such parts as are necessary to achieve the rquired performance requirements and providing that if the contractor fails to repair or replace parts promptly as required by the contract, the contractor will reimburse the government for any cost incurred by the government in procuring such parts from another source.

4. A model clause that may be used for this purpose in contracts for less complex weapon systems is attached. For complex systems, when different types of requirements (see paragraph 5) are present, special guarantee clauses may be written.

5. The written guarantees called for herein pertaining to design and manufacture so as to conform to the government's specified performance requirements will *generally* be of *either or both of* two types:

(a) When the specified performance requirement(s) is a test or demonstration and the requirements(s) is deemed to be satisfied upon the satisfactory completion of the specified test or demonstration, for example, of a first prototype or production unit, the guarantee shall provide that, in the event of a failure of a weapon system or component to complete satisfactorily the specified test or demonstration, the contractor shall perform promptly all design and manufacture work as necessary to conform to the government's specified performance requirements at no increase in contract price and at no cost to the government and to complete satisfactorily the specified test or demonstration at no increase in contract price.

(b) When the specified performance requirement(s) consists of the operation of the system without designated failures for a specified period or interval, the guarantee shall, at a minimum, provide that, in the event of a failure of a weapon system or component thereof within the stipulated period to meet the designated performance requirement(s), the contractor shall promptly, at no increase in contract price and at no cost to the government, perform all work to (1) design and manufacture the system and each component thereof so as to conform to the government's specified performance requirements as specifically delineated and/or (2) repair and/or replace such parts as necessary, to meet the designated performance requirement at no increase in contract price and at no cost to the government.

6. In contracts for weapon systems, however, there are *two* types of guarantees: One for performance to insure conformity of design and manufacture to specifically delineated performance requirements (as set forth above); and, one for freedom from *all* defects in materials and workmanship which would cause the system not to achieve the specified performance requirements. The latter is a separate and distinct guarantee provision which would attach to *all* delivered end items under the weapon system contract for a specified period of time. These guarantees are not mutually exclusive and *both* will be contained within a single contract for a weapon system or components thereof.

7. Consistent with the policy stated in DAR 1–324, the contract may provide such *additional* warranty protection and remedies thereof as may be deemed appropriate by the government in the circumstances.

8. The duration of the written guarantee shall be tailored, as appropriate, to the specific contract award. The duration of the written guarantee(s) within any given contract award *need not be the same for all specified performance requirements.*

9. Payment for the written guarantee shall be made on a pro-rata basis at time of delivery of the contract end items covered by the guarantee.

10. During negotiation of a proposed contract, care must be taken to identify firm and/or prescribed performance requirements that have been included in the specifications and other relevant documents in order to avoid later dispute. These performance requirements should be reviewed to assure that they are realistic and achievable and that the performance requirements specified in the contract accurately reflect the needs for the weapon system. Unless otherwise indicated by the government, *all* specified performance requirements fall under the performance guarantee(s). If it should be determined that a written guarantee at the weapon system level is not cost-effective or otherwise not in the interest of the national defense, the identification and examination of appropriate components of the weapon system for applicability of a written guarantee(s) is also required. This examination should include a review of individual performance parameters (such as durability) for application of a written guarantee if comprehensive coverage is determined to be infeasible.

11. During negotiation of the contract, each circumstance(s) that could have the effect of voiding the guarantee should be identified and specifically delineated in the contract. For example, if the guarantee would be voided, in whole or in part, by the subsequent incorporation of spare parts that were not predetermined to be a duplicate of the replaced part, this should be the subject of negotiation. Contracting officers should not agree that any circumstance(s) will void the guarantee unless the relationship between the circumstance(s) and the performance requirements is direct and the circumstance(s) identified as voiding the warranty is beyond the control of and not attributable to any fault of the contractor.

12. The firm fixed price of the guarantee(s) should be identified separately. In order to facilitate the identification of the cost of the guarantee, it shall be set forth in the contract as a separate line item.

(a) In determining whether use of a guarantee is cost effective to the government, the benefits to be derived from the guarantee must be related to the costs of the guarantee to the government. Guarantee costs arise from the contractor's charge for accepting the deferred liability created by the guarantee and from the government's administration and enforcement of the guarantee. In most cases, contractors will quote a higher price to provide the guarantee. Competition will be a major factor in the price quoted by the contractor to the government for the guarantee. In addition, the experience of the contractor in producing the item is another major factor in the cost of the guarantee since it may rely on an actuarial basis to assess financial risk. As a further consideration, the estimated cost to the government for correction or replacement by the contractor, by another source, or by the government, in the absence of a guarantee, should be compared to the guarantee costs considered above.

(b) There are other factors which must be considered in determining whether the guarantee is cost effective such as any indirect costs to the Government necessary to maintain the guarantee in effect. For example, if certain spare parts must be purchased only from designated suppliers in order to keep the guarantee in effect, the estimate of the loss to the government attributable to this limitation on competition should be estimated. By way of a second example, the effect on breakout and competitive procurement of weapon system components should be considered.

13. The waiver authority granted in Subsection 794(c) is hereby delegated to the Secretaries of the Army, Navy, and Air Force and to the Directors of

Defense Agencies with authority to redelegate not below the level of the Vice or Assistant Commander of a Major Command or the Assistant Director of a Defense Agency. Class waivers for specific programs may be granted, when justified. Class waivers may not be approved below the level of the Assistant Secretary of the Military Department or the Director of a Defense Agency. A written record will be kept of each waiver granted, together with supporting documentation, to meet the reporting requirements to the Congress. A waiver of the guarantee requirements in whole or in part set forth above must be:

(a) Supported by a written determination that the waiver is necessary in the interest of the national defense or would not be cost-effective.

(b) An intention to waiver such requirements must be forwarded to the committees on Armed Services and Appropriations of the Senate and the House of Representatives in writing, including in the notice an explanation of the reasons for the waiver(s).

(c) Notification of all class waivers will be sent to the DoD Acquisition Executive.

14. This guidance is effective immediately.

Guarantee

(a) Notwithstanding inspection and acceptance by the government of supplies furnishes under this contract or any provision of this contract concerning the conclusiveness thereof, the contractor guarantees:

(1) That line item —— and each component thereof are designed and manufactured so as to conform to the performance requirements of this contract and all other supplementary agreements relating to the production under this contract of line item —— entered into by the United States and the contractor, and

(2) That line item —— and each component thereof, at the time of delivery, are free from all defects in materials and workmanship which would cause the line item to fail to conform to the performance requirements of this contract and all other supplementary agreements relating to the production under this contract of line item —— entered into by the United States and the contractor; provided, however, that with respect to government-furnished property the contractor's guarantee shall extend only to its proper installation so as not to degrade its performance and/or reliability, unless the contractor performs some modifications or other work on such property, in which case the contractor's warranty shall extend to such modification or other work.

(b) In the event of a failure of line item —— to meet the conditions specified in subparagraphs (a)(1) or (a)(2) above:

(1) The contractor will promptly repair or replace such parts as are necessary to achieve the required performance requirements and the contractor shall bear all costs in connection therewith, or

(2) If the contractor fails to repair or replace such parts promptly, as determined by the contracting officer, the contractor will pay the costs incurred by the government in procuring such parts from another source and in accomplishing the repair.

(c) The contractor will also prepare and furnish to the government data and reports applicable to any correction required under this clause (including revision and updating of all affected data called for under this contract) at no increase in contract price or cost to the government.

(d) When items covered under the guarantee are returned to the contractor, in pursuance to this clause, the contractor will bear the transportation costs from the place of delivery specified in the contract (irrespective of the f.o.b. point or point of acceptance) to the contractor's plant and return.

(e) If the government determines that it does not require repair or replacement of defective or nonconforming supplies, the government shall be entitled to an equitable adjustment in the price of such supplies.

(f) The contractor shall be notified in writing of any failure of line item —— or any component thereof subject to the guarantee set forth in paragraph (a) above within —— days after discovery of the failure. Upon election by the government of a remedy in accordance with paragraph (b) or (c) above, the contractor will, notwithstanding any disagreement regarding the guarantee, comply with such direction. In the event it is later determined that the failure was not subject to the guarantee set forth in paragraph (a) above, the contract price will be equitably adjusted.

(g) The guarantee provisions of this clause do not apply to combat damage.

(h) For purposes of this clause, the term "performance requirements" means only those performance characteristics that are mandatory. The term "performance requirements" does not include performance characteristics that are described as goals or objectives.

(i) The rights and remedies of the Government provided in this clause are in addition to, and do not limit, any rights the government may have under any other clause of the contract. Disputes arising under this clause will be resolved in accordance with the clause of this contract entitled Disputes.

Dated: January 17, 1984.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 84-1628 Filed 1-19-84; 8:45 am]

BILLING CODE 3810-01-M

Department of The Air Force

Intent To Prepare a Draft Environmental Impact Statement (EIS)

The National Guard Bureau proposes to relocate the 146 Tactical Airlift Wing with its 16 C-130E's from Van Nuys Airport to NAS Pt Mugu, CA.

With 500 general aviation aircraft based at Van Nuys and over a half million annual operations, air traffic and flying safety are primary reasons for the move. The 146 TAW already accomplishes its traffic pattern and instrument training at other airfields having fewer aircraft movements. The 146 TAW is currently limited to initial takeoff and full stop landing at Van Nuys.

The National Guard Bureau has completed a preliminary survey for candidate sites. Two alternate location sites are Norton AFB, San Bernardino County and Air Force Plant No. 42, Palmdale, Los Angeles County. There will be no change in the number of military and civilian personnel employed.

The enviornmental analysis will cover such topics as prime and unique farmlands, floodplains, wetlands, noise, air quality, water quality, biotic communities, compatible land use, and socioeconomic impact.

Participation in the environmental analysis process by interested federal, state, and local agencies, as well as interested private organizations and individuals, is invited. Public meetings will be held in early March 1984 to review the proposed action and facilitate public involvement in the environmental analysis. Exact time and place of meetings will be announced in the local new media.

It is estimated the draft EIS will be available for public review and comment in August 1984. Questions concerning the proposal, public meeting(s) and EIS may be directed to Mr. Don Williams, ANGSC/DEV, Andrews AFB, MD 20331, (301) 981-6693.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 84-1563 Filed 1-19-84; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Department of the Army Permit To Construct a Peat Processing Plant in Milford and Bradley, Maine

AGENCY: Army Corps of Engineers, DOD, New England Division.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY: 1. The New England Division of the Corps of Engineers will be reviewing an application to be made by Signal Cleanfuels, Inc. of Hampton, New

Hampshire under Section 404 of the Clean Water Act to discharge fill and dredged material in wetlands known as Sunkhaze Bog, adjacent to Sunkhaze Stream, and Chemo Bog, adjacent to Great Works Stream, and under Section 10 of the River and Harbor Act of 1899 to construct an outfall structure in the Penobscot River in Milford and Bradley, Maine. The discharges are in conjunction with a proposal by Signal Companies to extract and process peat for fuel production. The peat would be extracted from the bogs via a floating harvesting platform using a clam-shell type excavator and transported via slurry pipeline to the process plant. The project would produce 278,000 tons per year (equal to about one million barrels of oil) of peat fuel known as "PDF", a low-sulfur, low-ash, water-proof solid fuel that would be sold to residential, commercial and industrial markets. The plant is expected to take two years to construct and will operate for twenty years.

2. Approximately 2,000–5,000 acres of wetland habitat would be changed to open water habitat. A buffer zone of 50 to 100 yards of peat would be left around the periphery of the bogs and adjacent to any exising streams or brooks in the bogs. A series of ponds, some with islands, would be present. The shoreline surrounding the ponds would be graded to a shallow slope and revegetated with aquatic plants creating a wildlife habitat.

3. Significant environmental impacts will be addressed in the Environmental Impact Statement. The EIS will include the positive and negative economic and environmental impacts of a peat mining facility including construction and operational phases, the need for the facility, alternatives to the proposed energy project (non-fossil and fossil fuel), alternative methods of peat extraction, and alternative locations of the proposed project. Potential environmental issues include the effects on groundwater/surface water quality and existing hydrological conditions, air quality, noise, wetlands, fisheries and wildlife, socioeconomic conditions and historic-archaeological resources.

4. New England Division will seek assistance to develop and review EIS information by coordinating with other agencies who have the appropriate jurisdiction or expertise. Coordination will be made, but will not be limited to, with the following Federal agencies for their assistance: U.S. Environmental Protection Agency for water discharges, air quality and noise impacts; U.S. Fish and Wildlife Service for wetland and aquatic resources; HUD for community economic analyses; FEMA for floodplains; Department of Transportation for road and access concerns; and National Marine Fisheries Service for the anadromous fisheries program.

5. Scoping meetings will be held on January 26, 1984 at 9:00 a.m. at the Augusta Civic Center, Augusta, Maine and at 7:00 p.m. at the Milford Municipal Building, Milford, Maine.

6. As part of the environmental process the New England Division invites public comments on the proposed project and the EIS. It is estimated that the DEIS will be made available to the public in November 1984. A public notice describing the project will be issued when the Draft EIS is issued to the public for review and comment. Questions concerning the development of the EIS should be addressed to Sue Brown, Impact Analysis Branch, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts 02254 (617–647–8138). Questions specifically conerning the processing of the Department of the Army permit should be addressed to Janet O'Neill, Regulatory Branch, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts 02254 (617–647–8498).

Dated: January 10, 1984.

Edward D. Hammond,

Deputy Division Engineer, Corps of Engineers.

[FR Doc. 84-1467 Filed 1-19-84; 8:45 am]

BILLING CODE 3710-24-M

Department of the Navy

Naval Research Advisory Committee Panel on Future Training Space; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Panel on future Training Space will meet on February 7, 1984, at the Pentagon, Room 1E801, Washington, D.C. and on February 8, 1984, at Naval Air Station, Oceana, Virginia. Sessions of the meeting will commence at 8:45 a.m. and terminate at 3:00 p.m. on February 7, 1984, and commence at 8:45 a.m. and terminate at 4:30 p.m. on February 8, 1984. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussions relating to the Navy's training and electronic warfare capabilities on various naval systems. These matters constitute classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. The classified and non-classified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

FOR FURTHER INFORMATION CONTACT: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, Virginia 22217, Telephone number: (202) 696–4870.

Dated: January 17, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 84-1688 Filed 1-19-84; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee Working Group on Amphibious Operations will meet on February 6 and 7, 1984, at the Office of Naval Research, Arlington, Virginia. The first session of the meeting will comence at 9:30 a.m. and terminate at 12:45 p.m. on February 6, 1984. The second session will commence at 12:45 p.m. and terminate at 3:15 p.m. on February 6, 1984. The third session will commence at 3:15 p.m. and terminate at 4:15 p.m. on February 6, 1984. The fourth session will commence at 8:30 a.m. and terminate at 11:30 a.m. on February 7, 1984. All sessions of the meeting will be held in room 915, Office of Naval Research. The second session from 12:45 p.m. to 3:15 p.m. on February 6, 1984 will be open to the public. The remaining three sessions will be closed to the public.

The purpose of the meeting is to discuss the various Marine Corps funding programs and the Navy's use of Artificial Intelligence (AI). The open session will generally cover presentations on the Marine Corps' Basic Research (6.1), Exploratory Development (6.2) and Independent Research and Development (IR&D) Programs. The remaining sessions of the meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the

interest of national defense and is in fact properly classified pursuant to such Executive order. The Secretary of the Navy has therefore determined in writing that the public interest requires that the first, third, and fourth sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: January 17, 1984.

William F. Roos, Jr.,

Lieutenant, JAGC, Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 84–1689 Filed 1–19–84; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Office of Energy Research

Energy Research Advisory Board; Cancellation of Meeting

This notice is given to advise of the cancellation of the meetings of the Energy Research Advisory Board (February 2–3, 1984) as published in the issue of December 23, 1983 (48 FR 56828).

Issued at Washington, on January 16, 1984.

Howard H. Raiken,

Deputy Advisory Committee, Management Officer.

[FR Doc. 84–1627 Filed 1–17–84; 12:50 pm]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP84–159–000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 29, 1983, Columbia Gas Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed jointly in Docket No. CP84–159–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that they propose to transport natural gas on behalf of Armco, Inc. (Armco), under authorization issued in Docket Nos. CP83–76–000 and CP83–496–000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia Transmission and Columbia Gulf propose to transport up to 44 billion Btu of natural gas per day for Armco for a term of one year. Columbia Transmission and Columbia Gulf state that the gas to be transported would be purchased from Exxon Corporation by Armco and that Armco would use those volumes in slab furnaces, open hearth furnaces, boilers, coating line operations and refractory furnaces in its Middletown, Ohio, plant. Columbia Transmission and Columbia Gulf state that they would receive the gas at existing delivery points on their systems in Virginia and Ohio and redeliver such gas to Cincinnati Gas Electric Company, the distribution company serving Armco.

Columbia Transmission and Columbia Gulf state that the gas to be purchased by Armco involves gas supplies released by Columbia Transmission and that such supplies are subject to the ceiling price provisions of Sections 102, 103, 107 108 of the Natural Gas Policy Act of 1978. Further, Columbia Gulf states that depending upon whether its receipt point is offshore or onshore, it would charge either (1) its average system-wide unit onshore transmission charge, currently 26.19 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide unit offshore transportation charge, currently 44.63 cents per dt, exclusive of company-use and unaccounted-for gas. Columbia Gulf state that it would retain 3.33 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas for volumes transported from offshore and would retain 2.85 percent of the total quantity transported onshore. Columbia Transmission states it would charge Armco its average system-wide unit storage and transmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia Transmission states that it would retain 2.85 percent of the total quantity of gas delivered into its systems for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–1629 Filed 1–19–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–109–000]

Columbia Gas Transmission Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on November 30, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP84–109–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of The Faultless Rubber Company (Faultless) under the authorization issued in Docket No. CP83–76–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Columbia proposes to transport up to 600 dtequivalent of natural gas per dayb for Faultless for a term of one year. Columbia states that the gas to be transported would be purchased from Gabriel Oil and Gas Company by Faultless and would be used primarily for boler fuel in Faultless's Ashland, Ohio, Plant. Columbia states that it would receive the gas at existing delivery points on its system in Ohio, and redeliver such gas to columbia Gas of Ohio, INc., the distribution company serving faultless. further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and transmission charge, currently 40.11 cents system-wide storage and transmission charge, currently 40.11 cents per dt, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas

delivered into its system for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, theproposed activity shall be deemed to be authorized effective the day after the time allowed for filing aprotest. 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. 84-1630 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-108-000]

Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on November 30, 1983, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325-1273 and Columbia Gulf Transmission Company, (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP84-104-000 a joint request, as supplemented on January 6, 1984, pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applications propose to transport natural gas on behalf of NEVAMAR Corporation (NEVAMAR) for use as boiler fuel under authorizations issued in Docket Nos. CP-83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicants propose to transport for one year up to 1,800 dt equivalent of natural gas per day for NEVAMAR. It is indicated that Exxon Corporation would deliver natural gas to Columbia Gulf in St. Mary, Terrebonne, and Jefferson Parishes, Louisiana, which Columbia Gulf would transport and deliver equivalent volumes to Columbia. It is further stated that in turn Columbia would transport and deliver equivalent volumes of natural gas to Baltimore Gas and Electric Company (BG&E) in Odenton, Maryland. The gas purchase agreement between Exxon and NEVAMAR states that it is contingent upon the release of gas by Columbia. Columbia states that is has released this gas and that these supplies are subject to the ceiling price provisions of Sections 102 and 103 of the Natural Gas Policy Act of 1978. It is further indicated that NEVAMAR would purchase this released natural gas from Exxon and that BG&E is the distribution company serving NEVAMAR in Odenton, Maryland.

For this transportation Applicants state Columbia Gulf would charge NEVAMAR its average system-wide onshore or offshore transmission cost, exclusive of company-use and unaccounted-for gas, currently 26.19 cents per dt and 44.63 cents per dt, respectively. Columbia Gulf would retain 2.58 percent and 3.33 percent of the gas delivered to it from onshore and offshore, respectively, for company-use and unaccounted-for gas. Applicants also state that Columbia would charge NEVAMAR its average system-wide storage and transmission cost, exclusive of company-use and unaccounted-for gas, currently 40.11 cents per dt. In addition Columbia would retain 2.85 percent of the gas delivered to it for company-use and unaccounted-for gas.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1631 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-111-000]

Columbia Gas Transmission Corp. and Columbia Gulf Transmission Co. Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 1, 1983, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP84-111-000 a request, as supplemented on January 6, 1984, pursuant to § 157.205(b) of the Regulations under the Natural Gas Act (18 CFR 157.205(b)) that Columbia Gas and Columbia Gulf propose to transport natural gas on behalf of Appleton Papers, Inc. (Appleton), under authorization issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia Gas and Columbia Gulf propose to transport up to 1,400 dt equivalent of natural gas per day for Appleton for a term of one year. It is stated that the gas to be transported would be purchased from Exxon Corporation (Exxon) by Appleton and would be used primarily for boiler fuel and for paper dryers in Appleton's Camp Hill, Pennsylvania, plant.

It is explained that Columbia Gulf would receive the quantities of gas at existing points of delivery in Louisiana and redeliver to Columbia Gas which would redeliver to UGI Corporation for ultimate delivery to Appleton. The gas purchase agreement between Exxon and Appleton indicates the Columbia Gas has released certain gas supples of Exxon. It is stated that these supplies are subject to the ceiling price provisions of Sections 102 and 103 of the Natural Gas Policy Act of 1978.

For this transportation, it is stated that Columbia Gas would charge Appleton its average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, currently 40.11 cents per dt. It is also stated that Columbia Gulf would charge Appleton depending upon whether the receipt point is offshore or onshore, its average system-wide unit onshore or offshore transmission costs, exclusive of

company-use and unaccounted-for gas. Columbia Gulf's current charges are 26.19 cents per dt for onshore and 44.63 cents per dt for offshore. In addition, Columbia Gas and Columbia Gulf state that they would retain a percentage of the gas delivered for company-use and unaccounted-for gas. The percentage for Columbia Gas is currently 2.85 percent while the percentage for Columbia Gulf is 3.33 percent for transportation from offshore and 2.58 percent from onshore.

It is indicated that gas requested to be transported hereunder has been flowing since June 27, 1983, pursuant to Section 284.202 of the Commission's Regulations and that since November 4, 1983, the transportation is pursuant to Section 157.209 of the Regulations. It is asserted that the continuation of this transportation would permit Appleton to continue receiving the gas it would have, had Order No. 30 not been terminated.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1632 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-160-000]

Columbia Gas Transmission Corp., Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 29, 1983, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, Filed in Docket No. CP84-160-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) that Columbia proposes to transport natural gas on behalf of Armco, Inc. (Armco), under authorization issued in Docket No. CP83-76-000 pursuant to Section 7 of the Natural GAs Act, all as more fully set forth in the request which is on file with the commission and open to public inspection.

Specifically, Columbia proposes to transport up to 2.7 billion Btu of natural gas per day for Armco for a term of one year. Columbia states that the gas to be transported would be purchased from Yankee Resources, Inc., by Armco and that Armco would use those volumes in space heating, reheating steel and boiler fuel in its Baltimore, Maryland, plant. Columbia states that it would receive the gas at existing delivery points on its system in Virginia and Ohio and redeliver such gas to Baltimore Gas and Electric Company, the distribution company serving Armco. Columbia states that the gas to be purchased by Armco involves gas supplies released by Columbia and that such suples are subject to the ceiling price provisions of Sections 103 and 109 of the Natural gas Policy Act of 1978.

Further, Columbia states that depending upon whether its gathering facilities are involved, it would charge either (1) its average system-wide storage and trasmission charge, currently 40.11 cents per dt equivalent, exclusive of company-use and unaccounted-for gas, or (2) its average system-wide storage, transmission and gathering charge, currently 44.93 cents per dt equivalent, exclusive of company-use and unaccounted-for gas. Columbia states that it would retain 2.85 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas.

Any person of the Commission's staff may, within 45 days after issuance of the instant notice by the commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If aprotest 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. 84-1633 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

Consolidated Gas Supply Corp., et al.; Petition To Amend

[Docket No. CP74-9-000]

January 16, 1984

Take notice that on December 12, 1983, Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77252, referred to collectively as Petitioners, filed in Docket No. CP74-9-000 a petition to amend the order issued on January 22, 1974,[1] in Docket No. CP74-9, pursuant to Section 7(c) of the Natural Gas Act, to authorize an additional exchange point for the exchange of natural gas, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioners state that the order of January 22, 1974, authorized an exchange of natural gas among the Petitioners and the construction of facilities necessary to effect such exchanges. It is stated that the Petitioners request amendment of such order to authorize additional exchange points for the receipt of gas by National Fuel from Consolidated and the delivery of such gas as part of the subject exchange, in accordance with an amendatory agreement between Consolidated and National Fuel dated November 21, 1983. It is further stated that the proposed points of exchange deliveries are those existing delivery points specified in any of Consolidated's presently effective service agreements with National Fuel.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Feb. 6 1984, file with the Federal 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 National 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.

---

[1] This proceeding was commenced before the F.P.C. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

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. 84-1634 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP84-85-000, CP84-101-000, CP84-135-000, and CP84-136-000]

National Fuel Gas Supply Corp.; Petitions for Waiver of Rule

January 16, 1984.

Take notice that on January 12, 1984, National Fuel Gas Supply Corporation (Petitioner), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket Nos. CP84-85-000, CP84-101-000, CP84-135-000, and CP84-136-000 petitions for waiver of that part of Section 157.209(e)(1) of the Regulations under the Natural Gas Act (18 CFR 157.209(e)(1) which provides that service under the automatic authorization under said rule, pursuant to a certificate of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act, shall not exceed a single term of 120-days.

In Docket Nos. CP84-85-000, CP84-101-000, CP84-135-000, and CP84-136-000 Petitioner has filed prior notice requests pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas in interstate commerce on behalf of National Fuel Gas Distribution Corporation for the account of Airco Carbon Division of BOC, Inc., The Goodyear Tire and Rubber Co., Darling and Co., and Sorrento Cheese Co., respectively, pursuant to petitioner's certificate of public and convenience and necessity in Docket No. CP83-4-000. In Docket No. CP84-85-000 Petitioner notes that service commenced September 22, 1983, notice of its request was issued January 4, 1984, and the 120-day authorization extends through January 19, 1984. In Docket No. CP84-01-000 Petitioner notes that service commenced September 13, 1983, notice of its request was issued January 4, 1984, and the 120-day authorization extended through January 10, 1984. In Docket No. CP84-135-000 Petitioner notes that service commenced October 11, 1983, notice of its request was issued January 4, 1984, and the 120-day authorization extends through February 7, 1984. In Docket No. CP84-136-000 Petitioner notes that service commenced October 10, 1983, notice of its request was issued January 4, 1984, and the 120-day authorization extends through February 6, 1984. In each instance the 45-day period before which service could be authorized under the certificate issued in Docket No. CP83-4-000, as provided by 157.205(d) of the Regulations under the Natural Gas Act, would terminate subsequent to the termination of the 120-day authorization.

In Docket Nos. CP84-85-000, CP84-135-000, and CP84-136-000 Petitioner states that should it be forced to cease transportation at the end of each 120-day period, the consumer of gas would be forced to use higher-cost fuel oil. Also, it is submitted, Petitioner and all of its customers would suffer because the transportation transactions relieve Petitioner from exposure to take-or-pay obligations to Petitioner's producers and all transportation revenues are credited to Petitioner's customers in accordance with the Commission's Regulations. In Docket No. CP84-101-000 Petitioner states that the same circumstances pertain except that service has already ceased and the gas consumer is using higher-cost fuel oil.

Any person desiring to be heard or to make any protest with reference to said petitions should on or before January 20, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1635 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-154-000]

National Fuel Gas Supply Corp.; Application

January 16, 1984.

Take notice that on December 28, 1983, National Fuel Gas Supply Corporation (Applicant), 308 Seneca Street, Oil City, Pennsylvania 16310, filed in Docket No. CP84-154-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas, off-system, to Consolidated Edison Company of New York, Inc. (Con Edison), for its system supply, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell up to 120,000 Mcf of natural gas per day to Con Edison during a one-year period beginning January 13, 1984, or the date when authorization is received, whichever is later. Applicant states it would make such sales on an interruptible basis under a service agreement entered into pursuant to its Rate Schedule I-1. Applicant further states that transportation would be provided to Con Edison by Texas Eastern Transmission Corporation (TETCO), Transcontinental Gas Pipe Line Corporation (Transco), and/or Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), on a self-implementing basis pursuant to Part 284 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1984, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1636 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-145-000]

Northwest Central Pipeline Corp.; Application

January 16, 1984.

Take notice that on December 20, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP84-145-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 5.3 miles of 20-inch pipeline loop and appurtenant facilities on its Sedalia 12-inch transmission pipeline in Johnson County, Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this additional pipeline loop is necessary to increase capacity on the line to meet its peak day market demand east of Peculiar, Missouri, and that it is a continuation of the looping of the Ottawa-Sedalia 12-inch transmission pipeline.

Applicant further states that the proposed facilities would cost approximately $1,200,000, and would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1984, file with the Federal Energy Regulatory Commission, Washingon, 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 covenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb;

Secretary.

[FR Doc. 84-1637 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-446-003]

Texas Eastern Transmission Corp.; Amendment

January 16, 1984.

Take notice that on December 8, 1983, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77252, filed in Docket No. CP82-446-003 pursuant to Section 7(c) of the Natural Gas Act a third amendment to its application filed in Docket No. CP82-446-000 so as to reflect a proposal: (1) To transport volumes of natural gas sold by Consolidated Gas Supply Corporation (Consolidated) pursuant to the Phase Ia proposals currently pending in Docket Nos. CP81-107, *et al.;* (2) to construct and operate facilities necessary to render a firm transportation service for these volumes and (3) to exchange equivalent quantities of natural gas with Algonquin Gas Transmission Corporation (Algonquin), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant explains that this amendment is part of the ongoing negotiations relating to the Canadian import hearings in *Boundary Gas, Inc.*, Docket Nos. CP81-107-000, *et al. Applicant states that, by this amendment, it seeks authorization* to provide a firm transportation service for a two-stage sale of natural gas by Consolidated to seven purchasers.[1]

Specifically, Applicant proposes to transport the following quantities of natural gas for the Stage I period (November 1, 1984, until commencement of State II):

Purchaser	Daily quantities (dt).	
	Nov. 1, 1984 to Oct. 31, 1985	Nov. 1, 1985 to Oct. 31, 1986
Algonquin	18,413	20,433
Elizabethtown	1,500	1,500
Public Service	5,988	5,988
Total	25,901	27,921

During the Stage II period (November 1, 1986, to October 31, 2009), Applicant proposes to transport the following quantities of natural gas:

Purchaser	Daily quantity (dt)
Algonquin	63,360
Brooklyn Union	2,560
Con Edison	3,075
Elizabethtown	1,520
LILCO	1,110
New Jersey	1,060
Public Service	12,315
Total	85,000

Applicant also requests authorization to exchange on a firm basis up to 23,000 dts equivalent of natural gas per day with Algonquin for a two year period beginning November 1, 1984.

Applicant states that, in order to provide the requested transportation services, it seeks authorization to build the following facilities:

Stage I

(a) 3.0 miles of 30-inch pipeline on Applicant's Penn-Jersey system.

Stage II

(a) 4.0 miles of 30-inch pipeline on Applicant's Penn-Jersey system.

[1] The seven purchasers are Algonquin, The Brooklyn Union Gas Company (Brooklyn Union), Consolidated Edison of New York, Inc. (Con Edison), Elizabethtown Gas Company (Elizabethtown), Long Island Lighting Company (LILCO), New Jersey Natural Gas Company (New Jersey), and Public Service Electric and Gas Company (Public Service).

(b) 6.75 miles of 24-inch pipeline on Applicant's Tamarack Perulack system.

(c) 4,000 horsepower compression at Lambertville, New Jersey.

Applicant states the total cost of these facilities would be $26,533,000. Applicant also states that, upon completion of these facilities, the estimated monthly charge for the transportation services would equate to 15.45 cents per dt equivalent for Stage I and 28.58 cents per dt equivalent for Stage II.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before February 6, 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. All persons who have theretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1638 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM81-19, ST84-67, *et al.*]

Tennessee Gas Pipeline Co.; Self-Implementing Transactions

January 16, 1984.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Section 311 and 312 of the Natural Gas Policy Act of 1978 [NGPA]. The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to Section 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.122(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

A "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G[LT]" or "G[LS]" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G[HT]" or "G[HS]" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.[1] and Transporter/and seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate(¢/MMBtu)
ST84-67 Tennessee Gas Pipeline Co	Houston Pipe Line Co	11-01-83	B		
ST84-68 Southern Natural Gas Co	Chattanooga Natural Gas Co	11-01-83	B		
ST84-69 Transcontinental Gas Pipe Line Corp	Delmarva Power and Light Co	11-02-83	B		
ST84-70 Transcontinental Gas Pipe Line Corp	Philadelphia Gas Works	11-02-83	B		
ST84-71 Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	11-02-83	B		
ST84-72 Transcontinental Gas Pipe Line Corp	Tennessee Gas Pipeline Co	11-02-83	G		
ST84-73 United Gas Pipe Line Co	Intrastate Gathering Corp	11-01-83	B		
ST84-74 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	11-03-83	B		
ST84-75 Tennessee Gas Pipeline Co	Cajun Natural Gas Co	11-09-83	B		
ST84-76 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	11-03-83	G		
ST84-77 Tennessee Gas Pipeline Co	Delhi Gas Pipeline Corp	11-03-83	B		
ST84-78 Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	11-03-83	B		
ST84-79 Michigan Wisconsin Pipe Line Co	Westar Transmission Co	11-03-83	B		
ST84-80 Southern Natural Gas Co	Alabama Gas Corp	11-04-83	B		
ST84-81 Liberty Natural Gas Co	Neches Gas Distribution Co	11-04-83	C		
ST84-82 Northern Natural Gas Co	Gulf States Utilities Co	11-04-83	F(157)		
ST84-83 Delta Natural Gas Co., Inc	Columbia Gas Transmission Corp	11-04-83	C		
ST84-84 Texas Gas Transmission Corp	Quivira Gas Co	11-07-83	B		
ST84-85 Transcontinental Gas Pipe Line Corp	South Jersey Gas Co	11-07-83	B		
ST84-86 Florida Gas Transmission Co	Dow Pipeline Co	11-07-83	B		
ST84-87 Westar Transmission Co	Transwestern Pipeline Co	11-07-83	D		
ST84-88 Tennessee Gas Pipeline Co	Texas Gas Transmission Corp	11-07-83	G		
ST84-89 Panhandle Eastern Pipe Line Co	KOGAF Enterprises	11-07-83	F(157)		
ST84-90 United Gas Pipe Line Co	Tennessee Gas Pipeline Co	11-08-83	G		
ST84-91 United Gas Pipe Line Co	Neches Gas Distribution Co	11-08-83	B		
ST84-92 Transcontinental Gas Pipe Line Corp	Public Service Company of N. Carolina	11-09-83	B		
ST84-93 Texas Eastern Transmission Corp	Natural Gas Pipeline Company of America	11-09-83	G		
ST84-94 Texas Eastern Transmission Corp	Natural Gas Pipeline Company of America	11-09-83	G		
ST84-95 Texas Eastern Transmission Corp	Natural Gas Pipeline Company of America	11-09-83	G		
ST84-96 Oklahoma Natural Gas Co	Bridgeline Gas Distribution Co	11-09-83	B		
ST84-97 Panhandle Eastern Pipe Line Co	Gulf States Utilities Co	11-09-83	F(157)		
ST84-98 Northern Natural Gas Co	Northern Gas Products	11-10-83	F(157)		
ST84-99 Transwestern Pipeline Co	Northwest Central Pipeline Corp	11-10-83	G		
ST84-100 United Gas Pipe Line Co	B & A Pipeline Co	11-10-83	B		
ST84-101 Producer's Gas Co	Cajun Natural Gas Co	11-10-83	C	04-08-84	37.50

Docket No.[1] and Transporter/and seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate(¢/MMBtu)
ST84-102 Consolidated Gas Supply Corp	Columbia Gas Transmission Corp	11-10-83	G		
ST84-103 Columbia Gas Transmission Corp	Consolidated Gas Supply Corp	11-10-83	G		
ST84-104 Northern Natural Gas Co	Peoples Natural Gas Co	11-14-83	B		
ST84-105 National Fuel Gas Supply Corp	Sorrento Cheese Co., Inc	11-14-83	F(157)		
ST84-106 National Fuel Gas Supply Corp	Darling & Co	11-14-83	F(157)		
ST84-107 Texas Gas Transmission Corp	ARMCO Inc	11-14-83	F(157)		
ST84-108 El Paso Natural Gas Co	Intratex Gas Co	11-05-83	B		
ST84-109 Delta Natural Gas Co., Inc	Johnson County Gas Co., Inc	11-14-83	C		
ST84-110 Transcontinental Gas Pipe Line Corp	North Carolina Natural Gas Corp	11-15-83	B		
ST84-111 Transcontinental Gas Pipe Line Corp	Delhi Gas Pipeline Corp	11-16-83	B		
ST84-112 Dow Intrastate Gas Co	United Gas Pipe Line Co	11-14-83	C		
ST84-113 Sea Robin Pipeline Co	United Gas Pipe Line Co	11-17-83	G		
ST84-114 Northern Natural Gas Co	Pioneer Transmission Corp	11-18-83	B		
ST84-115 Northern Natural Gas Co	Florida Gas Transmission Co	11-18-83	G		
ST84-116 Houston Pipe Line Co	Texas Eastern Transmission Corp	11-21-83	C		
ST84-117 Tennessee Gas Pipeline Co	Berkshire Gas Co	11-21-83	B		
ST84-118 East Ohio Gas Co	Transcontinental Gas Pipe Line Corp	11-21-83	C		
ST84-119 Michigan Consolidated Gas Co	Transcontinental Gas Pipe Line Corp	11-21-83	C		
ST84-120 Michigan Consolidated Gas Co	Transcontinental Gas Pipe Line Corp	11-21-83	B		
ST84-121 Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	11-21-83	B		
ST84-122 Transcontinental Gas Pipe Line Corp	City of Lexington, N. Carolina	11-21-83	B		
ST84-123 Transcontinental Gas Pipe Line Corp	Houston Pipe Line Corp	11-21-83	B		
ST84-124 Consolidated Gas Supply Corp	Transcontinental Gas Pipe Line Corp	11-22-83	G		
ST84-125 Natural Gas Pipeline Company of America	Mississippi River Transmission Corp	11-22-83	G		
ST84-126 Natural Gas Pipeline Company of America	Pioneer Transmission Corp	11-22-83	B		
ST84-127 Panhandle Eastern Pipe Line Co	Chrysler Corp., *et al*	11-22-83	F(157)		
ST84-128 Channel Industries Gas Co	Florida Gas Transmission Co	11-23-83	C		
ST84-129 Columbia Gas Transmission Corp	Allied Corp	11-23-83	F(157)		
ST84-130 Columbia Gas Transmission Corp	Anchor Hocking Corp	11-23-83	F(157)		
ST84-131 Columbia Gas Transmission Corp	Anchor Hocking Corp	11-23-83	F(157)		
ST84-132 Columbia Gas Transmission Corp	Anchor Hocking Corp	11-23-83	F		
ST84-133 Columbia Gas Transmission Corp	Anchor Hocking Corp	11-23-83	F		
ST84-134 Mid Louisiana Gas Co	Georgia-Pacific Corp	11-25-83	F(157)		
ST84-135 Columbia Gas Transmission Corp	Bethlehem Steel Corp	11-23-83	F(157)		
ST84-136 Columbia Gas Transmission Corp	Bethlehem Steel Corp	11-23-83	F		
ST84-137 Columbia Gas Transmission Corp	Chattanooga Glass Co	11-23-83	F(157)		
ST84-138 Columbia Gas Transmission Corp	Chattanooga Glass Co	11-23-83	F		
ST84-139 Columbia Gas Transmission Corp	Chemetals, Inc	11-23-83	F(157)		
ST84-140 Columbia Gas Transmission Corp	Chemetals, Inc	11-23-83	F		
ST84-141 Columbia Gas Transmission Corp	Green's Dairy, Inc	11-23-83	F(157)		
ST84-142 Columbia Gas Transmission Corp	Koppers Co., Inc	11-23-83	F(157)		
ST84-143 Columbia Gas Transmission Corp	Koppers Co., Inc	11-23-83	F		
ST84-144 Columbia Gas Transmission Corp	Locke Insulators, Inc	11-23-83	F(157)		
ST84-145 Columbia Gas Transmission Corp	Locke Insulators, Inc	11-23-83	F		
ST84-146 Columbia Gas Transmission Corp	Mobay Chemical Corp	11-23-83	F(157)		
ST84-147 Columbia Gas Transmission Corp	Mobay Chemical Corp	11-23-83	F		
ST84-148 Columbia Gas Transmission Corp	Penn Fuel Gas, Inc	11-23-83	F		
ST84-149 Columbia Gas Transmission Corp	Vulcan Material Co	11-23-83	F(157)		
ST84-150 Columbia Gas Transmission Corp	Vulcan Material Co	11-23-83	F		
ST84-151 Columbia Gas Transmission Corp	W. R. Grace and Co	11-23-83	F(157)		
ST84-152 Columbia Gas Transmission Corp	W. R. Grace and Co	11-23-83	F		
ST84-153 National Fuel Gas Supply Corp	Booth Oil Co., Inc	11-25-83	F(157)		
ST84-154 National Fuel Gas Supply Corp	PPG Industries, Inc	11-25-83	F(157)		
ST84-155 Northwest Central Pipeline Corp	Transwestern Pipeline Co	11-25-83	G		
ST84-156 Colorado Interstate Gas Co	Mountain Fuel Supply Co	11-28-83	G		
ST84-157 Northern Natural Gas Co	Watertown Municipal Utilities	11-29-83	F(157)		
ST84-158 Intrastate Gathering Corp	Natural Gas Pipeline Company of America	11-29-83	C		
ST84-159 Natural Gas Pipeline Co. of America	Texas Eastern Transmission Corp	11-30-83	G		
ST84-160 Tennessee Gas Pipeline Co	Transcontinental Gas Pipe Line Corp	11-29-83	G		
ST84-161 Natural Gas Pipeline Co. of America	Texas Eastern Transmission Corp	11-30-83	G		
ST84-162 Delhi Gas Pipeline Corp	United Gas Pipe Line Co	11-30-83	C		
ST84-163 United Gas Pipe Line Co	Interastate Gathering Corp	11-30-83	B		
ST84-164 Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Co	11-30-83	B		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 84-1639 Filed 1-19-84; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA84-1-31-005 (PGA84-1, IPR84-1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

January 16, 1984.

Take notice that on January 11, 1984, Arkansas Louisiana Gas Company (Arkla) tendered for filing 1st Substitute 35th Revised Sheet No. 4 to its FERC Gas Tariff First Revised Volume No. 1, Rate Schedule No. G-2 to become effective February 1, 1984.

This filing corrects an error in the surcharge rate contained on 35th Revised Sheet No. 4 which was filed December 30, 1983 to become effective February 1, 1984. Thirty-fifth Revised Sheet No. 4 reflected a surcharge rate of (4.66¢) per Mcf in lieu of the current effective surcharge rate of (4.82¢) as reflected on 1st Substitute 35th Revised Sheet No. 4.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

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 January 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 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. 84-1609 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-2-21-000 (PGA82-2, IPR82-2, AP82-2)]

Columbia Gas Transmission Corp.; Filing of Surcharge Report

January 16, 1984.

Take notice that on January 9, 1984, Columbia Gas Transmission Corporation (Columbia) tendered for filing a surcharge report summarizing the surcharge collections and associated retroactive payments, pursuant to Ordering Paragraphs (D) and (E) of the Commission's Order issued August 27, 1982.

On July 30, 1982, Columbia filed revised tariff sheets [1] with a proposed effective date of September 1, 1982. As part of the filing Columbia proposed to implement a special twelve-month surcharge to recover retroactive payments to producers pursuant to Order Nos. 93 and 93-A. Columbia proposed to recover these payments over the twelve-month period beginning September 1, 1982, and to make payments to producers over the same period. Columbia also proposed to maintain a separate subaccount in Account No. 191 to which it would book amounts collected through the surcharge and amounts actually paid to producers. After final payment to producers, it was proposed that the subaccount balance would be transferred to Account No. 191.

Columbia also proposed to implement a special twelve-month surcharge to recover retroactive payments (including interest thereon) to be made to producers in connection with NGPA well qualification filings. Columbia proposed to make the payments and recover them from its customers through a surcharge over the twelve month period commencing September 1, 1982. Columbia further proposed to establish a separate subaccount in Account No. 191 to which it would book the amounts collected from its customers and the actual amounts paid to the producers. Upon final payment to the producers, it was proposed that Columbia would transfer any remaining subaccount balance to Account No. 191.

The instant filing contains a schedule summarizing the payments and surcharge collections in connection with Order Nos. 93 and 93-A and the NGPA well qualifications as well as amounts transferred to Account No. 191. The filing also contains a summary of the monthly activity regarding the two surcharges.

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 January 23, 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. 84-1610 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-137-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-137-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 2,000 Mcf of gas per day and 730,000 Mcf of gas per year, for the account of Roblin Industries, Inc. (Roblin), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Roblin at Roblin's facilities in Dunkirk and North Tonawanda, New York pursuant to the terms of the gas transportation agreement dated July 18, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Roblin is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

Roblin would use the gas transported by Supply in boilers, miscellaneous furnaces and annealing equipment, which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective July 18, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1611 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

---

[1] Eighty-second Revised Sheet No. 16, Twenty-fifth Revised Sheet No. 64, Seventh Revised Sheet Nos. 64E, 64F, 64G, 64I-1, and 64I to FERC Gas Tariff, Original Volume No. 1.

[Docket No. CP84-138-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-138-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 1,500 Mcf of gas per day and 547,500 Mcf of gas per year, for the account of WITCO Chemical Corporation (WITCO), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to WITCO at WITCO's facilities in Bradford, Pennsylvania pursuant to the terms of the gas transportation agreement dated July 21, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2.

WITCO would use the gas transported by Supply as boiler fuel which is a qualified end use pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective July 21, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1612 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-139-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-139-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 7,000 Mcf of gas per day and 2,555,000 Mcf of gas per year, for the account of PPG Industries, Inc. (PPG), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to PPG at PPG's facilities in Meadville, Pennsylvania, pursuant to the terms of the gas transportation agreement dated October 28, 1983 (transportation agreement). Supply states the current transportation rate is 29.14 cents per Mcf plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-1.

Supply states that currently the transportation agreement does not provide for an added incentive charge (AIC); however, during the term of this service an AIC of 5.0 cents per Mcf would be applicable to it. It is indicated that at such time, the transportation charge by Supply for this service would be in accordance with its T-2 transportation rate schedule. PPG would use the gas transported by Supply in boilers, for annealing, in glass and frit melting furnaces and torches which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation which would commence on February 26, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective October 28, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1613 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-140-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-140-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 280 Mcf of gas per day and 102,200 Mcf of gas per year, for the account of Kaufman's Bakery, Inc. (Kaufman's), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Kaufman's at Kaufman's facilities in Buffalo, New York pursuant to the terms of the gas transportation agreement dated August 1, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the

current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Kaufman's is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7–Gas), it is asserted.

Kaufman's would use the gas transported by Supply as boiler fuel, which is a qualified end use pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective August 1, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–1614 Filed 1–19–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–141–000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84–141–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 167 Mcf of gas per day and 60,955 Mcf of gas per year, for the account of Morgan Services, Inc. (Morgan), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Morgan at Morgan's facilities in Buffalo, New York pursuant to the terms of the gas transportation agreement dated June 29, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T–2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Morgan is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

Morgan would use the gas transported by Supply in boilers and dryers, which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective June 29, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–1615 Filed 1–19–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP84–142–000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84–142–000 a request pursuant to § 157.205 of the Requlations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 233 Mcf of gas per day and 85,045 Mcf of gas per year, for the account of Booth Oil Company (Booth), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Booth at Booth's facilities in Buffalo, New York, pursuant to the terms of the gas transportation agreement dated November 1, 1983 (transportation agreement). Supply states that the current transportation rate is 29.14 cents per Mcf plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T–1. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Booth is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.,S.C. No. 7-Gas), it is asserted.

Supply states that currently the transportation agreement does not provide for an added incentive charge (AIC); however, during the term of this service an AIC of 5.0 cents per Mcf would be applicable to it. It is indicated that at such time, the transportation charge by Supply for this service would be in accordance with its T–2 transportation rate schedule.

Booth would use the gas transported by Supply for boiler fuel, which is a qualified end use pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on February 7, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective

October 10, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1616 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-143-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 19, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-143-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 400 Mcf of gas per day and 146,000 Mcf of gas per year, for the account of FERRO Corporation (FERRO), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to FERRO at FERRO's facilities in Buffalo, New York pursuant to the terms of the gas transportation agreement dated April 29, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where FERRO is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

FERRO would use the gas transported by Supply in boilers, kilns and space heating furnaces, which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective May 1, 1983, and month to month there after, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1617 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-163-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on December 30, 1983, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-163-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 1,833 Mcf of gas per day and 669,045 Mcf of gas per year, for the account of Union Carbide Corporation (Union Carbide), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Union Carbide at Union Carbide's facilities in Niagara Falls, New York pursuant to the terms of the gas transportation agreement dated July 18, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Union Carbide is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

Union Carbide would use the gas transported by Supply in boilers, incinerators and kilns which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective July 4, 1983, and month to month there after, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1618 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-164-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on January 3, 1984, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-164-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 593 Mcf of gas per day and 216,445 Mcf of gas per year, for the account of TAM Ceramics, Inc. (TAM), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to TAM at TAM's facilities in Niagara Falls, New York pursuant to the terms of the gas transportation agreement dated June 20, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where TAM is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

TAM would use the gas transported by Supply in boilers and dryers which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective June 20, 1983, and month to month there after, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1619 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-165-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on January 3, 1984, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-165-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Supply proposes to transport up to 3,000 Mcf of gas per day and 1,095,000 Mcf of gas per year, for the account of Bethlehem Steel Corporation (Bethlehem), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Bethlehem at Bethlehem's facilities in Lackawanna, New York pursuant to the terms of the gas transportation agreement dated May 13, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T-2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Bethlehem is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7-Gas), it is asserted.

Bethlehem would use the gas transported by Supply in boilers and annealing, which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective May 13, 1983, and month to month there after, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-1620 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-166-000]

National Fuel Gas Supply Corp.; Request Under Blanket Authorization

January 16, 1984.

Take notice that on January 3, 1984, National Fuel Gas Supply Corporation (Supply), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP84-166-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Supply proposes to transport natural gas for an eligible end user under the authorization issued in Docket No. CP83-4-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with

the Commission and open to public inspection.

Supply proposes to transport up to 1,047 Mcf of gas per day and 382,155 Mcf of gas per year, for the account of Great Lakes Carbon Corporation (Great Lakes), to National Fuel Gas Distribution Corporation (Distribution) which, in turn, would deliver the gas to Great Lakes at Great Lakes' facilities in Niagara Falls, New York, pursuant to the terms of the gas transportation agreement dated June 16, 1983 (transportation agreement). Supply states that the current transportation rate is 34.14 cents per Mcf, which includes an added incentive charge of 5.0 cents per Mcf, plus 2 percent retainage for shrinkage which is in accordance with its transportation Rate Schedule T–2. In addition, the current transportation rate charged by Distribution is currently 88.0 cents per Mcf plus the surcharge to reflect the tax rates applicable within the municipality where Great Lakes is taking service plus 2.5 percent of the gas for loss allowance in accordance with Distribution's New York Tariff (P.S.C. No. 7–Gas), it is asserted.

Great Lakes would use the gas transported by Supply in boilers, solution furnaces and space heating furnaces, which are qualified end uses pursuant to § 157.209(e)(2) of the Regulations, it is asserted. Supply states that no new facilities are necessary to effectuate the proposed transportation. It is stated that the proposed transportation would commence on March 1, 1984, and terminate at 11:59 p.m. on June 30, 1985, or upon termination of the contract which term is for 3 months, effective June 16, 1983, and month to month thereafter, whichever occurs first.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84–1621 Filed 1–19–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RM81–19–000 and CP82–433–000]

Northwest Pipeline Corp.; Filing

January 16, 1984.

Take notice that on January 9, 1984, Northwest Pipeline Corporation (Northwest) tendered for filing Substitute Original Sheet No. 81 as a part of its FERC Gas Tariff, First Revised Volume No. 1 pursuant to the Commission order dated December 22, 1983, at the above-referenced docket.

On December 2, 1983, Northwest filed at Docket Nos. RM81–19–000 and CP82–433–000 and Rate Schedule AIC–1 to establish Rate Schedule AIC–1 for transportation of natural gas for any end user of natural gas as established in § 157.209(e)(1) of the Commission's regulations (18 CFR 157.209(e)(1)). Rate Schedule AIC–1 also incorporated the added incentive charge (AIC) as authorized under § 157.209(f) of the Commission's regulations (18 CFR 157.209(f)).

By Commission order dated December 22, 1983, at the above-referenced docket, the Commission accepted and made effective January 2, 1984, all of the proposed tariff sheets included in Northwest's December 2, 1983 filing. This acceptance was conditioned upon the filing of a revised tariff sheet incorporating the currently effective Gas Research Institute (GRI) charge as a part of the rate schedule. Northwest states that Substitute Original Sheet No. 81 incorporates the addition of its GRI charge as ordered by the Commission.

On November 18, 1983, Northwest filed its annual GRI adjustment charge at Docket No. RP83–95–000 reflecting a rate of .118¢ per MMBtu. Such filing was accepted and made effective January 1, 1984, by Commission order dated December 30, 1983. This filing is incorporated by reference as support for the GRI charge of .118¢ per MMBtu reflected on Substitute Original Sheet No. 81.

Northwest requests waiver of § 154.22 of the Commission's regulations in order to permit an effective date of January 2, 1984, for tendered Substitute Original Sheet No. 81.

A copy of this filing has been served on all Northwest's jurisdictional customers and their respective 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 January 25, 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. 84–1622 Filed 1–19–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–140–000]

Pacific Gas and Electric Co.; Filing

January 16, 1984.

The filing Company submits the following:

Take notice that on December 6, 1983, Pacific Gas and Electric Company (PG&E) tendered for filing a Notice of Cancellation of Bay Point Light and Power Company's R–2 Resale Tariff under FPC Original Tariff Volume No. 2.

PG&E states that this cancellation only affects that portion of Original Tariff Volume No. 2 pertaining to service to Bay Point Light and Power Company. No other customers receiving service under Tariff Volume No. 2 are affected by this cancellation.

PG&G requests an effective date of January 1, 1984, and therefor 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 385.211, 385.214). All such motions or protests should be filed on or before January 27, 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. 84-1623 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Case Filed; Week of December 2 through December 9, 1983

During the week of December 2 through December 9, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: January 6, 1984.

George B. Breznay,

Director of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 2 through Dec. 9, 1983]

Date	Name and location applicant	Case No.	Type of Submission
Oct. 11, 1983	Plateau, Inc., Washington, D.C	HED-0190, HEH-0190	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Plateau, Inc. in response to the Proposed Decision and Order and (Case No. HEF-0063) issued to United States Department of the Interior.
Dec. 5, 1983	Brent explorations, Inc., Enid, Oklahoma	HRD-0188, HRH-0188	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be covened in connection with the statement of objections submitted by Brant Explorations, Inc. in response to the Proposed Remedial Order (Case No. HRO-0162) issued to the firm.
Dec. 5, 1983	Economic Regulatory Administration/T&M Petroleum Corp. et al., Washington, D.C.	HRJ-0044	Request for Protective Order. If granted: T&M Petroleum Corporation, Old Antler Corporation, and Ted R. Adkins would enter into a Protective Order with Economic Regulatory Administration regarding the release of proprietary information to T&M Petroleum Corporation, et al. with respect to documents concerning Questor Petroleum Corporation.
Dec. 5, 1983	Economic Regulatory Administration/T&M Petroleum Corp. et al. Washington, D.C.	HRJ-0045	Request for Protective Order. If granted: T&M Petroleum Corporation, Old Antler Corporation and Ted R. Adkins would enter into a Protective Order with the Economic Regulatory Administration regarding the release of proprietary information to T&M Petroleum Corporation et al. with respect to documents concerning Shell Pipeline Corporation.
Dec. 5, 1983	International Drilling & Energy Corporation, Washington, D.C.	RR27-1	Request for Modification/Rescission in the Ozona Gas Processing Plant I Refund Proceeding. If granted: The November 21, 1983 Decision and Order (Case No. RF27-2) issued to International Drilling and Energy Corporation would be modified regarding the firm's application for refund submitted in the Ozona Gas Processing Plant I refund proceeding
Dec. 6, 1983	Pinkerton's Inc., Washington, D.C	HFA-0200	Appeal of an Information Request Denial. If Granted: The November 3, 1983, Freedom of Information Request Denial issued by the Savannah River Operations Office would be rescinded, and Pinkerton's Inc. would receive access to copies of the Technical Proposal, Business Management Proposal and Cost Proposal of Wackenhut Services, Inc.
Dec. 6, 1983	State of Texas, Austin, Texas	HRD-0189	Motion for Discovery. If Granted: Discovery would be granted to State of Texas in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. HRO-0199) to Texas International Company.
Dec. 7, 1983	Ozona Gas Processing Plants, Dallas, Texas	HEE-0080	Price Exception. If granted: Ozona Gas Processing Plants would be permitted to sell the crude oil produced from the well located in Crockett County, Texas at upper tier ceiling prices.
Dec. 8, 1983	Williams Chemical Corporation, Fort Smith, Arkansas	RR13-1	Request for Modification/Rescission in the OKC Corporation Refund Proceeding. If granted: The June 6, 1983 Decision and Order (Case No. RF13-15) issued to Williams Chemical corporation would be modified regarding the firm's application for refund submitted in the OKC Corporation refund proceeding.
Dec. 9, 1983	Kramer Associates, Inc., Washington, D.C	HFA-0201	Appeal of an Information Request Denial. If granted: The November 25, 1983 Freedom of Information Request Denial issued by the Office of the Inspector General would be rescinded, and Kramer Associates, Inc. would receive access to certain DOE information.

REFUND APPLICATION RECEIVED

[Week of Dec. 2 to Dec. 9, 1983]

Date	Name of refund proceeding/name of refund application	Case NO.
Dec. 7, 1983.	Amoco/Larry's Amoco	RF21-122244.
Dec. 8, 1983.	Ada Resources, Inc./Texas	RQ24-33.
Dec. 7, 1983.	Amoco/Bismarck Airport	RF21-12245
Dec. 7, 1983.	Amoco/Walsh Oil Company	RF21-12246.
Dec. 7, 1983.	Amoco/B&C Oil Company	RF21-12247.

REFUND APPLICATION RECEIVED—Continued

[Week of Dec. 2 to Dec. 9, 1983]

Date	Name of refund proceeding/name of refund application	Case NO.
Dec. 7, 1983.	Amoco/Niederauer Oil Company	RF21-12248.
Dec. 7, 1983.	Amoco/Merwin Oil Company	RF21-12249.
Dec. 7, 1983.	Amoco/Bibb Oil Company	RF21-12250.
Dec. 7, 1983.	Amoco/Monarch Air Service, Inc	RF21-12251.

REFUND APPLICATION RECEIVED—Continued

[Week of Dec. 2 to Dec. 9, 1983]

Date	Name of refund proceeding/name of refund application	Case NO.
Dec. 7, 1983.	Amoco/Monarch Air Service, Inc	RF21-12252, RF21-12253.

[FR Doc. 84-1548 Filed 1-19-84; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of December 9 Through December 16, 1983

During the Week of December 9 through December 16, 1983, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A Submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: January 6, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Dec. 9 through Dec. 16, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 2, 1983	Phillip R. Kete, Washington, D.C.	HFA-0202	Appeal of an Information Request Denial If granted: The November 29, 1983 Freedom of Information Request Denial issued by the Office of Personnel would be rescinded, and Phillip R. Kete would receive access to the performance appraisals of certain DOE employees.
Dec. 9, 1983	Illinois Service Station Operators Association, Chicago, Illinois.	RR21-1	Request for Modification/Rescission in the Amoco Refund Proceeding If granted: The August 22, 1983 Decision and Order (Case Nos. RF21-11123 et al.) issued to the Illinois Service Station Operators Association would be modified regarding applications for refund submitted in the Amoco Refund Proceeding by members of the Association.
Dec. 9, 1983	William T. Hailey, Kennedy, Texas	HEE-0082	Price Exception If granted: William T. Hailey would be permitted to sell the crude oil produced from various wells at stripper well prices.
Dec. 12, 1983	Oil City Petroleum Company, Silver Spring, Maryland	HEE-0081	Exception to the Reporting Requirements If granted: Oil City Petroleum Company would not be required to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report."
Dec. 13, 1983	States of Texas et al., Houston, Texas	HRZ-0185	Interlocutory Order If granted: The States of Texas, California, Arkansas, Delaware, Iowa, Kansas, Louisiana, North Dakota, Rhode Island, and West Virginia would be allowed to participate in the enforcement proceeding involving the Proposed Remedial Order issued to Southwestern Gulf Petroleum Company (Case No. HRO-0194).
Dec. 14, 1983	Economic Regulatory Administration, Washington, D.C.	HRD-0191	Motion for Discovery If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Gulf Oil Corporation in response to the September 7, 1983 Proposed Remedial Order (Case No. HRO-0168) issued to the firm.
Dec. 15, 1983	Riley's Standard Service, Walled Lake, Michigan	RR21-2	Request for Modification/Rescission in the Amoco Refund Proceeding If granted: The September 22, 1983 Decision and Order (Case No. RF21-1029) issued to Riley's Standard Service would be modified regarding the firm's application for refund submitted in Amoco Refund Proceeding.

REFUND APPLICATIONS RECEIVED

[Week of Dec. 9, 1983 to Dec. 16, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No. assigned
Dec. 12, 1983.	Belridge Oil Company/Nebraska	RO8-34
Dec. 14, 1983.	Amoco/Southland Corp. (Ranger Energy).	RF21-12254
Dec. 15, 1983.	Sid Richardson/Simonsen Propane, Inc.	FR26-16.
Dec. 15, 1983.	Standard Oil Co. (Indiana)/Turtle Mountain Band of Chippewa Indians.	RQ21-35.

[FR Doc. 84-1549 Filed 1-19-84; 8:45 am]

BILLING CODE 6450-01-M

Proposed Decisions and Orders; Period of September 12 Through December 16, 1983

During the period of September 12 through December 16, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

Dated: January 6, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

Application for Exception

Northwest Louisiana Wholesale Oil and Gas Co., Inc., Monroe, Louisiana, HEE-0061

Northeast Louisiana Wholesale Oil and Gas Co., Inc. filed an Application for Exception from reporting requirements. The exception request, if granted, would relieve Northeast of the requirement that it complete and submit Energy Information Agency (EIA) Form 782B. On December 18, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 84-1545 Filed 1-19-84; 8:45 am]

BILLING CODE 6450-01-M

Decisions and Orders; Week of November 28 Through December 2, 1983

During the week of November 28 through December 2, 1983, the decisions and orders summarized below were

issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Vector Corporation, 12/2/83, HFA–0189

On November 3, 1983, Vector Corporation filed an Appeal from a partial denial by the Deputy Director for Naval Reactors of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Deputy Director's determination was deficient in describing the withheld documents, in providing justification for the decision to withhold documents, and in making a determination with regard to release of the withheld material in the public interest. Accordingly, the DOE remanded the matter to the Deputy Director for a new determination that would correct these deficiencies.

Requests for Modification and/or Rescission

Air Transport Association of America, State of California, State of Connecticut, State of Illinois, State of Michigan, 11/29/83 HRR–0071, HCX–0091

The Air Transport Association of America (ATA) and the States of California, Connecticut, Illinois and Michigan filed variously styled requests to participate in an enforcement proceeding remanded to the OHA by the United District Court for the District of Delaware in *Getty Oil Co. v. DOE*, No. 77–434 (D. Del. Sept 20, 1983). In considering the requests under the special procedures established in an earlier OHA Order, *Economic Regulatory Administration*, 11 DOE ¶ 82,529 (1983), the DOE determined that the ATA and the states meet the traditional standing tests applied by the courts. Their requests to participate were therefore granted.

Atlantic Richfield Company, 12/1/83, HRR–0076

Atlantic Richfield Company (Arco) filed a motion to modify a Protective Order entered into by the firm and the DOE Economic Regulatory Administration on March 28, 1983. The protective order limited Arco's use of Forms FEA–F701–M–O it had received in discovery it had been granted in an enforcement proceeding to counsel of record and independent consultants whose services the firm procured for the purposes of the litigation. In considering the Arco submission, the DOE determined that Arco had failed to satisfy its burden of demonstrating that the information contained on the forms it had received was no longer confidential. Accordingly, Arco's motion was denied.

Motions for Discovery

Halliburton Company; Vessels Gas Processing Company, Vessels Gas Processing, Ltd., 12/2/83, HRD–0163, HRD–0173

Halliburton Company (Halliburton) and Vessels Gas Processing Company/Vessels Gas Processing, Ltd. (Vessels) filed Motions for Discovery on September 12, 1983 and on October 31, 1983. The Motions for Discovery were filed in connection with the firms' Statements of Objections to a Proposed Remedial Order that was issued jointly to Halliburton and Vessels on June 24, 1983 by the Economic Regulatory Administration. In considering the Motions, the DOE concluded that the discovery requested, if approved, would not lead to the production of relevant and material evidence necessary to the firms' challenge to the Proposed Remedial Order. The Motions for Discovery were therefore denied.

Reinauer Petroleum Company, 11/29/83, HRD–0127

Reinauer Petroleum Company filed a Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration. In the PRO, the ERA alleges that Reinauer violated the DOE regulatory program by improperly calculating its maximum lawful selling price of motor gasoline. In its Motion for Discovery, Reinauer sought contemporaneous construction discovery which related to the development and implementation of rules and policies concerning (i) the calculation of the maximum lawful selling price of unleaded gasline, (ii) the equal application rule as it was applied to resellers, (iii) the banking of recouped increased product costs, (iv) the requirements that resellers recoup increased product costs ahead of increased non-product costs and (v) "netting" of overcharges and "undercharges." The firm's Motion for Discovery was denied because it had not shown that the requested discovery would yield useful information.

Interlocutory Orders

Economic Regulatory Administration, 12/1/83, HRZ–1079, HRZ–0181, HRZ–0182, HRZ–0183, HRZ–0167, HRZ–0169, HRZ–0170, HRZ–0178

The Economic Regulatory Administration (ERA) filed motions to join United States Steel Corporation (USS) as a party to several enforcement proceedings involving Marathon Oil Company currently pending before the Office of Hearings and Appeals. ERA contended that Marathon's parent corporation, USS, should be joined as a party to the proceedings to ensure that in the event final Remedial Orders are issued to Marathon, the DOE would be able to recoup the amount of adjudicated overcharges. In considering the motions the OHA found that there was no basis to ERA's contention that the assets of Marathon would be insufficient to satisfy the refund requirement of any Remedial Order which may be issued to the firm, and concluded that joinder of USS as a party to the proceedings was not essential to a just resolution of the underlying controversy. Accordingly, the motions to join were denied.

Along with its motions to join, ERA filed motions for discovery in which it sought to depose certain Marathon officers regarding changes in the firm's record retention policies and financial position which may have occurred subsequent to USS's acquisition of the firm. In considering the motions, the OHA determined that the successors to Marathon Oil Company's assets and interests, Marathon Petroleum Company and a USS subsidiary renamed Marathon Oil Company, together comprised the real party in interest and therefore should be substituted as parties in place of the old Marathon Oil Company. Since all of the assets and interests of the Old Marathon Oil Company, as that firm was constituted prior to its takeover by USS, continued to subject to the OHA's jurisdiction, the OHA concluded that discovery designed to obtain information regarding the record retention policies and financial position of Marathon's successor companies was unnecessary. Accordingly, the motions for discovery were denied.

Exxon Company, U.S.A.; Economic Regulatory Administration, 12/1/83, HRZ–0156, HRZ–0178

Exxon Company, U.S.A. filed a motion to compel discovery in connection with an enforcement proceeding before the Office of Hearings and Appeals (OHA). Exxon sougth to compel the Economic Regulatory Administration (ERA) to disclose documents which it had withheld from discovery on grounds of privilege. Several of the withheld ERA documents had been released conditionally to Exxon pursuant to a Consent Order in *Mobile Oil Corp. v. DOE*, No. 79–CV–11 (N.D.N.Y. May 21, 1980). When Exxon cited the contents of these documents in a supplemental Statement of Objections, the ERA moved to strike this allegedly privileged material from the record of the proceeding.

As an initial matter, the DOE determined that the terms of the *Mobil* Consent Order permitted Exxon to discuss the contents of the *Mobil* documents for the purpose of arguing that they were not privileged, but that their use in the substantive record of the proceeding would be prohibited if the ERA privilege claims were upheld. We also determined that it was proper for the ERA to submit all of the withheld documents to the OHA for *in camera* inspection. The DOE then addressed the ERA's invocation of privilege for intra-agency communications, the attorney-client privilege, and the work product privilege. *In camera* review of the *Mobil* documents by OHA led to the conclusion that the ERA's privilege assertions should be rejected with respect to the major portions of one document and upheld with respect to the other documents. Accordingly, the EPA's motion to strike material from Exxon's supplemental Statement of Objections was granted in part.

With respect to the other documents listed in the ERA's Privilege Index, the DOE determined that it was not essential that the privilege for intra-agency communications be asserted by the Secretary of Energy. The DOE then determined that the descriptions provided by the ERA were adequate to justify its assertions of privilege. Accordingly, the Exxon motion to compel discovery was

granted with respect to portions of one *Mobil* document and denied in all other respects.

Supplemental Order

Atlantic Richfield Company, 11/28/83, *HEX-0094*

Ashland Oil, Inc. filed an Application for Exception with the Office of Hearings and Appeals (OHA) in which it contended that any entitlements purchase obligations imposed upon the firm by the January 1981 and the Clean-up Entitlements Notices would impose a gross inequity on the firm. In connection with the exception proceeding, OHA issued an order allowing Ashland to pose 21 interrogatories to six firms that participated in the Entitlements Program, including Atlantic Richfield Company (Arco). Arco refused to respond to these interrogatories. In order to facilitate consideration of Ashland's Application for Exception, OHA issued a Special Report Order which compels Arco to answer questions regarding crude oil receipt and exchange partices, possible sheltering of crude oil from the Entitlements Program, and the tertiary incentive program.

Refund Applications

Ozona II/International Drilling & Energy Corporation, 11/29/83 *RF28-3*

The International Drilling and Energy Corporation (IDEC) filed an Application for Refund pursuant to a Decision and Order issued on January 24, 1983 in *Office of Enforcement*, 10 DOE ¶ 85,056 (1983). In its Application, IDEC sough a portion of a fund obtained by the DOE through a consent order entered into by the DOE and the Ozona Gas Processing Plant located in Crockett County, Texas on November 26, 1979. In considering its request, the DOE determined that IDEC's claim based on its purchases of less than 175,000 gallons of Ozona product purchased per month during the consent order period should be granted. However, the DOE denied IDEC's request for a refund based on its claim that its supplier, Suburban Propane Gas Company, violated the obligations of its supplier/purchaser relationship with IDEC's predecessor-in-interest. The DOE found that the consent order fund was established to accomplished restitution only in those cases where parties may have been injured by Ozona's alleged violations of DOE regulations.

Standard Oil Company (Indiana)/Transit Oil Company, 11/29/83, *RF21-8111, RF21-12235*

The DOE issued a Decision and Order concerning two Applications for Refund filed by Transit Oil Company, a firm which operates as both a wholesaler and retailer of Amoco motor gasoline. Transit elected to apply for a refund based upon the presumption of injury and the formulae outlined in *Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). In considering these applications, the DOE concluded that Transit should receive a refund based upon the volume of its eligible Amoco motor gasoline purchases. The refunds granted in thus proceeding total $11,142.

Vickers Energy Corporation/Marcum Distributing Company and Marcum Oil Company, 11/30/83, RF1-364 *RF1-365*

The DOE issued a Decision and Order concerning Applications for Refund filed by Marcum Oil Company and Marcum Distributing Company, which sought a portion of the Vickers Energy Corporation consent order fund. Because the two reseller/retailers sought refunds on the basis of purchases of Vickers motor gasoline which exceeded the small claim threshold figure of 50,000 gallons per month, the firms were required to demonstrate that they had not been injured as a result of Vickers' pricing practices. Marcum Oil Company provided no information which clearly established that the firm did not pass through any alleged Vickers overcharges. The DOE therefore determined that Marcum Oil had failed to make the necessary showing of injury, and the firm's application was granted at the threshold level. Marcum Distributing submitted detailed volume and purchase price information. After analyzing this information, the DOE concluded that Marcum Distributing had been injured as a result of Vickers pricing practices. Marcum Distributing was granted a refund based on the volume of Vickers motor gasoline purchases for which it had demonstrated injury.

Protective Order

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Name and *Case No.*

ERA/Dane Energy Co., HRJ-0042

Dismissals

The following submissions were dismissed.

Name and Case No.

Dejarnette Oil Co., RF21-10009
General Petroleum Products, Inc., BRO-1319
Kienzle Oil Co., RF21-10016
Kotas Oil Co., RF21-10011
Lanham Oil Co., Inc., RF21-10012
L. C. Myers Oil Co., RF21-10014
Magic Valley, Inc., HEE-0079
Tuco, Inc. and Cabot Fuel Corp., HRO-0151, HRD-0151, HRH-0151, HRS-0151
United Energy Concepts, Inc., HFA-0194

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: January 10, 1984.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 84-1546 Filed 1-19-84; 8:45 am]

BILLING CODE 6450-01-M

Decisions and Orders; Week of December 5 Through December 9, 1983

During the week of December 5 through December 9, 1983, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

James E. Davies, 12/6/83, HFA-0197

James E. Davies filed an Appeal from a partial denial by the Albuquerque Operations Office of a Request for Information which he had submitted under the Privacy Act and Freedom of Information Act (the FOIA). The DOE concluded that Davies' Appeal should be considered under the provisions of both the Privacy Act and the FOIA. The DOE found that information pertaining to a reinvestigation of Davies was investigatory material compiled for law enforcement purposes and was therefore properly withheld pursuant to 5 U.S.C. 552a(K)(2) (Exemption (K)(2)) of the Privacy Act. The DOE determined, however, that the matter should be remanded for a specific determination that all of the information is exempt from disclosure pursuant to Exemption (K)(2). With respect to the FOIA, the DOE found that the initial determination failed to explain adequately the basis for withholding the information pursuant to Exemption 7, 5 U.S.C. 552(b)(7). The DOE determined that this matter should also be remanded for a new determination. Accordingly, the Appeal was granted in part.

Remedial Orders

Economic Regulatory Administration/United Petroleum Distributors, Inc., 12/8/83, HRW-0006

The Economic Regulatory Administration filed a motion to issue a Proposed Remedial Order issued to United Petroleum Distributors, Inc., as a final order of the DOE. United had filed neither a Notice of Objection nor a Statement of Objections with the Office of Hearings and Appeals. The DOE determined that the remedial provisions of the PRO should be modified to require ERA either to identify injured parties itself and issue directives awarding them refunds within 60 days of receiving overcharge monies from United, or to initiate a Subpart V special refund proceeding. The PRO as modified was issued as a final Remedial Order.

Kunz Oil Company, 12/8/83, HRO-0165, HRD-0171, HRH-0171

The Economic Regulatory Administration (ERA) filed a Motion for Leave to Withdraw the Proposed Remedial Order (PRO) which it issued to Kunz Oil Company (Kunz) on May 20, 1983. As grounds for the motion, the ERA stated that the legal theory set forth in the PRO is not supported by the facts as stated therein. Kunz did not object, and the DOE determined that good cause existed for granting the ERA's motion. Accordingly, the motion was granted and the PRO was dismissed without prejudice.

Motion for Discovery

West Coast Oil Company, Economic Regulatory Administration, 12/9/83, HRD-0090, HRZ-0160, HRZ-0161

West Coast Oil Company filed a Motion for Discovery and a Motion to Strike in connection with a Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration (ERA). In the PRO, the ERA alleged that West Coast has violated the DOE regulatory program by incorrectly calculating increased product costs and thus charging prices for petroleum products which exceeded those permitted by the regulations. Much of the alleged overcharge amount was due to West Coast's treatment of the proceeds received from the sale of its fee-free import licenses. In its Motion for Discovery, West Cost sought extensive contemporaneous construction discovery related to the issue of the treatment of fee-free license proceeds. The DOE determined that the request for discovery should be denied because it would not yield information which would be useful in the context of the enforcement proceeding. The Motion to Strike sought to delete certain ERA comments from the record. The DOE denied this Motion as well because it found that the comments helped in the resolution of disputed issues and West Coast was not prejudiced by their retention. The DOE also dismissed without prejudice a Motion for Admissions filed by the ERA because the Motion served no helpful purpose at this point in the proceeding.

Refund Application

STANDARD OIL COMPANY (INDIANA)/ HOP'N SAVE FOODS, et al., 12/9/83, *RF21-12193*

On August 16, 1983, the OHA granted 18 Applications for Refund submitted by Quality Petroleum Corp. on behalf of 18 Hop'N Save Foods stores it supplied with motor gasoline. *See Standard Oil Co. (Indiana)/Alston Avenue Amoco,* 11 DOE ¶ 85,109 (1983). Quality later submitted an application requesting a supplemental refund for retail gasoline sales which it made through directly-operated retail stations. In that application, Quality listed 15 Hop'N Save Foods stores as directly-operated retail stations. The OHA, on November 14, 1983, granted these stations a refund based on the 6 percent difference between the retailer's 40 percent share and the wholesaler's 34 percent share of the volumetric refund amount. *See Standard Oil Company (Indiana)/Leonard Oil Co.,* 11 DOE ¶ 85,181 (1983). However, in a letter dated September 15, 1983, the applicant had revealed the fact that the Hop'N Save Foods stores were all retail outlets operated by Quality. The refunds granted on August 16, 1983, to the Hop'N Save Foods stores as independent retailers were therefore rescinded, and the firm was directed to return the $11,751 erroneously received to the Amoco escrow account at the Department of the Treasury.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name and Case No.

ERA/RFB Petroleum, Inc—HRJ-0043
ERA/T&M Petroleum, Corp. *et al.*—HRJ-0044
ERA/T&M Petroleum, Corp. *et al.*—HRJ-0045

Dismissals

Name and Case No.

Apex Oil Company—HRO-0190
C.S. Industries, Inc.—HEE-0069
Ernest E. Allerkamp—HRD-0179, HRH-0179
John Dinino—RF21-6486, RF21-6487
Landsea Holding Co.—HRO-0188

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearing and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Dated: January 6, 1984.

George B. Breznay,

Director, Office of Hearing and Appeals.

[FR Doc. 84-1547 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2509-8]

Availability of Environmental Impact Statements Filed January 9 Through January 13, 1984

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840005, Draft, FHW, OR, Corvallis-Lebanon Highway/OR-34 Improvements, Lake Creek to Pacific Highway/I-5, Linn Co., Due: Mar. 5, 1984.

EIS No. 840006, Draft, COE, CA, John F. Baldwin Ship Channel (Phase II) Central San Francisco Bay Segment Improvements, Contra Costa and San Francisco Cos., Due: Mar. 20, 1984.

EIS No. 840007, Draft, AFS, PRO, 1985-2030 Resource Planning Act Program, Amendment to the 1974 Forest and Rangeland Renewable Resource Planning Act, Due: Apr. 9, 1984.

EIS No. 840008, Final, FHW, PA, US 220/Appalachian Thruway/LR-1061 Construction, Belford County Line to Village of East Freedom, Blair County, Due: Feb. 20, 1984.

EIS No. 840009, Draft, COE, CO, Getty and Cities Service Shale Oil Projects, Construction and Operation, Permit, Garfield Co., Due: Mar. 20, 1984.

EIS No. 840010, Draft, COE, WA, Lummi Bay Marina Channel Navigation and Breakwater Protection Improvements, Lummi Indian Reservation, Whatcom County, Due: Mar. 9, 1984.

EIS No. 840011 Draft, CGD, REG, 46 USC 3705(c) and 3706(d) Regulations Implementation, Amendment to the Port and Tanker Safety Act of 1978, Due: May 14, 1984.

Amended Notices

EIS No. 830568, Draft, OSM, WY, Red Rim Coal Development, Leasing, Fremont, Sweetwater and Carbon Cos., Due: Review opened until further notice. Published FR Oct. 28, 1983—Review extended.

EIS No. 830674, Draft, FHW, PA, PA-291/LR-542 Improvement, Fourth and Price Streets to Ridley Creek, Chester City, Delaware County, Due: Feb. 29, 1984. Published FR Dec. 30, 1984—Review extended.

EIS No. 840001, DSuppl, NRC, PA, Three Mile Island, Nuclear Station, Unit 2, Revised Estimates of Occupational Radiation Doses, Dauphin County, Due: Feb. 29, 1984. Published FR Jan. 13, 1984—Review extended.

Dated: January 17, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-1670 Filed 1-19-1984; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2509-6]

Management Advisory Group to the EPA Construction Grants Program; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a two day meeting of the Management Advisory Group to the EPA Construction Grants Program

(MAG) will be held on February 6–7, 1984, at the Sheraton Inn, 6800 34th Street South, St. Petersburg, Florida. The meeting will begin at 9:00 a.m. on both days and will adjourn at 5:00 p.m. on February 6 and 3:00 p.m. on February 7.

The principal agenda item will be to discuss and prepare a report on future funding of wastewater treatment facilities in the United States. The agenda will also include briefings and discussions on other topics of current or future interest to MAG. Any member of the public wishing to make comments is invited to submit them in writing to the Executive Secretary at the meeting.

The meeting will be open to the public. Any member of the public wishing additional information should contact Ms. Georgette Brown at (202) 382–5859.

Dated: January 12, 1984.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 84–1658 Filed 1–19–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59141; TSH–FRL 2485–5]

Certain Chemicals; Premanufacture Exemption Applications

Correction

In FR Doc. 83–32929 appearing on page 55915 in the issue of Friday, December 16, 1983, third column, under **TME 84–16**, after the seventh line, remove the following:

"Kenneth F. Plumb,

Secretary."

BILLING CODE 1505–01–M

[OPTS 42027; TSH-FRL 2443–1]

Ethylene Oxide; Response to the Interagency Testing Committee

Correction

In FR Doc. 83–34799 beginning on page 200 in the issue of Tuesday, January 3, 1984, in the heading, the Docket line should have appeared as set forth above.

BILLING CODE 1505–01–M

[OPTS–51502 TSH–FRI 2509–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substance 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 eleven PMNs and provides a summary of each.

DATE: Close of Review Period:

PMN 84–316—April 4, 1984.

PMN 84–317—April 7, 1984.

PMN 84–318, 83–319 and 84–320—April 8, 1984.

PMN 84–321 and 84–322—April 9, 1984.

PMN 84–323, 84–324, 84–325 and 84–326—April 10, 1984.

Written comments by:

PMN 84–316—March 5, 1984

PMN 84–317—March 8, 1984.

PMN 84–318, 84–319 and 84–320—March 9, 1984.

PMN 84–321 and 84–322—March 10, 1984.

PMN 84–323, 84–324, 84–325 and 84–326—March 11, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS–51502]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Premanufacturing Notice 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: 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 84–316

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (G) Destructive use—polymer manufacture. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Release to land. Disposal by incineration and landfill.

PMN 84–317

Importer. Roure Bertrand Dupont.

Chemical. (S) 5-Oxa-2-methyl-7-phenyl-2-heptene.

Use/Import. (S) Fragrance ingredient for industrial, commercial and consumer use. Prod. range: 250–1,000 kg/yr.

Toxicity Data. Acute oral: (Mouse)—4,000–8,000 mg/kg $^{-1}$; Acute intraperitoneal: (Mouse)—1,000–2,000 mg/kg $^{-1}$; Irritation: Skin—Highest non-irritant, Eye—Short lasting conjunctival irritation; Open Epicutaneous Test—No sensitization; Intradermal test with Freund's complete adjuvant—No sensitization; Phototoxicity and photosensitization—None.

Exposure. Import and use: dermal, a total of 2 workers, up to 4 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Traces released to air and water. Disposal by publicity owned treatment works (POTW).

PMN 84–318

Importer. Aceto Chemical Company, Inc.

Chemical. (S) [4-(4-methylphenylthio)phenyl]phenylmethanol

Use/Import. (S) Industrial photoinitiator for the photocuring of U.V. curing compositions. Import range: Confidential.

Toxicity Data. Acute oral: > 1 g/kg; Acute dermal: > 500 mg/kg; Ames Test: Non-carcinogenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84–319

Manufacturer. QO Chemicals Incorporated. (Subsidiary of the Quaker Oats Company).

Chemical. (S) Crude oat oil.

Use/Production. (G) Open, non-dispersive use. Prod. range: 40–200 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 8 workers, up to 2 hrs/da, up to 25 da/yr.

Environmental Release/Disposal. 0.08 kg/batch released to water. Disposal by POTW.

PMN 84–320

Manufacturer. Confidential.

Chemical. (G) Saturated polyester.

Use/Production. (S) Polymer for industrial metal coatings. Prod. range: 7,500–22,700 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 3 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. 20 kg/batch released to air. Disposal by POTW, incineration and landfill.

PMN 84–321

Importer. King Industries, Inc.
Chemical. (G) Polyether ester acid, compound with amine.
Use/Import. (G) Coating additive. Import range: Confidential.
Toxicity Data. Acute oral: > 5.0 ml/kg; Acute dermal: > 2.0 ml/kg; Irritation: Skin—Severe, Eye—Severe; Inhalation: > 29.6 mg/1/hr; DOT Skin Corrosion—Corrosive.
Exposure. Import: dermal, a total of 1 worker, up to 1 hr/da, up to 30 da/yr.
Environmental Release/Disposal. No release.

PMN 84–322

Manufacturer. Confidential.
Chemical. (G) Organosiloxan copolymer.
Use/Production. (G) Elastomer additive. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture, processing and use: dermal, minimal.
Environmental Release/Disposal. No release.

PMN 84–323

Importer. Confidential.
Chemical. (G) Urea-aldehyde resin.
Use/Import. (S) Component of industrial paints. Import range: Confidential.
Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Slight, Eye—Non-irritant.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

PMN 84–324

Manufacturer. Confidential.
Chemical. (G) Isoindolyl derivative of aromatic heterocycle.
Use/Production. (G) Isoindolyl modifier. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84–325

Manufacturer. Confidential.
Chemical. (G) Vinylpolymer, aldehyde crosslinked.
Use/Production. (G) Chemical for oil field use. Prod. range: Confidential.
Toxicity Data. Acute oral: > 5.0 g/kg; Irritation: Skin—Nonirritant, Eye—Moderate.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

PMN 84–326

Importer. Confidential.
Chemical. (G) Bis(polyalkylaminetriphenyl)-bis(aminoalkyl)benzene.
Use/Import. (S) Industrial colorant for paper products. Import range: Confidential.
Toxicity Data. Acute oral: > 4,000 mg/kg.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: January 16, 1984.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 84–1448 Filed 1–19–84; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

Performance Review Board; Designation of Members

In accordance with the provisions in Title 5, U.S.C. 4314(c)(4), the Farm Credit Administration hereby publishes the names of the executives who are designated as members of the Agency's Performance Review Board. The members of the Board are as follows:

1. Carl T. Fredrickson
2. Kenneth J. Auberger
3. Frederick R. Medero
4. Larry W. Edwards
5. William J. Hoffman
6. John C. Moore, Jr.
7. Larry H. Bacon
8. George D. Irwin
9. Kim C. Bowersox
10. Paul C. Redmer
11. Eldon W. Stoehr

Donald E. Wilkinson,

Governor.

[FR Doc. 84–1624 Filed 1–19–84; 8:45 am]

BILLING CODE 6705–01–M

FEDERAL COMMUNICATIONS COMMISSION

Cellular Radio Interconnection Working Groups; Information Regarding Groups I.A. (Numbering Plan Requirements) and I.B. (Technical Access and Interface)

January 13, 1984.

Group I.A.: At the close of the meeting on November 16, 1983, the group members agreed that an industry steering committee ought to be formed to explore in further detail the dedicated NPA (service code) proposal for cellular carriers, particularly its costs, and to report to the larger group later in 1984. As requested, Telocator has suggested a proposed steering committee of 15 members. The group would consist of 4 representatives of nonwireline cellular carriers, 4 of wireline cellular carriers (2 from Regional Bell Operating Company affiliates, 1 from GTE Mobilnet, and 1 from another independent telephone company), 2 manufacturers, 3 government representatives (1 from FCC, 1 from NARUC and 1 from NTIA), and 2 representatives from the BOC's Central Service Organization. There would also be at least one Canadian observer. Members of the working group may comment on the proposal and submit nominations for membership by writing to the group chairman (William F. Adler, Deputy Chief/Policy, Common Carrier Bureau) within two weeks of the date of this Public Notice. There will be another Public Notice with further information issued after consideration of any written comments.

The minutes of the meetings of September 28 and November 16, 1983, are available in the office of the Commission's Mobile Services Division, Room 644.

Group I.B.: AT&T Communications now has available a document entitled "Cellular Mobile Carrier Interconnection Interface Specifications." Copies may be obtained by contacting Mr. Keith Lietzki, Manager-Market Development, 295 North Maple, Room 17–2350–1, Basking Ridge, N.J. 07920.

For more information, contact Claudia Borthwick, 202–632–6400.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 84–1715 Filed 1–19–84; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket No. 79–184]

Parties Interested in Facilities Planning in the North Atlantic Region; Public Meeting

January 13, 1984.

Members of the Common Carrier Bureau Staff will convene a public meeting of all interested persons to discuss the updated North Atlantic facilities planning information and draft United States submissions to the January 31–February 2, 1984 North Atlantic Consultative Working Group meeting submitted to date. The public meeting will be held in Room 856, 1919 M Street, NW., Washington, D.C. on Friday, January 20, 1984 at 10:00 a.m.

For additional information, contact Robert Gosse, (202) 632–4047.

William J. Tricarico,

Secretary, Federal Communication Commission.

[FR Doc. 84–1714 Filed 1–19–84; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–REP–9CA–1—4]

State of California Nuclear Power Plant Emergency Response Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approval of licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing State and local government plans, the State of California has submitted its radiological emergency plan to the FEMA Regional Office. These plans support nuclear power plants which impact on California and include those local governments near the Pacific Gas and Electric Company's Diablo Canyon Nuclear Power Plant located in San Luis Obispo County, California; the Sacramento Municipal Utility District's Rancho Seco Nuclear Power Plant located in Sacramento County, California; and Southern California Edison and San Diego Gas and Electric Companys' San Onofre Nuclear Power Plants located in San Diego County, California.

Date Plans Received: November 8, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Vickers, Regional Director FEMA Region IX, Building 105, Presidio of San Francisco, California 94129, (415) 556–9881.

SUPPLEMENTARY INFORMATION: In support of the Federal requirment for emergency response plans, FEMA Rule 44 CFR 350.12 (FEMA Headquarters Review and Approval) describes its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this Rule, the State of California Nuclear Power Plant Emergency Response Plan was received by the Federal Emergency Management Agency Region IX.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear power plants. For the Diablo Canyon Nuclear Power Plant, plans are included for San Luis Obispo and Santa Barbara Counties. For the San Onfre Nuclear Power Plant, plans are included for San Diego and Orange Counties. For the Rancho Seco Nuclear Power Plant, plans are included for Sacramento, San Joaquin and Amador Counties. Local response plans are not included for Humboldt Bay Nuclear Power Plant as it has been closed since 1976 due to seismic safety conditions.

Copies of the Plan are available for review at the FEMA Region IX Office, or it will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart 44 CFR Part 5. There are 6,000 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert L. Vickers, Regional Director, at the above address within thirty days of this **Federal Register** notice.

FEMA Rule 44 CFR 350.10 calls for a public meeting prior to approval of the plans. Details of each meeting were announced at least two weeks prior to the scheduled meeting and local radio and television stations were requested to announce each meeting. These required public meetings were held as follows: the Diablo Canyon Nuclear Power Plant Public Meeting was announced in the San Luis Obispo Telegram-Tribune, San Luis Obispo, California. The public meeting was held on December 17, 1981 at the Cuesta College Auditorium, San Luis Obispo, California. The San Onofre Nuclear Power Plant Public Meeting was announced in the Daily Sun Post, San Clemente, California. The public meeting was held on May 18, 1981 at the San Clemente City Hall, San Clemente, California. Notification will be made prior to the public meeting for the Rancho Seco Nuclear Power Plant which will be conducted in 1984.

Robert L. Vickers,

Regional Director.

[FR Doc. 84–1626 Filed 1–18–84; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

Barnett Banks of Florida Inc., et al.; Proposed de novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views 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 comment that requests a hearing must include 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 that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (discount securities brokerage; Florida): To engage, through its subsidiary, Barnett Brokerage Service, Inc., in securities brokerage services, related securities credit activities pursuant to the Board's Regulation T, and incidental activities such as offering custodial services, individual retirement accounts and cash management services. These activities would be conducted from offices in the State of Florida, serving the entire State of Florida. Comments on this application must be received not later than February 15, 1984.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South La Salle Street, Chicago, Illinois 60690:

1. *American Fletcher Corporation*, Indianapolis, Indiana (consumer finance and related insurance activities; Louisville, Kentucky): To engage through its subsidiary, American Fletcher

Financial Services, Inc., in making or acquiring loans or other extensions of credit for personal, family or household purposes, including loans secured by home equities, purchasing consumer installment sales finance contracts and acting as agent with respect to credit life and disability insurance on borrowing customers in connection with loans and contracts made or purchased at this proposed office of such subsidiary. The proposed insurance activities shall be restricted to such purposes and amounts as are authorized by the Garn-St Germain Depository Institutions Act of 1982 and those conditions contained in an order of the Board with respect to such subsidiary issued prior to May 1, 1982; viz. July 20, 1972. The foregoing activities will be conducted from an office in Louisville, Kentucky, serving Jefferson County, Kentucky. Comments on this application must be received not later than February 7, 1984.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation,* Minneapolis, Minnesota (financing, insurance and travelers checks activities; Florida): To engage through its subsidiaries, Norwest Financial Florida, Inc., Norwest Financial Credit Service, Inc. and Norwest Financial America, Inc. in the activities of consumer finance, sales finance and commercial finance, the sale of credit life, credit accident and health and property and credit-related casualty insurance related to extensions of credit by those companies (such sale of credit-related insurance being a permissible activity under Subparagraph D of Title VI of the Garn-St Germain Depository Institutions Act of 1982) and the offering for sale and selling of travelers checks. These activities will be conducted from an office in Tamarac, Florida. This notification is for the relocation of an existing office in Fort Lauderdale, Florida and to engage *de novo* in the activities of commercial finance from said office, as relocated. Upon relocation, said office will serve Tamarac, Florida, other nearby suburbs of Fort Lauderdale, Florida, and Fort Lauderdale, Florida. Comments on this application must be received not later than February 9, 1984.

Board of Governors of the Federal Reserve System, January 16, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1646 Filed 1-19-84; 8:45 am]

BILLING CODE 6210-01-M

BOE Bancshares, Inc., et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. 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 may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. 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.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *BOE Bancshares, Inc.,* Edison, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of The Bank of Edison, Edison, Georgia. Comments on this application must be received not later than February 15, 1984.

2. *Louisiana Independent Bankshares, Inc.,* Baton Rouge, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Louisiana Independent Bank, N.A., Baton Rouge, Louisiana. Comments on this application must be received not later than February 15, 1984.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Dighton National Bancshares, Inc.,* Dighton, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank of Dighton, Dighton, Kansas. Comments on this application must be received not later than February 15, 1984.

2. *Wheeler County Bancshares, Inc.,* Ericson, Nebraska; to become a bank holding company by acquiring 83 percent of the voting shares of Ericson State Bank, Ericson, Nebraska. Comments on this application must be received not later than February 15, 1984.

Board of Governors of the Federal Reserve System, January 17, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1644 Filed 1-19-84; 8:45 am]

BILLING CODE 6210-01-M

Citizens-Texas Banc Shares, Inc.; Engaging de Novo in Permissible Nonbanking Activities

The bank holding company listed in this notice has filed a notice 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. With respect to the notice, 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 this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 9, 1984.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Citizens-Texas Banc Shares, Inc.,* Buffalo, Texas, to engage through its subsidiary, Citizens Diversified

Mortgages, Inc., Buffalo, Texas, in mortgage company activities, including the origination and acquisition of single family, multi-family, and commercial loans, the sale of loans on secondary markets and the servicing of real estate loans, pursuant to § 225.4(a) (1) and (3) of Regulation Y (12 CFR 225.4(a) (1) and (3) (1983)).

Board of Governors of the Federal Reserve System, January 17, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1647 Filed 1-19-84; 8:45 am]

BILLING CODE 6210-01-M

CNB Financial Corporation, 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 for that application. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. With respect to each application, interested persons may express their views in writing to the Reserve Bank indicated for that application 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 February 15, 1984.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *CNB Financial Corporation,* Clearfield, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of County National Bank, Clearfield, Pennsylvania.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Baraboo Bancorporation, Inc.,* Baraboo, Wisconsin, to acquire 80 percent of the voting shares or assets of Green Lake State Bank, Green Lake, Wisconsin.

2. *West Bancorporation,* West Des Moines, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of West Des Moines State Bank, West Des Moines, Iowa.

C. **Federal Reserve Bank of Dallas** (Anthony J. Monterlaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Haltom City Bancshares, Inc.,* Dallas, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Haltom City State Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, January 7, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1645 Filed 1-19-84; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on January 13.

Public Health Service

Food and Drug Administration

Subject: Notice of Claimed Investigational Exemption for a New Drug (0910-0014)—Extension/No Change
Respondents: Drug manufacturers
OMB Desk Officer: Bruce Artim

Office of the Assistant Secretary for Health

Subject: 1983/1984 Agency Reporting System (0937-0110)—Extension/No Change
Respondents: Inpatient health facilities
Subject: Emergency Preparedness Storage Location: Pre-positioned Medical Supplies and Equipment
Respondents: State and local governments and local emergency planners
OMB Desk Officer: Fay S. Iudicello

Health Resources and Services Administration

Subject: Repayment Schedule and Truth-in-Lending Disclosures for Health Education Assistance Loan Program (Variable and Fixed Rates) (0915-0043)—Extension/No Change
Respondents: Lending institutions and Health Education Assistance Loan borrowers
Subject: Project Proposal for Provision for Sanitation Facilities (P.L. 86-121) (0915-0018)—Extension/No Change
Respondents: Individuals and representatives of Indian tribes and groups
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: April 1984 Current Population Survey: Child Support and Alimony Supplement (0960-0272)—New
Respondents: Individuals
Subject: Report to Social Security Administration by Person Outside the United States (0960-0076)—Revision
Respondents: Social Security beneficiaries
Subject: Corrective Action Plans and Progress Reports (0960-0279)—Extension/No Change
Respondents: State agencies administering Aid for Dependant Children program
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: January 16, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84-1641 Filed 1-19-84; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also

sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Ear, Nose, and Throat Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. February 17, 9 a.m. to 4:30 p.m., Rm. 703–727A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 p.m., closed committee deliberations, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 4:30 p.m.; Lillian Yin, National Center for Devices and Radiological Health (HFK–470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7555.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the executive secretary before February 10, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a cochlear implant system.

Closed committee deliberations. The committee will discuss trade secret or confidential commercial information pertaining to the cochlear implant system. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Neurological Device Section of the Respiratory and Nervous System Devices Panel

Date, time, and place. February 24, 9 a.m., Rm. 1207, 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Closed presentation of data, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 p.m., open public hearing, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 4 p.m.; Robert F. Munzner, National Center for Devices and Radiological Health (HFK–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before February 17, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for implanted spinal cord stimulators and implanted intracranial pressure monitoring devices.

Closed presentation of data. The committee will hear presentations that require disclosure of trade secret or confidential commercial information contained in premarket approval applications for implanted spinal cord stimulators and implanted intracranial pressure monitors. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contract person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be required from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statues.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Example of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: January 13, 1984.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 84-1554 Filed 1-19-84; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Subcommittee on Primate Research Centers of the Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee On Primate Research Centers, Animal Resources Review Committee, Division of Research Resources, on February 6, 1984, in Conference Room 1004, Sheraton University Center, 2800 Middleton Avenue at Morreene Road and 15-501, Durham, North Carolina 27705, from 8:00 p.m. to adjournment.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5175, will furnish substantive progam information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Primate Research, National Institutes of Health)

Dated: January 11, 1984.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

[FR Doc. 84-1651 Filed 1-19-84; 8:45 am]

BILLING CODE 4140-01-M

Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, National Heart, Lung, and Blood Institute, March 19-20, 1984, Conference Room 8, 6th Floor, C-Wing, Building 31, National Institutes of Health, Bethesda, Maryland 20205. The entire meeting will be open to the public from 8:30 a.m. to approximately 5:00 p.m. on Monday, March 19, and Tuesday, March 20, to evaluate program support in Arteriosclerosis, Hypertension and Lipid Metabolism. Attendance by the public will be limited on a space available basis.

Ms. Terry Bellicha, Chief, Public Inquiry and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: January 9, 1984.

Betty J. Beveridge,

Naural Institutes of Health, Committee Management Officer.

[FR Doc. 84-1649 Filed 1-19-84; 8:45 am]

BILLING CODE 4140-01

Communicative Disorders Review Committee; Meeting

Pursuant the Pub. L. 92-463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological and Communicative Disorders and Stroke, March 8, 9, 1984, in Conference Room 7, Building 31, Bethesda, Maryland 20205.

This meeting will open to the public from 8:30 a.m. until 9:30 a.m. on March 8, to discuss planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552(c)(6), Title 5, U.S. Code and Section 10(d), of Pub. L. 92-463, the meeting will be closed to the public on March 8 from 9:30 a.m. to adjournment on March 9, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Marilyn Semmes, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, Maryland, telephone 301-496-9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.953, Communicative Disorders Program, National Institutes of Health)

Dated: January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 84-1653 Filed 1-19-84; 8:45 am]

BILLING CODE 4140-01-M

Neurological Disorders Program Project Review a Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, February 14, 15, and

16, 1984 at Rodeway Inn, 2520 N. Fiftieth Street, Tampa, Florida 33619.

The meeting will be open to the public from 8:00 p.m until 9:00 p.m. on February 14, 1984 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 8:00 a.m. on February 15 to adjournment on February 16, 1984, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205 (Tel. No. 301/496–9223) will furnish summaries of the meeting, the roster of committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 84–1654 Filed 1–19–84; 8:45 am]

BILLING CODE 4140–01–M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institute of Neurological and Communicative Disorders and Stroke, February 27, 28, and 29, 1984, at the Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20818. The meeting will be open to the public from 8:30 p.m. until 9:00 p.m. on February 27, 1984, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 522b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 27th from 9:00 p.m. to adjournment on February 29th for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish summaries of the meeting, the roster of committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.853, Clinical Basis Research; No. 13.854, Biological Basis Research)

Dated: January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, National Institute of Health.

[FR Doc. 84–1655 Filed 1–19–84; 8:45 am]

BILLING CODE 4140–01–M

National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and Digestive and Kidney Diseases Advisory Council and its subcommittees on February 8 and 9, 1984 in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on February 8 from 8:30 a.m. to 1:00 p.m. to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

Meeting of the full Council and its subcommittees will be closed to the public as indicated below in accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The following subcommittees will be closed to the public on February 8, 1984, from 1:00 p.m. to adjournment: Arthrities, Musculoskeletal and Skin Diseases; Diabetes, Endocrine, and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney, Urology and Hematology. The full Council meeting will be closed to the public on February 9, from 8:30 a.m. to adjournment.

Further information concerning the Council meeting may be obtained from Dr. Walter Stolz, Acting Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIADDK, Building 31, Room 9A4 6, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5765.

(Catalog of Federal Domestic Assistance Program No. 13.846–849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84–1652 Filed 1–19–84; 8:45 am]

BILLING CODE 4140–01

Division of Research Grants; Safety and Occupational Health Study Section; Meeting

Pursuant to Pub. L. 92–463, a meeting of the Safety and Occupational Health Study Section, National Institute for Occupational Safety and Health, in conjunction with the Division of Research Grants, will be held on March 28–30, 1984, at the Colonial Manor Motel, 11410 Rockville Pike, Rockville, Maryland 20852.

This meeting will be open to the public on March 28 from approximately 8:30 a.m. to 10:00 a.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463, the meeting of the Study Section will be closed to the public from 10:00 a.m. March 28 until adjournment on March 30 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–7441, will furnish summaries of the meetings and rosters of committee members.

Dr. John Beisler, Executive Secretary of the Study Section, Westwood Building, Room 3A10, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–6723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.262, Occupational Safety and Health Research Grants, National Institutes of Health, HHS)

Dated: January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 84–1656 Filed 1–19–84; 8:45 am]

BILLING CODE 4140–01

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council, Division of Research Resources (DRR), February 2–3, 1984, Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting will be open to the public on February 2 from 9:00 a.m. to approximately 5:00 p.m. for opening remarks by the Director, DRR; comments by the Director, NIH; consideration of the minutes of the October 13–14, 1983 meeting of the Council; a discussion and update of the Report of the Director, DRR; a review of the Council operating procedures; a report on the NIH Director's Advisory Committee discussion on training and training related programs of the DRR; a discussion of the DRR special instrumentation programs; individual Council Program Work Group sessions, as follows: Animal Resources Program Work Group, Room 2A52; Biomedical Research Support Program Work Group, Room 8A28; Biotechnology Resources Program Work Group, Conference Room 10; General Clinical Research Centers Program Work Group, Room 5B03; and Minority Biomedical Research Support Program Work Group, Conference Room 3. The meeting will then reconvene in Conference Room 10 for reports from the Program Work Group sessions, and new business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6) Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on February 3 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Council members. Dr. James F. O'Donnell, Deputy Director, Division of Research Resources, Room 5B03, Building 31, National Institutes of Health, Bethesda, MD 20205, (301) 496–6023, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biotechnology Resources; 13.375, Minority Biomedical Research Support, National Institutes of Health)

Dated January 11, 1984.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 84–1650 Filed 1–19–84; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Commission on Fair Market Value Policy for Federal Coal Leasing; Meeting

AGENCY: Commission on Fair Market Value Policy for Federal Coal Leasing.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Commission on Fair Market Value Policy for Federal Coal Leasing will meet on January 27 and 28 to review and approve the final draft of its report to Congress.

A Business Meeting will be held in the Brick Room at 1925 K St., NW., Washington, D.C. on January 27, 1984, and a second day will be held, if necessary, on January 28, 1984. The location of the second day's meeting is the third floor hearing room at 1111 18th St., NW., Washington, D.C. Both meetings will begin at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Wiley Horsley, Special Assistant to the Chairman, Commission on Fair Market Value Policy for Federal Coal Leasing, Suite 400, 1015 20th Street, NW., Washington, D.C. 20036. Phone: (202) 632–6501.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to the authority and requirements of Pub. L. 98–63, approved July 30, 1983, making supplemental appropriations for fiscal year 1983, and for other purposes, and in accordance with the Federal Advisory Committee Act (Pub. L. 92–463).

The Commission will meet at 9:00 a.m. on January 27, 1984, in the Brick Room at 1015 20th St., NW., Washington, D.C. to review and approve the final draft of its report to Congress. A second day will be held, also beginning at 9:00 a.m., on January 28, 1984, at the third floor hearing room at 1111 18th St., NW.

Dated: January 17, 1984.

David F. Linowes,

Chairman.

[FR Doc. 84–1769 Filed 1–19–84; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Indian Affairs

Colorado River Indian Reservation, Arizona and California; Amendment to Federal Indian Liquor Laws

January 12, 1984.

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Ordinance No. 82–4 was duly adopted by the Colorado River Tribal Council on December 28, 1982, and that Ordinance No. 83–7, amending Ordinance No. 82–4, was duly adopted on September 9, 1983. The Colorado River Liquor Ordinance relates to the application of the Federal Indian Liquor Laws within the areas of Indian country under the jurisdiction of the Colorado River Indian Tribes. The Ordinance as amended repeals Colorado River Tribal Ordinances Nos. 11 and 14, which were published in the **Federal Register** on May 7, 1973, 38 FR

11357, and March 31, 1966, 31 FR 5230, respectively, and reads as follows:

Kenneth Smith,

Assistant Secretary, Indian Affairs.

Ordinance No. 82–4

Be it enacted by the Tribal Council of the Colorado River Indian Tribes that the Health and Safety Code of the Colorado River Indian Tribes is hereby amended by adding the following thereto:

Article 2

Liquor

CHAPTER 1. GENERAL PROVISIONS

Section 2–101. Definitions.

In this Article, unless the context otherwise requires:

(1) "Beer" means any beverage produced by the fermentation of barley malt, hops, or a combination of these, including beverages commonly known as porter, ale, and malt liquor, if they contain not more than twelve percent (12%) alcohol (ethanol) by volume;

(2) "Bluewater Subdivision" means that portion of the Arizona side of the Colorado River Indian Reservation which is east of the townsite of Parker, and north of the centerline of the highway right-of-way of State Highway 95, comprising partial sections 4, 5, 8, 9, and 17 of Township 8 North, partial sections 3, 6, 7, 10, 11, 14, 18, 19, 22, 23, 27, 30, 31, 32, and 34 and whole sections 4, 5, 8, 9, 15, 16, 17, 20, 21, 28, 29, and 33 of Township 9 North, partial sections 27, 28, 29, 31, 32, and 34, and whole section 33 of Township 10 North, all of Range 19 West, and partial section 36 of Township 10 North, Range 20 West, all Gila and Salt River Base and Meridian, and partial sections 17 and 18 of Township 1 North, Range 26 East, San Bernadino Base and Meridian.

(3) "Board" means the Liquor Control Board of the Tribes.

(4) "Broken package" means any container of liquor on which the United States tax seal has been broken or removed, or from which the cap, cork, seal, or tab inserted by the manufacturer has been removed;

(5) "Council" means the Colorado River Indian Tribal Council;

(6) "License" means a liquor license issued pursuant to this Article;

(7) "Licensee" means any person issued a license pursuant to this Article;

(8) "Liquor" includes alcohol (ethanol) and beverages containing more than one-half of one percent (½%) by volume, including beverages commonly known as brandy, whiskey, rum, tequila, mescal, gin, wine, beer, malt liquor, and absinthe;

(9) "Off-sale retailer" means any person selling liquor in unbroken packages, to be consumed elsewhere;

(10) "On-sale retailer" means any person selling liquor in individual portions, by the glass, or in broken packages, for consumption at the place of sale;

(11) "Person" includes a partnership, corporation, or sole proprietorship as well as a natural person;

(12) "Premises" or "licensed premises" means the specific location or address at which a licensee is authorized to manufacture or sell liquor by the terms of his license;

(13) "Reservation" means the Colorado River Indian Reservation;

(14) "Sell" means to exchange for money or for goods, either for oneself or for another, and includes offering to sell liquor by display or by advertisement, and keeping or obtaining liquor with intent to sell it;

(15) "Tribal Court" means the Tribal Court of the Colorado River Indian Tribes;

(16) "Tribes" means the Colorado River Indian Tribes;

(17) "Wholesaler" means any person who sells liquor for subsequent resale, and includes the original manufacturer, distiller, brewer, vintner or bottler; and

(18) "Wine" means any beverage produced by the fermentation of grapes or other fruits containing natural or added sugar, including those fortified with grape brandy, if they contain not more than twenty-four percent (24%) alcohol (ethanol) by volume.

Section 2–102. Referendum.

No license (other than a license for premises located within the Bluewater Subdivision, within the townsite of Parker, or within the California side of the Reservation) shall be issued unless approved by the members of the Tribes by referendum. Upon the request of a majority of the members of the Council present at a valid meeting, made within forty-five (45) days of the Board's decision to approve the application, or upon receipt of a petition signed by the eligible voters who were registered at the last regular Tribal election, submitted to the Council within ninety (90) days of the Board's decision to approve the application, a referendum shall be scheduled by the Council. The referendum shall be held within ninety (90) days of the date it is requested, or the petition is submitted. The vote of a majority of the qualified voters in such referendum shall constitute approval or rejection of the license, provided that at least thirty precent (30%) of the registered voters shall have voted in such election.

Section 2–103. Persons Eligible.

(A) No license shall be issued to any person who, within one (1) year prior to application, has violated any provision of a license or has had a license revoked. No license shall be issued or renewed to any person who, within five (5) years prior to application, has been convicted of a felony. No corporation shall have a license issued or renewed unless it has on file with the Board a list of its officers and directors and any stockholders who own ten percent (10%) or more of the corporation. No corporation shall have a license issued or revoked if any of its officers or directors or any stockholders who own ten percent (10%) or more of the corporation have within five (5) years been convicted of a felony.

(B) A corporation shall own the entire equitable interest in its license through an agent who is otherwise qualified to hold a license. The agent shall be subject to the penalties prescribed for any violation of this Article. Upon the death, resignation or discharge of any such agent of a corporation holding a license, the license shall be assigned to another qualified agent selected by the corporation and approved by the Board, but this shall not constitute a transfer in violation of Section 2–209, or constitute the issuance of a new license.

Section 2–104. Liquor Control Board.

The Liquor Control Board shall be composerd of three (3) members and one (1) alternate member who shall be appointed by the Council for staggered terms of three (3) years each. The terms of the first three members of the Board shall expire at midnight on December 31, 1983, December 31, 1984, and December 31, 1985, respectively. The term of the first alternate member of the Board shall expire at midnight on December 31, 1983. Thereafter, all terms shall expire at midnight on December 31, three (3) years after they commence. The members of the Board may be removed by Council for cause upon notice and hearing. No member of the Board may have any financial interest in any liquor establishment of liquor business located or operating on the Reservation, nor shall any member of the Board be a member of the Council.

Section 2–105. Effective Date; Repeal; Transition.

(A) Ordinances Nos. 11 and 14 of Colorado River Indian Tribes, relating to the sale of liquor on the California and Arizona sides of the Reservation, respectively, including all amendments thereto, are hereby repealed.

(B) This Article shall be effective on the thirtieth (30th) day following the date of the publication in the Federal Register.

(C) Persons in possession of a valid liquor license issued by the States of Arizona or California who apply for a Tribal license within thirty (30) days of the effective date of this Article, may continue to operate under their State license until their application for a Tribal license has been either approved or denied.

(D) In any hearing pursuant to Section 2–205, it will be presumed that the persons described in Subsection (C) of this Section have the capacity, qualifications, and reliability to merit approval of their applications. No other requirements of this Article will be waived or diminished.

Section 2–106. Severability.

If any provision of this Article, or its application to any person or class of persons, or to any circumstances, is held invalid for any reason whatsoever, the remainder of its provisions shall not be affected and shall remain in full force and effect.

CHAPTER 2. LICENSES; APPLICATION AND ISSUANCE; REGISTRATION

Section 2–201. License Required.

No person may sell liquor within the Reservation, or manufacture liquor within the Reservation for sale anywhere, except as specifically authorized by a license issued in accordance with this Article.

Section 2–202. Exceptions.

The provisions of this Article do not apply to the sale of liquor upon a physician's prescription, or to ethanol used or intended for use:

(1) for scientific research or manufacturing products other than liquor;

(2) by a physician, medical or dental clinic, or hospital:

(3) in preparations not fit for human consumption such as cleaning compounds and toilet products, or flavoring extracts; or

(4) by persons exempt from regulation in accordance with the laws of the United States.

Section 2–203. Registration of Salesmen.

No person may take or solicit orders for liquor within the Reservation without first registering his name, address, purpose, and the name and address of his employer or principal, on the forms prescribed by the Board. Registrations require renewal each calendar year.

Section 2–204. Application

(A) Applicants for a liquor license must file with the Board on the forms it prescribes.

(B) Upon receipt of an application, the Board shall fix a date for a public hearing to determine whether a license should be issued. The hearing shall be held within sixty (60) days of the date of filing unless delayed at the request of the applicant.

(C) The Board shall issue a license only if satisfied of the applicant's capability, qualifications, and reliability, and that the best interests of the Reservation community will be served by the issuance of the license.

(D) Applications must disclose the identity of all persons who have an economic interest in the applicant's proposed business, and the nature and extent of their interests.

Section 2–205. Hearings.

(A) The Board shall adopt published rules and procedures for the conduct of hearings, in conformity with applicable ordinances of the Tribes.

(B) The Board shall have the power to administer oaths and issue subpoenas, and to require the presence of persons and the production of papers, books and records.

(C) At a public hearing held by the Board, anyone with an interest in the application shall be allowed to present evidence and to cross-examine witnesses. This includes the applicant, any resident of the Reservation, and the owner or manager of any business located on the Reservation. The Board nevertheless may limit duplicative evidence.

Section 2–206. Public Notice.

(A) The Board shall give at least ten (10) days prior notice of any hearing on an application for a license. This shall include posting a sign at a conspicuous place on the premises for which the application has been made, and publication in a local newspaper of general circulation on the Reservation.

(B) The notice posted on the premises must be at least twenty-two (22) inches wide and twenty-six (26) inches high, with letters at least one (1) inch high, and shall be placed so as to be conspicuous ans plainly visible to the general public.

(C) All posted and published notices shall state the name and address of the applicant, the class of license applied for, the date of the hearing, and any other information the Board deems appropriate to apprise the public fully of the nature of the application. If the applicant is a partnership, notice shall include the names and addresses of all of the partners, and if the applicant is a corporation, notice shall include the names and addresses of its managing officers.

Section 2–207. Appeals.

Any decision of the Board denying a license may be appealed to the Council within twenty (20) days. The Council may uphold the decision of the Board, or may direct the Board to reconsider its decision, or to issue the license.

Section 2–208. Form of Licenses.

(A) Each license shall specify the name and address of the licensee, the particular liquors which the licensee is authorized to sell, the purpose for which the liquor may be sold, and the premises to which the license applies, and shall expire at midnight on December 31 of the calendar year in which it is issued.

(B) Each license may be issued for only one of the following classes:

(1) Class 1, on-sale retailer of liquor;

(2) Class 2, on-sale retailer of beer and wine only;

(3) Class 3, off-sale retailer of liquor;

(4) Class 4, off-sale retailer of beer and wine only; or

(5) Class 5, wholesaler.

(C) The licensee must keep the license posted at all times in a conspicuous place on the premises for which it has been issued.

(D) All application for the renewal of privilages for an additional year shall be treated as an application for a new license, except that the requirements of Section 2–102 shall be waived, and except for good cause, as determined by the Board, the requirements of Section 2–204 (B) shall also be waived.

Section 2–209. Transfer or Modification of Licenses.

Any change in the terms of a license or, if the licensee is a partnership or corporation, change in its ownership, shall require the issuance of a new license in accordance with Section 2–204 through 2–208. Any attempt to transfer or assign a license is void and of no effect.

Section 2–210. Fees.

(A) Applications for a license must be accompanied by a non-refundable application fee of Two Hundred Dollars ($200.00).

(B) A license fee shall be paid before any license will be issued. The fee for a license shall be:

(1) Class 1 and Class 5 licenses, One Thousand Dollars ($1,000.00); and

(2) Class 2, Class 3 and Class 4 licenses, Five Hundred Dollars ($500.00).

(C) The Board may, at the request of an applicant, limit a license to some number of months less than twelve (12), in which case the fee shall be one-tenth (1/10) of that provided in Subsection (B) of this Section for each month.

Section 2–211. Disposition of Fees and Fines.

All license fees and fines or other monies received by the Board pursuant to this Article shall be deposited in the general account of the Tribes.

CHAPTER 3. SPECIAL EVENT LICENSES

Section 2–301. Special Event Licenses.

(A) The Board may issue an on-sale Special Event license to qualified organizations authorizing the sale of liquor for consumption on the premises specified for up to four (4) days. The fee for this license shall be Seventy-five Dollars ($75.00) per day. Applications must be made on the forms prescribed by the Board.

(B) No organization may be issued more than four (4) Special Event licenses in any single calendar year.

Section 2–302. Qualifications of Organizations.

A Special Event license may be issued only to an organization which has been formed for purposes of a religious, philanthropic, social, fraternal, patriotic, political or athletic nature, and not for profit, or which is a charter branch, lodge or chapter of such an organization.

Section 2–303. Grounds for Denial.

(A) The Board may deny an application for a Special Event license if it believes the sale of liquor by the applicant would be injurious to the public welfare by reason of the nature of the proposed event, its location, or the applicant's failure to conduct itself in compliance with applicable laws and regulations in the past.

(B) Public notice of the application must be posted in a conspicuous place at the proposed location of the event for at least ten (10) days prior to approval of the application by the Board. The Board will receive and consider any written protests before acting.

CHAPTER 4. UNLAWFUL ACTS; VIOLATIONS; PENALTIES

Section 2–401. Management of Licensed Premises.

(A) No licensee may reseal, reuse, or refill any package that contains or contained liquor.

(B) No Class 1 or Class 2 licensee may lock, or permit the locking of the entrances to the licensed premises until all persons other than the licensee and his employees have left.

(C) No licensee may change the name of his licensed premises without first obtaining written acknowledgment from the Board.

(D) Each licensee must conduct his business in a decent, orderly and respectable manner, and not permit loitering by intoxicated persons, rowdyness, undue noise, or any other disturbuance offensive to the residents of the Reservation.

(E) Licensees must keep all books of account, invoices, bills and other records of the purchase and sale of liquor for at least two (2) years, and surrender them to the Board, or to an auditor appointed by the Board, on demand.

Section 2–402. Laws of the United States.

Licensees must comply with all applicable laws of the United States governing the manufacturer, distribution and sale of alcohol and alcoholic beverages.

Section 2–403. Punishable Acts.

It is unlawful:

(1) to sell liquor without first obtaining all necessary federal licenses, including a license to trade with the Indians in accordance with Title 25 of the United States Code;

(2) to sell liquor without first obtaining a license in accordance with the provisions of this Article;

(3) to sell liquor in violation of the terms of a license issued pursuant to this Article;

(4) to take or solicit orders for the delivery of liquor from outside the Reservation, unless registered as a salesman in accordance with Section 2–203;

(5) to knowingly sell liquor to a person under the age of nineteen (19) years on the Arizona side of the Reservation, or under the age of twenty-one (21) years on the California side of the Reservation.

(6) to knowingly employ a person under the age of nineteen (19) years on the Arizona side of the Reservation, or under the age of twenty-one

(21) years on the California side of the Reservation, in the manufacture or sale of liquor, except as provided by Section 2–405.

(7) for a wholesaler, to transport liquor except in a vehicle conspicuously marked on its outside with the name and address of the licensee to which delivery is to be made, and the class and number of his license, in letters at least three (3) inches high;

(8) for a Class 1, Class 2, Class 3, and Class 4 licensee, to obtain liquor in unbroken packages except from a Class 5 licensee from a salesman registered in accordance with Section 2–203;

(9) for a Class 1, Class 2, Class 3, or Class 4 licensee to have any interest in the property or business of a Class 5 licensee or any other wholesaler of liquor;

(10) for a Class 1, Class 2, Class 3, or Class 4 licensee, or his employee, to consume liquor or be intoxicated while selling liquor on the licensed premises;

(11) for a Class 1, Class 2, Class 3, or Class 4 licensee, or employee to accept or give gifts of liquor in connection with his business, except for the sampling of wines and beers as provided by a wholesaler in the ordinary course of the trade;

(12) for a Class 1, Class 2, Class 3, or Class 4 licensee, or his employee, to sell or give any liquor to any person on the licensed premises between the hours of one o'clock a.m. and six o'clock a.m., Mondays through Saturdays, or one o'clock a.m. through twelve o'clock noon on Sundays, on the Arizona side of the Reservation, or between the hours of two o'clock a.m. and six o'clock a.m., Pacific Standard or Daylight time, whichever is then generally in effect in California, on the California side of the Reservation, or permit the consumption of liquor on the licensed premises in those places during those hours and those days;

(13) for a Class 1 or Class 2 licensee, to employ any person for the purpose of soliciting the purchase of liquor within the licensed premises, on a percentage basis or otherwise;

(14) for a Class 1 or Class 2 licensee to sell liquor without insurance coverage as required in Section 2–408(B); or

(15) for a Class 3 or Class 4 licensee, to sell liquor in broken packages, or permit the consumption of liquor on the licensed premises.

Section 2–404. Penalties.

(A) Every person violating the provisions of Section 2–403 is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than six (6) months, or both. Each day during which such violation shall continue, after written notice to the person in violation, shall constitute a separate offense, punishable as herein provided.

(B) Every person violating the provisions of Section 2–403 shall forfeit to the Colorado River Indian Tribes in a civil action a sum of not more than Five Hundred Dollars ($500.00) for each

violation. Each day during which such violation shall continue shall constitute a separate civil violation of such Section.

(C) Subsection (A) of this Section shall not be construed to authorize the imposition of any criminal penalty against any person who, because of his status as a non-Indian or otherwise, pursuant to Federal law is not subject to the imposition of criminal penalties by the Colorado River Indian Tribes.

Section 2–405. Construction; Exceptions.

(A) If an act is unlawful, pursuant to Section 2–403, when committed by the licensee, the licensee is also liable if the act is committed by one of his employees or agents. A licensee may not be imprisoned, however, for the act of an employee or agent in which he did not knowingly conspire or agree.

(B) Nothing in this Section or in Section 2–403 shall be construed to prevent the employment of persons under the age of twenty-one (21) years in the delivery of unbroken packages of liquor, or the serving of individual portions of liquor from broken packages on licensed premises, if the licensee is chiefly engaged in the sale of food, and the employee chiefly employed in delivering or serving food.

Section 2–406. Intoxication.

It is unlawful:

(1) to consume liquor from a broken package in a public place, other than premises specified in the Class 1 or Class 2 license, or a Special Event license; or

(2) for a Class 1 or Class 2 licensee, or his employee, to sell or give liquor to an intoxicated person within the licensed premises, or permit an intoxicated person to remain on the premises.

Section 2–407. Penalties.

(A) Every person violating the provisions of Section 2–406 is guilty of an offense and shall be punished by a fine of not more than One Hundred Dollars ($100.00), or by imprisonment for not more than one (1) month, or both.

(B) Every person violating the provisions of Section 2–406 shall forfeit to the Colorado River Indian tribes in a civil action a sum of not more than One Hundred Dollars ($100.00) for each violation.

(C) Subsection (A) of this Section shall not be construed to authorize the imposition of any criminal penalty against any person who, because of his status as a non-Indian or otherwise, pursuant to Federal law is not subject to the imposition of criminal penalties by the Colorado River Indian Tribes.

Section 2–408. Civil Responsibility; Insurance.

(A) Licensees under this Article, and their employees, are liable for injuries or damage to property resulting from their negligent or reckless conduct, whether in the management of licensed premises, or in their violation of Section 2–406(2).

(B) All Class 1 and Class 2 licensees shall maintain insurance coverage insuring against liability under Subsection (A) of this Section, in the amount of at least $100,000.00 for bodily injury to any one (1) person, $500,000.00 for any one (1) accident or personal injury, and $100,000.00 for property damage.

Section 2–409. Contraband.

(A) Any liquor found in the possession, custody or control of a person other than a licensee in accordance with this Article, which is offered or intended for sale may be seized by a law enforcement officer of the Tribes.

(B) Seized liquor no longer required for prosecution evidence may be sold for the benefit of the Tribes, or destroyed, under the supervision of the Board, after the right appeal pursuant to Subsection (C) of this Section has expired.

(C) The legality of any seizure of liquor may be appealed to the tribal Court within twenty (20) days of the seizure. The Tribal Court may order the seized liquor returned to the person from whom it was seized, if warranted, but may not access damages or costs against the Board or the Tribes.

(D) For purposes of this Section only, the Tribes waive their immunity from suit.

CHAPTER 5. REVOCATION OF LICENSES.

Section 2–501. Revocation of Licenses.

(A) The Board may summarily suspend any license for up to fifteen (15) days upon a satisfactory showing of imminent danger to the public welfare, or, after notice to the licensee and a public hearing, revoke the license. (B) The Board must hold a public hearing to determine the truth of every written compliant it receives alleging a violation of this Article by a licensee.

(C) The Board shall adopt published rules and procedures for the conduct of license revocation hearings, providing, at a minimum, for the right of the licensee to appear and be represented by legal counsel.

Section 2–502. Grounds.

Grounds for suspension or revocation of a license include the violation of any of the provisions of this Article, the misrepresentation of a material fact in the licensee's application for a license, conviction of the licensee for a crime involving a maximum penalty of six (6) months imprisonment or more, and failure of the licensee to correct unhealthy or unsafe conditions on the licensed premises within a reasonable time after notice from the Tribes.

Section 2–503. Appeals.

(A) Suspension or revocation of a license may be appealed to the Tribal Court within twenty (20) days. The Tribal Court may reinstate a suspended or revoked license, if warranted, but not assess damages or costs against the Board or the Tribes.

(B) For purposes of this Section only, the Tribes waive their immunity from suit.

The foregoing ordinance was on December 28, 1982, duly approved by a vote of 7 for and 0 against, by the Tribal Council of the Colorado River Indian tribes, pursuant to authority vested in it by Article VI of the Constitution of the Tribes, ratified by the Tribes on March 1, 1975, and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

Colorado River Indian Tribes
Colorado River Indian Tribal Council

Anthony Drennan, Sr.,
Chairman.
Elliot L. Booth,
Secretary.

[FR Doc. 84–1562 Filed 1–19–84; 8:45 am]
BILLING CODE 4310–02–M

Bureau of Land Management

[W–86137]

Wyoming; Realty Action

Direct Sale of Public Lands in Brown County, Nebraska

The Bureau of Land Management, based upon land use plans has detrmined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T. 32 N., R. 23 W., 6th P.M.	11		
Section 23, N½S½		160	$17,600
Section 27, SE¼NE¼, NW¼SW¼		80	8,800
Total		240	26,400

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Brown County Courthouse, Ainsworth, Nebraska 69210.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 USC 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W-86137, Parcel Number 11, Brown County, Nebraska, 1984 Land Sales."

Parcel 11 in Brown County, Nebraska is going to be offered as a direct sale to The Nature Conservancy, the adjacent landowner. The sale of the lands to The Nature Conservancy will not be held until 60 days from the date of this Notice. The Nature Conservancy's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O.Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. The Nature Conservancy will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that The Nature Conservancy does not exercise their option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1589 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86135]

Wyoming; Realty Action Direct Sale of Public Lands in Brown County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for public sale and solicits and will accept bids on this land. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may acept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal Description	Parcel No.	Acreage	Appraised value
T. 26 N., R. 22 W., 6th P.M.	9	40	$5,000
Section 5, NW¼SE¼			

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Brown County Courthouse, Ainsworth, Nebraska 69210.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

6. The bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W-86135, Parcel Number 9, Brown County, Nebraska, 1984 Land Sales."

Parcel 9 in Brown County, Nebraska is going to be offered as a direct sale to Gordon Hitchcock, the adjacent landowner. The sale of the land to Gordon Hitchcock will not be held until 60 days from the date of this Notice. Gordon Hitchcock's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Gordon Hitchcock will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Gordon Hitchcock does not exercise the option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who

may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1570 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86129]

Wyoming; Realty Action Direct Sale of Public Lands in Brown County, Nebraska

The Bureau of the Land Management, based upon land use plans has determined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T. 25 N., R. 21 W., 6th P.M.	3		
Section 1, S½SE¼		80	$10,000
Section 3, S½SW¼		80	10,000
Total		160	20,000

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assesssment/land report will also be available at the Brown County Courthouse, Ainsworth, Nebraska 69210.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

6. If the bid is submitted by mail, the bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W-86129, Parcel Number 3, Brown County, Nebraska, 1984 Land Sales."

Parcel 3 in Brown County, Nebraska is going to be offered as a direct sale to J. Hall Dillon Estates, the adjacent landowner. The sale of the lands to J. Hall Dillon Estates will not be held until 60 days from the date of this Notice. J. Hall Dillon Estates' bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. J. Hall Dillon Estates will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that J. Hall Dillon Estates does not exercise the option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1571 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86106]

Wyoming; Realty Action Modified Competitive Sale of Public Lands in Rock County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for public sale and solicits and will accept bids on this land. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T. 25 N., R. 20 W. 6th P.M.	1	80	$10,000
Section 9, W½NW¼			

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Rock County Courthouse, Bassett, Nebraska 68714.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. All sealed bids for an amount not less than one-fifth (⅕) of any total bid must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 14, 1984, the day before the sale.

7. All bids if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

8. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W–86106, Parcel No. 1, Rock County, Nebraska, 1984 Land Sales."

9. Failure to pay at least full price within 30 days of the sale shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

The sale will be conducted by modified competitive bidding to the adjoining landowners. The parcel will be offered only under a sealed bid process to the adjoining landowners. On the designated sale date, March 15, 1984 at 11:00 a.m., MST, sealed bid envelopes will be opened and the high valid bid announced.

If two (2) or more envelopes containing valid bid of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the Authorized Officer immediately following the opening of the sealed bids. At the close of the sale date, the high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid.

In the event the adjoining landowners fail to exercise their option to purchase the subject parcel, it will be offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1568 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86124]

Wyoming; Realty Action Direct Sale of Public Lands In Blaine County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Legal description	Parcel No.	Acreage	Appraised value
T. 24 N., R. 23 W., 6th P.M., Sec. 27, SE¼NE¼	10	40.0	$4,400.00

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contacts concerning the sale available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Blaine County Courthouse, Brewster, Nebrasha 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid if made by check, bank draft, or money order, must be made payable to the Department of Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W–86124, Parcel 10, Blaine County, Nebraska, 1984 Land Sales."

Parcel 10 in Blaine County, Nebraska is going to be offered as a direct sale to Gerald DeGroff, the adjoining landowner. The sale of the land to Gerald DeGoff will not be held until 60 days from the date of the notice. Gerald DeGroff bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Gerald DeGroff will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Gerald DeGroff does not exercise his option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated be the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1577 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86121]

Wyoming; Realty Action Direct Sale of Public Lands In Blaine County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for sale and solicits and will accept bids on this land. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the

land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Legal description	Parcel No.	Acreage	Appraised value
T. 21 N., R. 23 W., 6th, P.M., Sec. 6, lot 5; SE¼NW¼	8	78.57	$8,660.00

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report, will also be available at the Blaine County Courthouse, Brewster, Nebraska 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid is made by check, bank draft, or money order, must be made payable to the Department of Interior-BLM.

6. The sealed bid envolpe must be marked in the front lower left-hand corner with the words "Public Land Sale, W–86121, Parcel 8, Blaine County, Nebraska, 1984 Land Sales."

Parcel 8 in Blaine County, Nebraska is going to be offered as a direct sale to Lowell Minert, an adjoining landowner. The sale of the land to Lowell Minert will not be held until 60 days from the date of this notice. Lowell Minert's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Lowell Minert will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Lowell Minert does not exercise his option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at later date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse commnets will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84–1578 Filed 1–19–84; 8:45 am]

BILLING CODE 4310–22–M

[W–86115]

Wyoming; Realty Action Direct Sale of Public Lands in Blaine County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for sale and solicits and will accept will accept bids this land. Secton 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Legal description	Parcel No.	Acreage	Appraised value
T. 21 N., R. 22 W., 6th P.M., Sec. 13, NE¼SE¼	2	40.0	$4,400.00

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Blaine County Courthouse, Brewster, Nebraska 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid if made by bank draft, or money order, must be made payable to the Department of Interior—BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W–86115, Parcel 2, Blaine County, Nebraska, 1984 Land Sales."

Parcel 2 in Blaine County, Nebraska is going to be offered as a direct sale to the McMillan Ranch Company the adjoining landowner. The sale of the land to the McMillan Ranch Company will not be held until 60 days from the date of the notice. The McMillan Ranch Company's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. The McMillan Ranch Company will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that the McMillan Ranch Company does not exercise their option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who

may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1579 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86114]

Wyoming; Realty Action Direct Sale of Public Lands in Blaine County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for sale and solicits and will accept bids on this lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Legal description	Parcel No.	Acreage	Appraised value
T. 22 N., R. 21 W., 6th P.M., Sec. 2, lot 3	1	40.1	$4,400.00

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Blaine County Courthouse, Brewster, Nebraska 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid if made by check, bank draft, or money order, must be made payable to the Department of Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W-86114, Parcel 1, Blaine County, Nebraska, 1984 Land Sales."

Parcel 1 in Blaine County, Nebraska is going to be offered as a direct sale to Rex Miller, the adjoining landowner. The sale of the land to Rex Miller will not be held until 60 days from the date of the notice. Rex Miller's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Rex Miller will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Rex Miller does not exercise his option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1580 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86108; W-86109]

Wyoming; Realty Action Modified Competitive Sale of Public Lands in Holt County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Serial No.	Legal description	Parcel No.	Acreage	Appraised value
W-86108..	T. 33 N., R. 14 W. 6th P.M., Sec. 22, NE¼NE¼.	2	40.0	$5,000.00
W-86109..	T. 28 N., 16 W., 6th P.M., Sec. 19, lot 3.	3	22.5	2,800.00

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Holt County Courthouse, O'Neill, Nebraska 68763.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. All sealed bids for an amount not less than one-fifth (⅕) of any total bid

must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 14, 1984, the day before the sale.

7. All bids if made by check, bank, draft, or money order, must be made payable to the Department of the Interior—BLM.

8. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W- ——, Parcel No. ——, Holt County, Nebraska, 1984 Land Sales."

9. Failure to pay at least full price within 30 days of the sale shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

The sale will be conducted by modified competitive bidding to the adjoining landowners. The parcel will be offered only under a sealed bid process to the adjoining landowners. On the designated sale date, March 15, 1984 at 11:00 a.m., MST, sealed bid envelopes will be opened and the high valid bid announced.

If two (2) or more envelopes containing valid bid of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the Authorized Officer immediately following the opening of the sealed bids. At the close of the sale date, the high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid.

In the event the adjoining landowners fail to exercise their option to purchase the subject parcel, it will be offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1581 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86125, W-86126]

Wyoming: Realty Action; Direct Sale of Public Lands in Blaine County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Serial No.	Legal description	Parcel No.	Acreage	Appraised value
W-86125...	T. 23 N., R. 25 W., sec. 5, S½NW¼.	11	80	$8,800
W-86126...	T. 24 N., R. 25 W., sec. 32, NW¼SW¼.	12	40	4,400

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contracts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Blaine County Courthouse, Brewster, Nebraska 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid is made by check, bank draft, or money order, must be made payable to the Department of Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W-86125, W-86126, Parcels 11 and 12, Blaine County, Nebraska, 1984 Land Sales." If a bid is placed on only one of the parcels, then use the same format as above but only for that particular parcel.

Parcels 11 and 12 in Blaine County, Nebraska are going to be offered as a direct sale to Marion Hanna, the adjoining landowner. The sale of the lands to Marion Hanna will not be held until at least 60 days from the date of the notice. Marion Hanna's bid for the full appraised value of these parcels must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Marion Hanna will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Marion Hanna does not exercise his option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1576 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86116 through W-86120 inclusive; W-86122]

Wyoming: Realty Action; Modified Competitive Sale of Public Lands in Blaine County, Nebr.

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for sale and solicits and will accept bids on these lands.

Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable laws.

Serial No.	Legal description	Parcel No.	Acreaged	Appraised value
W-86116	T. 23 N., R. 22 W., 6th P.M., Sec. 19, S½SE¼.	3	80.0	$8,800
W-86117	T. 23 N., R. 22 W., 6th P.M., Sec. 30, lot 2, SE¼NW¼.	4	76.4	8,400
W-86118	T. 23 N., R. 22 W., 6th P.M., Sec. 34, SE¼NW¼.	5	40.0	4,400
W-86119	T. 23 N., R. 22 W., 6th P.M., Sec. 26, SE¼SE¼.	6	40.0	4,400
W-86120	T. 23 N., R. 22 W., 6th P.M., Sec. 29, NW¼SW¼.	7	40.0	4,400
W-86122	T. 23 N., R. 23 W., 6th P.M., Sec. 23, S½SW¼.	9	80.0	8,800

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomic to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandums and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report, will also be available at the Blaine County Courthouse, Brewster, Nebraska 68821.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The Patent will contain a reservation for ditches and canals by authority of the United States, act of August 30, 1890 (26 stat. 301; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. All sealed bids for an amount not less than one fifth (⅕) of any total bid must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. 219 Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 P.M. MST, March 14, 1984, the day before the sale.

7. All bids if made by check, bank draft, or money order, must be made payable to the Department of the Interior—BLM.

8. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number: W——, Parcel Number: ——, Blaine County, Nebraska, 1984 Land Sales."

9. Failure to pay full price within 30 days of the sale shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

10. If the grazing lessees do not purchase Parcels 5 or 7, the following will be a condition of sale for each parcel:

Parcel 5: Rex Sadler is the grazing lessee and owner (100 percent interest) of the following authorized range improvements: Permit No. 1830; ¼ mile of four-strand barbed wire fence on the north side, and ¼ mile of four-strand barbed wire fence on the east side of Parcel 5. If any person other than Rex Sadler is the successful bidder on the land being offered for sale, that person will be required to reimburse Rex Sadler for the value of the improvements and furnish proof thereof to the authorized officer, Bureau of Land Management, Newcastle Resource Area, before conveyance may be made. If the bidder and grazing lessee are unable to agree, the authorized officer shall determine the value.

Parcel 7: Neal Keller is the grazing lessee and owner (100 percent interest) of the following authorized range improvements: Permit No. 1346; ¼ mile of fence in Parcel 7. If any person, other than Neal Keller is the successful bidder on the land being offered for sale, that person will be required to reimburse Neal Keller for the value of the improvements and furnish proof thereof to the authorized officer, Bureau of Land Management, Newcastle Resource Area before conveyance may be made. If the bidder and grazing lessee are unable to agree, the authorized officer shall determine the value.

11. If the grazing lessee(s) does/do not purchase nor waive his/her/their grazing privileges on Parcels 3–7 inclusive, and 9, the patent shall include the following statement:

"The successful bidder agrees that he/she/they take(s) the real estate subject to the existing grazing use of (grazing lessees), holder of grazing authorization number ———. The rights of (grazing lessee(s)) to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization number ——— shall cease on (month/day/year). The successful bidder is entitled to receive annual grazing fees from (purchaser) in an amount not to exceed that which would be authorized under federal grazing fee published annually in the **Federal Register.**"

The sale will be conducted by modified competitive bidding to the adjoining landowners. The parcels will be offered only under a sealed bid process to the adjoining landowners. On the designated sale date, March 15, 1984 at 11:00 a.m. MST, sealed bid envelopes will be opened and the high valid bid announced.

If two (2) or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the authorized officer immediately following the opening of the sealed bids. At the close of the sale date, the high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid.

In the event the adjoining landowner fails to exercise their option to purchase the subject parcel, it will be offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this notice, interested parties may

submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1575 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86127, W-86128, W-86130-W-86134 inclusive, W-86136, W-86138, W-86139]

Wyoming: Realty Action Modified Competitive Sale of Public Lands in Brown County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Serial No.	Legal description	Parcel No.	Acreage	Appraised value
W-86127	T. 27 N., R. 20 W., 6th P.M., Section 19, E½NE¼.	1	80.0	$10,000
W-86128	T. 32 N., R. 20 W., 6th P.M., Section 30, lot 2.	2	39.49	4,935
W-86130	T. 25 N., R. 21W., 6th P.M., Section 9, W½NW¼.	4	80.0	10,000
W-86131	T. 27 N., R. 21 W., 6th P.M., Section 22, NW¼SE¼.	5	40.0	5,000
W-86132	T. 27 N., R. 21W., 6th P.M., Section 27, SE¼NW¼.	6	40.0	5,000
W-86133	T. 25 N., R. 22W., 6th P.M., Section 1, SW¼SW¼.	7	40.0	5,000
W-86134	T. 25 N., R. 22 W., 6th P.M., Section 30, NE¼SW¼.	8	40.0	4,400
W-86136	T. 25 N., R. 23 W., 6th P.M., Section 21, E½SE¼ Section 22, S½SW¼.	10	160.0	17,600
W-86138	T. 31 N., R. 24 W., 6th P.M., Section 4, SW¼SE¼.	12	40.0	5,000
W-86139	T. 31 N., R. 24W., 6th P.M., Section 14, SW¼SW¼.	13	40.0	5,000

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Brown County Courthouse, Ainsworth, Nebraska 69210.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. All sealed bids for an amount not less than one-fifth (⅕) of any total bid must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 14, 1984, the day before the sale.

7. All bids if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

8. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W- , Parcel Number , Brown County, Nebraska, 1984 Land Sales."

9. Failure to pay at least full price within 30 days of the sale shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

10. If the grazing lessees do not purchase parcels 1, 5, 6, 7, 10 or 13, the following will be a condition of sale for each parcel:

Parcel No. 1

Clifford and James Barta (Barta Brothers) are the grazing lessees and owners (100 percent interest) in the following authorized range improvements: Permit No. 5087, ½ mile of fence, and 4 rows of cedar trees, each row ½ mile on the east border of Parcel 1. If any person, other than the Barta Borthers, is the successful bidder on the land being offered for sale, that person will be required to reimburse the Barta Brothers for the value of the improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lessees are unable to agree, the Authorized Officer shall determine the value.

Parcel No. 5

Sumner E. and Tekla Copple are the grazing lessees and owners (100 percent interest) of the following authorized range improvements: Permit No. 448, ¼ mile of 4-wire fence on the west border of Parcel 5. If any person other than Sumner E. and Tekla Copple is the successful bidder on the land being offered for sale, that person will be required to reimburse Sumner E. and Tekle Copple for the value of improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lessees are unable to agree, the Authorized Officer shall determine the value.

Parcel No. 6

Sumner E. and Tekla Copple are the grazing lessees and owners (100 percent interest) in the following authorized range improvements: Permit No. 448, ¼ mile of 4-wire fence on the west border of Parcel 6. If any person other than Sumner E. and Tekla Copple is the successful bidder on the land being offered for sale, that person will be required to reimburse Sumner E. and Tekla Copple for the value of the improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lessees are unable to agree, the Authorized Officer shall determine the value.

Parcel No. 7

Ralph and Joanne Gracey are the grazing lessee(s) and owners (100 percent interest) of the following authorized range improvements: Permit No. 434, ¼ mile of 3-wire fence and 1 windmill on Parcel 7. If any person other than Ralph and Joanne Gracey is the successful bidder on the land being offered for sale, that person will be required to reimburse Ralph and Joanne Gracey for the value of the improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lessees are unable to agree, the Authorized Officer shall determine the value.

Parcel No. 10

Ronald Krutsinger is the grazing lessee and owner (100 percent interest) of the following authorized range improvements for the portion of Parcel 10 in Section 22: Permit No. 4915, ¾ mile of fence which lie on the west and a portion of the south border of Parcel 10. If any person other than Ronald Krutsinger is the successful bidder on the land being offered for sale, that person will be required to reimburse Ronald Krutsinger for the value of the improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lessee are unable to agree, the Authorized Officer shall determine the value.

Parcel No. 13

Lois M. Randall is the grazing lessee and owner (100 percent interest) of the following authorized range improvements: Permit No. 1831, ¾ mile of fence on the north, east and west sides of Parcel 13. If any person other than Lois M. Randall is the successful bidder on the land being offered for sale, that person will be required to reimburse Lois M. Randall for the value of the improvements and furnish proof thereof to the Authorized Officer, Bureau of Land Management, Newcastle Resource Area before covenance may be made. If the bidder and grazing lesses are unable to agree, the Authorized Officer shall determine the value.

11. If the grazing lessee(s) does/do not purchase nor waive his/her grazing privileges on Parcels 1, 5–8 inclusive, 10 and 13, the patent shall include the following statement:

"The successful bidder agrees that he takes the real estate subject to the existing grazing use of (grazing lessee(s)), holder of grazing authorization number . The rights of (grazing lessee(s)) to graze domestic livestock on the real estate according to the conditions and terms of grazing authorization number shall cease on (month/day/year). The successful bidder is entitled to receive annual grazing fees from the (purchaser) in an amount not to exceed that which would be authorized under federal grazing fee published annually in the **Federal Register.**"

The sale will be conducted by modified competitive bidding to the adjoining landowners. The parcel will be offered only under a sealed bid process to the adjoining landowners. On the designated sale date, March 15, 1984 at 11:00 a.m., MST, sealed bid envelopes will be opened and the high valid bid announced.

If two (2) or more envelopes containing valid bid of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the Authorized Officer immediately following the opening of the sealed bids. At the close of the sale date, the high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid.

In the event the adjoining landowners fail to exercise their option to purchase the subject parcel, it will be offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1572 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86107]

Wyoming: Realty Action; Direct Sale of Public Lands in Holt County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for public sale and solicits and will accept bids on this land. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T. 28 N., R. 14 W., 6th P.M., Sec. 24, SE¼SE¼.....	1	40.0	$5,000

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomical to manage as part of the Public Lands.

The planning document, envionmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Holt County Courthouse, O'Neill, Nebraska 68763.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W–86107, Parcel

No. 1, Holt County, Nebraska, 1984 Land Sales."

Parcel 1 in Holt County, Nebraska is going to be offered as a direct sale to Shirley Walker, the adjacent landowner. The role of the land to Shirley Walker will not be held until at least 60 days from the date of this Notice. Shirley Walker's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Shirley Walker will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Shirley Walker does not exercise her option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty will become final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1567 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86110]

Wyoming: Realty Action; Direct Sale of Public Lands in Holt County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be full consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T. 33 N., R. 18 W., 6th P.M., Section 15, lot 5	4	0.48	$100

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Holt County Courthouse, O'Neill, Nebraska 68763.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 USC 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, Serial Number W-86110. Parcel No. 4, Holt County, Nebraska, 1984 Land Sales."

Parcel 4 in Holt County, Nebraska is going to be offered as a direct sale to Lyman White, the adjacent landowner. The sale of the land to Lyman White will not be held until at least 60 days from the date of this Notice. Lyman White's bid for the full appraised value of this parcel must be received in the Necastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Lyman White will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Lyman White does not exercise his/her/their option, to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Whoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this reality action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1566 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[W-86111]

Wyoming: Realty Action; Direct Sale of Public Lands in Keya Paha County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described land is suitable for public sale and solicits and will accept bids on this land. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Legal description	Parcel No.	Acreage	Appraised value
T 32 N., R. 18 W., 6th P.M., Sec. 17, lot 5	1	6.7	$335

The land is being offered for sale because of its location, scattered nature, lack of access and other characteristics which make it difficult and uneconomical to manage as part of the Public Lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the

Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Keya Paha County Courthouse, Springview, Nebraska 68778.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. The bid, if made by check, bank draft, or money order, must be made payable to the Department of the Interior–BLM.

6. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W–86111, Parcel No. 1, Keya Paha County, Nebraska, 1984 Land Sales."

Parcel 1 in Keya Paha County, Nebraska is going to be offered as a direct sale to Edwin Hall, the adjacent landowner. The sale of the land to Edwin Hall will not be held until 60 days from the date of this Notice. Edwin Hall's bid for the full appraised value of this parcel must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 15, 1984. Edwin Hall will be notified within 30 days of this date whether or not the Bureau can accept the bid. In the event that Edwin Hall does not exercise his option to purchase the land, the sale will be readvertised and offered for sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84–1574 Filed 1–19–84; 8:45 am]

BILLING CODE 4310–22–M

[W–86112, W–86113]

Wyoming: Realty Action Modified Competitive Sale of Public Lands in Keya Paha County, Nebraska

The Bureau of Land Management, based upon land use plans has determined that the following described lands are suitable for public sale and solicits and will accept bids on these lands. Section 203 of the Federal Land Policy and Management Act (FLPMA) requires the BLM to receive fair market value for the land sold and the BLM will reject any bid for less than such value. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law.

Serial No.	Legal description	Parcel No.	Acreage	Appraised value
W–86112	T. 35 N., R. 20 W., 6th P.M., Sec. 17, lots 1–4 inclusive Sec. 18, lots 1–4 inclusive.	2	21.33	$2,000
W–86113	T. 35 N., R. 23 W., 6th P.M., Sec. 15, lots 1–4 inclusive.	3	12.38	1,240

The lands are being offered for sale because of their location, scattered nature, lack of access and other characteristics which make them difficult and uneconomical to manage as part of the public lands.

The planning document, environmental assessment/land report, and memorandum and letters of federal, state, and local contacts concerning the sale are available for review at the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass Newcastle, Wyoming 82701. The planning document, environmental assessment/land report will also be available at the Keya Paha County Courthouse, Springview, Nebraska 68778.

The terms and conditions applicable to the sale are:

1. A reservation that the sale of the parcel will be subject to all valid existing rights.

2. All minerals will be reserved to the United States in accordance with Section 209(A) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

3. The patent will contain a reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. Federal law requires that all bidders be U.S. citizens, 18 years of age, or in the case of corporations be authorized to own real estate in the State of Nebraska.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. All sealed bids for an amount not less than one-fifth (1/5) of any total bid must be received in the Newcastle Resource Area Office, Bureau of Land Management, P.O. Box 219, Highway 16 By-Pass, Newcastle, Wyoming 82701 by 4:30 p.m., MST, March 14, 1984, the day before the sale.

7. All bids if made by check, bank draft, or money order, must be made payable to the Department of the Interior-BLM.

8. The sealed bid envelope must be marked in the front lower left-hand corner with the words "Public Land Sale, W– ———, Parcel No. ——, Keya Paha County, Nebraska, 1984 Land Sales."

9. Failure to pay at least full price within 30 days of the sale shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

10. The State of South Dakota will not be considered qualified or have a valid bid in the modified competitive bidding process for Parcel 3.

The sale will be conducted by modified competitive bidding to the adjoining landowners. The parcel will be offered only under a sealed bid process to the adjoining landowners. On the designated sale date, March 15, 1984 at 11:00 a.m., MST, sealed bid envelopes will be opened and the high valid bid announced.

If two (2) or more envelopes containing valid bid of the same amount are received, the determination of which is to be considered the highest bid shall be by drawing. The drawing shall be held by the Authorized Officer immediately following the opening of the sealed bids. At the close of the sale date, the high bidder will be notified in writing within 30 days whether or not the Bureau can accept the bid.

In the event the adjoining landowners fail to exercise their option to purchase the subject parcel, it will be offered for

sale utilizing a competitive process at a later date.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 6, 1984.

James W. Monroe,

Casper District Manager.

[FR Doc. 84-1573 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-22-M

[CA-15310]

California; Proposed Withdrawal and Opportunity for Public Hearing

January 13, 1984.

The Department of the Navy, on December 27, 1983, filed application Serial No. CA-15310, for the withdrawal of the following described public lands from appropriation under the public land laws and the mining laws (30 U.S.C., Ch. 2), subject to valid existing rights.

Mount Diablo Meridian

T. 27 S., R. 43 E.,
Secs. 31 thru 34, All.
T. 28 S., R. 43 E.,
Secs. 4 thru 9, All.
Secs. 17 thru 19, All.

The area aggregates 8,320.00 acres in San Bernardino County, California.

The Navy desires the area to provide a security and buffer zone at the Randsburg Wash Test Range.

For a period of 90 days, from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting. The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is rejected or the withdrawal is approved prior to that date. The two year segregative period does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining and mineral leasing laws.

All communications in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, California State Office, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Eleanor Wilkinson,

Chief, Lands & Locatable Minerals Section, Branch of Lands & Minerals Operations.

[FR Doc. 84-1480 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Alaska Offshore; Availability of Draft Environmental Impact Statement for Proposed Oil and Gas Lease Offering 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 draft environmental impact statement (EIS) for the proposed October 1984 oil and gas lease offering in the Gulf of Alaska/Cook Inlet area.

Single copies of the draft 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 draft 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, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, 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 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

In accordance with 30 CFR 256.26 the Minerals Management Service will hold public hearings in order to receive comments and suggestions relating to the EIS. It is tentatively planned to hold hearings the week of February 13, 1983, in Anchorage, Kodiak, and Yakutat, Alaska. The exact dates and locations of the hearings will be announced at a later date. Comments concerning the draft EIS will be accepted until March 20, 1984, and should be addressed to the Regional Manager, Alaska Region, P.O. Box 101159, Anchorage, Alaska 99510.

Dated: January 17, 1984.

William D. Betternberg,

Director, Minerals Management Service.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 84-1662 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of environmental documents prepared for

OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The Minerals Management Service (MMS) in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assesments (EA's) and Findings of No Significant Impact (FONSI's) prepared by the MMS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for lease operations for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity	Location	Fonsi date
Shell Offshore Incorporated/ Exploration Plan.	OCS Block 4 (NJ 18-9) (94 statute miles Southeast of Cape May, New Jersey/ Baltimore Canyon area).	12/02/83
Shell Offshore Incorporated/ Exploration Plan.	OCS Block 93 (NJ 18-9) (96 statute miles Southeast of Cape May, New Jersey/ Baltimore Canyon area).	12/02/83

Persons interested in reviewing environmental documents for the proposal listed above or obtaining information about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact the appropriate offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT: Regional Supervisor, Leasing and Environment, Atlantic OCS Region, minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180, (703) 285-2165, FTS-8-285-2165.

For Copies Contact: Records Management Section, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180, (703) 285-2267, FTS-8-285-2267.

There will be a charge for the reproduction of these documents.

SUPPLEMENTARY INFORMATION:

The MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This Notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Ralph V. Ainger,

Acting Regional Manager, Atlantic OCS Region.

[FR Doc. 84-1235 Filed 1-19-84; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

United States World Heritage Nominations 1984

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: The Department of the Interior, through the National Park Service, announces the nomination of Yosemite National Park and the Statue of Liberty to the World Heritage List. The nominations are the result of Interior's annual World Heritage nomination process, which was initiated through a February 23, 1983, **Federal Register** notice (48 FR 7640). The Department earlier announced the identification of both sites as proposed U.S. World Heritage nominations (48 FR 38100). The nominations are being submitted to the Secretariat of the World Heritage Committee for consideration through a process that could lead to their inscription on the World Heritage List in fall 1984.

FOR FURTHER INFORMATION CONTACT: Mr. David G. Wright, Associate Director, Planning and Development, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240

SUPPLEMENTARY INFORMATION: The Convention Concerning the Protection of the World Cultural and Natural Heritage, ratified by the United States and 77 other countries, has established a system of international cooperation through which cultural and natural properties of outstanding universal value to mankind may be recognized and protected. The Convention seeks to put into place an orderly approach for coordinated and consistent heritage resource protection and enhancement throughout the world. The Convention complements each participating nation's heritage conservation programs, and provides for:

(a) The establishment of a 21-member World Heritage Committee assisted by UNESCO to further the goals of the Convention and to approve properties for inclusion on the World Heritage List;

(b) The development and maintenance of a World Heritage List to be comprised of natural and cultural properties of outstanding universal value;

(c) The preparation of a List of World Heritage in Danger;

(d) The establishment of a World Heritage Fund, with a primary function to assist participating countries in preserving and protecting endangered World Heritage properties;

(e) The provision of technical assistance to participating countries, upon request; and

(f) The promotion and enhancement of public knowledge and understanding of the vital importance of heritage conservation at the international level.

Participating nations identify and nominate their sites for inclusion on the World Heritage List, which currently includes 165 cultural and natural properties. The World Heritage Committee judges all nominations against established criteria. Under the Convention, each participating nation assumes responsibility for taking appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of World Heritage properties situated within its border.

The Federal Interagency Panel for World Heritage makes recommendations on proposed U.S. World Heritage nominations and related matters. The Panel includes representatives from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Smithsonian Institution; the Advisory Council on Historic Preservation; the Department of Comerce; the Department of Agriculture; and the Department of State.

In the United States, the Interior Department is responsible for directing and coordinating U.S. participation in the World Heritage Convention. The Department implements its responsibilities under the Convention in accordance with the statutory mandate contained in Title IV of the National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515; 16 U.S.C. 470a-1, a-2). On May 6, 1982, the Interior Department published in the **Federal Register** in final rules which are used to carry out this legislative mandate (47 FR

23392). The rules contain further information on the Convention and its implementation in the United States.

United States World Heritage Nominations: 1984

The Interior Department, in cooperation with the Federal Interagency Panel for World Heritage, has selected the following properties as United States nominations to the World Heritage Committee for inscription on the World Heritage List.

I. Cultural Property

International Affairs

Statute of Liberty, New York. 40° 37'N; 74° 03'W) French historian Edouard Laboulaye suggested the presentation of this statue to the United States, commemorating the alliance of France and the United States during the American Revolution. The copper colossus was designed by Frederic Auguste Bartholdi and erected according to plans by Gustave Eiffel.

Criteria: (i) A unique artistic achievement; (iv) an outstanding example of a type of structure which illustrates a significant stage in history, and (vi) directly or tangibly associated with events or with ideas or beliefs of outstanding universal significance.

II. Natural Property

Sierra Nevada

Yosemite National Park, California. (37° 50'N; 119° 30'W) Granite peaks and domes rise high above broad meadows in the heart of the Sierra Nevada, along with groves of sequoias and related tree species. Mountains, lakes, and waterfalls, including five of the world's ten highest, are found here. *Criteria:* (i) An outstanding example representing the major stages of the earth's evolutionary history and (iii) contains superlative natural phenomena, formations or features, or areas of exceptional natural beauty.

Dated: January 13, 1984

J. Craigh Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-1713 Filed 1-19-84 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-177X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in Fulton County, IL; Exemption

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 48.94 near Lewistown and milepost 44.90, near Fairview a distance of 4.04 miles, in Fulton County, IL.

BN has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petition to stay the effective date must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 1984, with: Office of Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1602 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-178X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in St. Louis County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between Railroad Station 27+23.2, near Emmert Junction, and Railroad Station 73+38, near Albany Junction, a distance of 0.87 miles in St. Louis County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1603 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-179X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in St. Louis County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments.* The

line to be abandoned is between Railroad Station 0+14.5, near Kelly Lake, and Railroad Station 36+57.5, near South Agnew, a distance of 0.69 miles in St. Louis County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1604 Filed 1-19-84; 8:45 am]

BILLING CODE 7055-01.

[Docket No. AB-6 (Sub-180X)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment in St. Louis County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between Railroad Station 10+89.5 and Railroad Station 72+57.9, known as the Mahoning Spur Line, a distance of 1.17 miles in St. Louis County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1605 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-188X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Spokane County, WA and Kootenai County, ID; Exemption

The Burlington Northern Railroad Company (applicant) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 14.40 near Greenacres, WA, and milepost 16.50 near Post Falls, ID, a distance of 8.8 miles in Spokane County, WA, and Kootenai County, ID.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commissions (or equivalent agencies) in Washington and Idaho have 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 February 19, 1984, (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1589 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-189X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Fillmore and Saline Counties, NE; Exemption

Burlington Northern Railroad Company (applicant) filed a notice of exemption under 49 CFR 1152 Subpart

F—*Exempt Abandonments.* The line to be abandoned is between milepost 23.00, near Milligan, and milepost 28.84 near Tobias, a distance of 5.84 miles, in Fillmore and Saline Counties, NE.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Nebraska 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. 855 (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 February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 applicant's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1590 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-190X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In Golden Valley County, ND; Exemption

Burlington Northern Railroad Company (BN) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is between milepost 0.53 near Beach and milepost 13.4 near Golva, a distance of 12.87 miles in Golden Valley County, ND.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and that any overhead traffic on the line can be rerouted, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in North Dakota has been notified in writing at least 10 days prior to the filing of this notice. *See Exemption of Out of Service Rail Lines, 336 I.C.C. 885 (1983).*

As a condition to use of this exemption, any employees affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen,* 366 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1591 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 191X)]

Burlington Northern Railroad Co.—Abandonment—In Itasca County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments.* The line to be abandoned is BN's Mesabi Chief Spur line between Railroad Station 0+08 and Railroad Station 69+96, in Itasca County, MN, a distance of approximately 1.32 miles.

BN has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 this exemption, any employees 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 February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1592 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-192X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In St. Louis County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments.* The line to

be abandoned is between milepost 105.70, near Dormer Junction, and milepost 116.25, near Emmert Junction, a distance of 15.04 miles, in St. Louis County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be re-routed over other lines, and (2) that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complaintant within the 2-year period. The Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1593 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-194X]

Rail Carriers; Burlington Northern Co.—Abandonment—In Pend Oreille and Spokane Counties, WA.; Exemption

Burlington Northern Railroad Company (BN), filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is a portion of BN's line between milepost 1433, near Newport, and milepost 1463, near Dean, in Pend Oreille and Spokane Counties, WA, a distance of 30 miles.

BN has certified (1) that traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be re-routed over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Washington 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 February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the exemption must be filed by January 30, 1984 and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by February 9, 1984 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

A copy of any petition filed with the Commission should be sent to BN's represenatative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1594 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-181X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In Itasca County, MN; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between Railroad Station 0+12, near Perry, and Railroad Station 38+79, near Wyman, a distance of .73 miles in Itasca County, MN.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short LIne R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1595 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-182X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In Itasca County, MN.; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between Railroad

Station 0+08 and Railroad Station 26+50, known as the Mississippi Groups Spur, a distance of 0.50 miles in Itasca County, MN.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitons to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 applicant's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1596 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-183X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in St. Louis County, MN; Exemption

Burlington Northern Railroad Company (applicant) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 107.94, near Wacootah Siding, and milepost 110.18, near Virginia, a distance of 2.24 miles, in St. Louis County, MN.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Minnesota 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 shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul. MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1597 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-184X)

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Clay, York, and Fillmore Counties, NE; Exemption

Burlington Northern Railroad Company (applicant) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 108.00, near Sutton and milepost 118.80, near Lushton, a distance of 10.80 miles in Clay, York, and Fillmore Counties, NE.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Nebraska 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984, (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984 and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 applicant's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul. MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1598 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-185X)]

Rail Carriers; the Burlington Northern Railroad Co.—Abandonment—in Boulder and Weld Counties, CO; Exemption

The Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between M.P. 26.00 near Erie, and M.P. 35.59 near Longmont, located in Boulder and Weld Counties, CO, a distance of 9.59 miles.

Applicant has certified (1) that no local or overhead traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Colorado 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 shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1599 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-187X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—in Yakima County, WA; Exemption

Burlington Northern Railroad Company (BN) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between mileposts 8.18 and 8.75, near Moxee City, a distance of 0.57 miles, in Yakima County, WA.

BN has certified (1) that no local traffic has moved over the line for at least 2 years and there is no overhead traffic and (2) that no formal complaint filed by a user of rail service on the line 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 Public Service Commission (or equivalent agency) in Washington 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 February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 BN's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 9, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1600 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 176X)]

Rail Carriers; Burlington Northern Railroad Co.—Abandonment—In Franklin County, IL; Exemption

Burlington Northern Railroad Company (applicant) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments*. The line to be abandoned is between milepost 0.00 and milepost 1.00 near Cambon, in Franklin, County, IL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years, and that any overhead traffic on the line can be rerouted over other lines, and (2) that no formal complaint filed by a user of rail service on the line 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 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 shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective on February 19, 1984 (unless stayed pending reconsideration). Petitions to stay the effective date of the exemption must be filed by January 30, 1984, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by February 9, 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 applicant's representative: Thomas A. Ehlinger, 176 East Fifth Street, St. Paul, MN 55101.

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: January 6, 1984.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1601 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-39 (Sub-5)]

Rail Carriers; St. Louis Southwestern Railway Co.—Abandonment—in Mississippi and New Madrid Counties, MO; Findings

The Commission has issued a certificate authorizing the St. Louis Southwestern Railway Company to abandon its line of railroad extending from railroad milepost 16.00 near East Prairie to milepost 33.50 near Lilibourn, a total distance of 17.50 miles in Mississippi and New Madrid Counties, MO. 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 bold face on the lower 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.

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1586 Filed 1-19-84; 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: American Hospital Supply Corporation, One American Plaza, Evanston, Illinois 60201.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(i) Abbey Medical Inc.—Delaware
(ii) Abbey Medical/Abbey Rents, Inc.—Delaware
(iii) Abbey Endicott, Inc.—Delaware
(iv) AHS/International, Inc.—Delaware
(v) Airlife, Inc.—California
(vi) American Hospital Supply Corporation de Puerto Rico, S.A.—Puerto Rico
(vii) Amo del Caribe, Inc.—Delaware
(viii) Arnar-Stone del Caribe, Inc.—Delaware
(ix) Arnar-Stone, Inc.—Delaware
(x) Bentley Puerto Rico, Inc.—Delaware
(xi) Dade Disgnostics, Inc.—Delaware
(xii) Edwards Laboratories, Inc.—California
(xiii) Heyer-Schulte del Caribe, Inc.—Delaware
(xiv) McGaw Laboratories, Inc.—Delaware
(xv) Pharmaseal Corporation—Ohio
(xvi) Pharmaseal, Inc.—Delaware
(xvii) Pharmaseal Laboratories, Inc.—Delaware
(xviii) V. Mueller del Caribe, Inc.—Illinois
(xix) American Kay, Inc.—Delaware
(xx) American Pharmaseal Laboratories—California
(xxi) American Micro-Scan, Inc.—New Jersey
(xxii) American Bentley, Inc.—Delaware
(xxiii) American Hospital Supply International Sales Corporation—California
(xxiv) American Bio-Science Laboratories—California
(xxv) CLMG, Inc.—California
(xxvi) Pathology Associates, Inc.—Delaware
(xxvii) Cirmex de Chihuahua, S.A. de C.V.—Mexico
(xxviii) Convertors de Mexico, S.A. de C.V.—Mexico
(xxix) I-M, Inc.—Kentucky
(xxx) Instranetics, Inc.—California
(xxxi) McGaw Supply Ltd.—Canada
(xxxii) Kopp Laboratories Limited—Canada
(xxxiii) Pharmaseal de Mexico, S.A. de C.V.—Mexico
(xxxiv) American Plastics Corporation—Colorado
(xxxv) Productos Urologos de Mexico, S.A.—Mexico
(xxxvi) Medi-Vac Corporation—Texas
(xxxvii) Taylor Surgical Supply, Inc.—Texas
(xxxviii) Taylor Home Health, Inc.—Texas
(xxxix) Westco Leasing, Inc.—Texas
(xxxx) Taylor Surgical Supply of Houston, Inc.—Texas
(xxxxi) Taylor Surgical Supply of Beaumont, Inc.—Texas
(xxxxii) Scientific Manufacturing Industries, Inc.—Delaware
(xxxxiii) American Contineucare Pharmacy, Inc.—Delaware
(xxxxiv) Burdick & Jackson Laboratories, Inc.—New Jersey
(xxxxv) Haemonetics Corporation—Delaware
(xxxxvi) Haemonetics Canada, Inc.—Canada

1. Parent corporation and address of principal office: Container General Corporation, 400 West 45th Street, Chattanooga, Tennessee 37410.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation: Glass Containers Corp. (Delaware).

1. Parent corporation and address of principal office: Esmark, Inc., 55 East Monroe Street, Chicago, Illinois 60603.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

(1) Swift & Company (Delaware)
(2) Blue Coach Foods, Inc. (Delaware)
(3) Honey Creek Provisions Company (Ohio)
(4) Hunt-Wesson Foods, Inc. (Delaware)
(5) United Can Company (Delaware)
(6) Strongheart Products, Inc. (Delaware)
(7) Estech, Inc. (Delaware)
(8) Weskem, Inc. (Nebraska)
(9) Eschem Inc. (Delaware)
(10) National Wax Company (Illinois)
(11) International Playtex, Inc. (Delaware)
(12) Danskin Florida, Inc. (Delaware)
(13) Danskin Texas, Inc. (Delaware)
(14) Pennaco Hosiery, Inc. (Delaware)
(15) PEC, Inc. (Delaware)
(16) Milky Way Products Company (Delaware)
(17) BG Marketing Corp. (Delaware)
(18) Tailby-Nason Company, Inc. (Delaware)
(19) Playtex Texas (Delaware)
(20) Jhirmack Enterprises, Inc. (California)
(21) Halston Enterprises, Inc. (Delaware)
(22) Max Factor & Co. (Delaware)
(23) McCall Pattern Company (Delaware)
(24) STP Corporation (Delaware)
(25) Be-Kan, Inc. (Delaware)
(26) Estronics, Inc. (Delaware)
(27) International Jensen Incorporated (Delaware)
(28) Custom Technologies Corporation (Delaware)
(29) Federal Stampings, Inc. (Minnesota)
(30) Washington Manufacturing Company, Inc. (Delaware)
(31) Escast, Inc. (Illinios)
(32) Wellman Dynamics Corporation (Delaware)
(33) Somerset Importers, Ltd. (Delaware)
(34) Old Fitzgerald Distillery, Inc. (Kentucky)
(35) W. L. Weller & Sons, Inc. (Kentucky)
(36) San Martin Winery Inc. (Delaware)
(37) Avis, Inc. (Delaware)

1. Parent corporation and address of principal office: Marathon Petroleum Company, 539 South Main Street, Findlay, Ohio 45840.

2. Wholly-owned subsidiaries which will participate in the operations, and States of Incorporation:

(a) Emro Marketing Company, a Delaware corporation;

(b) Muesing, Inc., an Indiana corporation;

(c) Automotive Fuel Corporation of Delaware, Inc., a Delaware corporation.

1. Parent corporation and address of principal office: George Weston Ltd., 22 St. Clair Avenue, East, Suite 1901, Toronto, Ontario, Canada M4T 2S7.

2. Wholly-owned subsidiaries which will participate in the operations:

Stroehmann Brothers Company, 1685 Four Mile Drive, Williamsport, PA 17701, State of Incorporation—Pennsylvania

Capital Bakers Division, of Stroehmann Brothers Company, 3396 Paxton Street, Harrisburg, PA 17105, State of Incorporation—Pennsylvania

Firch Baking Company, Division of Stroehmann Brothers Company, 1220 W. 20th St., Erie, PA 16501, State of Incorporation—Pennsylvania

Keystone Banking Company Division of Stroehmann Brothers Company, 500 Market St., W. Bridgewater, Beaver, PA 15009, State of Incorporation—Pennsylvania

Interbake Foods Inc., 900 Terminal Place, P.O. Box 27487, Richmond, VA 23261, State of Incorporation—Delaware

Z & W Foods Inc. 755 Bailey Avenue, Buffalo, NY 14206, State of Incorporation—New York

Peter J. Schmitt Co., 355 Harlem Rd., P.O. Box 2, West Seneca, NY 14240, State of Incorporation—New York

DeWitt Wholesale Co., 621 E. Brighton Ave., Syracuse, NY 13210, State of Incorporation—New York

Star Markets, 109 Humboldt St., Rochester, NY 14603, State of Incorporation—New York

James H. Bayne,

Acting Secretary.

[FR Doc. 84-1588 Filed 1-19-84; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, NW., Room 8000, Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C. this 17th day of January 1984.

Joseph Seiler,

Director, Office of Program Operations.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 21, 1984

Name of applicant and location of enterprise	Principal product or activity
Tidewater Agricorp, Inc., Chesapeake, Va.	Blending of mixed fertilizer and retail of raw materials, seed, crop protection chemicals and other services.

[FR Doc. 84-1661 Filed 1-19-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,648]

Endicott Forging & Mfg. Co., Inc., Endicott, New York; Affirmative Determination Regarding Application for Reconsideration

By an application dated December 9, 1983, an official of Endicott Forging & Manufacturing Company, Inc., requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Workers Adjustment Assistance on behalf of workers and former workers of Endicott Forging & Manufacturing Company, Inc., Endicott, New York. The determination was published in the Federal Register on December 13, 1983 (48 FR 55526).

The application claims that the company was recently certified for trade adjustment assistance by the U.S. Department of Commerce. It is also claimed that certain forging sales were lost to foreign firms supplying Endicott's customers.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is therefore, granted.

Signed at Washington, D.C., this 12th day of January 1984.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Service, UIS.

[FR Doc. 84-1686 Filed 1-19-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-14,577]

Knickerbocker Toy Co., Middlesex, New Jersey; Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance; Correction

In FR Doc. 84-628 appearing on page 1238 in the Federal Register of January 10, 1984, the following TA-W- number and location under Affirmative Determinations, Knickerbocker Toy Company is corrected to read as follows: TA-W-14,577 Knickerbocker Toy Company, Middlesex and Edison, New Jersey.

Signed at Washington, D.C. this 12th day of January 1984.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 84-1697 Filed 1-19-84; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-13,980 et al.]

Republic Steel Corporation; Revised Determination on Reconsideration

On November 29, 1983, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Republic Steel Corporation's General Offices, Cleveland, Ohio; Research Center, Independence, Ohio; and the District Sales Office, Pittsburgh, Pennsylvania. This determination was published in the Federal Register on December 6, 1983 (48 FR 54728).

The company, in its application for reconsideration, states that since the Department's denial of adjustment assistance for workers at the General Offices, Research Center and the Pittsburgh District Sales Office, the Department has issued certifications of eligibility to workers at Republic Steel plants in Cleveland, Ohio and Chicago, Illinois. The company claims that these certifications when coupled with previous certifications for workers at Youngstown, Ohio, Warren and Niles, Ohio and Massillon, Ohio indicate that workers at a significant proportion of Republic's production facilities do meet the statutory criteria for certification.

As a general rule, workers may not be certified as eligible to apply for worker adjustment assistance if the firm in which they are employed does not produce an article within the meaning of section 222 of the Trade Act of 1974. However, such workers may be certified if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which substantially beneficially owns the service workers' firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports.

The Department has determined that increased imports contributed importantly to the decline in sales or production and to total or partial separations of workers at several Republic Steel Corporation plants (Youngstown, Ohio, TA-W-13,408 dated March 25, 1983; Warren and Niles, Ohio, TA-W-13,938 dated March 25, 1983; and Massillon, Ohio, TA-W-13,597 dated May 6, 1983; Chicago, Illinois, TA-W-14,000 dated October 31, 1983 and Cleveland, Ohio, TA-W-14,519 dated October 31, 1983). The Chicago and Cleveland plants are among the largest of Republic Steel's basic steelmaking plants and together produce more than 40 percent of Republic's total annual steel output of which about 90 percent was import impacted.

The reconsideration investigation was expanded to include the following facilities where layoffs have occurred: Sales Offices in Birmingham, Alabama; Chicago, Illinois; Cincinnati, Ohio; Detroit, Michigan; Los Angeles, California; Milwaukee, Wisconsin; Philadelphia, Pennsylvania; St. Louis, Missouri; Atlanta, Georgia; Accounting Offices in Massillon, Ohio and Brooklyn Heights, Ohio and the Transportation Service Office, Cleveland Hopkins Airport. These facilities perform activities which primarily support the production and sale of Republic steel which has been subject to import injury. Each of these facilities is substantially integrated into the production of import impacted Republic steel.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of carbon and alloy steel bars, hot and cold rolled sheet and strip, steel tubular products, stainless hot and cold rolled sheets and stainless steel plate produced at the Cleveland, Chicago, Massillon, Youngstown, Warren and Niles plants of Republic Steel contributed importantly to the decline in sales and to the total or partial separation of workers and former workers at facilities of Republic Steel listed in the Appendix. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

"All workers of the General Office, accounting offices, sales offices, research center and transportation service office listed in the Appendix who became totally or partially separated from employment on or after the impact date listed in the Appendix are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 10th day of January 1984.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

APPENDIX

TA-W- Republic Steel Corporation location	Impact date
TA-W-13,980 General Offices, Cleveland, Ohio.	Oct. 1,1981.
TA-W-13,980A Transportation Service, Cleveland Hopkins Airport.	Do
TA-W-13,980B Sales Office, Birmingham, Alabama.	Do
TA-W-13,980C Sales Office, Chicago, Illinois.	Do
TA-W-13,980D Sales Office, Cincinnati, Ohio.	Do
TA-W-13,980E Sales Office, Detroit, Michigan.	Do
TA-W-13,980F Sales Office, Los Angeles, California.	Do
TA-W-13,980G Sales Office, Milwaukee, Wisconsin.	Do
TA-W-13,980H Sales Office, Philadelphia, Pennsylvania.	Do
TA-W-13,980I Sales Office, St. Louis, Missouri.	Do
TA-W-13,980J Sales Office, Atlanta, Georgia.	Do
TA-W-13,980K Accounting Office, Massillon, Ohio.	Do
TA-W-13,980L Accounting Office, Brooklyn Heights, Ohio.	Do
TA-W-14,329 Research Center, Independence, Ohio.	Do
TA-W-14,423 District Sales Office, Pittsburgh, Pennsylvania.	Do

[FR Doc. 84-1695 Filed 1-19-84; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 84-05]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council (NAC) Informal Earth System Sciences Committee.

DATE AND TIME: February 6, 1984, 2 p.m. to 5 p.m.; February 7, 1984, 8:30 a.m. to 5

p.m.; and February 8, 1984, 8:30 a.m. to 12 noon.

ADDRESS: University Corporation for Atmospheric Research; Fleischman Building; 1850 Table Mesa Drive; Boulder, Colorado 80303.

FOR FURTHER INFORMATION CONTACT: Mr. Ray J. Arnold, Code EE, National Aeronautics and Space Administration, Washington, DC 20546 (202) 453–1707.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council, Informal Earth System Sciences Committee has been formed to provide advice and counsel on the future role, responsibilities, and implementation strategies for the Earth Science and Applications program. This committee is chaired by Dr. Frances L. Bretherton and has a total of 18 members.

This will be the second of a series of meetings to address this subject.

Type of Meeting: Open.

Agenda

February 6, 1984

2 p.m.—Review of group objectives, output products, and decision criteria for prioritization.

5 p.m.—Adjourn.

February 7, 1984

8:30 a.m.—Discipline-related objectives, plans, and issues

1 p.m.—Global Inter-disciplinary objectives and research needs.

5 p.m.—Adjourn.

February 8, 1984

8:30 a.m.—Plans for summer study and anticipated process for accomplishment.

12 noon—Adjourn.

Dated: January 13, 1984.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 84–1559 Filed 1–19–84; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Ad Hoc Planning Committee; Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92–463), notice is hereby given that a meeting of the Ad Hoc Planning Committee will be held on January 24–25, 1984, from 9:00 a.m.–6:00 p.m., in room M–09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. The topic for discussion will be Draft Five Year Planning Document.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506 or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 84–1648 Filed 1–19–84; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Physiology, Cellular and Molecular Biology Subpanel on Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Subpanel on Cellular Physiology of the Advisory Panel for Physiology, Cellular and Molecular Biology.

Date and Time: February 6, 7, 8, 1984, starting at 9:00 A.M. to 6:00 P.M.

Place: Room 338, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact Person: Dr. Barbara K. Zain, Assistant Program Director, Cellular Physiology Program, Room 332, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–7377.

Purpose of Subpanel: To provide advice and recommendations concerning support of research in cellular physiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF July 6, 1979.

Dated: January 17, 1984.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 84–1701 Filed 1–19–84; 8:45 am]

BILLING CODE 7555–01–M

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Action Act and OMB guidelines, is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357–9421.

OMB Officer: Carlos Tellez, (202) 395–7340.

Title: 1984 National Survey of Natural and Social Scientists and Engineers.

Affected Public: Individuals or Households.

Number of Responses: 32,500 responses; total of 6,825 hours.

Abstract: The information provided in this survey will enable the National Science Foundation to comply with the legislative requirement to collect information about scientific and technical personnel that can be used in policy and planning activities by private industry, government agencies, and academic institutions.

Dated: December 17, 1984.

Herman G. Fleming,

OMB Clearance Officer.

[FR Doc. 84–1560 Filed 1–19–84; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–456 and STN 50–457]

Availability of Draft Environmental Statement for the Braidwood Station, Units 1 and 2

Notice is hereby given that a Draft Environmental Statement (NUREG–1026) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Braidwood Station, Units 1 and 2, by the Commonwealth Edison Company. The site for this station is located in Reed Township, Will County, Illinois. The Braidwood Station is located in northeastern Illinois, 60 miles southwest of Chicago, Illinois.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences. Finally, the statement presents an updated discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public

Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481. The DES is also being made available at the State Clearinghouse, Bureau of the Budget, Lincoln Tower Plaza, 524 S. Second Street, Room 315, Springfield, Illinois 62706 and at the Metropolitan Clearinghouse in the Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago, Illinois 60606. Request for copies of the DES (NUREG–1026) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and in the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by March 5, 1984.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 84–1705 Filed 1–19–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–358]

Cincinnati Gas and Electric Co.; William H. Zimmer Nuclear Power Station

Notice is hereby given that the Director, Office of Inspection and Enforcement, has issued a decision concerning a petition dated December 14, 1983, filed by Thomas Devine of the Government Accountability Project as counsel for the Miami Valley Power Project. The petitioner had requested that the Commission defer taking action with respect to the Course of Action proposed by the Cincinnati Gas and Electric Company for the William H. Zimmer Nuclear Power Station. The Director, Office of Inspection and Enforcement, has decided to deny the petitioner's request.

The reasons for this decision are explained in a "Director's Decision under 10 CFR 2.206" (DD–84–3), which is available for public inspection in the Commission's public document room, 1717 H Street, NW., Washington, D.C., and in the local public document room for the Zimmer facility, located at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

Dated at Bethesda, Maryland, this 13th day of January 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84–1704 Filed 1–19–84; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–329, 50–330]

Consumers Power Co., Midland Plant, Units 1 and 2; Confirmatory Orders

I

Consumers Power Company (the licensee) is the holder of construction permits CPPR–81 and CPPR–82 issued by the Atomic Energy Commission (now the Nuclear Regulatory Commission (the Commission)), which authorize the construction of the Midland Plant, Units 1 and 2 (the facility). The facility is under construction in Midland, Michigan.

II

Since the start of construction, the facility has experienced significant quality assurance (QA) problems. Although the licensee took corrective actions in each case, problems continue to be experienced in the implementation of its QA program.

On October 6, 1983, the Director of Inspection and Enforcement issued a "Confirmatory Order for Modification of the Construction Permits" which required that the licensee adhere to the Construction Completion Program (CCP), dated August 26, 1983, for the duration of the construction of the facility. 48 FR 46673 (October 13, 1983). As more fully described in that order, the development of such a program was necessary to verify the adequacy of prior construction and to insure the adequacy of future construction in view of the identification of widespread QA problems in late 1982, the facility's history of QA problems, and the ineffectiveness of previous corrective actions to fully resolve these problems. An important aspect of the CCP is the third party overview by Stone and Webster Engineering Corporation which is required until the Regional Administrator, Region III, finds that the overview is no longer necessary to provide reasonable assurance that the facility can be constructed in accordance with Commission requirements. One element in any decision regarding the relaxation of the overview requirement will be a finding of confidence in the ability of the licensee's management to properly construct the facility in accordance with Commission requirements without a third party overview. Such a finding cannot now be made.

III

On December 6, 1979, the Director of the Office of Inspection and Enforcement and the Director of the Office of Nuclear Reactor Regulation issued jointly an Order Modifying Construction Permits for the Midland plant. The order was based in part on a breakdown in quality assurance related to soils work at the Midland plant which had led to excessive settlement of the facility's diesel generator building. The licensee demanded a hearing on the order, and the proceeding on the order was eventually consolidated with the proceeding on Consumers Power Company's application for operating licenses for the Midland plant. During the course of the proceeding, the Atomic Safety and Licensing Board issued an order that authorized the Director of the Office of Nuclear Reactor Regulation to amend the Midland construction permits to incorporate certain limitations on remedial soils work at Midland. *See Consumers Power Co.* (Midland Plant, Units 1 & 2), LBP–82–35, 15 NRC 1060, 1072–73 (April 30, 1982). In accordance with the Board's order, the construction permits were amended on May 26, 1982 to include the Board-ordered conditions.

Among the restrictions imposed by the Board's order and the permit amendment was a condition that the licensee "shall obtain explicit prior approval from the NRC staff . . . before proceeding with the following soils-related activities . . .: any placing, compacting, excavating, or drilling soil materials around safety-related structures and systems."

Construction Permit Nos. CPPR–81 & CPPR–82, ¶ 2.G.(1) & 2.G.(1)a; *compare* LBP–82–35, *supra*, 15 NRC at 1072–73. On July 28, 1982, an NRC inspector

discovered that the licensee had excavated soil from below the deep "Q" duct bank and had initiated relocation of the fireline in "Q" soils without prior NRC authorization. Excavation below the deep "Q" duct bank had begun on July 23rd and relocation of the fireline had begun on July 27th. Neither activity had received explicit prior approval from the NRC staff as required by the construction permits. In fact, excavation of soil material below the deep "Q" duct bank was contrary to prior directives of the NRC staff which instructed the licensee that such excavation was not authorized. Thus, excavation of the deep "Q" duct bank and relocation of the fireline by the licensee constituted violations of the construction permits.

IV

The history at this site demonstrates that management has not been effective in providing the attention to detail and high quality standards necessary to the proper construction of this facility. In view of this history, including the violation identified in section III of this order, I have determined that a management appraisal is required at this time. The licensee, in a meeting on October 25, 1983 with the Director of the Office of Inspection and Enforcement and the Regional Administrator, Region III, and in a subsequent meeting on January 4, 1984 with the Regional Administrator, agreed to submit a management appraisal program to the Commission. It is appropriate to confirm the licensee's commitment by order.

V

In view of the foregoing, pursuant to Sections 103, 161(i), 161(o) and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Part 2 and 10 CFR Part 50, it is hereby ordered that:

Within 30 days of the effective date of this Order, the licensee shall submit to the Region III Administrator for review and approval a plan for an independent appraisal of site and corporate management organizations and functions that would develop recommendations where necessary for improvements in management communications, controls, and oversight. Upon approval of the plan, the plan shall be implemented and the scheduled milestone completion dates shall not be extended without good cause and the concurrence of the Region III Administrator.

The plan shall include at least the elements itemized below:

(1) An appraisal conducted by an independent management consultant organization retained by the licensee to evaluate the licensee's current organizational responsibilities, management controls, communications systems and practices, both at the Midland site and between the corporate office and the site. The appraisal shall include a review of the licensee's site and corporate construction management and supervisory personnel involved in the Midland project to determine their capability and competency for managing construction activities consistent with regulatory requirements.

(2) A description of the appraisal program, the qualifications of the appraisal team, a discussion of how the appraisal is to be documented, and a schedule with appropriate milestones.

(3) The provision of recommendations for changes in the areas mentioned in Item 1 that will provide assurance that the licensee will implement NRC requirements.

The licensee shall direct the approved organization to submit to the Region III Administrator a copy of the report of the appraisal and recommendations resulting from the appraisal, and any drafts thereof, at the same time they are sent to the licensee or any of its employees or contractors. Prior notice shall be given the Administrator of any meeting between the licensee and the organization to discuss the results, recommendations, or progress made on the appraisal. In addition, the licensee shall consider the recommendations resulting from the appraisal and provide to the Region III Administrator an analysis of each such recommendation and the action to be taken in response to the recommendation. The licensee shall also provide a schedule for accomplishing these actions.

The Administrator of Region III may relax or terminate in writing any of the preceding conditions for good cause.

VI

The licensee may request a hearing on this Order. Any request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 within 25 days of the date of this order. A copy of the request shall also be sent to the Executive Legal Director at the same address and to the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137.

If a hearing is to be held concerning this Order, the Commission will issue an order designating the time and place of hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

This Order shall become effective upon the licensee's consent or upon expiration of the time within which the licensee may request a hearing or, if a hearing is requested by the licensee, on the date specified in an order issued following further proceedings on this Order.

Dated at Bethesda, Maryland this 12th day of January 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84-1706 Filed 1-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329, 50-330]

Consumers Power Co.; Midland Plant, Units 1 and 2

On October 6, 1983, I issued a "Director's Decision Under 10 CFR 2.206," DD-83-16, 18 NRC ———, which granted in part and denied in part a petition dated June 13, 1983, submitted by Billie Pirner Garde of the Government Accountability Project on behalf of the Lone Tree Council and others. The petitioners had requested that, among other relief, the Commission require a management audit of Consumers Power Company's performance on the Midland project. In my decision, I determined that a management audit was not necessary as a condition for going forward with the licensee's program to complete construction of the Midland project. However, I noted that the "staff [would] continue to review information concerning the licensee's performance in other areas to determine whether an audit is required." Slip op. at 12.

I have completed my review of information related to a violation of a condition of the Midland construction permits which was imposed by the Director of Licensing, Office of Nuclear Reactor Regulation in accordance with an order of the Atomic Safety and Licensing Board dated April 30, 1982. *See Consumers Power Company* (Midland Plant, Units 1 & 2), LBP-82-35, 15 NRC 1060, 1072-73 (1982). This violation is an addition to the history of quality assurance problems at the Midland site which demonstrates that the licensee's management has not been effective in providing the attention to detail and high quality standards necessary to assure the proper construction of this facility. In view of this history, and the recently identified violation of the Midland construction permits, I have now determined that an

appraisal of Consumers Power Company's management of the Midland project is required. The reasons for this action are explained more fully in the Confirmatory Order that I have issued today. The order requires Consumers Power Company, within 30 days of its effective date, to submit to the Region III Administrator for review and approval, a plan for an independent appraisal of site and corporate management organizations and functions. The management appraisal is to develop recommendations where necessary for improvements in management communications, control and oversight. Upon its approval, the plan will be implemented in accordance with a schedule of milestone completion dates.

In view of the issuance of the Confirmatory Order, the petitioners' request pertaining to a management audit is granted.

Dated at Bethesda, Maryland this 12th day of January 1984.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 84-1707 Filed 1-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-334]

Duquesne Light Co., et al.; Exemption

I

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, (Beaver Valley Power Station Unit No. 1).

The Duquesne Light Company (DLC), Ohio Edison Company, and Pennsylvania Power Company (the licensees), are the holder of Facility Operating License No. DPR-66 (the licensee) which authorizes operation of the Beaver Valley Power Station, Unit No. 1. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now and hereafter in effect.

The facility comprises a pressurized water reactor at the licensee's site located at Beaver County, Pennsylvania.

II

On December 2, 1981 the Commission issued the final rule (10 CFR 50.44) on combustible gas control (46 FR 58484). The rule requires licensees of each light-water reactor to provide, by the end of the first scheduled outage beginning after July 1, 1982, improved operational capability to maintain adequate core cooling following an accident. Specifically, high point vents are required for the reactor coolant system, for the reactor vessel head, and for other systems required to maintain adequate core cooling if the accumulation of noncondensible gases would cause the loss of function of these systems.

By letter dated August 25, 1983, Duquesne Light Company requested exemption to the schedular requirement of 10 CFR 50.44(c)(3)(iii) and proposed that the operability date of the reactor coolant vent system be changed from the end of the third refueling outage to the end of the fourth refueling outage. Contrary to what the rule requires, the fourth refueling outage is not the first, but the second "outage of sufficient duration after July 1, 1982." Two reasons were provided by DLC to support the request: (1) Not having NRC authorization for use of the system, and (2) the solenoid-operated vent valves already installed in the system have demonstrated an operational anomaly which requires resolution prior to declaring the system operational. The system has been fully installed by DLC. However, pre-implementation review and approval by the staff is not required by the regulation and an exemption request based on the lack of staff approval is thus invalid.

III

The second reason for the request is that the recently installed solenoid-operated valves which activate the vent system have demonstrated an operational anomaly which could lead to a common-mode failure. The licensee advises that these valves are currently unacceptable for operation, and that the RCS high point vent system will be isolated (using manually operated isolation valves) and de-energized during power operation over the present fuel cycle (Cycle 4). In addition, the licensee has initiated efforts to resolve the problem, and estimates that the problem can be resolved by the end of the next refueling outage.

The staff's review of the facility shows that Beaver Valley has three power-operated relief valves (PORVs), mounted on top of the pressurizer, which could be used to vent the pressurizer as well as the remainder of the RCS on a more extended time basis, in the event such an emergency occurs. The staff notes that the vent system requrired by the regulation have been fully installed and hydrostatically tested, and could be made operational except with the anomaly as described. Therefore, on the basis that a good-faith effort has been demonstrated by the licensee to comply with the regulation, and that a compensatory measure is available, the staff concludes that the facility can be operated with a non-operable RCS high-point vent system until start-up from the fourth refueling outage (presently scheduled for December, 1984) without a significiant impact on public health and safety.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and hereby grants the following exemption with respect to the requirements of 10 CFR 50.44(c)(3)(iii):

The operability date of the reactor coolant high point vent system be extended to the end of the fourth refueling outage.

The NRC staff has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 12th day of January 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-1708 Filed 1-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061-ML, ASLBP No. 84-495-01 ML]

Kerr-McGee Chemical Corp. (West Chicago Rare Earths Facility); Cancellation of Prehearing Conference

January 13, 1984.

Please take notice that the prehearing conference in this proceeding scheduled for February 7, 1984, which was noticed December 12, 1983 (48 FR 55357 (1983)), is cancelled.

Bethesda, Maryland, January 13, 1984.

For the Atomic Safety and Licensing Board.

John H. Frye III,

Chairman, Administrative Judge.

[FR Doc. 84-1711 Filed 1-19-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-11579 License No. 37-15445-02 EA 83-81]

U.S. Testing Co., Inc.; Order Imposing Monetary Penalties

I

United States Testing Company, Inc., 1415 Park Avenue, Hoboken, New Jersey, 07030 (the "licensee") is the

holder of License No. 37–15445–02 (the "license") issued by the Nuclear Regulatory Commission (the "NRC") which authorizes the licensee to possess and use radioactive materials in accordance with conditions specified therein.

II

An NRC special safety inspection of the licensee's activities under the license was conducted on June 22–23, 1983. As a result of the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated October 7, 1983. The Notice states the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of cumulative civil penalties. A response dated October 27, 1983 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received, the statements of fact, explanations and arguments for remission or mitigation of the proposed civil penalties contained therein, and as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96–295), and 10 CFR 2.205, it is hereby ordered that:

That licensee pay civil penalties in the amount of Eight Thousand Dollars ($8,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General of the United States for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, this 10th day of January 1984.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluations and Conclusions

For each violation and associated civil penalty identified in Section I of the NRC's Notice of Violation and Proposed Imposition of Civil Penalties dated Octobaer 7, 1983, the original violation and the licensee's response are stated and the NRC's evaluations and conclusions regarding the licensee's response are presented. The licensee's response was provided in two letters dated October 27, 1983 from Mr. Gene Basile, Group Vice President, U.S. Testing Company, Inc., to the Director, Office of Inspection and Enforcement. The NRC staff's evaluations and conclusions take into consideration the October 27, 1983 letters which constituted the licensee's response to the Notice of Violation and Proposed Imposition of Civil Penalties.

Item I.A

Statement of Violation

10 CFR 20.101(a) prohibits the use of licensed material in such a manner as to cause any individual in a restricted area to receive in any calendar quarter from radioactive materials or other sources of radiation a total occupational radiation dose in excess of 18.75 rem to the hands.

Contrary to the above,

During the second calendar quarter of 1983, specifically on June 10, 1983, an employee of Automation Industries, Inc., acting as a consultant for U.S. Testing Company, Inc., while attempting to retrieve a 47-curie iridium-192 source that had disconnected from a U.S. Testing Company, Inc. radiography device, received a radiation exposure to the index finger and thumb of one of his hands calculated to be between 650 and 1100 rem.

Licensee's Response

The licensee does not deny that this exposure took place but submits that the regulations are unclear with respect to the responsibility of the licensee for exposure to a "worker" performing an emergency retrieval of a disconnected source. The licensee indicates that the requirements of 10 CFR Part 20 establish limits for the exposure of "individuals" to licensed materials under the control of the licensee. The licensee further states that the exposure being cited occurred to an employee of an organization independently licensed by the NRC which has been publicly offering this emergency retrieval service for many years.

The licensee submits that the regulations as they presently exist cover the use of licensed materials under normal conditions, and do not adequately cover emergency conditions, such as a disconnected sealed source, and therefore requests remission of at least a portion of the civil penalty proposed for this violation.

NRC's Evaluation of Licensee's Response

At the time that the overexposure occurred, U.S. Testing Company (USTC) was responsible for activities involving radioactive byproduct material which it held pursuant to its NRC license. USTC did not transfer possession or ownership of the byproduct material that caused the overexposure to the Automation Industries (AI) employee, and it could not have transferred the material lawfully to AI, because AI would not have been authorized to receive the material at the site of the retrieval effort. USTC chose to contract for the services of AI to assist in the source retrieval. Under the circumstances, USTC was responsible under its license for assuring that all activities, both routine and emergency, conducted by its employees and consultants conformed to NRC regulations and applicable license conditions. USTC is responsible for the violations.

Although the USTC characterizes the source retrieval as an "emergency" operation, the circumstances did not warrant a departure from sound radiation safety practices. In addition, inadequate control of an emergency operation is not a sufficient basis for concluding that no enforcement action is appropriate for the violations associated with the source retrieval. NRC requirements in 10 CFR Part 20 require a prudent assessment of radiation hazards, in both routine or in emergency situations, and prevention of unnecessary overexposures. Under the circumstances here, a reasonable survey would have prevented the overexposure that occurred.

NRC's Conclusion

The violation did occur as originally stated. The information in the licensee's response does not provide a basis for remission of any portion of this civil penalty.

Item I.B.1

Statement of Violation

10 CFR 20.201(b) requires that each licensee make such surveys as (1) are necessary to comply with regulations in 10 CFR Part 20 and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release,

disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above,

1. On June 10, 1983, an adequate survey was not performed prior to the attempt to recover a disconnected 47-curie iridium-192 source from its radiography device, in that the position of the source was not located prior to handling the equipment.

Licensee's Response

The licensee denies that an inadequate survey was conducted, but acknowledges that the specific location of the source within the guide tube was not determined. The licensee maintains that determination of a specific location of the disconnection within the guide tube would have required repeated approaches to the exposed source, applying the available lead shielding, and making an additional survey. The licensee contends that this prolonged activity would have resulted in a much greater whole body exposure than the 185 mrem that was recorded on the film badge worn by the consultant employee.

The licensee further indicates that the requirements of 10 CFR 20.101(a) apply a weighting factor of 15 to 1 in allowable exposure of extremities versus whole body exposure, and they contend that the joint decision of the consultant employee and the licensee personnel to proceed with the recovery of the source was the most prudent action, rather than a violation. The licensee requests remission of all of the civil penalty proposed for this violation.

NRC's Evaluation of Licensee's Response

The NRC staff maintains that an adequate survey was not performed prior to the act of disconnecting the source guide tube by turning the connector nut by hand because the location of the source had not been determined prior to turning the connector nut by hand which caused the exposure in excess of regulatory limits. Once it was decided to disconnect the connector nut by hand, a reasonable survey would include determination of the location of the source within the guide tube to assess the radiation hazards incident to turning the connector nut. Such a survey would not have required a substantial additional whole body exposure. Had the location of the source been determined by a reasonable survey, the retrieval could have been performed in a manner that would not have resulted in the overexposure.

NRC's Conclusion

The violation did occur as stated. The information provided in the licensee's response does not provide an adequate basis for mitigation of the civil penalty for this violation.

Item I.B.2

Statement of Violation

10 CFR 20.201(b) requires that each licensee make such surveys as (1) are necessary to comply with regulations in 10 CFR Part 20 and (2) are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above,

2. Prior to June 23, 1983, an evaluation made of the radiation dose to the hands of the individual was inadequate in that it did not consider the exposure to the thumb and index finger of an individual who performed the source retrieval on June 10, 1983.

Licensee's Response

The licensee denies that a violation occurred and requests remission of all of the civil penalty for this violation. The licensee indicates that the services of the consultant were obtained for the source retrieval because the licensee does not possess the ring badges and other specialized personal dosimetry devices to monitor exposure under emergency conditions. The licensee further indicates that immediately following the exposure, the consultant specialist conducted an evaluation of his exposure, had his whole body and ring badges developed, and made prompt and timely notification to the NRC with the licensee's knowledge and concurrence, thus satisfying the requirements of 10 CFR 20.405(a)(1).

NRC's Evaluation of Licensee's Response

A violation did occur because neither the licensee nor the consultant evaluated the dose to the portion of the consultant's hand which was in direct contact with the source guide tube connector nut during the disassembly of the guide tube from the radiographic exposure device. During the inspection, the licensee's representatives admitted that they had not performed such an evaluation. Although extremity ring dosimeters were worn by the consultant, and, when processed, indicated a total exposure of 59,170 mrem to the left hand and 12,000 mrem to the right hand, the ring dosimeters did not represent the dose to the portion of the consultant's hand that was in direct contact with the source guide tube connector nut during disassembly of the guide tube from the raidiographic exposure device. As discussed in the staff's evaluation of the licensee's response to Item I.A, USTC was responsible, as the licensee of the material causing the overexposure, for ensuring that an appropriate evaluation of the exposure was made. While USTC could appropriately direct a consultant to perform the exposure evaluation, USTC cannot transfer the responsibility under its license for assuring that proper evaluations are performed.

NRC's Conclusion

The violation did occur as originally stated. The information provided in the response does not provide an adquate basis for mitigation of the civil penalty for this violation.

[FR Doc. 84-1709 Filed 1-19-84; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-508]

Washington Public Power Supply System, et. al; Availability of the Draft Environmental Statement for Washington Nuclear Project No. 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Enviornmental Statement (NUREG-1033) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Washington Nuclear Project No. 3 (WNP-3) located in Grays Harbor County, Washington. The owners of WNP-3 are Washington Public Power Supply System, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company and Washington Power Company.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence and their consequences.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington.

The DES is also being made available at the Office of the Governor, Planning and Community Affairs Agency, 400 Capitol Center Building, Olympia, Washington, 98504, the Office of Financial Management, 109 House Office Building, Olympia, Washington 98504 and at the Grays Harbor Regional Planning Commission, 2109 Simpson Avenue, Suite 202, Aberdeen, Washington 98520. Request for copies of the DES should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

By letter dated November 18, 1983, Washington Public Power Supply System informed the staff that the projected fuel load date for WNP-3 ranges from June 1987 to December 1989. Because the potential fuel load date may be as late as December 1989, the issuance of this statement cold be as much as six years before the fuel load date. This is earlier than the staff normally has issued environmental statements at the operating license review stage. However, because the plant is 75% complete, the staff expects

that most of the likely environmental impact due to construction has occurred and the facility operating characteristics are sufficiently known to permit meaningful evaluation. Therefore, the staff judges that the statement presents an appropriate assessment at this time.

It is recognized that in the intervening years, design changes or some other unexpected change may occur. Therefore, the staff will continue to follow WNP–3 activities and, as necessary, will consider whether any changes may have environmental impact that require revision of this statement.

Interested persons may submit comments on this DES for the Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (other local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the -W. H. Abel Memorial Library. Comments are due by March 5, 1984. Comments submitted on the DES will be addressed in the Final Environnmental Statement, the availability of which will be published in the **Federal Register.**

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 13th day of January, 1984.

For the Nuclear Regulatory Commission.

George W. Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 84–1710 Filed 1–19–84; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Modification of Specialty Steel Import Relief

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice establishes a separate quota allocation for the Republic of Korea for stainless steel bar for the quota period January 20 through April 19, 1984.

FOR FURTHER INFORMATION CONTACT: Peter Allgeier, Office of the United States Trade Representative, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233) provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States, pursuant to section 203 of the Trade Act of 1974. Specified steels not produced in the United States or produced in small quantities were exempted from the import relief.

Proclamation 5074 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the Tariff Schedules of the United States (TSUS) headnote or items proclaimed by the President in order to implement such actions.

The U.S. Trade Representative allocated quota quantites on a country-by-country basis (48 FR 48888). This notice modifies that action by making a separate country allocation for the Republic of Korea as follows: Item 926.10 of the Appendix to the Tariff Schedules of the United States is modified to add, to the country allocations in alphabetical order "The Republic of Korea," and also to add a corresponding quota quantity for the Republic of Korea for the period January 20 through April 19 a quota quantity of "300" short tons of bars of stainless steel. Item 926.10 is further modified by amending the quota quantity for the "Other" countries by making a corresponding reduction of 300 short tons for that same restraint period.

The new quota quantity for the "Other" category for item 926.10 will then be "1,647" for the period January 20 through April 19, 1984.

William E. Brock III,

United States Trade Representative.

[FR Doc. 84–1788 Filed 1–19–84; 8:45 am]

BILLING CODE 3190–01–M

Commodity Policy Advisory Committee; Notice of Meeting and Determination of Closing

The meeting of the Commodity Policy Advisory Committee (the Advisory Committee) to be held Tuesday, February 21, 1984, from 2:00 p.m. to 5:00 p.m. at the Office of the United States Trade Representative, will involve a review and discussion of the current issues involving the trade policy of the United States. Pursuant to Section 2155(f)(2), I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 84–1664 Filed 1–19–84; 8:45 am]

BILLING CODE 3190–01–M

Advisory Committee for Trade Negotiations; Notice of Meeting and Determination of Closing

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Wednesday, February 1, 1984, from 1:00 p.m. to 4:00 p.m. at the Federal Home Loan Bank Board, Board Room, will involve a review and discussion of the current issues involving the trade policy of the United States. Pursuant to Section 2155(f)(2), I have determined that this meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Director, Office of Private Sector Liaison, Office of the United States Trade Representative, Executive Office of the President, Washington, D.C. 20506.

William E. Brock,

United States Trade Representative.

[FR Doc. 84–1663 Filed 1–19–84; 8:45 am]

BILLING CODE 3190–01–M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request For Exemption From Bond Escrow Requirement Relating to Sale of Assets by Employer That Contributes to Multiemployer Plan; Kittinger Co.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Kittinger Company for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contibutes to a multiemplopyer pension plan will not consititute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before March 5, 1984.

ADDRESSES: All written comments (at least three copies) should be addressed to: Director, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Attorney, Corporate Planning and Program Development Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA), 29 U.S.C. 1384, provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)–(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated tc contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occrred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) the contract of sale provided that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant indivdual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under PBGC's regulation on procedures for variances for sales of assets (29 CFR 2643.3(a)), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) would more effectively or equitably carry out the purpose of Title IV of the Act; and

(2) would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to public a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

PBGCc has received a request from The Kittinger Company ("Kittinger") to waive the bond/escrow requirement of ERISA section 4204(a)(1)(B). In the request, Kittinger represents among other things, that:

1. On December 15, 1983, pursuant to an asset purchase agreement with General Mills, Inc. ("General Mills"), Kittinger purchased substantially all of the assets of the Kittinger division of General Mills.

2. In connection with this sale, Kittinger has assumed the responsibilities of General Mills under a collective bargaining agreement with the United Furniture Workers of America, AFL-CIO, Local #39, which requires contributions to the United Furniture Workers Pension Fund A ("Fund"). General Mills' potential withdrawal liability to the Fund has been estimated to be $200,000.

3. The amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) is $81,497 (the annual contributions required to be made by General Mills for the plan year preceding the sale).

4. In the sale contract, General Mills agreed that, if the purchaser withdraws within the first five plan years after the sale and fails to pay withdrawal liability, General Mills would be secondarily liable for any withdrawal liability it would have had to the Fund but for the operation of ERISA section 4204.

5. Kittinger is a new corporation, and thus is unable to submit financial statements in compliance with PBGC regulation (29 CFR 2643.2(d)(7)). All of its common stock is held by a newly-formed holding company, The Corporate Holding Company ("Holding Company"). Kittinger did submit pro forma unaudited finanical statements for its own operations as of December 15, 1983 (net assets of about $3 million) and for the Holding Company as of March 1, 1984 (new assets of $40,000).

6. Kittinger stated that the request for an exemption should be granted on a *de minimis* basis. The average annual contributions made by all employers to the Fund for the three plan years preceding the plan year in which the sale occurred was $5,401,840. Thus, the amount of the bond/escrow is about one and one-half percent of the amount of employer contributions.

7. A copy of this request has been sent by Kittinger to the Fund and the collective bargaining representative of General Mills' former employees, by certified mail return receipt requested.

Comment

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before March 5, 1984. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 16th day of January, 1984.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-1682 Filed 1-19-84; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-12901]

Exxon Corp. and Exxon Pipeline Co.; Application and Opportunity for Hearing

January 16, 1984.

Notice is hereby given that Exxon Corporation ("Exxon") and Exxon Pipeline Company ("Pipeline") have filed a joint application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (the "1939 Act") for a finding that the trusteeship of Citibank, N.A. under (i) and Indenture dated as of December 1, 1968 (the "Pipeline Indenture") between Pipeline and Citibank, N.A., (ii) an Indenture dated as of February 15, 1971 (the "1971 Indenture") between Reliance Electric Company ("Reliance") and Citibank, N.A., (iii) and Indenture dated as of December 15, 1974 (the "1974 Indenture") between Reliance and Citibank, N.A., and (iv) an Indenture Trust dated as of July 15, 1968 (the "1968 Indenture") between Exxon and Citibank, N.A. would not despite a guarantee by Exxon of obligations of Pipeline under the Pipeline Indenture, be so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from acting as trustee under the Pipeline Indenture were it to continue to act as trustee under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture after such guarantee.

Section 310(b) of the 1939 Act provides in part that if a trustee under an indenture qualified under the 1939 Act has or shall acquire any conflicting interest it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of inventors to disqualify such trustee from acting as trustee under either of such indentures.

In support of the application Exxon and Reliance set forth the following:

(1) Pipeline had outstanding as of December 31, 1982 $36,989,000 aggregate principal amount of its 6⅝% Debentures due 1998 issued under the Pipeline Indenture. The Pipeline Indenture was filed by Pipeline as an exhibit to Registration No. 2-30684 under the Securities Act of 1933 (the "1933 Act") which was declared effective on November 26, 1968 and was contemporaneously qualified under the 1939 Act.

(2) Reliance had outstanding as of December 31, 1982 $21,000,000 aggregate principal amount of its 7¼% Debentures due 1996 issued under the 1971 Indenture. The 1971 Indenture was filed by Reliance as an exhibit to Registration No. 2-39252 under the 1933 Act which was declared effective on February 15, 1971 and was contemporaneously qualified under the 1939 Act. Pursuant to a supplemental indentured dated as of March 15, 1983, Exxon has guaranteed the due and punctual payment of the principal of and premium, if any, and interest on such debentures issued under the 1971 Indenture.

(3) Reliance had outstanding as of December 31, 1982 $32,200,000 aggregate principal amount of its 9⅝% Debentures due 1994 issued under the 1974 Indenture. The 1974 Indenture was filed by Reliance as an exhibit to Registration No. 2-52333 under the 1933 Act which was declared effective on December 10, 1974 and was contemporaneously qualified under the 1939 Act. Pursuant to a supplemental indenture dated as of March 15, 1983, Exxon has guaranteed the due and punctual payment of the principal of and premium, if any, and interest on such debentures issued under the 1974 Indenture.

(4) Exxon had outstanding as of December 31, 1982 $151,346,000 aggregate principal amount of its 6½% Debentures due 1998 issued under the 1968 Indenture. The 1968 Indenture was filed by Exxon as an exhibit to Registration No. 2-29388 under the 1933 Act which was declared effective on July 11, 1968 and was contemporaneously qualified under the 1939 Act.

(5) The Pipeline Indenture, the 1971 Indenture, the 1974 Indenture and the 1968 Indenture each contain the provisions required by Section 310(b) of the 1939 Act.

(6) By order dated May 25, 1983, the Commission, after opportunity for a hearing, granted the application of Reliance and Exxon for a finding that the trusteeship of Citibank, N.A. under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture is not, despite a guarantee by Exxon of obligations of Reliance under the 1971 Indenture and the 1974 Indenture, so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from acting as trustee under the 1971 Indenture and the 1974 Indenture were it to continue to act as trustee under the 1968 Indenture after such guarantees.

(7) Pipeline, Exxon and Citibank, N.A. intend to enter into an indenture supplemental to the Pipeline Indenture under which supplemental indenture Exxon will guarantee the due and punctual payment of the principal of and premium, if any, and interest of Pipeline's 6⅝% Debentures in accordance with the terms of the Pipeline Indenture. Citibank N.A. would not be qualified to continue to act as trustee under the Pipeline Indenture, the 1971 Indenture, the 1974 Indenture and the 1968 Indenture after such supplemental indenture is executed unless Citibank, N.A. is deemed not to have such a conflict of interest by reason of a finding by the Commission after opportunity for a hearing that acting as trustee under the Pipeline Indenture, the 1971 Indenture, the 1974 Indenture and the 1968 Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of

investors to disqualify Citibank, N.A. from so acting.

(8) Reliance has placed a specific group of government obligations in trust under a Trust Agreement dated July 29, 1982 with Morgan Guaranty Trust Company of New York ("Morgan") to secure payment of the principal and interest on the debentures issued under the 1971 Indenture. Reliance has placed a separate group of specific government obligations in trust under a separate Trust Agreement dated July 29, 1982 with Morgan to secure payment of the principal and interest on the debentures issued under the 1974 Indenture. Exxon has placed another separate group of specific government obligations in trust under a separate Trust Agreement dated June 28, 1982 with Morgan to secure payment of the principal and interest on the debentures issued under the 1968 Indenture. Pipeline has not placed any government obligations in trust to secure payment of the principal and interest on the debentures issued under the Pipeline Indenture.

(9) Since the debentures issued under the 1971 Indenture, the 1974 Indenture and the 1968 Indenture are each secured by separate groups of specific government obligations owned by separate trusts established exclusively for the benefit of the holders of debentures issued under a specific indenture, should Citibank, N.A. have occasion to proceed against the security held in one of these trusts, such action would not affect the security, or use of any security, held in any other trust. Thus the existence of the other trusteeships should not inhibit or discourage action by Citibank, N.A. or involve it in a conflict of interest.

(10) Neither Pipeline, Reliance nor Exxon is now in default under the Pipeline Indenture, the 1971 Indenture, the 1974 Indenture or the 1968 Indenture, nor would the execution of the aforementioned supplemental indenture cause such a default.

(11) Such differences as exist among the Pipeline Indenture, the 1971 Indenture, the 1974 Indenture and the 1968 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank, N.A. from acting as trustee under each such indenture after execution of the aforementioned supplemental indenture.

(12) Exxon and Pipeline have waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is on file in the offices of the Commission's Public Reference Section at 450 Fifth Street N.W., Washington, D.C. 20549.

Notice is further given that any interested person, may not later than February 15, 1984 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-1667 Filed 1-19-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13721; 811-3156]

Offerman Money Market Fund, Inc.; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

Notice is hereby given that Offerman Money Market Fund, Inc. ("Applicant"), 5100 Gamble Drive, Minneapolis, Minnesota, 55481, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 17, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant's board of directors, on June 17, 1983, approved a proposed merger of Applicant and National Cash Reserves, Inc. ("National"). The merger was approved by Applicant's shareholders at their annual meeting. The application states that Applicant transferred all of its assets, which were all cash, to National on August 26, 1983, for shares issued by National. Applicant states that as of August 24, 1983, its shares outstanding had a total net asset value of $7,143,744.37. Applicant's only other asset was $31,184.00 of unamortized organizational costs which were transferred to Applicant's advisor, Offerman Advisors, Inc., in exchange for a reduction of $31,184.00 in Offerman Advisor's account of Applicant.

The application represents that Applicant now has no shareholders and is not now engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs. Applicant further represents that is has retained no assets, no debts or other liabilities, and it is not a party to any litigation or administrative proceeding. Finally, Applicant states that is has not within the past 18 months transferred any of its assets to a separate trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 7, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 29549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of Service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request, after said date, an order disposing of the application will be issued unless the commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-1665 Filed 1-19-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13722; 811-3113]

Ziegler Money Market Trust; Filing of Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

Notice is hereby given that Ziegler Money Market Trust ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania, 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on November 28, 1983, for

an order of the Commission pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant's board of trustees recommended the liquidation of Applicant to its shareholders on August 25, 1983. A unanimous consent of the shareholders approving the termination of Applicant was executed on August 4, 1983. The application states that Applicant was dissolved on September 3, 1983, and that prior to this date shares of Applicant were voluntarily redeemed by Applicant at their net asset value or were voluntarily exchanged for shares of Money Market Instruments Trust at net asset value. Applicant states that as of August 4, 1983, it had 200,432.56 shares outstanding. The shares had a net asset value per share of $.98. Applicant states that it maintained a net asset value of $1.00 per share, determined by the amortized cost method, through August 3, 1983, at which time all non-affiliated shareholders had redeemed their shares. Applicant also states that as of August 4, 1983 its total assets were $190,659.56. Finally, Applicant states that all of its portfolio securities matured on September 3, 1983, the date of liquidation.

The application represents that Applicant now has no shareholders and is not now engaged in, nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs. Applicant further represents that it has retained no assets, no debts or other liabilities, and it is not a party to any litigation or administrative proceeding. Finally, Applicant states that it has not within the past 18 months transferred any of its assets to a separate trust.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than February 6, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of Service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request, after said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-1686 Filed 1-19-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20564; File No. SR-MCC-83-7]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp.; Price Revision Schedule

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 30, 1983 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A is MCC's Price Revision Schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed price modifications, effective with service beginning January 3, 1984, reflect cost savings realized through increased activity in 1983. This increased activity has enabled MCC to retain sufficient earnings that permit it to maintain service levels and developmental programs. Excess revenues beyond those needed to meet retained earnings objectives, based on results through December 1983, are projected to be refunded to Participants in 1984.

However, MCC, consistent with its policy that services' fees fairly cover their associated costs, has increased fees for certain services. These fee changes arise from increased costs for several labor intensive functions, and reflect more accurately the expense of providing such services. MCC's fees also cover expenses associated with new programs implemented to insure enhanced cost-effectiveness for all Participants.

The proposed fee schedule is consistent with Section 17A of the Securities Exchange Act of 1934, in that the fee schedule will help remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. In addition, the price changes provide for the equitable allocation of reasonable dues, fees and other charges among MCC's Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed change in fees will have an impact on competition, but such impact will not impose any burdens on competition, but rather, will relieve a burden on or otherwise promote competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have been solicited, but none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 13, 1984.

George A. Fitzsimmons,

Secretary.

[FR Doc. 84-1668 Filed 1-19-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 09/09-5332]

First American Capital Funding, Inc.; Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)), for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

Applicant: First American Capital Funding, Inc.

Address: 401 Vista Roma, Newport Beach, California 92660.

The proposed officers, directors and stockholders of the Applicant are as follows:

Luu Trankiem, 401 Roma Vista, Newport Beach, Ca. 92660; President, Chief Financial Officer and Director; 13.3

Xuan Nhan Nguyen, 1332 Cerritos Drive, Laguna Beach, Ca. 92660; Director, Consultant; 13.3

Son Hung Luu, 4622 W 5th Street, Santa Ana, Ca 92703; Director, Secretary; 6.67

Triet Van Pham, MD, 14421 Coralwood Lane, Huntington Beach, Ca 92646; Director; 6.67

Minh Ngoc Dang, MD, 7100 Country Club Lane, Anaheim, Ca 92807; Director; 13.3

Kiet Van Chau, MD, 6785 Swartmore, Anaheim, Ca 92807; Director; 13.3

Ba Xuan Nyuyen, MD, 149 Valley Vista Drive, Camarillo, Ca 93010; Director; 13.3.

Thiet Tan Nguyen, MD, 8762 Sailport, Huntington, Ca 92646; Director; 6.67

Bertrand O. Tyson, MD, 2661 East Washington Blvd., Pasadena, Ca 91107; Director; 13.3

The Applicant, a California corporation, with its principal place of business at 401 Vista Roma, Newport Beach, California 92660, will begin operations with $530,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice should be published in a newspaper of general circulation in the Newport Beach, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 16, 1984.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 84-1720 Filed 1-19-84; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 14
Friday, January 20, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Consumer Product Safety Commission	1
Federal Maritime Commission	2
Federal Reserve System	3-5

1

CONSUMER PRODUCT SAFETY COMMISSION

Commission Meeting

TIME AND DATE: 10:00 a.m., Wednesday, January 25, 1984.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. *Diphenhydramine: PPPA Final Rule.*

The staff will brief the Commission on a final rule to require child-resistant packaging for over-the-counter drugs containing diphenhydramine.

Closed to the Public.

2. *Enforcement Matter (OS #5868).*

The staff will brief the Commission on enforcement matter OS #5868.

3. *Enforcement Matter (OS #5288).*

The Commission will consider enforcement matter OS #5288.

(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 Avenue, Bethesda, MD. 20207, 301-492-6800.

January 18, 1984.

Sheldon D. Butts,

Acting Secretary.

[FR Doc. 84-1820 Filed 1-18-84; 3:13 pm]

BILLING CODE 6355-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—January 25, 1984.

PLACE: Hearing Room One—1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Agreement No. 6200-24-A: Settlement Agreement between the U.S. Atlantic & Gulf/Australia-New Zealand Conference and Karlander Kangaroo Line, Pty., Ltd.

2. Proposed Rulemaking and Filing Requirements for Intermodal Tariffs.

3. Extension of Waiver of 30-Day Filing Requirement for New and Initial Intermodal Rates.

4. Sea-Land Services, Inc. Request for Continuing Special Permission to Postpone Tariff Matter on Short Notice.

5. Docket No. 83-37: In the Matter of Rates Applicable to Charitable Shipments by U.S. Atlantic and Gulf/Jamaica and Hispaniola Steamship Freight Conference—Further Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary, (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 84-1790 Filed 1-18-84; 3:13 pm]

BILLING CODE 6730-01-M

3

FEDERAL RESERVE SYSTEM

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday January 25, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Recommendations by the Consumer Advisory Council regarding the Federal Reserve System's implementation of the Community Reinvestment Act.

2. Review of the Board's procedures in handling protested applications, including recommendations by the Consumer Advisory Council.

3. Proposed amendment to Regulation J (Collection of Checks and Other Items and Transfer of Funds) to permit Federal Reserve Banks to charge paying institutions for cash items made available on midweek closing days and nonstandard holidays. (Proposed earlier for public comment; Docket No. R-0481)

4. Publication for comment of proposed expansion of Federal Reserve book-entry securities services.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: January 17, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1772 Filed 1-18-84; 11:45 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 11:30 a.m., Wednesday, January 25, 1984, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Frderal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: January 17, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84-1773 Filed 1-18-84; 11:45 am]

BILLING CODE 6210-01-M

5

FEDERAL RESERVE SYSTEM

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:45 a.m., Tuesday, January 17, 1984.

The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATERS TO BE CONSIDERED: Supervisory and regulatory matter. [This matter was

previously announced for a closed meeting on January 16, 1984).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: January 17, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–1774 Filed 1–18–84; 11:45 am]

BILLING CODE 6210–01–M

federal register

Friday
January 20, 1984

Part II

Nuclear Regulatory Commission

State of Utah; Staff Assessment of Proposed Agreement Between the NRC and the State of Utah; Notice

NUCLEAR REGULATORY COMMISSION

State of Utah; Staff Assessment of Proposed Agreement Between the NRC and the State of Utah

Note.—This document was originally published on Friday, December 30, 1983 at 48 FR 57674. It is reprinted at the request of the Nuclear Regulatory Commission.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Proposed Agreement with State of Utah.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission is publishing for public comment the NRC staff assessment of a proposed agreement received from the Governor of the State of Utah for the assumption of certain of the Commission's regulatory authority pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

A staff assessment of the State's proposed program for control over sources of radiation is set forth below as supplementary information to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Utah regulations, is available for public inspection in the Commission's public document room at 1717 H Street, NW., Washington, D.C. Exemptions from the Commission's regulatory authority, which would implement this proposed agreement, have been published in the **Federal Register** and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

DATE: Comments must be received on or before January 30, 1984.

ADDRESSES: All interested persons desiring to submit comments and suggestions for consideration by the Commission in connection with the proposed agreement should send them to the Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT: John R. McGrath, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 301–492–9889, or Robert J. Doda, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas, 76011, telephone 817–860–8139.

SUPPLEMENTARY INFORMATION: Assessment of Proposed Utah Program to Regulate Certain Radioactive Materials Pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

The Commission has received a proposal from the Governor of Utah for the State to enter into an agreement with the NRC whereby the NRC would relinquish and the State would assume certain regulatory authority pursuant to Section 274 of the Atomic Energy Act of 1954, as amended.

Section 274e of the Atomic Energy Act of 1954, as amended, requires that the terms of the proposed agreement be published for public comment once each week for four consecutive weeks. Accordingly, this notice will be published four times in the **Federal Register.**

I. Background

A. Section 274 of the Atomic Energy Act of 1954, as amended, provides a mechanism whereby the NRC may transfer to the States certain regulator authority over agreement materials [1] when a State desires to assume this authority and the Governor certifies that the State has an adequate regulatory program, and when the Commission finds that the State's program is compatible with that of the NRC and is adequate to protect the public health and safety. Section 274g directs the Commission to cooperate with the States in the formulation of standards for protection against radiation hazards to assure that State and Commission programs for radiation protection will be coordinated and compatible. Further, Section 274j provides that the Commission shall periodically review such agreements and actions taken by the States under the agreements to ensure compliance with the provisions of this section.

B. In a letter dated November 14, 1983, Governor Scott M. Matheson of the State of Utah requested that the Commission enter into an agreement with the State pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, and proposed that the agreement become effective on April 1, 1984. The Governor certified that the State of Utah has a program for control of radiation hazards which is adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State of Utah desires to assume regulatory responsibility for such materials. The text of the proposed agreement is shown in Appendix A and the narrative portion of the program description is shown in Appendix B.

The specific authority requested is for (1) byproduct material as defined in Section 11e(1) of the Act, (2) source material and (3) special nuclear material in quantities not sufficient to form a critical mass. The State does not wish to assume authority over uranium milling activities nor the commercial disposal of low-level radioactive waste. The State, however, reserves the right to apply at a future date to NRC for an amended agreement to assume authority in these areas. The nine articles of the proposed agreement cover the following areas:

I. Lists the materials covered by the agreement.
II. Lists the Commission's continue authority and responsibility for certain activities.
III. Allows for future amendment of the agreement.
IV. Allows for certain regulatory changes by the Commission.
V. References the continued authority of the Commission for common defense and security for safeguards purposes.
VI. Pledges the best efforts of the Commission and the State to achieve coordinated and compatible programs.
VII. Recognizes reciprocity of licenses issued by the respective agencies.
VIII. Sets forth criteria for termination or suspension of the agreement.
IX. Specifies the effective date of the agreement.

C. Utah Code Annotated 26–1–27 through 26–1–29 authorizes the State Department of Health to issue licenses to, and perform inspections of, users of radioactive materials under the proposed agreement and otherwise carry out a total radiation control program. Utah Radiation Control Regulations URC–10 through URC–80 adopted November 8, 1982 under authority of 26–1–27 through 26–1–29 Utah Code annotated 1953, as amended, provides standards, licensing, inspection, enforcement and administrative procedures for agreement and non-agreement materials. Pursuant to URC–12–165, the regulations are not applicable to agreement materials until the effective date of the agreement. Since January 1, 1983, the State has been licensing and inspecting users of naturally occurring and accelerator produced radioactive materials.

D. The environmental radiation issues with which the Department has been involved include: monitoring assessment of the impact of radioactive fallout from nuclear weapons testing at the Nevada Test Site; monitoring uranium mill tailings, particularly at the Vitro uranium mill; and monitoring indoor radon in Salt Lake County.

[1] A. Byproduct materials as defined in 11e(1);
B. Byproduct materials as defined in 11e(2);
C. Source materials; and
D. Special nuclear materials in quantities not sufficient to form a critical mass.

The Department has also been involved in inspections of x-ray users since 1961 including involvement in the U.S. FDA studies Nationwide Evaluation of X-Ray Trends (NEXT) and Dental Exposure Normalization Technique (DENT).

II. NRC Staff Assessment of Proposed Utah Program for Control of Agreement Materials

Reference: Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement.[2]

Objectives

1. *Protection.* A State regulatory program shall be designed to protect the health and safety of the people against radiation hazards.

Based upon the analysis of the State's proposed regulatory program the staff believes the Utah proposed regulatory program for agreement materials is adequately designed to protect the health and safety of the public against radiation hazards.

Radiation Protection Standards

2. *Standards.* The State regulatory program shall adopt a set of standards for protection against radiation which shall apply to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass.

Statutory authority to formulate and promulgate rules for controlling exposure to sources of radiation is contained in Utah Code Annotated 26–1–5 and 26–1–27. In accordance with that authority, the State has adopted Radiation Control Regulations on November 8, 1982 which include radiation protection standards which would apply to by product, source and special nuclear naterials in quantities not sufficient to form a critical mass upon the effective date of an agreement between the State and the Commission pursuant to Section 274b of the Atomic Energy Act of 1954 as amended.

Reference: Utah Radiation Control Regulations URC–10 through 80.

3. *Uniformity in Radiation Standards.* It is important to strive for uniformity in technical definitions and terminology, particularly as related to such things as units of measurement and radiation dose. There shall be uniformity on maximum permissible doses and level of radiation and concentrations of radioactivity, as fixed by 10 CFR Part 20 of the NRC regulations based on officially approved radiation protection guides.

Technical definitions and terminology contained in the Utah Radiation Control Regulations including those related to units of measurement and radiation doses are uniform with those contained in 10 CFR Part 20, except that the definition of byproduct material conforms to that contained in the Atomic Energy Act prior to enactment by Congress of Pub. L. 95–604, 92 Stat. 3021 et seq., November 8, 1978, the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA). In view of the fact that the State does not wish to assume authority over uranium milling activities pursuant to UMTRCA the absence of a definition of byproduct material conforming to that contained in Section 11e(2) of the Atomic Energy Act of 1954, as amended, is not viewed as a significant departure and should not be considered an impediment towards signing of a Section 274b agreement for the materials requested.

Reference: URC–12, 24.

4. *Total Occupational Radiation Exposure.* The regulatory authority shall consider the total occupational radiation exposure of individuals, including that from sources which are not regulated by it.

The Utah regulations cover all sources of radiation within the State's jurisdiction and provide for consideration of the total radiation exposure of individuals from all sources of radiation in the possession of a licensee or registrant.

Reference: URC–24–010,020.

5. *Surveys, Monitoring.* Appropriate surveys and personnel monitoring under the close supervision of technically competent people are essential in achieving radiological protection and shall be made in determining compliance with safety regulations.

The Utah requirements for surveys to evaluate potential exposure from sources of radiation and the personnel monitoring requirements are uniform with those contained in 10 CFR Part 20.

References: URC–12–050 (36) and (62), URC–12–100, URC–24–070, and URC–24–085.

6. *Labels, Signs, Symbols.* It is desirable to achieve uniformity in labels, signs, and symbols, and the posting thereof. However, it is essential that there be uniformity in labels, signs, and symbols affixed to radioactive products which are transferred from person to person.

The prescribed radiation labels, signs, and symbols are uniform with those contained in 10 CFR Parts 20, 30 thru 32 and 34. The Utah posting requirements are also uniform with those of Part 20.

References: URC–22–110, URC–24–090, URC–24–095, and URC–48–020.

7. *Instruction.* Persons working in or frequenting restricted areas shall be instructed with respect to the health risks associated with exposure to radioactive materials and in precautions to minimize exposure. Workers shall have the right to request regulatory authority inspections as per 10 CFR 19, Section 19.16 and to be represented during inspections as specified in Section 19.14 of 10 CFR 19.

The Utah regulations contain requirements for instructions and notices to workers that are uniform with those of 10 CFR Part 19.

Reference: URC–48.

8. *Storage.* Licensed radioactive material in storage shall be secured against unauthorized removal.

The Utah regulations contain a requirement for security of stored radioactive material.

Reference: URC–24–120.

9. *Radioactive Waste Disposal.* (a) Waste disposal by material users. The standards for the disposal of radioactive material into the air, water and sewer, and burial in the soil shall be in accordance with 10 CFR Part 20. Holders of radioactive material desiring to release or dispose of quantities or concentrations of radioactive materials in excess of prescribed limits shall be required to obtain special permission from the appropriate regulatory authority.

Requirements for transfer of waste for the purpose of ultimate disposal at a land disposal facility (waste transfer and manifest system) shall be in accordance with 10 CFR 20.

The waste disposal standards shall include a waste classification scheme and provisions for waste form, applicable to waste generators, that is equivalent to that contained in 10 CFR Part 61.

(b) Land Disposal of waste received from other persons. The State shall promulgate regulations containing licensing requirements for land disposal of radioactive waste received from other persons which are compatible with the applicable technical definitions, performance objectives, technical requirements and applicable supporting sections set forth in 10 CFR Part 61. Adequate financial arrangements (under terms established by regulation) shall be required of each waste disposal site licensee to ensure sufficient funds for decontamination, closure and

[2] NRC Statement of Policy published in the Federal Register January 23, 1981 (46 FR 7540–7546), and revision of Criterion 9 published in the Federal Register July 21, 1983 (48 FR 33376).

stabilization of a disposal site. In addition, Agreement State financial arrangements for long-term monitoring and maintenance of a specific site must be reviewed and approved by the Commission prior to relieving the site operator of licensed responsibility (Section 151(a)(2), Pub. L. 97–425).

Utah Radiation Control Regulations contain provisions relating to the disposal of radioactive materials into the air, water and sewer and burial in soil which are uniform with those of 10 CFR Part 20. The current Utah regulations were adopted prior to the publication of 10 CFR Part 61 and the corresponding changes to § 20.311 of Part 20. The Utah regulations, therefore, have no equivalent to § 20.311 or the waste classification system included in Part 61. Governor Matheson's letter of November 14, 1983 indicated that the State's radiation control regulations will be revised through standard rulemaking procedures to conform to the Federal standard regarding the radioactive waste manifest system and the waste classification system.

Since the waste manifest system does not become effective until December 27, 1983 and Agreement States are normally given three years to formally adopt significant changes to NRC regulations, the absence of these provisions in Utah regulations is not viewed as a significant deficiency at this time and should not be considered an impediment to the proposed agreement. The waste manifest system will be implemented by amendments to the site operator licenses. Utah, as well as other Agreement State, licensees will be required to meet the provisions of the site operator's license if they wish to use the site after December 27, 1983.

References: URC–24–130, 135, 140, 145, 150 and 160.

10. *Regulation Governing Shipment of Radioactive Materials.* The State shall to the extent of its jurisdiction promulgate regulations applicable to the shipment of radioactive materials, such regulations to be compatible with those established by the U.S. Department of Transportation and other agencies of the United States whose jurisdiction over interstate shipment of such materials necessarily continues. State regulations regarding transportation of radioactive materials must be compatible with 10 CFR Part 71.

The Utah regulations conform to those contained in NRC regulations prior to the recent (August 5, 1983) publication of a final rule amending Part 71 to achieve compatibility with the transport regulations of the International Atomic Energy Agency (IAEA). The Agreement States have been notified that these changes are considered matters of compatibility. Utah, as well as the other Agreement States, will need to make corresponding changes to their regulations. The lack of these provisions in the current Utah regulations is not viewed as a significant departure at this time since Agreement States are normally given three years to adopt important NRC rule changes, and should not be considered an impediment to the proposed agreement.

References: URC–12-Appendix A and Appendix B; URC–19-400, 500 and 510.

11. *Records and Reports.* The State regulatory program shall require that holders and users of radioactive materials (a) maintain records covering personnel radiation exposures, radiation surveys, and disposals of materials; (b) keep records of the receipt and transfer of the materials; (c) report significant incidents involving the materials, as prescribed by the regulatory authority; (d) make available upon request of a former employee a report of the employee's exposure to radiation; (e) at request of an employee advise the employee of his or her annual radiation exposure; and (f) unform each employee in writing when the employee has received radiation exposure in excess of the prescribed limits.

The Utah regulations require the following records and reports by licensees and registrants:

(a) Records covering personnel radiation exposures, radiation surveys, and disposals of materials.

Reference: URC–24–170.

(b) Records of receipt and transfer of materials.

Reference: URC–12–080.

(c) Reports concerning incidents involving radioactive materials.

Reference: URC–24–180, 190, 200, and 205.

(d) Reports to former employees of their radiation exposure.

Reference: URC–48–040(3).

(e) Reports to employees of their annual radiation exposure.

Reference: URC–48–040(2).

(f) Reports to employees of radiation exposure in excess of prescribed limits.

Reference: URC–48–040(4).

12. *Additional Requirements and Exemptions.* Consistent with the overall criteria here enumerated and to accommodate special cases and circumstances, the State regulatory authority shall be authorized in individual cases to impose additional requirements to protect health and safety, or to grant necessary exemptions which will not jeopardize health and safety.

The Utah Bureau of Radiation Control is authorized to impose upon any licensee or registrant, by rule, regulation, or order such requirements in addition to those established in the regulations as it deems appropriate or necessary to minimize danger to public health and safety or property.

Reference: URC–12–100(2).

The Bureau may also grant such exemptions from the requirements of the regulations as it determines are authorized by law and will not result in undue hazard to public health and safety or property.

Reference: URC–12–125(1).

Prior Evaluation of Uses of Radioactive Materials

13. *Prior Evaluation of Hazards and Uses, Exceptions.* In the present state of knowledge, it is necessary in regulating the possession and use of byproduct, source and special nuclear materials that the State regulatory authority require the submission of information on, and evaluation of, the potential hazards and the capability of the user or possessor prior to his receipt of the materials. This criterion is subject to certain exceptions and to continuing reappraisal as knowledge and experience in the atomic energy field increase. Frequently there are, and increasingly in the future there may be, categories of materials and uses as to which there is sufficient knowledge to permit possession and use without prior evaluation of the hazards and the capability of possessor and user. These categories fall into two groups—those materials and uses which may be completely exempt from regulatory controls, and those materials and uses in which sanctions for misuse are maintained without pre-evaluation of the individual possession or use. In authorizing research and development or other activities involving multiple uses of radioactive materials, where an institution has people with extensive training and experience, the State regulatory authority may wish to provide a means for authorizing broad use of materials without evaluating each specific use.

Prior to the issuance of a specific license for the use of radioactive materials, the Utah Bureau of Radiation Control will require the submission of information on, and will make an evaluation of, the potential hazards of such uses, and the capability of the applicant.

References: URC–19–220 and URC–22–020. Utah Program Description Section III.F.

Provision is made for the issuance of general licenses for byproduct, source and special nuclear materials in situations where prior evaluation of the licensee's qualifications, facilities, equipment and procedures is not required. The regulations grant general licenses under the same circumstances as those under which general licenses are granted in the Commission's regulations.

References: URC–19–220 and URC–21.

14. *Evaluation Criteria.* In evaluating a proposal to use radioactive materials, the regulatory authority shall determine the adequacy of the applicant's facilities and safety equipment, his training and experience in the use of the materials for the purpose requested, and his proposed administrative controls. States should develop guidance documents for use by license applicants. This guidance should be consistent with NRC licensing and regulatory guides for various categories of licensed activities.

In evaluating a proposal to use agreement materials, the Utah Bureau of Radiation Control will determine that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; and

(3) The issuance of the license will not be inimical to the health and safety of the public.

Other special requirements for the issuance of specific licenses are contained in the regulations.

References: URC–22–040, 070, 090, and 110.

15. *Human Use.* The use of radioactive materials and radiation on or in humans shall not be permitted except by properly qualified persons (normally licensed physicians) possessing prescribed minimum experience in the use of radioisotopes or radiation.

The Utah regulations require that the use of radioactive material (including sealed sources) on or in humans shall be by a physician having substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

Reference: URC–22–070

Inspection

16. *Purpose, Frequency.* The possession and use of radioactive materials shall be subject to inspection by the regulatory authority and shall be subject to the performance of tests, as required by the regulatory authority. Inspection and testing is conducted to determine and to assist in obtaining compliance with regulatory requirements. Frequency of inspection shall be related directly to the amount and kind of material and type of operation licensed, and it shall be adequate to insure compliance.

Utah materials licensees will be subject to inspection by the Bureau of Radiation Control. Upon instruction from the Bureau, licensees shall perform or permit the Bureau to perform such reasonable tests and surveys as the Bureau deems appropriate or necessary. The frequency of inspections is dependent upon the type and scope of the licensed activities and will be at least as frequent, and in most cases more frequent, as inspections of similar licenses by NRC.

References: URC–12–090 and 100; URC–48–050–060–070 and 080; Utah Program Description Section III.G

17. *Inspections Compulsory.* Licensees shall be under obligation by law to provide access to inspectors. **Folios 807–809 %118.0**

Utah regulations state that licensees shall afford the Bureau at all reasonable times opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

Reference: URC–12–090.

18. *Notification of Results of Inspection.* Licensees are entitled to be advised of the results of inspections and to notice as to whether or not they are in compliance.

Following Bureau inspections, each licensee will be notified by letter of the results of the inspection. The letters indicate if the licensee is in compliance and if not, list the areas of noncompliance.

Reference: Utah Program Description Section III.H.

Enforcement

19. *Enforcement.* Possession and use of radioactive materials should be amenable to enforcement through legal sanctions, and the regulatory authority shall be equipped or assisted by law with the necessary powers for prompt enforcement. This may include, as appropriate, administrative remedies looking toward issuance of orders requiring affirmative action or suspension or revocation of the right to possess and use materials, and the impounding of materials; the obtaining of injunctive relief; and the imposing of civil or criminal penalties.

The Bureau of Radiation Control is equipped with the necessary powers for prompt enforcement of the regulations. Where conditions exist that create a clear presence of a hazard to the public health that requires immediate action to protect human health and safety, the Bureau may issue orders to reduce, discontinue or eliminate such conditions. Such orders may be a written directive to modify, suspend or revoke a license, to cease and desist from a given practice or activity, or to take such other action as may be appropriate. License modification orders will be issued when some change in licensee equipment, procedures, or management controls is necessary. Suspension orders will be used to remove an immediate threat to the public health or when a licensee has not responded adequately to other enforcement action. Revocation orders will be used when a licensee is unable or unwilling to comply with Bureau requirements. Cease and desist orders will be used to stop an unauthorized activity that has continued despite notification by the Bureau that such activity is unauthorized. In addition, the State will request from the legislature authority to impose civil penalties for violation of the Utah Radiation Control Regulations.

References: URC–12–130 and 140, Utah Program Description Section III.H., and Governor Matheson's letter dated November 14, 1983.

Personnel

20. *Qualifications of Regulatory and Inspection Personnel.* The regulatory agency shall be staffed with sufficient trained personnel. Prior evaluation of applications for licenses or authorizations and inspection of licensees must be conducted by persons possessing the training and experience relevant to the type and level of radioactivity in the proposed use to be evaluated and inspected.

To perform the functions involved in evaluation and inspection, it is desirable that there be personnel educated and trained in the physical and/or life sciences, including biology, chemistry, physics and engineering, and that the personnel have had training and experience in radiation protection. The person who will be responsible for the actual performance of evaluation and inspection of all of the various uses of byproduct, source and special nuclear

material which might come to the regulatory body should have substantial training and extensive experience in the field of radiation protection.

It is recognized that there will also be persons in the program performing a more limited function in evaluation and inspection. These persons will perform the day-to-day work of the regulatory program and deal with both routine situations as well as some which will be out of the ordinary. These people should have a bachelor's degree or equivalent in the physical or life sciences, training in health physics, and approximately two years of actual work experience in the field of radiation protection.

The foregoing are considered desirable qualifications for the staff who will be responsible for the actual performance of evaluation and inspection. In addition, there will probably be trainees associated with the regulatory program who will have an academic background in the physical or life sciences as well as varying amounts of specific training in radiation protection but little or no actual work experience in this field. The background and specific training of these persons will indicate to some extent their potential role in the regulatory program. These trainees, of course, could be used initially to evaluate and inspect those applications of radioactive materials which are considered routine or more standardized from the radiation safety standpoint, for example, inspection of industrial gauges, small research programs, and diagnostic medical programs. As they gain experience and competence in the field, the trainees could be used progressively to deal with the more complex or difficult types of radioactive material applications. It is desirable that such trainees have a bachelor's degree or equivalent in the physical or life sciences and specific training in radiation protection. In determining the requirement for academic training of individuals in all of the foregoing categories, proper consideration should be given to equivalent competency which has been gained by appropriate technical and radiation protection experience.

It is recognized that radioactive materials and their uses are so varied that the evaluation and inspection functions will require skills and experience in the different disciplines which will not always reside in one person. The regulatory authority should have the composite of such skills either in its employ or at its command, not only for routine functions, but also for emergency cases.

a. *Number of Personnel.* There are approximately 150 NRC specific licenses in the State of Utah. Under the proposed agreement, the State would assume responsibility for about 135 of these licenses. The Bureau of Radiation Control is currently staffed with five professional persons. In addition, there is currently one vacancy in the program. Two individuals will be assigned full time to the materials program. Three others will be trained to provide backup. We estimate the State will need to apply a minimum of 1.4 to 2.0 staff-years of effort to the program. The present personnel together with their assigned responsibilities are as follows:

Larry F. Anderson: Director, Bureau of Radiation Control. Responsible for administration of Bureau programs. Estimated 0.2 staff-year in materials program.

Blaine Howard: Health Physicist. Responsible for licensing and inspection in materials program. Estimated 1.0 staff-year in materials program.

Arnold J. Peart: Radiation Specialist 23. Responsible for licensing and inspection in materials program. Estimated 1.0 staff-year in materials program.

Donald G. Mitchell: Health Physicist. Responsibilities primarily in x-ray program. Will receive training in licensing and inspection in materials program. Estimated 0.1 staff-year in materials program.

Gerald R. Ripley: Health Physicist. Responsibilities primarily in x-ray program. Will receive training in licensing and inspection in materials program. Estimated 0.1 staff-year in materials program.

b. *Training.* The academic and specialized short course training for those persons involved in the administration, licensing and inspection of radioactive materials is shown below.

Larry F. Anderson—B.S. Chemistry, MPA (Health), Brigham Young University.

NIOSH Course 549, *Recognition, Evaluation, and Control of Occupational Hazards.* October, 1972.

NIOSH Course 582, *Sampling and Evaluating Airborne Asbestos Dust.* April 10–12, 1973.

Utah State Division of Health, *Visible Emissions Evaluation Course.* June 19, 1973.

American Industrial Hygiene Association, *Industrial Toxicology Seminar.* A 24-hour course ending April 30, 1975.

OSHA, *Fundamentals of Occupational Injury Investigation.* Short course ending April 1, 1977.

United States Nuclear Regulatory Commission, *Radiological Emergency Response Operations Training Course.* A 64-hour course ending January 27, 1978.

U.S. Environmental Protection Agency, *Grants Administration Seminar.* A 16-hour course ending May 16, 1979.

Safety International Training Center, *Hydrogen Sulfide and Equipment for Instructors.* A 12-hour course ending June 19, 1979.

Rocky Mountain Center for Occupational and Environmental Health, University of Utah, *Health and Exposures in the Smelter Environment.* A 20-hour course ending March 29, 1980.

Blaine Howard—B.S. Math and Physics, Ricks College. M.S. Radiological Health, New York University. M.S. Physics and Math, Brigham Young University.

Medical X-Ray Protection—BRH Rockville, MD.—October 30–Nov. 10, 1972.

Radiological Emergency Response Operations (REPR), Las Vegas and Nevada Test Site, 1978.

"States Role in Radioactive Material Management." The National Legislative Conference, Las Vegas, Dec. 9–11, 1974.

Drinking Water Regulations and Radioanalytical workshop EPA, Denver, Jan. 10–12, 1978.

X-Ray Workshop, Richfield, Utah, Mar. 14–15, 1979.

Actinides in Man and Animals—Workshop, Snowbird, UT., Oct. 15–17, 1979.

Nuclear Medicine—NRC New York City, Sept. 8–12, 1980.

NWTS Annual Information Meeting—Columbus, Ohio, Dec. 8–10, 1980.

Waste Management 1981—American Nuclear Society, Tucson, AR, Feb. 23–27, 1981.

Orientation Course in "Licensing Practices and Procedures"—NRC, Silver Spring, MD., Sept. 14–25, 1981.

Inspection Procedures Course—NRC, Atlanta, GA, July 26–30, 1982.

Arnold J. Peart—B.S. Education, Utah State University (minor—chemistry and math).

Nuclear Regulatory Commission—Orientation Course in licensing practices and procedures, 1982.

Nuclear Regulatory Commission—Medical Use of Radionuclides, 1982.

Federal Emergency Management Agency—Radiological Emergency Response Course, 1982.

Nuclear Regulatory Commission—Radiochemistry for State Regulatory Personnel, 1983.

Dept. of Health and Human Services—Basic Course for Investigators, Diagnostic X-Ray Survey, 1983.

Nuclear Regulatory Commission—Safety Aspects of Industrial Radiography, 1983.

Donald G. Mitchell—B.A. Chemistry and Physics, Brigham Young University. M.S. Physics and Math, University of Wisconsin.

Oak Ridge Assoc. Univ.—Health Physics (10 weeks) 1976.

Reynolds Electrical and Engineering—Rad. Emergency Response, 1978.

Food and Drug Administration—Diagnostic X-Ray Survey, 1979.

U.S. Nuclear Regulatory Commission—Industrial Radiography, 1982.

Eastman Kodak Company—Radiological Imaging, 1982.

Gerald R. Ripley—B.S. Biology, University of Utah. B.S. Pharmacy, University of Utah.

c. *Experience.* Mr. Anderson has been with the Bureau since 1972 and has had supervisory and administration responsibilities since 1978. Mr. Howard has been a health physicist with the State since 1972 and has had experience in health physics since 1954. Mr. Howard was certified by the American

Board of Health Physics in 1978. Mr Peart has been employed by the State since 1975, from 1975 to 1982 as an industrial hygienist and from 1982 as a radiation specialist. Messrs. Howard and Peart have accompanied NRC inspectors on materials inspections in the State of Utah. Mr. Mitchell has been a health physicist with the State since 1975. Prior to 1975 Mr. Mitchell had experience as a radiochemist and a teacher of chemistry and physics. Mr. Ripley has been a health physicist and industrial hygienist with the State since 1979. Mr. Ripley has prior experience as a radiochemist and pharmacist.

Reference: Utah Program Description Section IV and Appendix B.

21. *Conditions Applicable to Special Nuclear Materials, Source Material and Tritium.* Nothing in the State's regulatory program shall interfere with the duties imposed on the holder of the materials by the NRC, for example, the duty to report to the NRC, on NRC prescribed forms (1) transfers of special nuclear material, source material and tritium and (2) periodic inventory data.

The State's regulations do not prohibit or interfere with the duties imposed by the NRC on holders of special nuclear material owned by the U.S. Department of Energy or licensed by NRC, such as the responsibility of licensees to supply to the NRC reports of transfer and inventory.

Reference: URC–12–040 and 125.

22. *Special Nuclear Material Defined.* The definition of special nuclear material in quantities not sufficient to form a critical mass, as contained in the Utah Radiation Control Regulations, is uniform with the definition in 10 CFR Part 150.

Reference URC–12–050. Definition (60).

Administration

23. *Fair and Impartial Administration.* The Utah Health Code provides for administrative and judicial review of actions taken by the Department of Health. Any person may, upon written request, be given an opportunity for an informal hearing before the Department. If the matter cannot be resolved at the informal hearing, the person may then request a hearing before an impartial hearing officer. The person may then file in the district court for judicial review of a final determination of the executive director of the Department.

Reference: Utah Health Code Section 26–23–2.

24. *State Agency Designation.* The Utah Department of Health has been designated as the State's radiation control agency.

References: Utah Health Code 26–1–28. Governor's Matheson's letter dated November 14, 1983.

25. *Existing NRC Licenses and Pending Applications.* The Bureau has made provision to continue NRC licenses in effect temporarily after the transfer of jurisdiction. Such licenses will expire either 90 days after receipt from the Bureau of a notice of expiration or on the date of expiration specified in the federal license, whichever is earlier.

Reference: URC–12–165.

26. *Relations With Federal Government and Other States.* There should be an interchange of Federal and State information and assistance in connection with the issuance of regulations and licenses or authorizations, inspection of licensees, reporting of incidents and violations, and training and education problems.

The proposed agreement declares that the State will use its best efforts to cooperate with the NRC and other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation and to assure that the State's program will continue to be compatible with the Commission's program for the regulation of like materials.

Reference: Governor Matheson's letter dated November 14, 1983, Proposed Agreement Between the State of Utah and the Nuclear Regulatory Commission, Article VI.

27. *Coverage, Amendments, Reciprocity.* The proposed Utah agreement provides for the assumption of regulatory authority under the following categories of materials within the State:

(a) Byproduct materials, as defined by Section 11e(1) of the Atomic Energy Act, as amended.

(b) Source materials.

(c) Special nuclear materials in quantities not sufficient to form a critical mass.

Reference: Proposed Agreement, Article I.

Provision has been made by Utah for the reciprocal recognition of licenses to permit activities within Utah of persons licensed by other jurisdictions. This reciprocity is like that granted under 10 CFR Part 150.

Reference: URC–19–250.

28. *NRC and Department of Energy Contractors.* The State's regulations provide that certain NRC and DOE contractors or subcontractors are exempt from the State's requirements for licensing and registration of sources of radiation which such persons receive, possess, use, transfer, or acquire.

Reference: URC–12–125(2).

III. Staff Conclusion

Section 274d of the Atomic Energy Act of 1954, as amended, states: The Commission shall enter into an agreement under subsection b of this section with any State if:

(1) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by the proposed agreement, and that the State desires to assume regulatory responsibility for such materials; and

(2) The Commission finds that the State program is in accordance with the requirements of subsection o. and in all other respects compatiable with the Commission's program for the regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed amendment.

The staff has concluded that the State of Utah meets the requirements of Section 274 of the Act. The State's statutes, regulations, personnel, licensing, inspection and administrative procedures are compatible with those of the Commission and adequate to protect the public health and safety with respect to the materials covered by the proposed agreement. Since the State is not seeking authority over uranium milling activities subsection o. is not applicable to the proposed Utah agreement.

Dated at Bethesda, Maryland, this 20th day of December 1983.

For the U.S. Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

Appendix A—Proposed Agreement Between the United States Nuclear Regulatory Commission and the State of Utah for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended

Whereas, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to by-product materials as defined in sections 11e. (1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Utah is authorized under Utah Code Annotated 26–1–29 to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Utah certified on November 14, 1983 that the State of Utah (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the

materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on ——— , that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, It is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials as defined in section 11e.(1) of the Act;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission;

E. The land disposal of source, byproduct and special nuclear material received from other persons; and

F. The extraction or concentration of source material from source material ore and the management and disposal of the resulting byproduct material.

Article III

This Agreement may be amended, upon application by the State and approval by the Commission, to include the additional area(s) specified in Article II, paragraph E or F, whereby the State can exert regulatory control over the materials stated therein.

Article IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article V

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article VI

The Commission will use its best efforts to cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any Agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of section 274 of the Act. The Commission may also, pursuant to section 274j. of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State has failed to take necessary steps. The Commission shall periodically review this Agreement and actions taken by the State under this Agreement to ensure compliance with section 274 of the Act.

Article IX

This Agreement shall become effective on ———, 1984, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at Salt Lake City, Utah, in triplicate, this ——— day of ———, 1984.

For the United States Nuclear Regulatory Commission.

Nunzio J. Palladino,

Chairman.

For the State of Utah.

Scott M. Matheson,

Governor.

Appendix B—Narrative Portion of Program Description

State of Utah Bureau of Radiation Control Radiation Regulatory Program

I. Foreword

The 1967 Utah Legislature passed the "Radiation Protection Act" which authorized the State Board of Health to require the registration of ionizing radiation sources and to adopt the necessary rules and regulations for controlling exposure to harmful ionizing radiation (26–1–27). The State Department of Health was designated to establish, carry out and enforce a radiation control program. (26–1–28). The governor was authorized to enter into agreements with the federal government to assume certain responsibilities with respect to sources of ionizing radiation. (26–1–29).

Upon a decision by the Utah Attorney General's office that the 1967 legislation was not sufficient to carry out these functions, the 1981 legislature passed a revised version which overcame the deficiencies by adding authority to license.

Copies of this legislation are enclosed as Appendix A. The Bureau of Radiation Control is now aggressively pursuing Agreement status.

II. History

Previous to 1961, radiation problems received limited attention. During this time attention was called to a proposal to use radioactive tailings from the Vitro uranium mill as fill material in the construction of an interstate highway. The Department of Health maintained its position which had been established earlier in refusing permission to move any of the material for any purpose. This position has continued as Utah sought help from federal agencies to

define the problems associated with uranium mill tailings.

In 1961, a chemist was added and assigned to work ¼ time in radiation related matters. He received training in x-ray from the U.S. Public Health Service and attended a 10 week course in Health Physics at Oak Ridge, Tennessee. He accompanied AEC inspectors as they visited licensees in Utah and inspected x-ray facilities upon request. In 1962 the U.S. Public Health Service assigned one of their staff to survey the x-ray facilities in Utah. He spent just over a year and surveyed all the x-ray facilities in Utah.

In 1962 high levels of radioactive contamination from the Sedan Atomic test at the Nevada Test Site were found in Utah milk. The Health Department diverted the most highly contaminated milk from human use until the Iodine-131 could decay. This called attention to the need for a radiological laboratory in Utah. With the assistance of the U.S. Public Health Service a laboratory was established in 1964 with both wet chemistry and instrumental analysis. The laboratory has been continually upgraded. A lithium drifted germanuim detector with computer electronics was added and, at present, the laboratory has provisional interim certification for drinking water analysis for gross alpha, gross beta, radium-226, radium-228 and tritium.

As a result of the Sedan contamination problem, a milk sampling network was established and weekly samples were analyzed for contamination until well after atmospheric testing was discontinued at the Nevada Test Site. Until 1972 medical and dental x-ray facilities were surveyed upon request and some industrial x-ray facilities were looked at.

In 1972, the Radiation and Occupational Health Section of the Division of Environmental Health was expanded by addition of three more professionals, one a full-time health physicist. Efforts were made to establish radiation control regulations but opposition was encountered and these efforts were unsuccessful. Inspections of x-ray facilities were performed using NCRP Recommendations as a standard. Letters were sent to the facilities specifying items of deficiency. The majority of the installations complied voluntarily with the recommendations. Bureau staff members have accompanied AEC (NRC) inspectors on numerous inspections of Utah licensees, contributing to the inspection report by invitation.

In 1972, Bureau staff assisted the Environmental Protection Agency in sampling for radon and radon daughters on and near the Vitro uranium mill site. A network of samplers was set up and serviced by Radiation and Occupational Health personnel. In 1973, Utah cooperated with the Bureau of Radiological Health in its Nationwide Evaluations of X-ray Trends (NEXT) to gather statistical data about x-ray exposure to the public. This study (NEXT) was continued for a number of years.

In 1975, a second professional health physicist was employed full time in radiological health. With this additional help a dental x-ray program, Dental Exposure Normalization Technique (DENT) was carried out to reduce exposure to patients from dental x-rays. The new techniques which were selected by the dentists reflect a 49% reduction in dental x-ray exposure. Programs were conducted with practitioners of various disciplines to improve radiographic quality while reducing patient exposure. In 1978, radon daughter concentrations were measured in some Salt Lake County businesses which were more than 5 times the maximum continuous levels allowed in uranium mines. This gave additional impetus to bills being introduced into Congress by the Utah delegates which asked for federal assistance for the clean up of uranium mill tailings. These efforts and the efforts of other states culminated in the passage of Pub. L. 95–604 "The Uranium Mill Tailings Radiation Control Act of 1978".

In 1972, an E.P.A. study identified many locations throughout much of Utah where the use of uranium mill tailings as fill material was indicated. Beginning in 1978, indoor radon measurements were made by the Bureau of Radiation Control at those locations in Salt Lake County where uranium mill tailings were used near or under habitable buildings. Through the cooperation of the U.S. Department of Energy, aerial surveys were made to complete the identification of sites where tailings were used in a large part of Salt Lake County and other Utah communities. Some additional businesses were found with high radon concentrations.

In 1979, a third full time health physicist was added to the staff to work with uranium mill tailings remedial action and assist with a new contract with the Bureau of Radiological Health to make compliance surveys of new diagnostic x-ray machines.

In 1980, a fourth full time health physicist was added to the staff to provide technical support for the governor's "High Level Nuclear Waste Task Force". This task force was appointed on June 2, 1980 to oversee the U.S. DOE's field operations in Utah, make recommendations to the governor and communicate information to the people of Utah.

In 1981, a contract was signed with Mound Laboratory for the State to monitor properties near the Vitro Uranium mill. A health physics technician was added to the staff to fill the Mound contract requirements.

In July 1981, the occupational health functions were transferred to the Industrial Commission and the Bureau was renamed the Bureau of Radiation.

In January 1982, the Bureau of Radiation was divided to form the Bureau of Uranium Mill Tailings Management and the Bureau of Radiation Control. The Bureau of Radiation Control under a new director was given the task of preparing a complete radiation control program in preparation for entering an agreement with the U.S. Nuclear Regulatory Commission.

In December 1982, the Bureau of Uranium Mill Tailings Management was combined with the Bureau of Radiation Control with the new organization as indicated on the Function Chart in Appendix B.

The Utah Radiation Control Regulations were formally adopted and became effective on January 1, 1983. Since that date, the Bureau has been licensing and inspecting users of naturally occurring and accelerator produced radioactive materials (NARM). The regulations provide for a "Radiation Technical Advisory Committee" of eight (8) members to advise, comment and provide technical assistance to the Bureau Director.

III. Administrative Policy and Procedures

A. *Introduction and Purpose.* The following procedures are to assure uniformity, continuity and appropriate treatment in all licensing, registration and regulatory practices and to maintain radiation exposures to all persons in the State as low as is reasonably possible.

Procedures are also to assure that emergency response to radiological incidents is correlated with the appropriate government agencies and that the proper information is provided to the public.

Procedures shall also provide for feedback to the Bureau director from the staff on the status of activities in regard to regulatory actions, problem cases, inquiries and need for regulation revisions.

B. *Priority of Responsibilities.* The responsibilities for Radiation Control, after the program is established, shall be given priority in the following order:

1. Emergency response to radiological incidents.
2. Respond to request by workers for inspection.
3. Routine inspection of radiation sources.
4. Reinspection of non-compliant facility and enforcement procedures.
5. Registration or licensing of radiation sources.
6. Review plans as submitted under URC–28–032.
7. Assist licensee in developing program under URC–24–015.

C. *Emergency Response Procedures.* Emergency response to radiological incidents will take precedence over other duties and will require immediate response by one or more technical staff.

1. Names of emergency response team members will be left with the department operator during off duty hours.
2. Emergency response kits will be kept in the office ready for immediate response.
3. When an emergency situation is reported the following information will be obtained.
   a. Name and telephone number of caller.
   b. Alternate contact and telephone number.
   c. Company or agency of caller.
   d. Location of incident.
   e. Type and amount of radioactive material.
   f. Detailed account of the problem.
   g. Shipper address and telephone number.
   h. Consignee address and telephone number.
   i. Who has been called in.
4. The leader of the emergency response team will have successfully completed the NRC Radiological emergency response training course.
5. All questions by the news media will be referred to the Bureau Director.

D. *Procedure for Response to Workers Request for Inspection.* 1. The request for inspection shall be in writing and outline the alleged violations.

2. The request shall be reviewed by bureau personnel and compared to past inspection reports.

3. A copy of the alleged violations will be delivered to the licensee at the time of the inspection.

4. Response to the request by workers that an inspection be performed under URC–48–070 shall be made as soon as practicable, preferably no later than 7 working days from receipt of written request.

5. Following the inspection a written report will be furnished to the complianant of any violations of the Bureau of Radiation Control Regulations.

6. The identity of the individuals requesting the inspection shall be protected as provided for in URC–48–070.

E. *Procedure for Registration of Ionizing Radiation Machines.** The following outline describes the procedures for keeping track of the registration and survey program. In all cases, the registrant should submit a completed BRC Form 10 along with the registrant's signature. Once the secretary has received this application, a registration certificate will be typed on BRC Form 11 and issued to the applicant.

1. Registration.

a. On receipt of an application:

(1) Check to assure that applicant has not previously been registered.

(2) If not registered, obtain new registration number, county-discipline-sequential.

(3) Note if the appropriate fee is enclosed. If any discrepancies are noted, registration and fee is returned for corrective actions by registrant.

b. Initiate folder.

(1) Place application form and a copy of the registration certificate in the folder. Add any other correspondence concerning this registration.

(2) Original copy of registration certificate is sent to the registrant for his files.

c. Registrant's name, address, registration number, inspection due date, and inspection information will be entered on to the word processor.

d. Mail the original certificate to the registrant. If a new registrant, the following will be included with this certificate:

(1) Notice to Employee, BRC Form 4.

(2) Copy of those sections of the Bureau of Radiation Control Regulations that apply.

2. Change in Registration.

a. Address Change.

Change all registration sheets and update word processor and indicate date.

b. Equipment Change.

Change all registration sheets and update word processor and indicate date.

c. Deaths.

(1) Mark all registration sheets accordingly.

(2) Mark manila folder "inactive", only if (4) is completed.

(3) Do not re-issue number.

(4) Locate and maintain surveillance on equipment until it is properly disposed of.

d. Retirements.

(1) Mark all registration sheets accordingly.

(2) Mark manila folder "inactive", if (4) is completed.

(3) Do not re-issue number.

4. Make sure machine is properly disposed of.

3. Procedures for Handling Completed Survey Reports:

After an x-ray unit has been registered, staff members will perform a radiation survey to determine if the registrant meets the Bureau of Radiation Control regulations. During this survey, the staff member(s) will place data on "survey reports". All reporting documents will be held in registrant's file. A letter to the registrant will be issued from the Bureau informing him if he is in compliance or explain items of non-compliance.

a. File result sheet in manila folder. The letter indicating compliance or listing items of non-compliance will be issued within 15 days after completion of inspections. A copy of this will be filed with the survey result sheet in the manila folder.

b. Non-Compliance Survey Reports.

The non-compliance survey reports will be filed on the word processor, 30-day action is required.

4. Follow-up Procedure.

a. Pull non-compliant registrants from word processor on a monthly basis for follow-up. If installation becomes "in compliance" the data on the word processor will be corrected, if non-compliance continues further action will be taken.

b. Send follow-up letters to all appropriate registrants with non-compliances, note issuance of follow-up letter on word processor.

c. If answer is not received during second 30 day period, an additional 15-day notice will be written.

d. If answer is not received during 15-day period, file will be referred to the Attorney General's office for appropriate action.

5. Procedures When "Non-Compliance" Items are corrected.

a. We will accept a written notice with signature that items of non-compliance have been corrected.

b. Upon receiving such information the following will be done:

(1) The compliance action notice from the responsible person will be placed in the manila folder for future inspection and a corrective action letter will be issued by the Bureau.

(2) Result sheet will be marked compliance by indicating date information was received and by what route. The information will be left in the manila folder.

F. *Procedures for Licensing Radioactive Material:* The specific material to be licensed by the State will be: (a) By-product material (as defined under 11(a) of the Atomic Energy Act of 1954 as amended), (b) Source Material, (c) Special nuclear material in quantities not sufficient to form a critical mass. The United States Nuclear Regulatory Commission Guides will be used for evaluation of all radioactive material applications.

1. All applicants must submit a completed state form (e.g., BRC–01 or BRC—02) along with the application fee. Once the application is received, a file folder will be created and a sequence number given.

2. Applications will be reviewed in sequence by assigned staff. Staff reviewing license applications will have completed the NRC course on licensing practices and procedures.

3. Reviewing staff will determine if application is for a new license, renewal or an amended license. Renewal and amended license applications will be referred to the original file.

4. The reviewer shall determine if all requested material has been submitted and fees paid. If material is not complete or if fees have not been paid, the applicant will be notified that no processing of the application will take place until those items are rectified.

5. If the application is in order and fees paid, it will be reviewed using the following guide lines:

a. Does the application meet the requirements of the BRC regulations?

b. Is the applicant qualified by reasons of training and experience?

c. Are the facilites adequate to carry out the proposed activity? (This may include onsite inspections.)

6. If the application meets all the requirements a license will be issued using form BRC–03 and listing any special conditions or limitations which are applicable.

a. Included with the license mailed to the licensee will be a copy of "Notice to Employees" BRC Form–04 and a copy of Bureau of Radiation Control regulations that apply.

b. A copy of the license and the application will be placed in the applicants permanent file.

c. One file on the word processor will be completed for each license, including the name and address of applicant, the license number, the inspection due date, completed inspection date and remarks.

7. If the application does not meet the requirements, the applicant will be notified by letter of any deficiencies, or any additional information and changes which may be necessary.

G. *Inspection priority.*

Priority	Type of license or facility	Inspection frequency	
		Initial (months)	Routine (months)
I	Reserved		
II	Radiography (field), Medical-Broad, Academic Type A, Uranium-By-product.	6	10
III	Hospital x-ray, Orthopedic x-ray Clinics, Radiology x-ray Clinics, Therapeutic x-ray, Accelerators, Radiography (in-house).	6	12
IV	Waste collection, (prepackaged waste only) Industrial, Industrial type B Broad.	6	15
V	Industrial Limited, Academic, Civil Defense, Soil Moisture and Density Gauges, Chiropractic x-ray, other medical x-ray.	6	18–24
VI	Medical limited, Eye Applicator, Gauge Repair, Gauge Use, Chromatography, Light Sources, Leak Test Services, Calibration Sources, Dental X-Ray.	6	12–36
VII	Veterinary x-ray	12	48
VIII	Teletherapy	6	24
IX	Walk-In Type Irradiater	6	12

*Note.—See Definition URC–12–050(43) in Utah Radiation Control Regulations.

*Note.—Other medical x-ray includes all diagnostic x-ray except hospitals, radiology clinics, orthopedic clinics, dental and veterinary x-ray.

H. *Enforcement Procedures.* The United States Nuclear Regulatory Commission Inspection Guides will be used to establish format for inspection procedures.

1. Following an inspection, the licensee will be notified by letter of (a) compliance including the results of the inspection, or (b) the areas of non-compliance and requesting written notification within 30-days describing:

a. Corrective steps which have been taken by the licensee and the results achieved.

b. Corrective steps which will be taken to prevent recurrence; and

c. The date when full compliance will be achieved.

2. If response in not received in 30 days, a second letter will be sent requiring response within 15 days to avoid issuance of an order or other legal proceedings.

3. An order is a written directive to modify, suspend or revoke a license; to cease and desist from a given practice or activity, or to take such other action as may be appropriate.

a. License modification order will be issued when some change in licensee equipment, procedures, or management controls is necessary.

b. Suspension Orders will be used:

(1) To remove a threat to the public health.

(2) When licensee has not responded adequately to other enforcement action.

(3) When the licensee interfers with the conduct of an inspection; or

(4) For any reason not mentioned above for which license revocation is legally authorized.

c. Revocation Orders will be used:

(1) When a licensee is unable or unwilling to comply with bureau requirements;

(2) When a licensee has refused to correct a violation;

(3) When a licensee does not pay a fee required by the bureau.

d. Cease and desist orders are used to stop an unauthorized activity that has continued despite notification by the Bureau that such activity is unauthorized.

e. Orders are made effective immediately, without prior opportunity for hearing, whenever it is determined that the public health, interest or safety so requires, or when the order is responding to a violation involving willfulness. Otherwise, a prior opportunity for a hearing on the modification is afforded.

4. If repetitive serious violations occur, BRC will consider issuing orders in conjunction with other enforcement actions to achieve immediate corrective actions and to deter further recurrence of serious violations.

5. Related administrative actions.

a. In addition to the formal enforcement mechanisms of notice of violation and orders, BRC will also use conferences, bulletins, circulars, information notices, notices of deviation, confirmatory action letters, defined as follows:

(1) Enforcement conferences are meetings held with licensee management to discuss safety, health and compliance with regulatory requirements.

(2) Bulletins, circulars and information notices are written notices to groups of licensees identifying specific problems and calling for or recommending specific actions on their part.

(3) Notice of Deviation are written notices describing a licensees failure to satisfy a commitment.

(4) Confirmatory action letters are letters confirming a licensee's agreement to take certain actions.

I. *Policy For Review of Plans Submitted Under URC-28-032 (Preconstruction Review of Shielding Plans).* 1. Plans should be submitted a minimum of 30 days before anticipated construction.

2. If it appears that additional shielding would be adviseable, this recommendation would be made in writing to those submitting the plans within 30 days of receiving the plans for review.

J. *Policy for Staff Assistance in Developing ALARA Programs in Accordance with URC-24-015 (This Section Requires Implementation of ALARA Programs and Offers Assistance by the Bureau When Requested).* 1. ALARA programs submitted to the Bureau shall be reviewed by the Staff. If the program is deficient, recommendations will be made to upgrade the program.

2. During each inspection, the ALARA program will be reviewed with the registrant or licensee.

3. A list of successful methods will be made and given to those requesting assistance.

K. *Staff Training Policy.* 1. Update training will be conducted on a regular basis to enhance technical proficiency. The goal of in-house training will be to maintain a basic understanding of the following topics:

a. Atomic structure and natural radioactivity.

b. Properties of Alpha and Beta Particles, Gamma Rays, X-Ray and Neutrons.

c. Radiation units and external dose determinations.

d. Biological effects of radiation.

e. Shielding.

f. Operation and calibrations of instruments for measurements of ionizing radiation.

g. Inspection procedures.

h. Special topics as needed.

2. The staff will be sent to national courses in all aspects of Radiation Control as federal or state funds are available.

3. Each staff member will be encouraged to devote some time to personal study and be working toward certification as a health physicist.

L. *Media Relations.* Media relations and the Bureau of Radiation Control can be divided into two general categories: the regular release of information and the information release following an incident involving radioactive material.

Regular Information Release. All information released to the media is to go through the Department of Health's public information officer. The policy for the Division of Environment Health has been to have the draft press release prepared by the bureau and then approved by the divisions director. This is then sent to the public information officer for release.

Telephone press inquiries are generally handled by the bureau director who then briefs the public information officer on the interview. Requests for television interviews are relayed to the public information officer with background as to the reason for the request.

The bureau director is to keep the public information officer current on any aspects of his programs which may attract media attention. This includes briefings on *potentially significant new stories.* The bureau director will also work with the public information officer on specific issues which could or should be brought up in the press. Such briefings are important to keep the public information officer current on concerns and programs of the bureau to give him the necessary background on the bureau's activities. The public information officer will make such arrangements as feature stories, interviews, press conference or other means best suited to the material to be disseminated. The spokesman for the Bureau of Radiation Control is the bureau director or the public information officer.

It is imperative in such situations that timely, accurate and current notices to the public through the press be maintained. Special attention is to be paid to stopping rumors, correcting misinformation and presenting an accurate assessment of the situation which the public can understand. Ignorance and fear can lead to panic. The press can be of great help in preventing panic and in helping make people aware of the real dangers involved, need to evacuate, etc.

A single spokesman for the Department of Health is to be established. Unless otherwise indicated by the Executive Director, Utah Department of Health, this spokesman is the public information officer. He will work closely with the bureau director and division director in his dealings with the press. There should be no unauthorized interviews by staff or others speaking for the Department of Health. Requests for statements or interviews should be directed to the public information officer, division director or bureau director.

The Media and "Incident" Coverage. The public information officer for the Department of Health should be notified immediately of any incident related to radioactivity which is a threat to the public health. Depending on the nature and extent of the incident, his activities will be coordinated with the Division of Comprehensive Emergency Management.

It is advantageous to establish a central press room if the scene of the incident is not accessible. This will make it possible for regular and timely updates.

Statements made on the scene of the incident should be limited to the known facts and not conjecture or possibilities. The press should be referred to the public information officer or bureau director by staff when they are approached by the press for interviews or comments.

IV. Organization, Staff and Equipment

The "Utah Health Code" adopted by the 1981 Utah Legislature created a "Department of Health" from the "Division of Health" of the Department of Social Services. The code gave unto the Department of Health authority to require the registration and licensing of hazardous sources of radiation and to adopt

necessary rules for controlling radiation exposure to such sources. The code also directed the Department of Health to establish, carry out, and enforce a radiation control program pursuant to the adopted rules and any federal-state agreement (The 1981 "Utah Health Code" is contained in Appendix A with pertinent statutes).

The Department of Health is divided into four Divisions. (1) The Division of Health Planning and Facilities; (2) The Division of Environmental Health; (3) The Division of Community Health Services; and (4) The Division of Family Health Services. The Division of Environmental Health is divided into six (6) Bureaus including the Bureau of Radiation Control which includes the functions of the Bureau of Uranium Mill Tailings Management. The Bureau is only concerned with title I UMTRPA activities. A chart showing the organization of the Department of Health and a function chart of the Bureau of Radiation Control are contained in Appendix B. Since this chart was drawn, a recombination of the Bureau of Radiation Control and the Bureau of Uranium Mill Tailings Management was effected with the structure as indicated in the function chart also included in Appendix B. The current staff includes one (1) health physicist certified by the American Board of Health Physics, two (2) health physicists one with extensive experience, and one (1) other staff member undergoing in-house training and attending NRC training courses.

Personnel working in Radioactive Materials Program:

Name	Time (percent)	Responsibilities
Larry F. Anderson	20	Administrative.
Blaine Howard	100	Licensing and Inspections.
Arnold J. Peart	100	Licensing and Inspections.
Donald G. Mitchell	10	Training in Licensing and Inspection.
Gerald R. Ripley	10	Training in Licensing and Inspection.
New Hire	10	Training in Licensing and Inspection.

Resume's of the current staff are included in Appendix B. The five categories of job descriptions included in the appendix will all be necessary to allow for promotion incentives for the in-house training program. This will allow hiring of individuals with limited experience and involving them in our training program with advancement available when training and experience requirements are reached.

Standard letters, standard forms, and license conditions have been prepared. Copies of the most recent versions of these materials have been included in Appendix C.

The Bureau has on hand sufficient equipment and instrumentation for the adequate conduct of the present Radiation Control Program. An inventory of this equipment is included in Appendix D.

The Utah Legislature has authorized appropriations to carry out the regulatory functions of the Bureau.

V. Emergency Response

All of the current technical staff have attended the training course in Radiological Emergency Response Operations for Radiological Emergency Response Teams of State and local governments formally sponsored by the Office of State Programs, U.S. Nuclear Regulatory Commission. The Bureau has developed a radiological comprehensive emergency management section with the Utah Highway Patrol.

[FR Doc. 83-34511 Filed 12-29-83; 8:45 am]

BILLING CODE 6560-50-M

federal register

Friday
January 20, 1984

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Connecticut: CT83–3021	June 3, 1983.
Iowa:	
IA83–4035	May 13, 1983.
IA83–4050	July 15, 1983.
Kansas:	
KS83–4066	Sept. 9, 1983.
KS83–4063	Sept. 2, 1983.
Maryland: MD80–3014	Mar. 26, 1980.
New York:	
NY81–3045	July 17, 1981.
NY81–3061	Sept. 11, 1981.
NY83–3044	Aug. 26, 1983.
Ohio: OH83–5127	Dec. 23, 1983.
Rhode Island: RI83–3042	Aug. 19, 1983.
Texas: TX83–4081	Oct. 21, 1983.
Utah: UT83–5120	Sept. 30, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Texas: TX83–4003 (TX84–4001)	Jan. 7, 1983.

Signed at Washington, D.C. this 13th day of January, 1984.

James L. Valin,

Assistant Administrator.

[FR Doc. 84–1301 Filed 1–19–84, 8:45 am]

BILLING CODE 4510–27–M

DECISION NO. CT83-3021 - MOD. #10
(48 FR 25090 - June 3, 1983)
STATEWIDE

CHANGE:

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; CEMENT MASONS; CEMENT FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS; TILE SETTERS:		
BUILDING CONSTRUCTION:		
Area 2	16.50	2.68
Area 3	16.38	2.55
LINE CONSTRUCTION:		
Area 2 - Traffic Control, Illumination & Maintenance		
Linemen, technicians & cable splicers	16.56	2.30+4.75%
Equipment operator	14.08	2.30+4.75%
Driver groundman	12.42	2.30+4.75%
Groundman	11.59	2.30+4.75%

DECISION #IA83-4035-MOD#4
(48 FR 21783-May 13,1983)
Pottawattomie County,Iowa

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Line Construction:		
Group 1	$16.09	1.00+7⅛%+b
Group 2	13.35	1.00+7⅛%+b
Group 3	12.87	1.00+7⅛%+b
Group 4	10.46	1.00+7⅛%+b
Group 5	10.62	1.00+7⅛%+b
Group 6	10.30	1.00+7⅛%+b
Group 7	12.39	1.00+7⅛%+b

DECISION #IA83-4050-MOD#5
(48 FR 32455-July 15,1983)
Woodbury County, Iowa

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Plumber & Pipefitter	13.00	1.84

DECISION NO. NY 83-3044
MOD #3
(48 FR 38963 - August 26, 1983)
STEUBEN COUNTY, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
LABORERS	$10.87	1.15

DECISION #KS83-4066-MOD#3
(48 FR 40838-September 9, 1983)
Douglas,Jefferson,Miami, Leavenworth & Shawnee Counties, Kansas

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Line Construction:		
ZONE 1:		
Lineman	$17.80	8⅛%+1.00
Lineman Operator	16.60	8⅛%+1.00
Groundman Powderman	12.47	8⅛%+1.00
Groundman	11.87	8⅛%+1.00
ZONE 2		
Lineman	15.97	3⅛%+1.00
Cable Splicer	16.77	3⅛%+1.00
Powderman, Line truck and Equipment Operators	13.19	3⅛%+1.00
Groundman	9.67	3⅛%+1.00

DECISION #KS83-4063-MOD#2
(48 FR 40085-September 2, 1983)
Shawnee County, Kansas

DELETE:

	Basic Hourly Rates	Fringe Benefits
Elevator Constructors	12.21	a+2.33

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CARPENTERS:		
Piledrivermen	12.625	1.80
Line Construction:		
Lineman	15.97	3⅛%+1.00
Cable Splicer	16.77	3⅛%+1.00
Powderman, Line Truck Equipment Operator	13.19	3⅛%+1.00
Groundman	9.67	3⅛%+1.00
ROOFERS:		
Roofers	14.66	b+1.29
Pitch	15.76	b+1.29
SHEET METAL WORKERS	14.68	3%+2.93

DECISION NO. MD80-3014-MOD. #1
(45 FR 20663-March 28,1980
Cecil County, Maryland

ADD:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	10.155	1.82

DECISION NO. NY 81-3045
MOD #4
(46 FR 37204 - July 17, 1981)
NIAGARA COUNTY, NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
LABORERS:		
BUILDING, HEAVY & HIGHWAY CONSTRUCTION:		
Niagara County, except the city of North Tonawonda		
GROUP I	$13.66	5.30
GROUP II	14.16	5.30
GROUP III	14.86	5.30
GROUP IV	14.92	5.30

MODIFICATIONS

DECISION #NY81-3061-MOD#5
(46 FR 45525-September 11, 1981)
Clinton County, New York

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.60	2.36
BOILERMAKERS	18.16	3.381
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, TILE AND TERRAZZO WORKERS	13.12	1.40+a
CEMENT MASONS, Heavy & Highway	14.16	1.42+a
CARPENTERS & SOFT FLOOR LAYERS	12.70	2.105+a
PILEDRIVERMAN	12.85	2.105+a
MILLWRIGHTS	12.95	2.105+a
CARPENTERS, Heavy & Highway	13.87	2.125+a
ELECTRICIANS		
Zone I - City of Plattsburg and 5 mile Radius		
Electricians	13.70	2.10+4%+b
Cable Splicers	14.00	2.10+4%+b
Zone II - From Zone I to a 20 mile radius of Plattsburg		
Electricians	13.90	2.10+4%+b
Cable Splicers	14.20	2.10+4%+b
Zone III - Beyond Zone II		
Electricians	14.10	2.10+4%+b
Cable Splicers	14.40	2.10+4%+b
ELEVATOR CONSTRUCTORS	14.89	3.00+c+d
ELEVATOR CONSTRUCTORS' HELPER	10.42	3.00+c+d
ELEVATOR CONSTRUCTORS' HELPER PROBATIONARY	7.445	
GLAZIERS	11.93	.81+e
IRONWORKERS		
Structural, Ornamental, Reinforcing, Rodmen, Machinery Mover, Riggers, Fence Erectors, Stone Derrickmen	14.00	2.79
Sheeter	14.25	2.79
Sheeter, Bucker-up	14.125	2.79
LABORERS, Building		
Common Laborers and self-propelled Equipment Operators	$10.45	1.90+f
Concrete or plaster pump Operator, All men on building demolition and wrecking	10.60	1.90+f
Sandblasters and construction clean up, Driller, Wagon Jack or Wagon Drill Operator, Metal Form and Curb Setter, Asphalt Raker, Tail or Screw man on paving Machine	10.75	1.90+f
Acetylene Torch Operator on Demolition work and Cutting of pipes, Blasters	10.90	1.90+f
LABORERS:		
Heavy & Highway Construction		
CLASS A	11.74	2.00+h
CLASS B	11.94	2.00+h
CLASS C	12.14	2.00+h
CLASS D	12.34	2.00+h
PAINTERS		
Brush	11.93	.81+e
Spray Cup, Paperhanging, Taping	12.23	.81+e
Structural Steel, Swinging Scaffold, Boatswain Chair, Hanging Scaffold, Sandblasting	12.48	.81+e
PLUMBERS & STEAMFITTERS	14.30	2.45
ROOFERS		
Roofer	13.50	3.07
Pitch and Asbestos	14.00	3.07
SHEET METAL WORKERS	15.37	1.04+g
SPRINKLER FITTERS	16.92	3.23
POWER EQUIPMENT OPERATORS		
Building Construction		
CLASS I	14.66	3.20+a
CLASS II	15.55	3.20+a
CLASS III	16.06	3.20+a
CLASS IV	16.25	3.20+a

MODIFICATIONS

DECISION NO. NY81-3061 [CONT'D]

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd)		
Rehabilitation work on residential structures over 4 stories defined to include demolition, alteration, and repair on any existing structure which is intended for predominantly residential use		
CLASS I	$11.00	3.20+L
CLASS II	11.66	3.20+L
CLASS III	12.05	3.20+L
CLASS IV	12.19	3.20+L
Heavy Highway		
GROUP I	15.29	3.50+k
GROUP II	14.79	3.50+k
GROUP III	13.36	3.50+k
GROUP IV	12.10	3.50+k
TRUCK DRIVERS		
Heavy & Highway Construction		
CLASS I	12.39	2.40+m
CLASS II	12.44	2.40+m
CLASS III	12.49	2.40+m
CLASS IV	12.64	2.40+m
CLASS V	12.79	2.40+m

DECISION NO. NY81-2061 (CONT'D)

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

BUILDING & REHABILITATION CONSTRUCTION

CLASS I - Oiler, fireman and heavy-duty greaser, boilers, and steam generators, pump, vibrator, mortar mixer, air compressor, dust collector, welding machine, well point, mechanical heater, generators, temporary light plants, concrete pumps, electric submersible pump 4" and over, murphy type diesel generator, conveyor, elevators, concrete mixer and beltcrete power pack (belcrete system)

CLASS II - Bulldozer, push cat, tractor, traxcavator scraper, LeTourneau grader, form fine grader, road roller, blacktop roller, blacktop spreader, power brooms, sweepers, trenching machine, Barbar Green loader, side booms, hydro hammer, concrete spreader, concrete finishing machine, high lift, fork lift, one drum hoist, power hoisting (single drum), hoist - two drum or more, three drum engine, power hoisting (two drum and over), two drums and swinging engine, three drum swinging engine, hod hoist, A-L frame winches, core and well drillers (one drum), post hole digger, model CHB Vibro-Tamp or similar machine, batch bin and plant operator, dinkey locomotive, seeding and mulching machines.

CLASS III - Crane, hydraulic cranes, tower crane, locomotive crane, pile-driver, cableway, derricks, whirlies, dragline, shovels, gradalls, power road grader, all CMI equipment, front-end rubber tire loader, tractor-mounted drill (quarry master), mucking machine, concrete central mix plant, concrete pump, belcrete system, automated asphalt concrete plant, and tractor road paver.

CLASS IV - Maintenance Engineer

DECISION NO. NY81-2061 (CONT'D)

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits
Electrical Overhead & Underground Distribution Work & Signal Work for RR and for R.E.A. where no other trade is or has been involved:		
Journeyman Lineman & Technician	14.20	3.95+ 5%+a
Cable Splicer	18.92	3.95+ 5%+a
Groundman Digging Machine Operator, Groundman Dynamite Man	12.78	3.95+ 5%+a
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	11.36	3.95+ 5%+a
Groundman Truck Driver (Tractor Trailer)	12.07	3.95+ 5%+a
Driver Mechanic, Groundman - Experienced	10.65	3.95+ 5%+a
All Overhead Transmission Line Work and Lighting for Athletic Fields		
Journeyman Lineman & Technician	16.32	3.95+ 5%+a
Groundman Digging Machine Operator, Groundman Dynamite Man	14.688	3.95+ 5%+a
Groundman Mobile Equipment Operator, Mechanic First Class Groundman Truck Driver	13.056	3.95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	13.872	3.95+ 5%+a
Driver Mechanic Groundman	12.24	3.95+ 5%+a

	Basic Hourly Rates	Fringe Benefits
Sub-Station Switching Substructures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems where other trades are or have been involved		
Journeyman Lineman & Technician	17.20	3.95+ 5%+a
Cable Splicer	18.92	3.95+ 5%+a
Groundman Digging Machine Operator, Groundman Dynamite Man	15.48	3.95+ 5%+a
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	13.76	3.95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	14.62	3.95+ 5%+a
Driver Mechanic, Groundman	12.90	3.95+ 5%+a
All Pipe-type Cable Installations Maintenance Jobs or Projects		
Journeyman Lineman	17.20	3.95+ 5%+a
Certified Lineman Welder	18.06	3.95+ 5%+a
Cable Splicer	18.92	3.95+ 5%+a
Groundman Equipment Operator	17.20	3.95+ 5%+a
Groundman Truck Driver (Tractor Trailer Unit)	14.62	3.95+ 5%+a
Groundman Truck Drivers	13.76	3.95+ 5%+a
Groundman	12.90	3.95+ 5%+a

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after the holiday.

MODIFICATIONS

DECISION NO. OH83-5127 - MOD. #1
(48 FR 56903 - December 23, 1983)
Adams, Allen,...Wood, & Wyandot Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 10:		
Wiremen & Technicians within 11 mi. radius of 3rd & Main Street, Dayton	$16.98	2.40+ 3½%
Wiremen & Technicians beyond 11 mi. radius of 3rd & Main Street, Dayton	17.21	2.40+ 3½%

DECISION NO. RI83-3042
MOD. #5
(48 FR 37809 - August 19, 1983)
Statewide, Rhode Island

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$17.63	4.13

DECISION #TX83-4081-MOD#2
(48 FR 48912-October 21, 1983)
Travis County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Marble, tile & terrazzo finishers:		
Marble, tile & terrazzo	$ 8.57	$1.31
Floor machine op.	8.33	1.31
Base machine op.	8.82	1.31

DECISION NO. UT83-5120 - Mod. #3
(48 FR 44992 - September 30, 1983)
Statewide, Utah

	Basic Hourly Rates	Fringe Benefits
Omit:		
ELECTRICIANS:		
Area 2		
All Zones, Wage Rates and Classifications		
Add:		
ELECTRICIANS:		
Area 2		
Electricians; Technicians	$16.25	2.50+ 3.8%
Cable Splicers	16.75	2.50+ 3.8%

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX84-4001 DATE: Date of Publication
Supersedes Decision No. TX83-4003, dated 1/7/83, in 48 FR 935.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.60	3.24
BOILERMAKERS	16.40	2.645
BRICKLAYERS & STONEMASONS	12.88	2.32
CARPENTERS:		
Carpenters	12.75	2.63
Millwrights	13.05	2.63
CEMENT MASONS	13.22	1.15
ELECTRICIANS:		
Electricians	15.49	.80+6%
Cable splicers	15.74	.80+6%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.295	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	
IRONWORKERS	12.55	3.57
LABORERS:		
GROUP 1 - General laborer	8.24	1.50
GROUP 2 - All power tools & equipment ops.; cutting torch man; power buggy op.; wagon drill; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants; asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.49	1.50
GROUP 3 - Mortar mixer; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sandblaster; bell hole man; blaster, powderman; gunnite nozzleman	8.74	1.50
LINE CONSTRUCTION:		
Lineman	16.69	.80+ 3-1/2%
Cable splicer	16.94	"
Groundman	9.18	"
MARBLE, TILE & TERRAZZO WORKERS	$13.27	2.27
MARBLE, TILE & TERRAZZO FINISHERS:		
Marble, tile & terrazzo	8.57	1.31
Floor machine operators	8.33	1.31
Base machine operators	8.82	1.31
PAINTERS:		
Brush; paperhanger; taper & floater; roller	11.85	.65
Brush on all structural steel; spray on any other surface other than steel	12.10	.65
PLUMBERS & PIPEFITTERS	17.10	1.73
ROOFERS:		
Roofers; deckman	9.24	.50
Kettlemen	8.19	.50
Waterproofers	8.69	.50
SHEET METAL WORKERS	15.95	2.31+3%
SPRINKLER FITTERS	16.17	3.23
POWER EQUIPMENT OPERATORS:		
GROUP 1	13.35	2.50
GROUP 2	11.80	2.50
GROUP 3	9.90	2.50
GROUP 4	9.50	2.50
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.		

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTE FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 6 mos. to 5 yrs - 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G

Unlisted classification needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

DECISION NO. TX84-4001

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine; rock crusher on job; scoopmobile; scrapers; shovel, power operated; turnapulls; trenching machines (all sizes); winch truck

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator) blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces of equipment of equal or similar nature

GROUP 3 - Fireman

GROUP 4 - Oiler

[FR Doc. 84-1301 Filed 1-19-84; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
January 20, 1984

Part IV

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 841

Prototype Cost Determinations Issued Under the United States Housing Act of 1937; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 841

[Docket No. N-84-1331; FR-1850]

Prototype Cost Determinations Issued Under the United States Housing Act of 1937

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Prototype Cost Determinations.

SUMMARY: This Notice establishes prototype limits for development of public housing new construction projects under the United States Housing Act of 1937. The public housing prototype cost determinations stated in this Notice supersede the prototype cost schedules published on December 7, 1982, 47 FR 55136, and all amendments and additions to such schedules published before the date of this Notice.

EFFECTIVE DATE: January 20, 1984.

FOR FURTHER INFORMATION CONTACT: Pat Hampton, Acting Director, Technical Support Division, Office of Public Housing, Room 6248, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755-4956. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 6(b) of the United States Housing Act of 1937 (42 U.S.C. 1437d) requires HUD to determine costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. This determination must be made at least once a year and published in the **Federal Register**. Under the law, the Department develops prototype costs for public and Indian housing projects and these prototype costs constitute a limit on development cost for the construction and equipment of new projects.

The schedules in this Notice represent the annual update of per unit prototype cost limits for development of public housing under 24 CFR Part 841 (see §841.204).

The prototype cost determinations for the annual update are based on actual public housing and insured multifamily project data from HUD field offices and on construction cost information published by the private sector of the housing industry.

Where prototype schedules are established for special Indian prototype cost areas under 24 CFR 805.213, the prototype cost limits apply only for development of Indian Housing (these special areas and the prototype cost limits for these areas are developed and determined by the Office of Indian Housing.) The Indian prototype schedules will be published separately in the near future. Until that publication becomes effective, Indian prototype schedules published December 7, 1982 (see 47 FR 55136) shall remain in effect.

Since Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon publication in the **Federal Register**, this Notice is effective today, the day of publication.

The following factors were considered in developing prototype costs:

1. Prototype cost comprises the cost of dwelling structures (Account No. 1460), and dwelling equipment (Account No. 1465), as described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15, and includes a pro rata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

2. Prototype cost does not include the costs of site acquisitions, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engneering fees, permit fees, inspection, and similar costs), relocation, interest or PHA administrative costs, all of which are described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15.

3. Section 6(b) of the Act identifies factors the Secretary is to consider in determining prototype costs, including the effectiveness of existing cost limits in the area, advice of local housing producers, maximization of energy conservation for heating, lighting and other purposes, and the extra durability required for safety, security and economical maintenance of the housing. (See 42 U.S.C. 1437d.)

4. Prototype costs are ceiling amounts that may be approved for a particular project. Other considerations for a project include the following:

For public housing developed under Part 841, compliance with applicable HUD Minimum Property Standards and planning and design criteria described in HUD Public Housing Development Handbook 7417.1.Rev. Development of Indian Housing under Part 805 shall take into account compliance with applicable HUD Minimum Property Standards, but shall not be controlled by such standards (See § 805.212(a)).

Written comments will be considered, and additional amendments will be published, if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the local HUD office having jurisdiction for that location. A list of these offices follow:

Region I

Connecticut: Dept. of HUD, One Hartford Square West, Hartford, CT 06106
Massachusetts: Dept. of HUD, Bulfinch Bldg., 15 New Chardon Street, Boston, MA 02114
New Hampshire: Dept. of HUD, Norris-Cotton Federal Bldg., 275 Chestnut Street, Manchester, NH 03103
Maine: As above
Vermont: As above
Rhode Island: Dept. of HUD, Room 330, John O. Pastore Federal Building and U.S. Post Office, Providence, RI 02903

Region II

New Jersey: Dept. of HUD, Gateway Bldg. No. 1, Raymond Plaza, Newark, NJ 07102
New York: Dept. of HUD, 26 Federal Plaza, New York, NY 10278
Dept. of HUD, Statler Bldg., 107 Delaware Avenue, Buffalo, NY 14202
Caribbean: Dept. of HUD, Federico Degetau Federal Bldg., U.S. Courthouse, Room 428, Carlos E. Chardon Avenue, Hato Rey, PR 00918

Region III

Delaware: Dept. of HUD, 625 Walnut Street, Philadelphia, PA 19106
District of Columbia: Dept. of HUD, Universal North Bldg., 1875 Connecticut Avenue, N.W., Washington, D.C. 20009
Maryland: Dept. of HUD, Equitable Bldg., 10 North Calvert Street, Baltimore, MD 21202
Pennsylvania: Dept. of HUD, 625 Walnut Street, Philadelphia, PA 19106
Dept. of HUD, 445 Fort Pitt Blvd., Pittsburgh, PA 15219
Virginia: Dept. of HUD, 701 East Franklin Street, Richmond, VA 23219
West Virginia: Dept. of HUD, Kanawah Valley Bldg., Capitol and Lee Streets, Charleston, WV 25301

Region IV

Alabama: Dept. of HUD, Daniel Bldg., 15 South 20th Street, Birmingham, AL 35233
Florida: Dept. of HUD, 325 West Adams Street, Jacksonsville, FL 32202
Georgia: Dept. of HUD, 75 Spring Street, S.W., Atlanta, GA 30303
Kentucky: Dept. of HUD, 539 River City Mall, P.O. Box 1044, Louisville, KY 40202
Mississippi: Dept. of HUD, 100 W. Capital Street, Jackson, MS 39201

North Carolina: Dept. of HUD, 415 North Edgeworth Street, Greensboro, NC 27401
South Carolina: Dept. of HUD, 1835–45 Assembly Street, Columbia, SC 29201
Tennessee: Dept. of HUD, 1 Commerce Place, Suite 1600, Nashville, TN 37239
Dept. of HUD, 1111 Northshore Drive, Knoxville, TN 37919

Region V

Illinois: Dept. of HUD, One North Dearborn Street, Chicago, IL 60602
Indiana: Dept. of HUD, P.O. Box 7047, 151 North Delaware Street, Indianapolis, IN 46207
Michigan: Dept. of HUD, 477 Michigan Ave., Detroit, MI 48226
Dept. of HUD, 2922 Fuller Avenue NE., Grand Rapids, MI 49505
Minnesota: Dept. of HUD, 220 South Second Street, Minneapolis, MN 55401
Ohio: Dept. of HUD, 200 North High Street, Columbus, OH 43215
Dept. of HUD, 777 Rockwell Avenue, Cleveland, OH 44114
Wisconsin: Dept. of HUD, 744 North Fourth Street, Milwaukee, WI 53203

Region VI

Arkansas: Dept. of HUD, 300 West Capitol, Suite 700, Little Rock, AR 72201
Louisiana: Dept. of HUD, 1001 Howard, New Orleans, LA 70113
New Mexico: Dept. of HUD, 1403 Slocum, P.O. Box 20050, Dallas, TX 75207
Oklahoma: Dept. of HUD, 200 N.W. 5th Street, Oklahoma City, OK 73102
Texas: Dept. of HUD, 1403 Slocum, P.O. Box 20050, Dallas, TX 75207
Dept. of HUD, 800 Dolorosa, P.O. Box 9163, San Antonio, TX 78285

Region VII

Iowa: Dept. of HUD, 210 Walnut Street, Des Moines, IA 50309
Louisiana: Dept. of HUD, 1103 Grand Ave., Kansas City, MO 64106
Kansas: As above
Missouri: As above
Dept. of HUD, 210 North Tucker Blvd., St. Louis, MO 63101
Nebraska: Dept. of HUD, 7100 West Center Road, Omaha, NE 68106

Region VIII

Colorado: Dept. of HUD, 1405 Curtis Street, Denver, CO 80202
Montana: As above
North Dakota: As above
South Dakota: As above
Utah: As above
Wyoming: As above

Region IX

Arizona: Dept. of HUD, One Embarcadero Center, Suite 1600, San Francisco, CA 94111
California: As above
Dept. of HUD, 2500 Wilshire Boulevard, Los Angeles, CA 90057
Dept. of HUD, 545 Downtown Plaza, P.O. Box 1978, Suite 250, Sacramento, CA 95809
Guam: Dept. of HUD, One Embarcadero Center, Suite 1600, San Francisco, CA 94111
Hawaii: Dept. of HUD, 300 Ala Moana Boulevard, Suite 3318, Honolulu, HI 96850
Nevada: Dept. of HUD, One Embarcadero Center, Suite 1600, San Francisco, CA 94111

Region X

Alaska: Dept. of HUD, 710 C Street, Module G, Anchorage, AK 99501
Oregon: Dept. of HUD, 520 SW Sixth Avenue, Portland, OR 97204
Washington: Dept. of HUD, 403 Arcade Plaza Building, 1321 Second Ave., Seattle, WA 98101

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since statutorily required prototype costs are categorically excluded under 24 CFR 50.20(1).

The Catalog of Federal Domestic Assistance program numbers are: 14.146, Low Income Housing-Assistance Program (public housing), and 14.147, Low-Income Housing-Homeownership for Low-Imcome Families (Turnkey III, Mutual Help for Indians).

Accordingly, the prototype per unit cost schedules for all prototype cost areas, issued under 24 CFR Part 841, Prototype Cost Limits for Low-Income Public Housing, are hereby established as shown on the tables set forth below entitled "Prototype Per Unit Cost Schedule—Regions I through X."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b), U.S. Housing Act of 1937, 42 U.S.C. 1437d(b))

Dated: January 9, 1984.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210-33-M

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I							
CONNECTICUT							
HARTFORD							
DETACHED AND SEMIDETACHED	28,050	33,500	36,800	44,150	53,150	59,150	61,900
ROW DWELLINGS	25,500	30,350	33,950	40,300	48,400	53,900	56,500
WALKUP	22,900	28,350	31,950	38,150	43,950	48,400	50,700
ELEVATOR-STRUCTURE	29,300	34,000	43,150	------	------	------	------
NEW MILFORD							
DETACHED AND SEMIDETACHED	26,800	32,150	35,500	42,500	51,100	56,850	59,550
ROW DWELLINGS	24,400	29,100	32,350	38,550	46,350	51,650	53,800
WALKUP	21,900	27,050	30,650	36,400	41,750	46,400	48,500
ELEVATOR-STRUCTURE	29,050	33,600	42,700	------	------	------	------
NEW HAVEN							
DETACHED AND SEMIDETACHED	26,950	32,250	35,550	42,650	51,450	57,200	59,800
ROW DWELLINGS	24,250	29,100	32,350	38,550	46,350	51,650	53,900
WALKUP	21,900	27,050	30,500	36,550	42,100	46,400	48,500
ELEVATOR-STRUCTURE	29,050	33,600	42,700	------	------	------	------
BRIDGEPORT							
DETACHED AND SEMIDETACHED	27,350	32,750	36,250	43,350	52,150	57,950	60,700
ROW DWELLINGS	24,400	29,100	32,350	38,550	46,350	51,650	53,800
WALKUP	21,850	26,900	30,600	36,150	41,900	46,200	48,350
ELEVATOR-STRUCTURE	29,650	34,350	43,600	------	------	------	------
NEW LONDON							
DETACHED AND SEMIDETACHED	27,350	32,850	36,250	43,150	52,400	58,200	60,750
ROW DWELLINGS	24,700	29,700	33,100	39,550	47,450	52,950	55,400
WALKUP	22,850	27,000	30,600	36,400	42,050	46,450	48,700
ELEVATOR-STRUCTURE	29,650	34,300	43,600	------	------	------	------
WINDHAM							
DETACHED AND SEMIDETACHED	27,350	32,850	36,250	43,150	52,400	58,200	60,750
ROW DWELLINGS	24,700	29,700	33,100	39,550	47,450	52,950	55,400
WALKUP	23,250	27,550	31,300	37,000	42,900	47,350	49,700
ELEVATOR-STRUCTURE	29,650	34,300	43,600	------	------	------	------
RIDGEFIELD							
DETACHED AND SEMIDETACHED	33,500	40,150	44,350	53,050	64,000	70,850	74,400
ROW DWELLINGS	30,500	36,450	40,650	48,300	58,200	64,950	67,800
WALKUP	27,400	33,900	38,350	45,500	52,750	58,050	61,050
ELEVATOR-STRUCTURE	30,500	35,400	44,850	------	------	------	------
NORWICH							
DETACHED AND SEMIDETACHED	27,250	32,800	36,250	43,200	52,100	57,950	60,600
ROW DWELLINGS	24,450	29,250	32,650	38,700	46,500	52,000	54,050
WALKUP	22,000	27,100	30,800	36,600	42,150	46,500	48,650
ELEVATOR-STRUCTURE	29,650	34,350	43,600	------	------	------	------
MAINE							
BANGOR							
DETACHED AND SEMIDETACHED	28,200	33,850	35,700	42,500	51,250	56,850	59,250
ROW DWELLINGS	25,400	30,350	33,600	40,150	48,300	53,650	56,150
WALKUP	22,700	28,050	31,950	37,700	43,800	48,150	50,650
ELEVATOR-STRUCTURE	30,650	35,700	45,100	------	------	------	------
AUGUSTA							
DETACHED AND SEMIDETACHED	29,200	34,650	38,350	46,100	55,300	61,550	64,200
ROW DWELLINGS	26,150	31,050	34,600	41,500	49,800	55,450	57,750
WALKUP	23,450	29,000	33,150	38,900	45,300	49,800	52,350
ELEVATOR-STRUCTURE	30,900	36,000	45,600	------	------	------	------
BRUNSWICK							
DETACHED AND SEMIDETACHED	29,000	34,500	38,000	45,550	54,900	60,900	63,850
ROW DWELLINGS	25,850	30,850	34,400	41,050	49,500	54,750	57,350
WALKUP	23,100	28,500	32,750	38,650	44,850	49,050	51,800
ELEVATOR-STRUCTURE	31,250	36,450	46,000	------	------	------	------
LEWISTON							
DETACHED AND SEMIDETACHED	29,000	34,500	38,000	45,550	54,900	60,900	63,850
ROW DWELLINGS	25,850	30,850	34,400	41,050	49,500	54,750	57,350
WALKUP	23,100	28,500	32,750	38,650	44,850	49,050	51,800
ELEVATOR-STRUCTURE	30,000	35,000	44,150	------	------	------	------
PORTLAND							
DETACHED AND SEMIDETACHED	29,000	34,500	38,000	45,550	54,900	60,900	63,850
ROW DWELLINGS	25,850	30,850	34,400	41,050	49,500	54,750	57,350
WALKUP	23,500	29,150	33,200	39,250	45,600	49,900	52,600
ELEVATOR-STRUCTURE	30,000	34,950	44,150	------	------	------	------
WATERVILLE							
DETACHED AND SEMIDETACHED	27,950	33,350	36,850	44,150	53,200	58,900	61,600
ROW DWELLINGS	25,250	30,000	33,200	39,700	47,950	53,200	55,600
WALKUP	22,450	27,850	31,700	37,350	43,300	47,550	50,100
ELEVATOR-STRUCTURE	30,200	35,400	44,650	------	------	------	------
MASSACHUSETTS							
BOSTON							
DETACHED AND SEMIDETACHED	29,100	34,500	38,200	45,750	55,000	61,100	64,000
ROW DWELLINGS	27,450	32,700	36,400	43,400	52,350	58,150	60,750
WALKUP	28,300	33,800	37,400	44,650	53,850	59,700	62,650
ELEVATOR-STRUCTURE	41,350	48,100	60,900	------	------	------	------
WORCESTER							
DETACHED AND SEMIDETACHED	27,750	33,050	36,700	43,700	52,800	58,600	61,400
ROW DWELLINGS	26,350	31,500	35,050	41,600	50,250	55,850	58,300
WALKUP	26,900	32,400	36,000	42,600	51,400	57,150	59,900
ELEVATOR-STRUCTURE	40,200	47,100	59,300	------	------	------	------
FALL RIVER							
DETACHED AND SEMIDETACHED	28,150	33,700	37,400	44,550	53,650	59,700	62,400
ROW DWELLINGS	26,850	31,850	35,700	42,450	51,000	56,800	59,450
WALKUP	27,600	32,550	36,600	43,550	52,650	58,600	61,300
ELEVATOR-STRUCTURE	38,650	44,950	56,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
NEW HAMPSHIRE							
MANCHESTER :							
DETACHED AND SEMIDETACHED	25,250	31,400	34,700	41,550	49,800	55,500	58,300
ROW DWELLINGS	23,950	28,950	32,050	38,000	45,750	51,050	53,300
WALKUP	20,950	26,000	29,600	35,000	40,500	44,400	46,850
ELEVATOR-STRUCTURE	30,900	36,000	45,400	------	------	------	------
CONCORD :							
DETACHED AND SEMIDETACHED	27,200	33,750	37,300	44,500	53,400	59,500	62,500
ROW DWELLINGS	25,550	30,750	34,200	40,550	49,050	54,500	56,850
WALKUP	21,900	27,150	30,750	36,450	42,250	46,350	48,850
ELEVATOR-STRUCTURE	30,800	36,000	45,350	------	------	------	------
DOVER :							
DETACHED AND SEMIDETACHED	24,750	30,500	33,850	40,400	48,450	54,050	56,750
ROW DWELLINGS	23,200	27,900	31,050	36,800	44,300	49,300	51,450
WALKUP	20,200	25,000	28,550	33,800	42,200	47,000	48,400
ELEVATOR-STRUCTURE	31,700	36,700	46,450	------	------	------	------
KEENE :							
DETACHED AND SEMIDETACHED	25,950	32,250	35,500	42,550	51,000	56,750	59,650
ROW DWELLINGS	24,500	29,500	32,800	38,950	46,950	52,500	54,550
WALKUP	21,500	26,550	30,150	35,950	41,550	45,500	47,750
ELEVATOR-STRUCTURE	28,250	34,150	43,100	------	------	------	------
NASHUA :							
DETACHED AND SEMIDETACHED	25,250	31,400	34,700	41,550	49,800	55,500	58,300
ROW DWELLINGS	23,950	28,950	32,050	38,000	45,750	51,050	53,300
WALKUP	21,600	26,650	30,450	35,950	41,600	45,850	48,200
ELEVATOR-STRUCTURE	31,050	36,100	45,400	------	------	------	------
PORTSMOUTH :							
DETACHED AND SEMIDETACHED	26,600	32,800	36,350	43,500	52,300	58,150	61,050
ROW DWELLINGS	25,200	30,150	33,700	39,950	47,850	53,350	55,900
WALKUP	19,700	24,450	27,900	33,000	38,050	41,800	43,900
ELEVATOR-STRUCTURE	31,600	36,650	46,400	------	------	------	------
RHODE ISLAND							
PROVIDENCE :							
DETACHED AND SEMIDETACHED	31,650	37,750	41,550	49,850	60,000	66,750	69,850
ROW DWELLINGS	27,700	32,950	36,900	43,750	52,550	58,600	61,400
WALKUP	24,500	30,300	34,150	40,800	46,950	51,700	54,250
ELEVATOR-STRUCTURE	32,650	38,000	48,200	------	------	------	------
VERMONT							
BURLINGTON :							
DETACHED AND SEMIDETACHED	25,900	31,050	34,250	40,950	49,300	54,750	57,350
ROW DWELLINGS	24,150	28,550	31,850	37,900	45,300	50,700	53,100
WALKUP	21,150	26,000	29,800	35,200	40,700	44,900	47,250
ELEVATOR-STRUCTURE	31,000	36,100	45,800	------	------	------	------
BENNINGTON :							
DETACHED AND SEMIDETACHED	25,900	31,050	34,250	40,950	49,300	54,750	57,350
ROW DWELLINGS	24,150	28,550	31,850	37,900	45,300	50,700	53,100
WALKUP	21,150	26,000	29,800	35,200	40,700	44,900	47,250
ELEVATOR-STRUCTURE	31,350	36,500	46,300	------	------	------	------
BRATTLEBORO :							
DETACHED AND SEMIDETACHED	25,900	31,050	34,250	40,950	49,300	54,750	57,350
ROW DWELLINGS	24,150	28,550	31,850	37,900	45,300	50,700	53,100
WALKUP	21,150	26,000	29,800	35,200	40,700	44,900	47,250
ELEVATOR-STRUCTURE	31,350	36,500	46,300	------	------	------	------
MONTPELIER :							
DETACHED AND SEMIDETACHED	25,450	30,300	33,650	40,050	48,200	53,500	56,050
ROW DWELLINGS	23,350	27,800	30,850	36,750	44,000	49,200	51,500
WALKUP	20,550	25,350	28,850	34,200	39,300	43,550	45,700
ELEVATOR-STRUCTURE	31,350	36,500	46,300	------	------	------	------
RUTLAND :							
DETACHED AND SEMIDETACHED	25,600	30,450	33,750	40,500	48,500	54,100	56,550
ROW DWELLINGS	23,750	28,150	31,300	37,200	44,600	49,900	52,050
WALKUP	20,650	25,450	29,100	34,650	39,900	44,100	46,450
ELEVATOR-STRUCTURE	31,550	36,700	46,350	------	------	------	------
REGION II							
NEW JERSEY							
CAMDEN :							
DETACHED AND SEMIDETACHED	26,800	32,200	35,700	42,500	51,400	57,050	59,900
ROW DWELLINGS	21,150	25,250	27,950	33,400	39,900	44,600	46,650
WALKUP	23,400	28,950	33,000	39,150	45,400	49,800	52,700
ELEVATOR-STRUCTURE	33,300	38,750	49,150	------	------	------	------
ATLANTIC CITY :							
DETACHED AND SEMIDETACHED	26,400	31,750	35,100	41,900	50,600	56,050	58,850
ROW DWELLINGS	20,600	24,650	27,400	32,550	39,000	43,700	45,450
WALKUP	22,900	28,450	32,450	38,250	44,500	48,950	51,600
ELEVATOR-STRUCTURE	31,800	36,950	46,800	------	------	------	------
BURLINGTON :							
DETACHED AND SEMIDETACHED	26,750	32,050	35,700	42,350	51,150	56,750	59,650
ROW DWELLINGS	20,950	25,050	27,950	33,050	39,650	44,300	46,150
WALKUP	23,600	29,050	33,000	39,100	45,250	49,750	52,600
ELEVATOR-STRUCTURE	33,450	39,050	49,400	------	------	------	------
GLOUCESTER :							
DETACHED AND SEMIDETACHED	26,400	31,750	35,100	41,900	50,650	56,200	59,000
ROW DWELLINGS	20,800	24,800	27,400	32,800	39,150	43,800	45,750
WALKUP	23,100	28,650	32,450	38,300	44,550	49,100	51,650
ELEVATOR-STRUCTURE	33,300	38,750	49,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW JERSEY --CONTINUED							
TRENTON							
DETACHED AND SEMIDETACHED	26,900	32,000	35,700	42,450	51,150	56,900	59,650
ROW DWELLINGS	21,050	25,000	27,950	33,150	39,800	44,350	46,500
WALKUP	23,650	29,250	33,000	39,350	45,450	50,000	52,650
ELEVATOR-STRUCTURE	36,750	42,600	54,000	------	------	------	------
VINELAND							
DETACHED AND SEMIDETACHED	26,850	32,150	35,700	42,450	51,300	57,050	59,750
ROW DWELLINGS	20,950	25,150	27,950	33,200	39,800	44,400	46,500
WALKUP	23,400	29,000	33,000	39,050	45,000	49,700	52,450
ELEVATOR-STRUCTURE	34,400	39,950	50,700	------	------	------	------
NEWARK							
DETACHED AND SEMIDETACHED	31,150	36,850	41,100	49,100	58,950	65,350	68,450
ROW DWELLINGS	27,450	32,650	36,250	43,050	51,900	57,900	60,550
WALKUP	26,350	32,850	37,400	44,250	51,350	56,400	59,600
ELEVATOR-STRUCTURE	34,950	40,600	51,250	------	------	------	------
ASBURY PARK							
DETACHED AND SEMIDETACHED	31,150	36,850	41,100	49,100	58,950	65,350	68,450
ROW DWELLINGS	27,450	32,650	36,250	43,050	51,900	57,900	60,550
WALKUP	25,900	32,250	36,650	43,350	50,400	55,350	58,300
ELEVATOR-STRUCTURE	33,400	38,900	49,100	------	------	------	------
NORTH BERGEN							
DETACHED AND SEMIDETACHED	31,150	36,850	41,100	49,100	58,950	65,350	68,450
ROW DWELLINGS	27,450	32,650	36,250	43,050	51,900	57,900	60,550
WALKUP	27,100	33,500	38,150	45,250	52,650	57,800	60,750
ELEVATOR-STRUCTURE	35,000	40,750	51,500	------	------	------	------
FREEHOLD							
DETACHED AND SEMIDETACHED	31,150	36,850	41,100	49,100	58,950	65,350	68,450
ROW DWELLINGS	27,450	32,650	36,250	43,050	51,900	57,900	60,550
WALKUP	25,850	32,250	36,600	43,300	50,200	55,300	58,200
ELEVATOR-STRUCTURE	33,650	39,100	49,350	------	------	------	------
NEW YORK							
ALBANY							
DETACHED AND SEMIDETACHED	25,450	30,400	33,500	39,950	48,400	53,600	56,250
ROW DWELLINGS	22,250	26,900	29,950	35,600	42,800	47,700	49,950
WALKUP	21,150	26,400	29,900	35,550	41,100	45,100	47,500
ELEVATOR-STRUCTURE	28,650	33,100	42,150	------	------	------	------
PLATTSBURGH							
DETACHED AND SEMIDETACHED	24,100	28,850	32,000	38,150	46,050	51,050	53,600
ROW DWELLINGS	21,650	25,700	28,550	33,950	40,750	45,450	47,400
WALKUP	20,350	24,900	28,550	33,750	39,200	42,950	45,300
ELEVATOR-STRUCTURE	25,650	31,700	40,050	------	------	------	------
SYRACUSE							
DETACHED AND SEMIDETACHED	25,550	30,600	33,700	40,350	48,750	54,100	56,650
ROW DWELLINGS	22,750	27,200	30,150	35,850	43,100	48,200	50,400
WALKUP	21,500	26,500	30,100	35,800	41,500	45,400	47,950
ELEVATOR-STRUCTURE	28,650	33,300	42,150	------	------	------	------
POUGHKEEPSIE							
DETACHED AND SEMIDETACHED	26,750	31,950	35,450	42,300	51,050	56,600	59,300
ROW DWELLINGS	25,550	30,150	33,700	40,100	48,200	53,750	56,200
WALKUP	22,800	28,350	32,150	38,250	44,100	48,500	51,050
ELEVATOR-STRUCTURE	28,800	33,450	42,400	------	------	------	------
BINGHAMTON							
DETACHED AND SEMIDETACHED	25,400	30,000	33,400	39,900	48,150	53,450	56,000
ROW DWELLINGS	23,000	27,550	30,500	36,350	43,650	48,800	50,900
WALKUP	21,100	26,200	29,800	35,200	40,850	44,700	47,250
ELEVATOR-STRUCTURE	28,750	33,350	42,250	------	------	------	------
BUFFALO							
DETACHED AND SEMIDETACHED	26,200	31,300	34,750	41,450	49,950	55,600	58,200
ROW DWELLINGS	22,400	26,650	29,550	35,250	42,300	47,300	49,250
WALKUP	21,200	26,000	29,500	34,850	40,350	44,450	46,750
ELEVATOR-STRUCTURE	30,400	35,600	44,750	------	------	------	------
ROCHESTER							
DETACHED AND SEMIDETACHED	25,650	30,600	33,800	40,450	48,850	54,050	56,700
ROW DWELLINGS	21,800	26,050	29,000	34,350	41,200	45,950	48,100
WALKUP	20,450	25,150	28,700	33,900	39,350	43,200	45,600
ELEVATOR-STRUCTURE	29,700	34,700	43,700	------	------	------	------
JAMESTOWN							
DETACHED AND SEMIDETACHED	25,450	30,400	33,750	40,350	48,550	53,950	56,600
ROW DWELLINGS	21,650	25,950	28,650	34,050	41,050	45,900	47,750
WALKUP	20,450	25,150	28,700	33,900	39,350	43,200	45,600
ELEVATOR-STRUCTURE	29,550	34,400	43,550	------	------	------	------
ELMIRA							
DETACHED AND SEMIDETACHED	27,200	32,450	36,200	43,200	52,050	57,700	60,600
ROW DWELLINGS	23,150	27,850	30,800	36,550	43,950	49,100	51,150
WALKUP	21,950	27,000	30,600	36,400	42,000	46,350	48,750
ELEVATOR-STRUCTURE	31,700	36,900	46,550	------	------	------	------
NEW YORK CITY (INNER)							
DETACHED AND SEMIDETACHED	30,850	37,100	41,050	49,000	59,000	65,600	68,750
ROW DWELLINGS	29,650	35,350	39,250	46,650	55,950	62,400	65,400
WALKUP	31,950	39,750	45,000	53,300	61,800	67,850	71,550
ELEVATOR-STRUCTURE	44,450	48,000	54,550	65,450	75,850	80,750	------
NEW YORK CITY (METRO)							
DETACHED AND SEMIDETACHED	26,300	30,150	34,150	40,500	46,850	49,200	51,650
ROW DWELLINGS	24,950	28,500	32,400	38,350	44,400	46,600	48,950
WALKUP	27,150	31,100	35,350	41,800	48,400	50,800	53,350
ELEVATOR-STRUCTURE	43,500	47,000	53,450	64,100	74,300	79,050	------
NASSAU COUNTY							
DETACHED AND SEMIDETACHED	26,300	30,150	34,150	40,500	46,850	49,200	51,650
ROW DWELLINGS	24,950	28,500	32,400	38,350	44,400	46,600	48,950
WALKUP	27,150	31,100	35,350	41,800	48,400	50,800	53,350
ELEVATOR-STRUCTURE	37,950	43,500	49,450	59,400	68,800	73,250	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0 *	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK --CONTINUED							
SUFFOLK COUNTY							
DETACHED AND SEMIDETACHED	23,600	26,100	29,000	34,550	41,600	43,750	45,900
ROW DWELLINGS	22,650	24,900	27,650	32,950	39,450	41,400	43,450
WALKUP	24,300	27,750	31,650	37,350	43,200	47,600	50,100
ELEVATOR-STRUCTURE	35,350	40,600	46,150	55,250	64,100	68,250	------
WESTCHESTER COUNTY							
DETACHED AND SEMIDETACHED	24,800	27,450	30,400	36,450	43,000	45,150	47,450
ROW DWELLINGS	23,750	26,150	29,050	34,650	41,500	43,600	45,800
WALKUP	25,650	29,500	33,400	39,550	45,900	48,150	50,550
ELEVATOR-STRUCTURE	37,650	45,750	48,950	58,600	67,950	------	------
ORANGE COUNTY							
DETACHED AND SEMIDETACHED	21,600	24,600	27,300	32,600	39,250	41,250	43,300
ROW DWELLINGS	20,750	23,450	26,100	30,800	37,250	39,050	41,050
WALKUP	23,200	27,450	31,200	36,900	42,700	47,050	49,550
ELEVATOR-STRUCTURE	34,250	39,500	44,850	53,850	62,600	66,650	------
ROCKLAND COUNTY							
DETACHED AND SEMIDETACHED	23,050	25,500	28,350	33,850	40,750	42,800	44,950
ROW DWELLINGS	22,100	24,400	27,150	32,150	38,650	40,550	42,600
WALKUP	23,750	27,250	30,900	36,600	42,450	46,600	49,100
ELEVATOR-STRUCTURE	36,300	38,850	44,100	52,950	61,400	65,300	------
PUERTO RICO							
SAN JUAN							
DETACHED AND SEMIDETACHED	20,150	24,050	26,700	31,850	38,400	42,550	44,750
ROW DWELLINGS	19,900	23,800	26,500	31,150	37,700	41,850	43,900
WALKUP	16,800	20,850	23,650	28,150	32,500	35,800	37,700
ELEVATOR-STRUCTURE	19,750	23,200	29,200	32,500	35,600	------	------
OLD SAN JUAN							
DETACHED AND SEMIDETACHED	24,050	28,900	31,900	38,150	46,050	51,050	53,600
ROW DWELLINGS	23,850	28,550	31,800	37,550	45,300	50,300	52,750
WALKUP	20,250	24,950	28,350	33,750	38,950	42,950	45,300
ELEVATOR-STRUCTURE	23,650	27,700	35,050	39,050	42,800	------	------
PONCE							
DETACHED AND SEMIDETACHED	20,200	24,200	26,750	32,000	38,450	42,650	44,800
ROW DWELLINGS	20,000	23,950	26,600	31,200	37,800	41,950	44,000
WALKUP	17,000	20,900	23,750	28,150	32,650	35,850	37,750
ELEVATOR-STRUCTURE	19,900	23,250	29,350	32,600	35,750	------	------
MAYAGUEZ							
DETACHED AND SEMIDETACHED	20,200	24,200	26,750	32,000	38,450	42,650	44,800
ROW DWELLINGS	20,000	23,950	26,600	31,200	37,800	41,950	44,000
WALKUP	17,000	20,900	23,750	28,150	32,650	35,850	37,750
ELEVATOR-STRUCTURE	19,900	23,250	29,350	32,600	35,750	------	------
ARECIBO							
DETACHED AND SEMIDETACHED	20,200	24,200	26,750	32,000	38,450	42,650	44,800
ROW DWELLINGS	20,000	23,950	26,600	31,200	37,800	41,950	44,000
WALKUP	17,000	20,900	23,750	28,150	32,650	35,850	37,750
ELEVATOR-STRUCTURE	19,900	23,250	29,350	32,600	35,750	------	------
VIRGIN ISLANDS							
ST. THOMAS							
DETACHED AND SEMIDETACHED	24,600	29,500	32,650	39,050	47,000	52,200	54,750
ROW DWELLINGS	24,400	29,050	32,250	38,400	46,100	51,350	53,850
WALKUP	20,950	25,700	29,250	34,650	40,250	44,150	46,500
ELEVATOR-STRUCTURE	23,300	27,100	34,500	38,250	42,050	------	------
ST. CROIX							
DETACHED AND SEMIDETACHED	24,000	28,650	31,850	38,150	45,750	50,900	53,250
ROW DWELLINGS	23,850	28,500	31,650	37,550	45,100	50,250	52,600
WALKUP	20,200	24,900	28,250	33,400	38,850	42,800	44,950
ELEVATOR-STRUCTURE	22,700	26,500	33,500	37,300	40,950	------	------
REGION III							
DELAWARE							
WILMINGTON							
DETACHED AND SEMIDETACHED	27,050	32,450	35,950	42,950	51,600	57,550	60,250
ROW DWELLINGS	22,400	26,700	29,450	35,200	42,550	47,200	49,550
WALKUP	20,800	25,450	28,950	34,650	40,100	43,750	46,150
ELEVATOR-STRUCTURE	30,700	35,650	45,500	------	------	------	------
DOVER							
DETACHED AND SEMIDETACHED	26,700	32,350	35,700	42,550	51,100	57,100	59,650
ROW DWELLINGS	22,000	26,350	29,250	34,750	42,150	46,700	48,850
WALKUP	20,450	25,200	28,700	34,050	39,500	43,300	45,550
ELEVATOR-STRUCTURE	30,600	35,550	45,200	------	------	------	------
WASHINGTON, D.C.							
WASHINGTON, D.C.							
DETACHED AND SEMIDETACHED	26,500	31,750	35,050	41,900	50,450	56,250	58,700
ROW DWELLINGS	23,100	27,650	30,550	36,450	43,900	48,950	51,050
WALKUP	20,150	24,700	28,400	33,350	38,750	42,800	44,900
ELEVATOR-STRUCTURE	30,300	34,950	44,400	------	------	------	------
MARYLAND							
BALTIMORE							
DETACHED AND SEMIDETACHED	23,350	28,100	31,100	37,100	44,550	49,950	52,050
ROW DWELLINGS	18,850	22,750	25,050	29,950	35,950	39,900	41,900
WALKUP	18,150	22,400	25,450	30,150	35,000	38,350	40,450
ELEVATOR-STRUCTURE	27,950	32,450	41,200	------	------	------	------
BALTIMORE CITY							
DETACHED AND SEMIDETACHED	25,150	30,250	33,500	39,900	47,850	53,650	55,950
ROW DWELLINGS	20,400	24,600	27,050	32,350	38,850	43,100	45,200
WALKUP	19,550	24,150	27,450	32,600	37,800	41,450	43,700
ELEVATOR-STRUCTURE	30,250	35,150	44,500	------	------	------	------
HAGERSTOWN							
DETACHED AND SEMIDETACHED	23,300	27,850	30,900	36,950	44,450	49,600	51,750
ROW DWELLINGS	18,700	22,400	24,850	29,700	35,550	39,550	41,450
WALKUP	18,050	22,300	25,250	30,000	34,800	38,200	40,150
ELEVATOR-STRUCTURE	27,850	32,350	40,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
MARYLAND --CONTINUED							
SALISBURY							
DETACHED AND SEMIDETACHED	23,650	28,350	31,400	37,500	45,050	50 200	52,550
ROW DWELLINGS	19,200	22,850	25,250	30,200	36,350	40,400	42,250
WALKUP	18,350	22,700	25,700	30,550	35,400	38,750	40,900
ELEVATOR-STRUCTURE	28,300	32,950	41,600	------	------	------	------
WALDORF							
DETACHED AND SEMIDETACHED	24,350	29,300	32,450	38,600	46,350	51,900	54,150
ROW DWELLINGS	19,600	23,650	26,050	31,200	37,400	41,600	43,600
WALKUP	18,900	23,400	26,500	31,450	36,500	40,100	42,200
ELEVATOR-STRUCTURE	23,550	27,450	34,800	------	------	------	------
PENNSYLVANIA							
PHILADELPHIA							
DETACHED AND SEMIDETACHED	28,150	34,100	36,850	44,900	53,800	60,100	62,600
ROW DWELLINGS	24,350	29,300	32,400	38,500	46,350	51,700	53,650
WALKUP	21,850	27,100	30,800	36,350	42,150	46,550	48,800
ELEVATOR-STRUCTURE	34,050	39,500	50,100	------	------	------	------
ALLENTOWN							
DETACHED AND SEMIDETACHED	26,750	32,050	35,350	42,350	50,850	56,700	59,300
ROW DWELLINGS	22,700	27,250	30,100	35,900	43,100	48,000	50,050
WALKUP	21,800	27,000	30,700	36,350	42,050	46,350	48,650
ELEVATOR-STRUCTURE	30,800	35,700	45,150	------	------	------	------
BELLEFONTE							
DETACHED AND SEMIDETACHED	26,550	32,050	35,550	42,350	50,850	56,750	59,300
ROW DWELLINGS	22,650	27,200	30,150	35,900	43,100	48,100	49,900
WALKUP	21,900	27,100	30,800	36,300	42,150	46,450	48,650
ELEVATOR-STRUCTURE	32,200	37,300	47,550	------	------	------	------
WELLSBORO							
DETACHED AND SEMIDETACHED	27,300	32,600	36,250	43,200	52,000	57,700	60,550
ROW DWELLINGS	22,950	27,650	30,550	36,200	43,550	48,700	50,750
WALKUP	22,400	27,600	31,200	37,100	42,900	47,300	49,700
ELEVATOR-STRUCTURE	39,500	46,100	58,050	------	------	------	------
HARRISBURG							
DETACHED AND SEMIDETACHED	26,400	31,950	35,300	42,000	50,500	56,300	58,800
ROW DWELLINGS	22,500	26,950	29,850	35,450	42,700	47,550	49,550
WALKUP	21,600	26,750	30,450	36,000	41,850	46,000	48,250
ELEVATOR-STRUCTURE	30,900	35,950	45,500	------	------	------	------
LANCASTER							
DETACHED AND SEMIDETACHED	25,850	31,350	34,450	41,100	49,550	55,300	57,700
ROW DWELLINGS	22,000	26,400	29,050	34,700	41,800	46,500	48,400
WALKUP	21,200	26,150	29,800	35,300	40,950	45,100	47,300
ELEVATOR-STRUCTURE	30,500	35,300	44,750	------	------	------	------
YORK							
DETACHED AND SEMIDETACHED	25,850	31,350	34,450	41,100	49,550	55,300	57,700
ROW DWELLINGS	22,000	26,400	29,050	34,650	41,800	46,500	48,400
WALKUP	21,200	26,150	29,800	35,300	40,950	45,100	47,300
ELEVATOR-STRUCTURE	30,500	35,300	44,750	------	------	------	------
READING							
DETACHED AND SEMIDETACHED	26,200	31,800	34,950	41,750	50,200	56,050	58,550
ROW DWELLINGS	22,350	26,850	29,600	35,300	42,450	47,250	49,150
WALKUP	21,400	26,450	30,200	35,600	41,350	45,550	47,650
ELEVATOR-STRUCTURE	30,500	35,300	44,750	------	------	------	------
SCRANTON							
DETACHED AND SEMIDETACHED	27,250	32,900	36,250	43,200	52,000	57,900	60,500
ROW DWELLINGS	22,400	26,800	29,600	35,350	42,350	47,350	49,200
WALKUP	19,300	23,750	26,950	31,900	37,050	40,750	42,700
ELEVATOR-STRUCTURE	32,500	37,700	47,950	------	------	------	------
PITTSBURGH							
DETACHED AND SEMIDETACHED	28,500	34,100	37,800	44,850	53,900	60,100	62,800
ROW DWELLINGS	25,300	30,350	33,550	39,900	48,100	53,450	55,950
WALKUP	25,700	30,750	34,050	40,550	48,800	54,200	56,750
ELEVATOR-STRUCTURE	32,700	38,150	48,300	------	------	------	------
ALTOONA							
DETACHED AND SEMIDETACHED	27,300	32,750	36,350	43,300	51,800	57,900	60,400
ROW DWELLINGS	24,450	29,500	32,400	38,750	46,500	51,850	54,200
WALKUP	23,200	28,550	32,900	38,700	44,750	49,300	51,800
ELEVATOR-STRUCTURE	31,800	36,900	46,550	------	------	------	------
ERIE							
DETACHED AND SEMIDETACHED	27,900	33,400	36,950	44,000	52,950	59,000	61,600
ROW DWELLINGS	25,250	30,350	33,300	39,500	47,800	53,400	55,600
WALKUP	23,500	29,050	33,300	39,300	45,650	50,350	52,850
ELEVATOR-STRUCTURE	32,150	37,300	47,250	------	------	------	------
JOHNSTOWN							
DETACHED AND SEMIDETACHED	27,300	32,750	36,350	43,250	51,850	57,950	60,500
ROW DWELLINGS	24,550	29,400	32,400	38,500	46,600	51,750	54,050
WALKUP	23,200	28,750	32,900	38,750	44,950	49,550	52,050
ELEVATOR-STRUCTURE	31,650	36,800	46,550	------	------	------	------
VIRGINIA							
RICHMOND							
DETACHED AND SEMIDETACHED	19,250	23,200	28,550	34,150	41,150	45,700	47,700
ROW DWELLINGS	16,650	20,150	24,800	29,600	35,700	39,600	41,300
WALKUP	15,500	19,450	24,450	28,900	33,400	36,750	38,800
ELEVATOR-STRUCTURE	31,350	36,400	46,050	------	------	------	------
NORFOLK							
DETACHED AND SEMIDETACHED	18,000	21,700	26,600	31,750	38,250	42,600	44,500
ROW DWELLINGS	15,450	18,800	23,150	27,650	33,250	36,950	38,500
WALKUP	13,800	17,100	21,750	25,600	29,550	32,700	34,200
ELEVATOR-STRUCTURE	26,500	31,000	39,100	------	------	------	------
NEWPORT NEWS							
DETACHED AND SEMIDETACHED	17,200	20,700	25,450	30,400	36,600	40,650	42,400
ROW DWELLINGS	14,750	18,000	22,050	26,350	31,750	35,350	36,850
WALKUP	14,100	17,600	22,300	26,350	30,550	33,800	35,450
ELEVATOR-STRUCTURE	26,800	31,200	39,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA --CONTINUED							
HARRISONBURG :							
DETACHED AND SEMIDETACHED	17,300	20,800	25,600	30,550	36,800	40,950	42,600
ROW DWELLINGS	14,800	18,050	22,100	26,500	31,850	35,550	36,950
WALKUP	13,900	17,300	22,050	25,850	30,150	33,150	34,850
ELEVATOR-STRUCTURE	24,500	28,500	36,050	------	------	------	------
NORTON :							
DETACHED AND SEMIDETACHED	19,800	23,900	29,350	35,250	42,400	47,050	49,100
ROW DWELLINGS	17,550	21,250	26,000	31,150	37,500	41,750	43,600
WALKUP	16,750	20,600	26,300	30,800	35,900	39,500	41,350
ELEVATOR-STRUCTURE	27,700	32,050	40,650	------	------	------	------
CHARLOTTESVILLE :							
DETACHED AND SEMIDETACHED	20,050	24,150	29,800	35,300	42,750	47,600	49,550
ROW DWELLINGS	17,200	20,900	25,700	30,850	37,150	41,250	42,950
WALKUP	16,150	20,100	26,650	30,150	34,950	38,550	40,600
ELEVATOR-STRUCTURE	28,450	33,050	41,950	------	------	------	------
WEST VIRGINIA							
CHARLESTON :							
DETACHED AND SEMIDETACHED	21,600	26,150	32,450	38,550	46,400	51,900	54,000
ROW DWELLINGS	19,300	23,250	28,650	34,250	41,000	45,700	47,700
WALKUP	18,600	23,150	29,500	34,800	40,750	44,500	46,700
ELEVATOR-STRUCTURE	31,950	37,000	47,050	------	------	------	------
BLUEFIELD :							
DETACHED AND SEMIDETACHED	21,150	25,600	31,450	37,600	45,200	50,500	52,450
ROW DWELLINGS	18,700	22,700	27,900	33,300	39,950	44,700	46,700
WALKUP	18,150	22,550	28,850	33,900	39,200	43,350	45,500
ELEVATOR-STRUCTURE	31,050	36,150	45,800	------	------	------	------
HUNTINGTON :							
DETACHED AND SEMIDETACHED	21,350	25,750	31,700	37,750	45,700	50,950	53,050
ROW DWELLINGS	18,750	22,800	28,300	33,600	40,250	45,050	46,950
WALKUP	18,400	22,750	28,950	34,300	39,700	43,800	45,900
ELEVATOR-STRUCTURE	31,450	36,500	46,400	------	------	------	------
PARKERSBURG :							
DETACHED AND SEMIDETACHED	21,800	26,300	32,500	38,750	46,650	52,150	54,350
ROW DWELLINGS	19,400	23,500	28,850	34,500	41,200	45,950	47,950
WALKUP	18,400	22,750	28,950	34,300	39,700	43,800	45,900
ELEVATOR-STRUCTURE	31,450	36,500	46,400	------	------	------	------
WHEELING :							
DETACHED AND SEMIDETACHED	21,150	25,600	31,450	37,600	45,200	50,500	52,450
ROW DWELLINGS	18,700	22,700	27,900	33,300	39,950	44,700	46,700
WALKUP	18,150	22,550	28,850	33,900	39,200	43,350	45,500
ELEVATOR-STRUCTURE	31,050	36,150	45,800	------	------	------	------
MARTINSBURG :							
DETACHED AND SEMIDETACHED	19,650	23,900	29,450	35,100	42,150	47,000	49,050
ROW DWELLINGS	17,600	21,150	25,950	30,800	37,350	41,450	43,450
WALKUP	16,650	20,800	26,550	31,150	36,200	40,000	42,050
ELEVATOR-STRUCTURE	31,050	36,150	45,800	------	------	------	------
FAIRMONT :							
DETACHED AND SEMIDETACHED	21,700	26,150	32,400	38,550	46,400	51,900	54,000
ROW DWELLINGS	19,300	23,250	28,650	34,250	41,000	45,700	47,850
WALKUP	18,000	22,350	28,300	33,550	38,700	42,850	45,000
ELEVATOR-STRUCTURE	31,000	36,150	45,650	------	------	------	------
POINT PLEASANT :							
DETACHED AND SEMIDETACHED	20,300	24,600	30,350	36,200	43,500	48,500	50,600
ROW DWELLINGS	17,950	21,850	26,900	32,000	38,450	42,800	44,900
WALKUP	17,550	21,850	27,800	32,600	37,850	41,800	43,800
ELEVATOR-STRUCTURE	31,400	36,350	46,150	------	------	------	------
REGION IV							
ALABAMA							
BIRMINGHAM :							
DETACHED AND SEMIDETACHED	16,600	20,250	24,850	29,850	35,950	39,850	41,700
ROW DWELLINGS	14,850	17,700	21,950	26,150	31,500	35,000	36,700
WALKUP	13,750	16,950	21,450	25,300	29,400	32,550	34,050
ELEVATOR-STRUCTURE	26,400	30,950	38,850	------	------	------	------
DOTHAN :							
DETACHED AND SEMIDETACHED	15,850	19,300	23,750	28,600	34,250	37,950	39,900
ROW DWELLINGS	14,550	17,600	21,600	25,650	31,000	34,500	36,150
WALKUP	12,950	16,250	20,550	24,350	28,200	31,000	32,700
ELEVATOR-STRUCTURE	25,650	29,950	37,750	------	------	------	------
FLORENCE :							
DETACHED AND SEMIDETACHED	16,100	19,500	23,800	28,850	34,550	38,400	40,150
ROW DWELLINGS	14,450	17,450	21,450	25,900	31,050	34,450	36,050
WALKUP	13,000	16,300	20,600	24,500	28,400	31,150	32,800
ELEVATOR-STRUCTURE	26,150	30,700	38,600	------	------	------	------
HUNTSVILLE :							
DETACHED AND SEMIDETACHED	15,700	19,050	23,550	28,000	33,800	37,600	39,350
ROW DWELLINGS	14,100	16,800	20,900	24,850	29,950	33,400	34,900
WALKUP	12,900	16,100	20,350	23,950	27,800	30,650	32,150
ELEVATOR-STRUCTURE	25,650	29,950	37,900	------	------	------	------
MOBILE :							
DETACHED AND SEMIDETACHED	17,450	21,100	26,050	31,050	37,450	41,600	43,450
ROW DWELLINGS	15,350	18,700	23,000	27,300	32,850	36,550	38,300
WALKUP	13,800	17,200	21,800	25,750	30,000	33,100	34,850
ELEVATOR-STRUCTURE	27,050	31,450	39,600	------	------	------	------
MONTGOMERY :							
DETACHED AND SEMIDETACHED	15,800	19,200	23,650	28,550	34,200	37,900	39,800
ROW DWELLINGS	14,100	17,000	20,950	24,850	30,050	33,400	35,000
WALKUP	12,950	16,200	20,500	24,250	28,150	30,800	32,550
ELEVATOR-STRUCTURE	25,950	30,400	38,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
ALABAMA --CONTINUED							
TUSCALOOSA :							
DETACHED AND SEMIDETACHED	15,700	19,050	23,550	28,000	33,800	37,600	39,350
ROW DWELLINGS	14,000	16,700	20,800	24,700	29,850	33,200	34,700
WALKUP	12,900	16,100	20,350	23,950	27,800	30,650	32,150
ELEVATOR-STRUCTURE	25,650	29,950	37,900	------	------	------	------
FLORIDA							
JACKSONVILLE :							
DETACHED AND SEMIDETACHED	14,350	17,800	22,800	26,750	31,150	33,850	35,550
ROW DWELLINGS	13,750	16,950	21,700	25,500	29,600	32,400	33,950
WALKUP	14,650	18,200	23,350	27,400	31,900	35,000	36,700
ELEVATOR-STRUCTURE	23,300	27,000	34,400	------	------	------	------
PENSACOLA :							
DETACHED AND SEMIDETACHED	14,350	17,700	22,550	26,350	30,850	33,700	35,350
ROW DWELLINGS	13,700	16,850	21,400	25,150	29,350	32,050	33,750
WALKUP	14,650	18,150	23,100	27,050	31,650	34,650	36,350
ELEVATOR-STRUCTURE	22,300	27,000	32,800	------	------	------	------
MIAMI :							
DETACHED AND SEMIDETACHED	17,750	21,250	26,150	31,350	37,750	41,950	43,900
ROW DWELLINGS	15,600	18,850	23,350	27,800	33,300	37,000	38,950
WALKUP	15,650	19,750	25,050	29,800	34,400	37,950	39,900
ELEVATOR-STRUCTURE	26,500	30,800	39,000	------	------	------	------
KEY WEST :							
DETACHED AND SEMIDETACHED	17,750	21,250	26,150	31,350	37,750	41,950	43,900
ROW DWELLINGS	15,600	18,850	23,350	27,800	33,300	37,000	38,950
WALKUP	15,650	19,750	25,050	29,800	34,400	37,950	39,900
ELEVATOR-STRUCTURE	26,500	30,800	39,000	------	------	------	------
TAMPA :							
DETACHED AND SEMIDETACHED	16,550	19,850	24,750	29,550	35,350	39,450	41,250
ROW DWELLINGS	14,800	17,800	22,150	26,400	31,850	35,450	37,100
WALKUP	13,600	17,750	22,500	26,750	31,100	34,100	35,800
ELEVATOR-STRUCTURE	27,350	31,800	40,250	------	------	------	------
ORLANDO :							
DETACHED AND SEMIDETACHED	16,150	19,250	23,800	28,500	34,150	38,150	39,850
ROW DWELLINGS	14,500	17,450	21,500	25,700	30,800	34,350	35,900
WALKUP	15,150	18,950	23,950	28,500	33,000	36,450	38,100
ELEVATOR-STRUCTURE	28,400	32,850	41,350	------	------	------	------
GEORGIA							
ATLANTA :							
DETACHED AND SEMIDETACHED	16,000	19,400	23,750	28,400	34,100	37,850	39,600
ROW DWELLINGS	15,500	18,700	23,200	27,500	33,150	36,850	38,550
WALKUP	15,450	19,050	24,300	28,600	33,250	36,400	38,400
ELEVATOR-STRUCTURE	24,600	28,450	36,200	------	------	------	------
ALBANY :							
DETACHED AND SEMIDETACHED	15,950	19,250	23,600	28,100	33,700	37,500	39,300
ROW DWELLINGS	15,450	18,650	22,950	27,300	32,800	36,650	38,300
WALKUP	15,300	18,950	24,050	28,250	33,050	36,150	38,150
ELEVATOR-STRUCTURE	24,350	28,350	35,800	------	------	------	------
AUGUSTA :							
DETACHED AND SEMIDETACHED	16,400	19,650	24,400	29,100	35,000	38,750	40,600
ROW DWELLINGS	16,100	19,250	23,650	28,450	34,200	37,800	39,650
WALKUP	15,500	19,050	24,300	28,750	33,250	36,800	38,450
ELEVATOR-STRUCTURE	22,900	26,500	33,650	------	------	------	------
BRUNSWICK :							
DETACHED AND SEMIDETACHED	15,000	18,050	22,200	26,550	31,900	35,500	37,000
ROW DWELLINGS	14,450	17,500	21,650	25,700	30,950	34,450	36,150
WALKUP	14,050	17,450	22,100	26,100	30,350	33,300	35,000
ELEVATOR-STRUCTURE	24,350	28,350	35,800	------	------	------	------
COLUMBUS :							
DETACHED AND SEMIDETACHED	15,500	18,700	23,250	27,850	33,500	37,000	38,900
ROW DWELLINGS	15,400	18,500	22,750	27,150	32,600	36,200	37,800
WALKUP	15,200	18,650	23,850	28,000	32,550	35,950	37,550
ELEVATOR-STRUCTURE	24,250	28,150	35,650	------	------	------	------
MACON :							
DETACHED AND SEMIDETACHED	15,850	18,850	23,600	28,050	33,900	37,400	39,200
ROW DWELLINGS	15,500	18,650	22,850	27,300	32,900	36,550	38,250
WALKUP	14,800	18,200	23,100	27,300	31,600	34,950	36,450
ELEVATOR-STRUCTURE	24,250	28,150	35,650	------	------	------	------
ROME :							
DETACHED AND SEMIDETACHED	15,050	18,100	22,500	26,900	32,250	35,750	37,450
ROW DWELLINGS	14,750	17,750	21,900	26,150	31,250	34,800	36,400
WALKUP	14,250	17,550	22,500	26,400	30,550	33,750	35,500
ELEVATOR-STRUCTURE	23,900	27,850	35,300	------	------	------	------
SAVANNAH :							
DETACHED AND SEMIDETACHED	15,000	18,050	22,200	26,550	31,900	35,500	37,000
ROW DWELLINGS	14,450	17,500	21,650	25,700	30,950	34,450	36,150
WALKUP	14,050	17,450	22,100	26,100	30,350	33,300	35,000
ELEVATOR-STRUCTURE	24,350	28,350	35,800	------	------	------	------
VALDOSTA :							
DETACHED AND SEMIDETACHED	15,450	18,600	23,150	27,700	33,250	36,850	38,550
ROW DWELLINGS	15,200	18,300	22,600	26,900	32,200	35,800	37,500
WALKUP	15,050	18,450	23,600	27,800	32,150	35,500	37,100
ELEVATOR-STRUCTURE	23,900	27,850	35,300	------	------	------	------
KENTUCKY							
LOUISVILLE :							
DETACHED AND SEMIDETACHED	17,500	20,900	25,800	30,950	37,250	41,250	43,300
ROW DWELLINGS	17,200	20,550	25,400	30,500	36,650	40,700	42,700
WALKUP	17,500	20,850	25,800	30,950	37,350	41,350	43,400
ELEVATOR-STRUCTURE	31,150	36,300	45,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY --CONTINUED							
ASHLAND							
DETACHED AND SEMIDETACHED	18,050	21,550	26,650	31,850	38,400	42,500	44,600
ROW DWELLINGS	17,700	21,200	26,100	31,450	37,750	41,900	44,000
WALKUP	18,000	21,550	26,600	31,900	38,450	42,550	44,650
ELEVATOR-STRUCTURE	32,100	37,550	47,450	------	------	------	------
COVINGTON							
DETACHED AND SEMIDETACHED	18,050	21,550	26,650	31,850	38,400	42,500	44,600
ROW DWELLINGS	17,700	21,200	26,100	31,450	37,750	41,900	44,000
WALKUP	18,000	21,550	26,600	31,900	38,450	42,550	44,650
ELEVATOR-STRUCTURE	32,900	38,450	48,300	------	------	------	------
MIDDLESBORO							
DETACHED AND SEMIDETACHED	20,050	24,000	29,700	35,600	42,850	47,450	49,800
ROW DWELLINGS	19,800	23,650	29,200	35,100	42,200	46,800	49,150
WALKUP	20,100	24,000	29,700	35,650	42,900	47,550	49,900
ELEVATOR-STRUCTURE	31,150	36,300	45,950	------	------	------	------
OWENSBORO							
DETACHED AND SEMIDETACHED	17,500	20,900	25,800	30,950	37,250	41,250	43,300
ROW DWELLINGS	17,200	20,550	25,400	30,500	36,650	40,700	42,700
WALKUP	17,500	20,850	25,800	30,950	37,350	41,350	43,400
ELEVATOR-STRUCTURE	31,500	36,650	46,350	------	------	------	------
PADUCAH							
DETACHED AND SEMIDETACHED	17,650	21,100	26,100	31,200	37,600	41,650	43,800
ROW DWELLINGS	17,350	20,800	25,600	30,800	37,050	41,100	43,100
WALKUP	17,650	21,100	26,100	31,300	37,700	41,800	43,850
ELEVATOR-STRUCTURE	29,500	34,550	43,550	------	------	------	------
MISSISSIPPI							
JACKSON							
DETACHED AND SEMIDETACHED	15,800	19,150	23,600	28,200	34,000	37,700	39,450
ROW DWELLINGS	15,200	18,300	22,450	26,850	32,250	35,650	37,600
WALKUP	13,000	16,200	20,800	24,500	28,300	31,200	32,750
ELEVATOR-STRUCTURE	23,800	27,550	34,900	------	------	------	------
CORINTH							
DETACHED AND SEMIDETACHED	16,100	19,550	24,100	28,800	34,750	38,550	40,300
ROW DWELLINGS	14,850	18,100	22,450	26,600	32,200	35,600	37,350
WALKUP	13,550	16,750	21,350	25,150	29,350	32,050	33,700
ELEVATOR-STRUCTURE	24,300	28,100	35,450	------	------	------	------
GREENVILLE							
DETACHED AND SEMIDETACHED	15,800	19,150	23,600	28,200	34,000	37,700	39,450
ROW DWELLINGS	15,200	18,300	22,450	26,850	32,250	35,650	37,600
WALKUP	13,000	16,200	20,800	24,500	28,300	31,200	32,750
ELEVATOR-STRUCTURE	23,550	27,450	34,800	------	------	------	------
GREENWOOD							
DETACHED AND SEMIDETACHED	15,800	19,150	23,600	28,200	34,000	37,700	39,450
ROW DWELLINGS	15,200	18,300	22,450	26,850	32,250	35,650	37,600
WALKUP	13,550	16,950	21,450	25,300	29,400	32,350	33,950
ELEVATOR-STRUCTURE	23,800	27,550	34,900	------	------	------	------
GULFPORT							
DETACHED AND SEMIDETACHED	15,850	19,250	23,650	28,250	34,050	37,750	39,650
ROW DWELLINGS	15,250	18,350	22,650	26,900	32,300	35,800	37,650
WALKUP	12,800	16,100	20,350	23,850	27,750	30,500	31,850
ELEVATOR-STRUCTURE	24,000	28,000	35,350	------	------	------	------
HATTIESBURG							
DETACHED AND SEMIDETACHED	15,800	19,150	23,600	28,200	34,000	37,700	39,450
ROW DWELLINGS	15,200	18,300	22,450	26,850	32,250	35,650	37,600
WALKUP	13,000	16,200	20,800	24,500	28,300	31,200	32,750
ELEVATOR-STRUCTURE	23,800	27,550	34,900	------	------	------	------
SOUTHAVEN							
DETACHED AND SEMIDETACHED	15,650	18,750	23,350	27,650	33,400	37,000	38,900
ROW DWELLINGS	14,900	18,050	22,250	26,350	31,750	35,250	36,900
WALKUP	13,750	17,150	21,850	25,650	29,800	33,000	34,450
ELEVATOR-STRUCTURE	23,250	27,200	34,400	------	------	------	------
NORTH CAROLINA							
GREENSBORO							
DETACHED AND SEMIDETACHED	15,400	18,400	22,350	26,750	31,850	35,400	36,950
ROW DWELLINGS	14,900	17,500	21,700	25,550	30,700	34,100	35,650
WALKUP	14,400	17,450	22,050	25,950	30,050	32,850	34,600
ELEVATOR-STRUCTURE	24,350	28,400	35,950	------	------	------	------
ASHEVILLE							
DETACHED AND SEMIDETACHED	15,800	18,850	23,100	27,600	32,900	36,500	38,200
ROW DWELLINGS	15,550	18,550	22,650	26,750	32,150	35,800	37,250
WALKUP	15,150	18,750	23,600	27,650	31,900	34,550	36,800
ELEVATOR-STRUCTURE	25,150	29,000	36,700	------	------	------	------
CHARLOTTE							
DETACHED AND SEMIDETACHED	15,600	18,600	22,700	27,100	32,350	35,950	37,500
ROW DWELLINGS	15,150	18,000	22,050	26,050	31,050	34,500	36,100
WALKUP	15,150	18,650	23,550	27,600	31,800	34,800	36,600
ELEVATOR-STRUCTURE	24,350	28,400	35,950	------	------	------	------
DURHAM							
DETACHED AND SEMIDETACHED	15,100	17,950	22,000	26,250	31,350	34,900	36,500
ROW DWELLINGS	14,850	17,500	21,550	25,400	30,600	33,850	35,450
WALKUP	14,250	16,700	22,050	25,900	29,850	32,550	34,400
ELEVATOR-STRUCTURE	24,200	28,350	35,800	------	------	------	------
ELIZABETH CITY							
DETACHED AND SEMIDETACHED	16,550	19,850	24,100	28,750	34,350	38,250	39,800
ROW DWELLINGS	14,750	17,750	21,700	25,900	31,050	34,450	35,900
WALKUP	15,300	18,750	23,750	27,650	31,950	35,300	36,900
ELEVATOR-STRUCTURE	24,750	28,800	36,400	------	------	------	------
GREENVILLE							
DETACHED AND SEMIDETACHED	15,150	18,100	22,050	26,250	31,500	35,000	36,550
ROW DWELLINGS	14,850	17,550	21,650	25,300	30,500	33,800	35,400
WALKUP	13,850	17,100	21,700	25,300	29,150	31,900	33,650
ELEVATOR-STRUCTURE	23,950	27,200	33,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA --CONTINUED							
RALEIGH							
DETACHED AND SEMIDETACHED	15,150	18,200	22,100	26,400	31,600	35,000	36,550
ROW DWELLINGS	14,850	17,700	21,550	25,400	30,600	33,850	35,450
WALKUP	14,000	17,350	21,750	25,850	29,750	32,600	34,400
ELEVATOR-STRUCTURE	24,200	28,350	35,800	------	------	------	------
WILMINGTON							
DETACHED AND SEMIDETACHED	14,750	17,750	21,800	26,250	31,600	35,050	36,600
ROW DWELLINGS	14,600	17,350	21,000	24,700	29,500	32,800	34,350
WALKUP	14,900	18,250	23,000	26,800	31,100	34,000	35,650
ELEVATOR-STRUCTURE	24,350	28,050	34,900	------	------	------	------
WINSTON-SALEM							
DETACHED AND SEMIDETACHED	15,550	18,500	22,600	27,000	32,350	35,650	37,450
ROW DWELLINGS	14,700	17,500	21,350	25,200	30,250	33,600	35,050
WALKUP	14,700	18,050	22,700	26,550	30,650	33,400	35,200
ELEVATOR-STRUCTURE	24,200	28,350	35,800	------	------	------	------
FAYETTEVILLE							
DETACHED AND SEMIDETACHED	15,150	18,200	22,100	26,400	31,600	35,000	36,550
ROW DWELLINGS	14,750	17,500	21,350	25,200	30,250	33,600	35,050
WALKUP	14,700	18,050	22,800	26,650	30,850	33,650	35,350
ELEVATOR-STRUCTURE	23,750	27,200	33,750	------	------	------	------
SOUTH CAROLINA							
COLUMBIA							
DETACHED AND SEMIDETACHED	15,450	18,700	23,000	27,500	33,100	36,700	38,500
ROW DWELLINGS	15,500	18,550	22,850	27,100	32,800	36,400	38,100
WALKUP	14,200	17,650	22,450	26,950	30,650	33,650	35,600
ELEVATOR-STRUCTURE	26,300	30,600	38,500	------	------	------	------
AIKEN							
DETACHED AND SEMIDETACHED	15,450	18,700	23,000	27,500	33,050	36,750	38,550
ROW DWELLINGS	15,450	18,550	22,850	27,100	32,800	36,300	38,100
WALKUP	14,800	18,450	23,300	27,550	31,900	35,200	37,150
ELEVATOR-STRUCTURE	26,750	31,000	39,350	------	------	------	------
ANDERSON							
DETACHED AND SEMIDETACHED	15,250	18,500	22,700	27,200	32,750	36,300	38,250
ROW DWELLINGS	15,300	18,300	22,650	26,950	32,450	36,000	37,550
WALKUP	13,750	16,950	21,700	25,750	29,600	32,750	34,500
ELEVATOR-STRUCTURE	26,600	30,850	38,650	------	------	------	------
BEAUFORT							
DETACHED AND SEMIDETACHED	15,700	19,150	23,500	28,150	33,850	37,550	39,500
ROW DWELLINGS	15,800	19,250	23,400	27,800	33,400	37,200	39,050
WALKUP	14,600	18,150	22,900	27,000	31,450	34,600	36,300
ELEVATOR-STRUCTURE	27,050	31,250	39,500	------	------	------	------
CHARLESTON							
DETACHED AND SEMIDETACHED	16,950	20,550	25,300	30,400	36,500	40,450	42,550
ROW DWELLINGS	16,950	20,450	25,400	30,200	36,250	40,250	42,100
WALKUP	15,250	19,200	24,200	28,600	33,150	36,400	38,300
ELEVATOR-STRUCTURE	27,650	32,000	40,500	------	------	------	------
FLORENCE							
DETACHED AND SEMIDETACHED	14,750	17,950	22,000	26,500	31,800	35,450	37,050
ROW DWELLINGS	14,750	17,700	21,900	26,150	31,550	34,900	36,600
WALKUP	13,600	17,050	21,600	25,400	29,450	32,500	34,400
ELEVATOR-STRUCTURE	26,750	31,000	39,350	------	------	------	------
GREENVILLE							
DETACHED AND SEMIDETACHED	15,500	18,800	23,200	27,550	33,300	37,000	38,750
ROW DWELLINGS	15,550	18,650	22,950	27,350	32,950	36,600	38,300
WALKUP	13,800	17,350	21,800	25,800	29,900	33,100	34,700
ELEVATOR-STRUCTURE	26,750	31,000	39,350	------	------	------	------
GREENWOOD							
DETACHED AND SEMIDETACHED	15,500	18,800	23,300	27,700	33,250	37,000	38,800
ROW DWELLINGS	15,550	18,650	23,050	27,350	32,950	36,750	38,300
WALKUP	14,250	17,700	22,650	26,700	30,750	34,250	36,050
ELEVATOR-STRUCTURE	26,600	30,850	38,650	------	------	------	------
MYRTLE BEACH							
DETACHED AND SEMIDETACHED	15,700	19,150	23,500	28,150	33,850	37,550	39,500
ROW DWELLINGS	15,800	19,250	23,400	27,800	33,400	37,200	39,050
WALKUP	14,600	18,150	22,900	27,000	31,450	34,600	36,300
ELEVATOR-STRUCTURE	27,050	31,250	39,500	------	------	------	------
NORTH AUGUSTA							
DETACHED AND SEMIDETACHED	16,450	19,850	24,400	29,250	35,050	38,850	40,850
ROW DWELLINGS	16,200	19,650	24,250	28,650	34,850	38,500	40,250
WALKUP	15,000	18,700	23,800	27,850	32,350	35,850	37,700
ELEVATOR-STRUCTURE	27,900	32,400	40,900	------	------	------	------
ORANGEBURG							
DETACHED AND SEMIDETACHED	15,450	18,700	23,000	27,500	33,100	36,700	38,500
ROW DWELLINGS	15,500	18,550	22,850	27,100	32,800	36,400	38,100
WALKUP	14,200	17,650	22,450	26,950	30,650	33,650	35,600
ELEVATOR-STRUCTURE	26,300	30,600	38,500	------	------	------	------
ROCKHILL							
DETACHED AND SEMIDETACHED	15,550	18,950	23,300	28,050	33,500	37,350	39,150
ROW DWELLINGS	15,700	18,900	23,150	27,500	33,200	36,950	38,600
WALKUP	14,500	18,150	22,800	26,950	31,200	34,400	36,250
ELEVATOR-STRUCTURE	26,750	31,000	39,350	------	------	------	------
SPARTANSBURG							
DETACHED AND SEMIDETACHED	15,950	19,250	23,550	28,300	34,100	37,750	39,550
ROW DWELLINGS	15,800	19,050	23,500	27,950	33,750	37,500	39,100
WALKUP	14,600	18,250	22,950	27,100	31,550	34,700	36,400
ELEVATOR-STRUCTURE	26,750	31,000	39,350	------	------	------	------
TENNESSEE							
KNOXVILLE							
DETACHED AND SEMIDETACHED	16,400	19,700	24,250	29,100	35,150	38,850	40,750
ROW DWELLINGS	15,650	18,800	23,300	27,700	33,350	36,900	38,750
WALKUP	14,900	18,600	23,600	27,950	32,450	35,750	37,550
ELEVATOR-STRUCTURE	24,400	28,350	35,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
TENNESSEE --CONTINUED							
CHATTANOOGA :							
DETACHED AND SEMIDETACHED	15,900	19,100	23,500	28,200	34,000	37,400	39,300
ROW DWELLINGS	16,550	19,800	24,650	29,300	35,150	39,200	41,050
WALKUP	16,050	20,100	25,500	30,150	35,000	38,550	40,500
ELEVATOR-STRUCTURE	26,200	30,500	38,300	------	------	------	------
JOHNSON CITY :							
DETACHED AND SEMIDETACHED	15,550	18,750	23,050	27,450	33,250	36,850	38,550
ROW DWELLINGS	14,900	17,800	22,050	26,350	31,600	35,000	36,800
WALKUP	14,900	18,600	23,600	27,950	32,350	35,650	37,550
ELEVATOR-STRUCTURE	24,400	28,350	35,750	------	------	------	------
KINGSPORT :							
DETACHED AND SEMIDETACHED	16,100	19,500	23,850	28,550	34,550	38,100	40,100
ROW DWELLINGS	15,450	18,550	22,900	27,200	32,750	36,300	38,100
WALKUP	14,150	17,550	22,100	26,300	30,450	33,600	35,150
ELEVATOR-STRUCTURE	24,400	28,350	35,750	------	------	------	------
OAK RIDGE :							
DETACHED AND SEMIDETACHED	15,900	19,100	23,550	28,200	33,950	37,750	39,450
ROW DWELLINGS	15,200	18,350	22,600	26,950	32,450	35,900	37,800
WALKUP	14,850	18,600	23,550	27,900	32,400	35,650	37,400
ELEVATOR-STRUCTURE	24,400	28,350	35,750	------	------	------	------
MEMPHIS :							
DETACHED AND SEMIDETACHED	17,100	20,750	25,550	30,500	36,750	40,950	42,750
ROW DWELLINGS	16,200	19,700	24,450	29,000	34,800	38,750	40,600
WALKUP	15,800	19,550	25,050	29,500	34,150	37,550	39,450
ELEVATOR-STRUCTURE	25,550	29,600	37,300	------	------	------	------
JACKSON :							
DETACHED AND SEMIDETACHED	16,500	22,350	27,550	32,900	39,750	44,150	46,050
ROW DWELLINGS	17,500	21,400	26,350	31,250	37,550	41,900	44,000
WALKUP	17,600	21,650	27,900	32,850	37,900	41,750	43,950
ELEVATOR-STRUCTURE	25,550	29,600	37,300	------	------	------	------
UNION CITY :							
DETACHED AND SEMIDETACHED	18,550	22,500	27,700	33,100	40,050	44,400	46,500
ROW DWELLINGS	17,600	21,400	26,450	31,450	37,950	42,250	44,300
WALKUP	15,500	19,100	24,500	28,950	33,500	36,850	38,750
ELEVATOR-STRUCTURE	27,900	32,350	40,750	------	------	------	------
NASHVILLE :							
DETACHED AND SEMIDETACHED	16,450	19,750	24,350	29,100	35,050	39,100	40,750
ROW DWELLINGS	15,750	19,200	23,450	28,000	33,750	37,550	39,400
WALKUP	15,000	18,750	23,800	28,100	32,700	35,950	37,800
ELEVATOR-STRUCTURE	23,700	27,700	35,050	------	------	------	------
CLARKSVILLE :							
DETACHED AND SEMIDETACHED	15,750	19,150	23,500	28,050	33,900	37,700	39,450
ROW DWELLINGS	15,350	18,400	22,650	27,100	32,500	36,150	37,950
WALKUP	13,800	17,250	22,050	25,850	30,050	33,100	34,700
ELEVATOR-STRUCTURE	24,800	28,900	36,650	------	------	------	------
COLUMBIA :							
DETACHED AND SEMIDETACHED	16,500	19,800	24,500	29,200	35,100	39,150	40,900
ROW DWELLINGS	15,800	19,250	23,500	28,100	33,800	37,600	39,450
WALKUP	15,150	18,850	24,200	28,200	33,000	36,250	38,150
ELEVATOR-STRUCTURE	25,550	30,050	38,050	------	------	------	------
REGION V							
ILLINOIS							
CHICAGO :							
DETACHED AND SEMIDETACHED	26,900	32,850	40,200	47,900	57,600	64,250	67,200
ROW DWELLINGS	25,500	30,950	37,900	45,300	54,550	60,600	63,550
WALKUP	24,150	29,950	37,800	44,900	48,500	57,200	60,100
ELEVATOR-STRUCTURE	31,200	36,400	46,000	------	------	------	------
MOLINE :							
DETACHED AND SEMIDETACHED	21,200	25,750	31,800	37,800	45,650	50,700	53,050
ROW DWELLINGS	19,550	23,650	29,150	34,700	41,850	46,450	48,750
WALKUP	19,450	24,250	30,650	36,450	39,100	46,250	48,400
ELEVATOR-STRUCTURE	31,200	36,350	46,000	------	------	------	------
SPRINGFIELD :							
DETACHED AND SEMIDETACHED	21,750	26,400	32,450	38,850	46,700	51,850	54,350
ROW DWELLINGS	21,000	25,500	31,300	37,550	45,100	50,050	52,450
WALKUP	19,700	23,950	29,350	35,100	42,200	46,850	49,150
ELEVATOR-STRUCTURE	26,400	30,600	38,650	------	------	------	------
BELLEVILLE :							
DETACHED AND SEMIDETACHED	22,100	26,600	33,050	39,350	47,300	52,600	55,200
ROW DWELLINGS	20,600	24,650	30,550	36,300	43,550	48,750	50,850
WALKUP	19,600	24,400	31,050	36,600	42,450	46,950	49,300
ELEVATOR-STRUCTURE	27,950	32,400	40,950	------	------	------	------
EAST ST LOUIS :							
DETACHED AND SEMIDETACHED	22,000	26,550	33,050	39,400	47,200	52,550	55,000
ROW DWELLINGS	20,450	24,550	30,550	36,200	43,500	48,700	50,800
WALKUP	19,650	24,350	31,050	36,600	42,200	46,700	49,000
ELEVATOR-STRUCTURE	27,900	32,350	40,950	------	------	------	------
INDIANA							
INDIANAPOLIS :							
DETACHED AND SEMIDETACHED	18,700	22,600	27,750	33,200	39,850	44,350	46,350
ROW DWELLINGS	16,250	19,600	27,000	28,950	34,650	38,700	40,350
WALKUP	17,000	21,350	26,850	31,800	36,750	40,600	42,550
ELEVATOR-STRUCTURE	28,250	32,950	41,650	------	------	------	------
BLOOMINGTON :							
DETACHED AND SEMIDETACHED	18,400	22,150	27,350	32,700	39,200	43,600	45,700
ROW DWELLINGS	16,600	20,000	24,700	29,300	35,300	39,250	41,050
WALKUP	17,550	22,000	27,700	32,800	38,100	42,050	43,950
ELEVATOR-STRUCTURE	28,850	33,350	42,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
INDIANA --CONTINUED							
EVANSVILLE							
DETACHED AND SEMIDETACHED	17,800	21,500	26,500	31,750	38,000	40,650	44,350
ROW DWELLINGS	17,950	21,450	26,500	31,500	37,950	42,350	44,200
WALKUP	17,850	22,400	28,300	33,450	38,750	42,650	44,750
ELEVATOR-STRUCTURE	27,850	32,500	41,200	------	------	------	------
FORT WAYNE							
DETACHED AND SEMIDETACHED	18,100	21,850	26,950	32,050	38,550	43,250	44,850
ROW DWELLINGS	15,800	19,100	23,400	27,950	33,550	37,500	39,200
WALKUP	16,800	21,050	26,750	31,400	36,400	40,150	42,200
ELEVATOR-STRUCTURE	28,200	32,650	41,500	------	------	------	------
GARY							
DETACHED AND SEMIDETACHED	18,900	22,900	28,250	33,650	40,400	44,800	47,000
ROW DWELLINGS	19,950	24,150	29,850	35,450	42,600	47,700	49,600
WALKUP	21,600	26,750	33,700	39,850	43,300	50,750	53,200
ELEVATOR-STRUCTURE	28,200	32,750	41,500	------	------	------	------
HAMMOND							
DETACHED AND SEMIDETACHED	19,850	24,200	29,750	35,400	42,500	47,350	49,500
ROW DWELLINGS	23,700	28,700	35,350	41,950	50,450	56,400	58,800
WALKUP	18,500	23,250	29,200	34,550	40,000	44,000	46,300
ELEVATOR-STRUCTURE	28,800	33,350	42,250	------	------	------	------
LAFAYETTE							
DETACHED AND SEMIDETACHED	19,150	23,200	28,500	34,000	40,650	45,450	47,600
ROW DWELLINGS	16,600	20,000	24,750	29,500	35,450	39,500	41,250
WALKUP	17,400	21,750	27,650	32,600	37,700	41,600	43,600
ELEVATOR-STRUCTURE	29,100	33,750	42,650	------	------	------	------
SOUTH BEND							
DETACHED AND SEMIDETACHED	19,250	23,300	28,650	34,250	41,100	45,800	47,900
ROW DWELLINGS	18,250	22,100	27,150	32,250	38,750	43,350	45,250
WALKUP	17,850	22,300	28,100	33,250	38,400	42,250	44,400
ELEVATOR-STRUCTURE	29,300	34,100	43,100	------	------	------	------
TERRE HAUTE							
DETACHED AND SEMIDETACHED	19,800	23,950	29,600	35,200	42,200	47,000	49,150
ROW DWELLINGS	20,900	25,050	31,000	36,950	44,200	49,400	51,700
WALKUP	19,200	23,700	30,100	35,750	41,300	45,400	47,750
ELEVATOR-STRUCTURE	29,700	34,500	43,850	------	------	------	------
MICHIGAN							
DETROIT							
DETACHED AND SEMIDETACHED	24,050	25,450	31,200	37,300	44,800	50,000	52,200
ROW DWELLINGS	17,800	21,450	26,500	31,550	38,050	42,300	44,250
WALKUP	18,300	22,600	28,750	33,950	39,250	43,350	45,550
ELEVATOR-STRUCTURE	28,900	33,650	42,650	------	------	------	------
ANN ARBOR							
DETACHED AND SEMIDETACHED	25,900	27,350	33,500	40,100	48,300	53,700	56,100
ROW DWELLINGS	19,100	23,100	28,500	33,900	40,950	45,450	47,650
WALKUP	19,050	23,500	29,800	35,300	40,700	45,100	47,200
ELEVATOR-STRUCTURE	28,900	33,650	42,650	------	------	------	------
FLINT							
DETACHED AND SEMIDETACHED	26,850	28,400	34,950	41,750	50,150	55,850	58,750
ROW DWELLINGS	20,000	24,100	29,700	35,350	42,400	47,250	49,650
WALKUP	17,900	22,250	28,050	33,300	38,600	42,550	44,550
ELEVATOR-STRUCTURE	27,750	32,350	41,000	------	------	------	------
SAGINAW							
DETACHED AND SEMIDETACHED	24,850	26,300	32,250	38,350	46,200	51,500	53,950
ROW DWELLINGS	18,400	22,250	27,300	32,650	39,200	43,600	45,750
WALKUP	18,050	22,550	28,450	33,850	39,250	43,100	45,250
ELEVATOR-STRUCTURE	27,750	32,350	41,000	------	------	------	------
YPSILANTI							
DETACHED AND SEMIDETACHED	27,350	28,900	35,500	42,150	50,800	56,600	59,300
ROW DWELLINGS	20,400	24,300	30,150	35,850	43,250	47,950	50,350
WALKUP	18,300	22,700	28,600	33,950	39,250	43,350	45,600
ELEVATOR-STRUCTURE	28,550	33,400	42,200	------	------	------	------
GRAND RAPIDS							
DETACHED AND SEMIDETACHED	22,050	26,750	32,900	39,200	47,150	52,750	55,000
ROW DWELLINGS	18,200	22,000	27,250	32,300	38,750	43,250	45,200
WALKUP	17,600	22,200	28,000	33,000	38,400	42,350	44,300
ELEVATOR-STRUCTURE	27,400	31,950	40,300	------	------	------	------
MT PLEASANT							
DETACHED AND SEMIDETACHED	23,050	27,900	34,300	40,850	49,250	55,000	57,400
ROW DWELLINGS	19,050	22,900	28,400	33,650	40,350	45,100	47,200
WALKUP	18,350	23,100	29,250	34,450	40,000	44,150	46,200
ELEVATOR-STRUCTURE	28,600	33,350	41,950	------	------	------	------
BATTLE CREEK							
DETACHED AND SEMIDETACHED	22,700	27,400	33,650	40,200	48,400	53,900	56,300
ROW DWELLINGS	18,650	22,450	27,750	33,100	39,850	44,400	46,400
WALKUP	17,600	21,850	27,850	32,900	38,050	42,100	44,100
ELEVATOR-STRUCTURE	28,150	32,700	41,150	------	------	------	------
BENTON HARBOR							
DETACHED AND SEMIDETACHED	24,450	29,550	36,300	43,300	52,050	58,250	60,700
ROW DWELLINGS	20,200	24,300	30,000	35,700	42,850	45,650	49,900
WALKUP	18,800	23,400	29,600	35,150	40,450	44,800	47,050
ELEVATOR-STRUCTURE	29,450	34,350	43,300	------	------	------	------
JACKSON							
DETACHED AND SEMIDETACHED	23,500	28,600	35,250	41,800	50,600	56,300	58,850
ROW DWELLINGS	19,550	23,350	28,950	34,500	41,550	46,250	48,400
WALKUP	18,850	23,750	29,950	35,500	40,800	45,350	47,400
ELEVATOR-STRUCTURE	29,300	34,050	43,000	------	------	------	------
LANSING							
DETACHED AND SEMIDETACHED	26,250	31,700	39,100	46,550	55,950	62,500	65,450
ROW DWELLINGS	21,700	30,650	32,300	38,400	46,150	51,200	53,800
WALKUP	18,350	22,900	29,000	34,350	39,800	44,000	46,100
ELEVATOR-STRUCTURE	28,500	33,450	42,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN --CONTINUED							
MARQUETTE :							
DETACHED AND SEMIDETACHED	24,350	29,550	36,250	43,200	52,100	58,150	60,750
ROW DWELLINGS	20,100	24,300	29,900	35,650	42,950	47,900	50,050
WALKUP	20,400	24,600	30,250	35,950	43,450	48,450	50,650
ELEVATOR-STRUCTURE	29,650	34,700	43,600	------	------	------	------
MUSKEGON :							
DETACHED AND SEMIDETACHED	22,250	26,850	33,250	39,550	47,600	53,250	55,450
ROW DWELLINGS	18,450	22,150	27,400	32,500	38,950	43,550	45,750
WALKUP	15,650	19,550	24,700	29,300	33,750	37,300	39,100
ELEVATOR-STRUCTURE	27,400	31,950	40,300	------	------	------	------
TRAVERSE CITY :							
DETACHED AND SEMIDETACHED	24,350	29,450	36,300	43,300	51,950	58,150	60,600
ROW DWELLINGS	20,200	24,300	30,000	35,600	42,850	47,800	50,050
WALKUP	17,150	21,350	27,050	32,100	37,050	41,150	42,800
ELEVATOR-STRUCTURE	30,100	35,100	44,150	------	------	------	------
MINNESOTA							
MINNEAPOLIS :							
DETACHED AND SEMIDETACHED	24,300	29,400	36,350	43,450	52,100	58,000	60,650
ROW DWELLINGS	20,850	25,400	31,150	37,200	44,650	49,650	52,000
WALKUP	20,850	26,150	32,850	38,750	44,750	49,600	51,900
ELEVATOR-STRUCTURE	28,500	32,950	41,900	------	------	------	------
DULUTH :							
DETACHED AND SEMIDETACHED	24,700	29,900	36,700	44,000	52,850	58,950	61,600
ROW DWELLINGS	21,300	25,700	31,700	37,750	45,300	50,550	52,850
WALKUP	22,100	27,350	34,850	41,000	47,400	52,450	54,950
ELEVATOR-STRUCTURE	28,950	33,600	42,400	------	------	------	------
MANKATO :							
DETACHED AND SEMIDETACHED	23,050	28,250	34,650	41,350	49,850	55,400	58,000
ROW DWELLINGS	20,050	24,100	29,800	35,550	42,850	47,600	49,650
WALKUP	22,100	27,150	34,700	41,000	47,250	52,100	54,950
ELEVATOR-STRUCTURE	27,200	31,550	39,850	------	------	------	------
ROCHESTER :							
DETACHED AND SEMIDETACHED	23,750	28,800	35,550	42,350	51,050	56,650	59,300
ROW DWELLINGS	20,550	24,650	30,500	36,400	43,650	48,450	50,850
WALKUP	20,350	25,250	31,900	37,800	43,750	48,300	50,700
ELEVATOR-STRUCTURE	26,550	30,950	39,300	------	------	------	------
ST CLOUD :							
DETACHED AND SEMIDETACHED	23,050	27,900	34,650	41,250	49,400	55,000	57,600
ROW DWELLINGS	20,000	24,150	29,800	35,550	42,550	47,600	49,600
WALKUP	20,850	25,950	33,100	39,050	45,150	49,800	52,200
ELEVATOR-STRUCTURE	26,300	30,500	38,550	------	------	------	------
WORTHINGTON :							
DETACHED AND SEMIDETACHED	22,100	26,800	33,050	39,450	47,200	52,750	55,100
ROW DWELLINGS	19,200	22,950	28,400	33,750	40,650	45,150	47,350
WALKUP	19,100	23,800	30,200	35,600	41,100	45,300	47,700
ELEVATOR-STRUCTURE	26,050	30,350	38,450	------	------	------	------
OHIO							
CINCINNATI :							
DETACHED AND SEMIDETACHED	21,700	26,250	32,400	38,750	46,350	51,750	54,200
ROW DWELLINGS	20,700	25,100	30,900	36,650	43,900	49,000	51,500
WALKUP	21,400	26,400	33,650	39,900	46,000	50,650	53,250
ELEVATOR-STRUCTURE	32,550	37,800	47,750	------	------	------	------
DAYTON :							
DETACHED AND SEMIDETACHED	21,700	26,250	32,400	38,750	46,350	51,750	54,200
ROW DWELLINGS	21,100	25,650	31,650	37,600	45,100	50,250	52,700
WALKUP	21,400	26,400	33,650	39,900	46,000	50,650	53,250
ELEVATOR-STRUCTURE	32,550	37,800	47,750	------	------	------	------
CLEVELAND :							
DETACHED AND SEMIDETACHED	21,000	25,750	31,450	37,650	45,200	50,300	52,750
ROW DWELLINGS	20,650	24,800	30,750	36,750	44,050	49,300	51,350
WALKUP	20,050	24,750	31,350	37,250	43,050	47,550	50,000
ELEVATOR-STRUCTURE	27,050	31,600	39,950	------	------	------	------
AKRON :							
DETACHED AND SEMIDETACHED	20,800	25,250	31,000	37,100	44,550	49,550	52,000
ROW DWELLINGS	20,400	24,450	30,350	36,300	43,250	48,550	50,700
WALKUP	19,850	24,400	30,850	36,750	42,500	46,850	49,300
ELEVATOR-STRUCTURE	26,650	31,250	39,450	------	------	------	------
FINDLAY :							
DETACHED AND SEMIDETACHED	19,250	23,450	28,700	34,250	41,150	45,850	47,900
ROW DWELLINGS	18,800	22,700	28,050	33,400	40,100	44,750	46,750
WALKUP	18,250	22,500	28,500	33,950	39,200	43,250	45,450
ELEVATOR-STRUCTURE	24,700	28,750	36,350	------	------	------	------
LORAIN :							
DETACHED AND SEMIDETACHED	20,900	25,500	31,200	37,350	44,750	49,950	52,250
ROW DWELLINGS	20,550	24,500	30,450	36,400	43,500	48,750	50,950
WALKUP	19,950	24,550	31,000	36,850	42,650	47,050	49,400
ELEVATOR-STRUCTURE	26,750	31,350	39,600	------	------	------	------
MANSFIELD :							
DETACHED AND SEMIDETACHED	19,600	23,950	29,300	35,000	42,050	46,850	49,050
ROW DWELLINGS	19,200	23,100	28,550	34,150	40,950	45,800	47,700
WALKUP	18,700	23,100	29,100	34,700	40,100	44,200	46,450
ELEVATOR-STRUCTURE	25,100	29,350	37,150	------	------	------	------
TOLEDO :							
DETACHED AND SEMIDETACHED	21,000	25,750	31,450	37,650	45,200	50,300	52,750
ROW DWELLINGS	20,650	24,800	30,750	36,750	44,050	49,300	51,350
WALKUP	20,050	24,750	31,350	37,250	43,050	47,550	50,000
ELEVATOR-STRUCTURE	27,050	31,600	39,950	------	------	------	------
YOUNGSTOWN :							
DETACHED AND SEMIDETACHED	20,300	24,850	30,150	36,150	43,400	48,350	50,700
ROW DWELLINGS	19,900	23,900	29,600	35,250	42,250	47,250	49,350
WALKUP	19,200	23,800	30,050	35,850	41,400	45,700	48,000
ELEVATOR-STRUCTURE	26,000	30,400	38,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO --CONTINUED							
COLUMBUS							
DETACHED AND SEMIDETACHED	21,050	25,350	31,400	37,450	45,000	50,150	52,500
ROW DWELLINGS	18,600	22,450	27,750	32,900	39,550	44,200	46,200
WALKUP	20,150	24,950	31,500	37,500	43,200	47,650	50,200
ELEVATOR-STRUCTURE	28,250	32,800	41,550	------	------	------	------
ATHENS							
DETACHED AND SEMIDETACHED	21,300	25,800	31,900	37,750	45,700	51,150	53,100
ROW DWELLINGS	18,300	21,900	27,050	32,300	38,750	43,200	45,200
WALKUP	19,450	24,250	30,800	36,450	42,150	46,400	49,000
ELEVATOR-STRUCTURE	28,550	33,300	42,150	------	------	------	------
LIMA							
DETACHED AND SEMIDETACHED	21,050	25,350	31,400	37,450	45,000	50,150	52,500
ROW DWELLINGS	18,200	21,900	27,050	32,250	38,750	43,150	45,200
WALKUP	19,500	24,300	30,800	36,500	42,200	46,450	48,900
ELEVATOR-STRUCTURE	28,250	32,800	41,550	------	------	------	------
NEWARK							
DETACHED AND SEMIDETACHED	20,550	24,850	30,650	36,500	43,900	49,100	51,150
ROW DWELLINGS	18,200	21,900	27,000	32,150	38,650	43,050	45,100
WALKUP	19,450	24,250	30,750	36,450	42,100	46,400	48,600
ELEVATOR-STRUCTURE	27,550	32,050	40,500	------	------	------	------
SPRINGFIELD							
DETACHED AND SEMIDETACHED	21,050	25,350	31,400	37,450	45,000	50,150	52,500
ROW DWELLINGS	18,400	22,350	27,450	32,800	39,350	43,700	45,800
WALKUP	19,950	24,700	31,200	37,150	42,650	47,200	49,600
ELEVATOR-STRUCTURE	28,250	32,800	41,550	------	------	------	------
SIDNEY							
DETACHED AND SEMIDETACHED	21,250	26,050	32,000	38,150	45,750	51,350	53,450
ROW DWELLINGS	18,350	22,200	27,250	32,600	38,950	43,450	45,450
WALKUP	19,550	24,550	31,050	37,050	42,500	47,000	49,250
ELEVATOR-STRUCTURE	28,800	33,450	42,250	------	------	------	------
ZANESVILLE							
DETACHED AND SEMIDETACHED	21,300	25,800	31,900	37,750	45,700	51,150	53,100
ROW DWELLINGS	18,900	22,750	28,100	33,450	40,150	44,950	47,000
WALKUP	20,100	24,900	31,400	37,450	43,200	47,550	50,150
ELEVATOR-STRUCTURE	28,550	33,300	42,150	------	------	------	------
WISCONSIN							
MILWAUKEE							
DETACHED AND SEMIDETACHED	24,800	30,150	37,150	44,300	53,250	59,350	62,200
ROW DWELLINGS	23,350	28,050	34,350	41,050	49,400	54,850	57,550
WALKUP	19,600	24,200	30,800	36,250	42,100	46,450	48,650
ELEVATOR-STRUCTURE	26,350	30,500	38,500	------	------	------	------
EAU CLAIRE							
DETACHED AND SEMIDETACHED	24,100	29,100	35,850	42,950	51,550	57,550	60,050
ROW DWELLINGS	22,600	26,950	33,300	39,600	47,600	52,950	55,500
WALKUP	19,700	24,450	31,050	36,600	42,500	46,600	49,000
ELEVATOR-STRUCTURE	25,600	29,750	37,550	------	------	------	------
GREEN BAY							
DETACHED AND SEMIDETACHED	23,050	27,800	34,250	41,050	49,100	54,950	57,550
ROW DWELLINGS	20,950	25,000	30,800	36,950	44,200	49,300	51,550
WALKUP	18,250	22,700	28,550	33,800	39,200	43,300	45,250
ELEVATOR-STRUCTURE	24,400	28,400	36,000	------	------	------	------
MADISON							
DETACHED AND SEMIDETACHED	24,400	29,700	36,500	43,550	52,500	58,450	61,100
ROW DWELLINGS	22,350	26,600	32,850	39,150	47,050	52,650	54,850
WALKUP	19,400	23,950	30,450	36,000	41,750	46,050	48,100
ELEVATOR-STRUCTURE	26,050	30,300	38,250	------	------	------	------
REEDSVILLE							
DETACHED AND SEMIDETACHED	23,500	28,450	34,950	41,950	50,150	56,150	58,800
ROW DWELLINGS	21,300	25,850	31,600	37,800	45,350	50,450	52,950
WALKUP	18,750	23,300	29,200	34,700	40,250	44,250	46,450
ELEVATOR-STRUCTURE	25,100	29,100	36,800	------	------	------	------
SUPERIOR							
DETACHED AND SEMIDETACHED	25,100	30,250	37,350	44,650	53,600	59,900	62,550
ROW DWELLINGS	23,400	28,050	34,550	41,300	49,800	55,150	57,900
WALKUP	20,400	25,200	31,850	37,750	43,650	48,200	50,550
ELEVATOR-STRUCTURE	26,600	30,950	39,150	------	------	------	------
WAUSAU							
DETACHED AND SEMIDETACHED	23,500	28,450	34,950	41,950	50,150	56,150	58,800
ROW DWELLINGS	21,250	25,750	31,350	37,700	45,050	50,350	52,800
WALKUP	18,750	23,200	29,100	34,550	39,850	44,050	46,200
ELEVATOR-STRUCTURE	24,950	28,950	36,750	------	------	------	------
REGION VI							
ARKANSAS							
LITTLE ROCK							
DETACHED AND SEMIDETACHED	17,450	21,150	26,150	31,150	37,400	41,700	43,350
ROW DWELLINGS	15,700	18,950	23,300	27,800	33,450	37,150	39,000
WALKUP	16,600	20,700	26,150	31,050	36,000	39,800	41,600
ELEVATOR-STRUCTURE	29,350	33,950	43,250	------	------	------	------
FAYETTEVILLE							
DETACHED AND SEMIDETACHED	17,400	20,900	25,950	30,800	37,250	41,250	43,150
ROW DWELLINGS	15,550	18,900	23,200	27,650	33,300	36,900	38,600
WALKUP	14,950	18,750	23,650	27,950	32,550	35,750	37,400
ELEVATOR-STRUCTURE	29,150	33,700	42,450	------	------	------	------
FORT SMITH							
DETACHED AND SEMIDETACHED	16,350	19,900	24,600	29,100	35,050	39,000	40,700
ROW DWELLINGS	14,900	18,050	22,350	26,550	31,900	35,500	37,150
WALKUP	15,800	19,550	24,750	29,250	33,850	37,400	39,150
ELEVATOR-STRUCTURE	29,600	34,450	43,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
ARKANSAS --CONTINUED							
JONESBORO							
DETACHED AND SEMIDETACHED	16,250	19,550	24,350	28,800	34,700	38,600	40,100
ROW DWELLINGS	14,700	17,700	22,150	26,050	31,400	35,250	36,550
WALKUP	15,450	19,200	24,300	28,750	33,200	36,750	38,550
ELEVATOR-STRUCTURE	28,650	33,200	42,150	------	------	------	------
TEXARKANA							
DETACHED AND SEMIDETACHED	16,800	20,250	25,050	29,850	35,900	39,800	41,550
ROW DWELLINGS	14,900	18,150	22,350	26,600	32,100	35,650	37,250
WALKUP	15,850	19,800	24,950	29,600	34,300	37,750	39,600
ELEVATOR-STRUCTURE	29,150	33,700	42,450	------	------	------	------
LOUISIANA							
NEW ORLEANS							
DETACHED AND SEMIDETACHED	17,300	21,000	25,700	30,550	37,050	41,200	42,800
ROW DWELLINGS	16,300	19,800	24,700	29,300	35,150	39,050	41,100
WALKUP	15,900	19,800	24,850	29,250	33,950	37,550	39,050
ELEVATOR-STRUCTURE	29,200	33,800	43,050	------	------	------	------
BATON ROUGE							
DETACHED AND SEMIDETACHED	18,600	22,350	27,650	32,700	39,400	44,050	45,750
ROW DWELLINGS	17,550	21,200	26,450	31,350	37,500	41,600	43,750
WALKUP	15,150	18,950	23,850	28,200	32,500	36,050	37,600
ELEVATOR-STRUCTURE	28,900	33,450	42,600	------	------	------	------
HOUMA							
DETACHED AND SEMIDETACHED	17,250	20,750	25,550	30,350	36,700	40,700	42,400
ROW DWELLINGS	16,250	19,700	24,450	29,050	34,850	38,750	40,700
WALKUP	15,550	19,500	24,250	28,800	33,400	36,950	38,550
ELEVATOR-STRUCTURE	28,900	33,450	42,600	------	------	------	------
LAFAYETTE							
DETACHED AND SEMIDETACHED	17,250	20,750	25,550	30,350	36,700	40,700	42,400
ROW DWELLINGS	16,250	19,700	24,450	29,050	34,850	38,750	40,700
WALKUP	15,750	19,750	24,450	29,050	33,750	37,150	38,900
ELEVATOR-STRUCTURE	28,900	33,450	42,600	------	------	------	------
LAKE CHARLES							
DETACHED AND SEMIDETACHED	18,550	22,350	27,550	32,700	39,400	43,850	45,750
ROW DWELLINGS	17,500	21,150	26,450	31,350	37,500	41,600	43,750
WALKUP	16,000	20,050	25,200	29,800	34,500	38,250	39,900
ELEVATOR-STRUCTURE	29,200	33,800	43,050	------	------	------	------
SHREVEPORT							
DETACHED AND SEMIDETACHED	18,000	21,500	26,750	31,650	38,300	42,750	44,500
ROW DWELLINGS	16,500	20,200	24,950	29,700	35,850	39,750	41,500
WALKUP	14,500	18,050	22,950	27,150	31,350	34,750	36,450
ELEVATOR-STRUCTURE	29,250	34,000	43,050	------	------	------	------
ALEXANDRIA							
DETACHED AND SEMIDETACHED	16,350	19,500	24,250	28,900	34,600	38,700	40,450
ROW DWELLINGS	15,950	18,400	22,750	27,100	32,450	36,250	37,900
WALKUP	14,100	17,500	22,250	26,300	30,450	33,550	35,350
ELEVATOR-STRUCTURE	28,400	33,000	41,600	------	------	------	------
MARSHALL							
DETACHED AND SEMIDETACHED	16,400	19,550	24,350	29,000	34,800	38,850	40,500
ROW DWELLINGS	15,400	18,750	23,100	27,550	33,100	36,900	38,500
WALKUP	14,050	17,450	22,150	26,050	30,300	33,500	34,900
ELEVATOR-STRUCTURE	27,100	31,500	39,950	------	------	------	------
MONROE							
DETACHED AND SEMIDETACHED	16,200	19,400	23,950	28,550	34,400	38,450	39,950
ROW DWELLINGS	15,150	18,350	22,600	27,000	32,400	36,100	37,650
WALKUP	14,500	17,950	22,750	26,950	31,200	34,350	36,150
ELEVATOR-STRUCTURE	29,000	33,550	42,800	------	------	------	------
NEW MEXICO							
ALBUQUERQUE							
DETACHED AND SEMIDETACHED	18,350	22,000	24,550	29,200	35,100	39,300	40,950
ROW DWELLINGS	17,000	20,300	22,600	27,050	32,300	36,000	37,850
WALKUP	14,700	18,200	20,650	24,400	28,400	31,100	32,700
ELEVATOR-STRUCTURE	25,750	30,050	38,050	------	------	------	------
ALAMOGORDO							
DETACHED AND SEMIDETACHED	19,300	22,950	25,700	30 550	36,800	41,100	42,850
ROW DWELLINGS	17,650	21,150	23,550	28,100	33,550	37,350	39,250
WALKUP	15,250	18,950	21,400	25,300	29,350	32,350	34,000
ELEVATOR-STRUCTURE	24,250	28,200	35,550	------	------	------	------
ARTESIA							
DETACHED AND SEMIDETACHED	19,300	22,950	25,600	30,500	36,800	41,050	42,500
ROW DWELLINGS	17,650	21,150	23,600	28,300	33,700	37,500	39,350
WALKUP	15,350	19,000	21,400	25,700	29,550	32,650	34,100
ELEVATOR-STRUCTURE	24,600	28,600	36,200	------	------	------	------
CARLSBAD							
DETACHED AND SEMIDETACHED	19,500	23,450	26,100	31,100	37,400	41,700	43,350
ROW DWELLINGS	17,900	21,600	24,050	28,800	34,250	38,200	40,100
WALKUP	15,200	19,000	21,400	25,300	29,350	32,400	33,950
ELEVATOR-STRUCTURE	24,600	28,600	36,200	------	------	------	------
CLOVIS							
DETACHED AND SEMIDETACHED	19,300	22,950	25,600	30,500	36,800	41,050	42,500
ROW DWELLINGS	17,650	21,150	23,600	28,300	33,700	37,500	39,350
WALKUP	15,200	18,850	21,200	25,300	29,250	32,250	33,750
ELEVATOR-STRUCTURE	24,350	28,250	35,550	------	------	------	------
FORT SUMNER							
DETACHED AND SEMIDETACHED	19,850	24,000	26,750	31,750	38,300	42,800	44,550
ROW DWELLINGS	18,450	22,150	24,600	29,300	35,150	39,050	41,050
WALKUP	16,000	19,800	22,300	26,550	30,700	33,750	35,550
ELEVATOR-STRUCTURE	25,300	29,550	37,250	------	------	------	------
GALLUP							
DETACHED AND SEMIDETACHED	21,000	25,200	28,200	33,450	40,400	45,100	46,900
ROW DWELLINGS	19,050	22,700	25,450	30,200	36,150	40,250	42,200
WALKUP	16,350	20,400	23,050	27,400	31,750	34,900	36,500
ELEVATOR-STRUCTURE	25,900	30,350	38,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO --CONTINUED							
HOBBS :							
DETACHED AND SEMIDETACHED	19,300	22,950	25,600	30,500	36,800	41,050	42,500
ROW DWELLINGS	17,650	21,150	23,600	28,300	33,700	37,500	39,350
WALKUP	15,350	19,000	21,400	25,700	29,550	32,650	34,100
ELEVATOR-STRUCTURE	24,350	28,250	35,550	------	------	------	------
LAS CRUCES :							
DETACHED AND SEMIDETACHED	19,300	22,950	25,600	30,500	36,800	41,050	42,500
ROW DWELLINGS	17,650	21,150	23,600	28,300	33,700	37,500	39,350
WALKUP	15,650	19,500	21,800	26,050	30,050	33,150	34,750
ELEVATOR-STRUCTURE	24,350	28,250	35,550	------	------	------	------
LAS VEGAS :							
DETACHED AND SEMIDETACHED	19,700	23,750	26,450	31,400	37,900	42,300	44,050
ROW DWELLINGS	18,600	22,200	24,650	29,550	35,250	39,300	41,100
WALKUP	16,000	19,800	22,400	26,600	30,700	33,950	35,650
ELEVATOR-STRUCTURE	25,300	29,350	37,250	------	------	------	------
LOS ALAMOS :							
DETACHED AND SEMIDETACHED	20,500	24,600	27,400	32,450	39,300	43,900	45,700
ROW DWELLINGS	19,050	22,700	25,450	30,200	36,200	40,250	42,250
WALKUP	16,450	20,400	23,050	27,350	31,550	34,850	36,500
ELEVATOR-STRUCTURE	25,850	30,200	38,100	------	------	------	------
RATON :							
DETACHED AND SEMIDETACHED	19,550	23,500	26,200	31,150	37,550	41,950	43,650
ROW DWELLINGS	18,600	22,200	24,650	29,550	35,250	39,300	41,100
WALKUP	16,000	19,800	22,400	26,600	30,700	33,950	35,650
ELEVATOR-STRUCTURE	25,300	29,350	37,250	------	------	------	------
SANTA FE :							
DETACHED AND SEMIDETACHED	19,600	23,500	26,300	31,200	37,600	42,100	43,750
ROW DWELLINGS	18,600	22,200	24,650	29,550	35,250	39,300	41,100
WALKUP	16,000	19,800	22,400	26,600	30,700	33,950	35,650
ELEVATOR-STRUCTURE	25,300	29,350	37,250	------	------	------	------
SILVER CITY :							
DETACHED AND SEMIDETACHED	20,250	24,550	27,250	32,300	39,150	43,650	45,350
ROW DWELLINGS	18,800	22,550	25,150	29,950	35,900	39,900	41,950
WALKUP	16,300	20,300	22,950	27,050	31,350	34,600	36,250
ELEVATOR-STRUCTURE	25,750	29,950	37,950	------	------	------	------
TRUTH OR CONSEQUENCES :							
DETACHED AND SEMIDETACHED	19,000	22,650	25,500	30,200	36,400	40,600	42,200
ROW DWELLINGS	17,600	20,900	23,500	28,050	33,350	37,250	38,900
WALKUP	15,200	18,850	21,350	25,250	29,300	32,250	33,750
ELEVATOR-STRUCTURE	23,900	27,950	35,300	------	------	------	------
FARMINGTON :							
DETACHED AND SEMIDETACHED	20,500	24,600	27,500	32,700	39,400	44,050	45,800
ROW DWELLINGS	19,050	22,700	25,450	30,200	36,150	40,250	42,200
WALKUP	16,350	20,400	23,050	27,400	31,750	34,900	36,500
ELEVATOR-STRUCTURE	25,900	30,350	38,150	------	------	------	------
TERRA AMARILLO :							
DETACHED AND SEMIDETACHED	20,500	24,600	27,400	32,450	39,300	43,900	45,700
ROW DWELLINGS	19,050	22,700	25,450	30,200	36,200	40,250	42,250
WALKUP	16,450	20,400	23,050	27,350	31,550	34,850	36,500
ELEVATOR-STRUCTURE	25,850	30,200	38,100	------	------	------	------
TAOS :							
DETACHED AND SEMIDETACHED	23,200	27,700	30,950	36,750	44,500	49,550	51,500
ROW DWELLINGS	21,500	25,850	28,750	34,100	41,050	45,550	47,800
WALKUP	18,300	22,550	25,700	30,250	35,100	38,600	40,600
ELEVATOR-STRUCTURE	25,700	30,050	37,900	------	------	------	------
SOCORRO :							
DETACHED AND SEMIDETACHED	19,000	22,650	25,500	30,200	36,400	40,600	42,200
ROW DWELLINGS	17,600	20,900	23,500	28,050	33,350	37,250	38,900
WALKUP	15,200	18,850	21,350	25,250	29,300	32,250	33,750
ELEVATOR-STRUCTURE	23,900	27,950	35,300	------	------	------	------
RUIDOSO :							
DETACHED AND SEMIDETACHED	20,500	24,600	27,400	32,450	39,300	43,900	45,700
ROW DWELLINGS	19,050	22,700	25,450	30,200	36,200	40,250	42,250
WALKUP	16,450	20,400	23,050	27,350	31,550	34,850	36,500
ELEVATOR-STRUCTURE	25,850	30,200	38,100	------	------	------	------
OKLAHOMA							
OKLAHOMA CITY :							
DETACHED AND SEMIDETACHED	18,700	22,550	28,000	33,350	40,050	44,700	46,650
ROW DWELLINGS	16,050	19,350	23,750	28,400	34,050	38,050	39,650
WALKUP	15,500	19,250	24,450	28,950	33,700	37,000	38,850
ELEVATOR-STRUCTURE	26,500	30,800	39,050	------	------	------	------
ADA :							
DETACHED AND SEMIDETACHED	19,050	22,700	28,300	33,650	40,500	45,250	47,050
ROW DWELLINGS	16,700	20,200	24,950	29,750	35,550	39,650	41,500
WALKUP	16,150	20,350	25,600	30,350	35,350	38,750	40,700
ELEVATOR-STRUCTURE	26,850	31,050	39,250	------	------	------	------
ARDMORE :							
DETACHED AND SEMIDETACHED	18,950	22,700	28,300	33,650	40,500	45,150	47,100
ROW DWELLINGS	17,250	20,700	25,500	30,400	36,500	40,700	42,450
WALKUP	17,100	21,200	26,800	31,750	36,900	40,700	42,550
ELEVATOR-STRUCTURE	27,250	31,600	39,950	------	------	------	------
ENID :							
DETACHED AND SEMIDETACHED	19,500	23,300	28,950	34,650	41,650	46,400	48,300
ROW DWELLINGS	17,000	20,550	25,150	30,150	36,150	40,250	42,100
WALKUP	15,650	19,600	24,550	29,350	34,100	37,500	39,250
ELEVATOR-STRUCTURE	27,700	31,850	40,500	------	------	------	------
GUYMON :							
DETACHED AND SEMIDETACHED	19,850	23,800	29,800	35,300	42,450	47,500	49,450
ROW DWELLINGS	17,400	20,800	25,600	30,550	36,750	40,950	42,700
WALKUP	16,850	20,700	26,350	31,200	36,200	40,050	41,950
ELEVATOR-STRUCTURE	28,100	32,700	41,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA --CONTINUED							
LAWTON :							
DETACHED AND SEMIDETACHED	18,850	22,850	28,200	33,650	40,550	45,150	47,050
ROW DWELLINGS	16,350	19,700	24,150	28,900	34,700	38,650	40,450
WALKUP	15,650	19,750	24,900	29,400	34,200	37,600	39,600
ELEVATOR-STRUCTURE	26,800	31,100	39,350	------	------	------	------
SHAWNEE :							
DETACHED AND SEMIDETACHED	19,300	22,950	28,550	34,000	40,900	45,700	47,600
ROW DWELLINGS	16,700	20,200	24,950	29,750	35,550	39,650	41,500
WALKUP	16,150	20,350	25,600	30,350	35,350	38,750	40,700
ELEVATOR-STRUCTURE	27,100	31,400	39,600	------	------	------	------
STILLWATER :							
DETACHED AND SEMIDETACHED	19,300	22,950	28,550	34,000	40,900	45,700	47,600
ROW DWELLINGS	16,700	20,200	24,950	29,750	35,550	39,650	41,500
WALKUP	16,150	20,350	25,600	30,350	35,350	38,750	40,700
ELEVATOR-STRUCTURE	27,100	31,400	39,600	------	------	------	------
WOODWARD :							
DETACHED AND SEMIDETACHED	19,650	23,500	29,250	35,000	42,100	46,850	48,750
ROW DWELLINGS	17,000	20,550	25,150	30,150	36,150	40,250	42,100
WALKUP	16,450	20,550	25,900	30,750	35,750	39,300	41,300
ELEVATOR-STRUCTURE	27,950	32,100	40,800	------	------	------	------
TULSA :							
DETACHED AND SEMIDETACHED	18,550	22,500	27,950	33,100	39,950	44,350	46,300
ROW DWELLINGS	16,350	19,950	24,450	29,050	34,900	38,900	40,750
WALKUP	15,900	19,850	25,000	29,600	34,450	37,950	39,800
ELEVATOR-STRUCTURE	26,900	31,050	39,300	------	------	------	------
BARTLESVILLE :							
DETACHED AND SEMIDETACHED	19,350	23,350	28,900	34,450	41,300	46,050	48,100
ROW DWELLINGS	17,200	20,900	25,600	30,900	36,600	40,800	42,750
WALKUP	16,000	20,050	25,100	29,850	34,800	38,250	40,050
ELEVATOR-STRUCTURE	28,000	32,250	40,900	------	------	------	------
MCALESTER :							
DETACHED AND SEMIDETACHED	19,300	23,050	28,600	34,100	40,850	45,600	47,500
ROW DWELLINGS	17,200	20,700	25,600	30,550	36,600	40,800	42,700
WALKUP	15,550	19,500	24,500	29,000	33,650	36,900	38,800
ELEVATOR-STRUCTURE	27,600	32,150	40,700	------	------	------	------
MUSKOGEE :							
DETACHED AND SEMIDETACHED	19,250	23,150	28,800	34,100	41,050	45,750	47,750
ROW DWELLINGS	17,750	21,500	26,700	31,700	37,950	42,500	44,300
WALKUP	15,900	19,850	24,900	29,500	34,350	37,750	39,700
ELEVATOR-STRUCTURE	27,650	32,100	40,700	------	------	------	------
TEXAS							
DALLAS :							
DETACHED AND SEMIDETACHED	16,900	20,450	25,200	30,100	36,200	40,400	42,100
ROW DWELLINGS	14,900	17,750	22,150	26,400	31,850	35,450	37,000
WALKUP	14,400	18,000	22,700	26,850	31,250	34,200	35,900
ELEVATOR-STRUCTURE	25,750	29,900	37,950	------	------	------	------
SHERMAN :							
DETACHED AND SEMIDETACHED	17,200	20,750	25,600	30,550	36,750	40,750	42,750
ROW DWELLINGS	14,750	17,750	22,100	26,250	31,600	35,300	36,950
WALKUP	14,400	18,000	22,650	26,850	31,250	34,100	35,850
ELEVATOR-STRUCTURE	26,200	30,600	38,550	------	------	------	------
TYLER :							
DETACHED AND SEMIDETACHED	16,300	19,800	24,400	29,200	35,100	38,950	40,650
ROW DWELLINGS	14,600	17,500	21,750	25,800	31,100	34,600	36,150
WALKUP	13,600	16,900	21,450	25,250	29,250	32,100	34,000
ELEVATOR-STRUCTURE	26,700	31,150	39,450	------	------	------	------
WACO :							
DETACHED AND SEMIDETACHED	16,250	19,650	24,350	29,000	34,950	38,800	40,600
ROW DWELLINGS	14,450	17,400	21,550	25,750	30,950	34,400	36,000
WALKUP	13,600	17,000	21,450	25,250	29,550	32,100	33,900
ELEVATOR-STRUCTURE	26,750	30,350	38,350	------	------	------	------
FORT WORTH :							
DETACHED AND SEMIDETACHED	16,850	20,100	25,050	29,900	35,800	40,000	41,750
ROW DWELLINGS	14,750	17,650	21,950	26,200	31,350	35,050	36,700
WALKUP	14,300	17,750	22,500	26,650	30,850	34,050	35,500
ELEVATOR-STRUCTURE	28,250	32,750	41,600	------	------	------	------
ABILENE :							
DETACHED AND SEMIDETACHED	17,500	20,950	26,000	30,950	37,250	41,650	43,150
ROW DWELLINGS	15,250	18,200	22,650	27,000	32,500	36,350	37,750
WALKUP	13,450	16,850	21,300	25,050	29,050	32,100	33,550
ELEVATOR-STRUCTURE	29,300	33,900	43,000	------	------	------	------
SAN ANGELO :							
DETACHED AND SEMIDETACHED	17,200	20,750	25,800	30,800	36,900	41,300	43,150
ROW DWELLINGS	15,400	18,350	22,800	27,100	32,750	36,550	38,200
WALKUP	14,050	17,400	21,950	26,150	30,400	33,350	34,900
ELEVATOR-STRUCTURE	29,500	34,300	43,300	------	------	------	------
WICHITA FALLS :							
DETACHED AND SEMIDETACHED	17,500	20,850	26,100	30,950	37,200	41,650	43,350
ROW DWELLINGS	15,400	18,350	22,800	27,100	32,750	36,550	38,200
WALKUP	15,600	19,550	24,650	29,200	34,050	37,400	39,050
ELEVATOR-STRUCTURE	29,500	34,300	43,300	------	------	------	------
HOUSTON :							
DETACHED AND SEMIDETACHED	17,700	21,400	26,300	31,300	37,700	42,150	43,900
ROW DWELLINGS	15,450	18,650	23,100	27,400	32,950	36,600	38,350
WALKUP	14,150	17,800	22,400	26,600	30,700	33,950	35,600
ELEVATOR-STRUCTURE	27,950	32,700	41,150	------	------	------	------
BEAUMONT :							
DETACHED AND SEMIDETACHED	18,150	21,900	27,100	32,100	38,850	43,250	45,100
ROW DWELLINGS	15,750	19,100	23,550	28,100	33,750	37,550	39,300
WALKUP	14,450	18,150	22,850	27,100	31,300	34,600	36,150
ELEVATOR-STRUCTURE	28,750	33,500	42,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS --CONTINUED							
BRYAN :							
DETACHED AND SEMIDETACHED	20,950	25,300	31,250	37,150	44,850	50,050	51,900
ROW DWELLINGS	16,600	20,150	24,900	29,550	35,450	39,450	41,250
WALKUP	13,100	16,350	20,650	24,500	28,400	31,300	32,800
ELEVATOR-STRUCTURE	27,550	32,200	40,550	------	------	------	------
EL CAMPO :							
DETACHED AND SEMIDETACHED	19,450	23,300	28,700	34,100	41,250	45,900	48,000
ROW DWELLINGS	15,250	18,600	22,900	27,150	32,750	36,350	38,100
WALKUP	14,750	18,350	23,150	27,400	31,750	34,950	36,850
ELEVATOR-STRUCTURE	27,800	32,350	40,850	------	------	------	------
LUFKIN :							
DETACHED AND SEMIDETACHED	19,050	23,000	28,400	33,800	40,700	45,400	47,600
ROW DWELLINGS	16,600	20,150	25,200	29,600	35,550	39,500	41,350
WALKUP	14,150	17,800	22,450	26,750	30,900	34,100	35,750
ELEVATOR-STRUCTURE	27,950	32,700	41,150	------	------	------	------
TEXAS CITY :							
DETACHED AND SEMIDETACHED	17,700	21,400	26,300	31,300	37,700	42,150	43,900
ROW DWELLINGS	15,450	18,650	23,100	27,400	32,950	36,600	38,350
WALKUP	14,850	18,550	23,450	27,750	32,150	35,550	37,250
ELEVATOR-STRUCTURE	27,950	32,700	41,150	------	------	------	------
LUBBOCK :							
DETACHED AND SEMIDETACHED	17,200	20,600	25,600	30,550	36,750	40,900	42,600
ROW DWELLINGS	14,850	17,800	22,300	26,400	31,650	35,350	37,000
WALKUP	14,500	18,250	22,900	27,150	31,450	34,450	36,150
ELEVATOR-STRUCTURE	24,750	28,750	36,450	------	------	------	------
AMARILLO :							
DETACHED AND SEMIDETACHED	17,150	20,650	25,750	30,700	37,000	41,150	42,850
ROW DWELLINGS	15,850	19,000	23,600	28,050	33,750	37,650	39,250
WALKUP	15,300	19,100	24,150	28,500	33,200	36,500	38,250
ELEVATOR-STRUCTURE	25,300	29,400	37,200	------	------	------	------
EL PASO :							
DETACHED AND SEMIDETACHED	17,200	20,500	25,500	30,300	36,550	40,750	42,550
ROW DWELLINGS	16,550	19,600	24,550	29,150	35,050	39,300	40,800
WALKUP	15,700	19,450	24,600	29,050	33,700	37,050	38,800
ELEVATOR-STRUCTURE	24,100	28,150	35,650	------	------	------	------
MIDLAND :							
DETACHED AND SEMIDETACHED	16,300	19,750	24,450	29,350	35,150	39,150	40,900
ROW DWELLINGS	14,500	17,550	21,600	25,900	30,950	34,650	36,250
WALKUP	14,400	18,150	22,850	26,950	31,400	34,400	36,100
ELEVATOR-STRUCTURE	23,650	27,350	34,750	------	------	------	------
ODESSA :							
DETACHED AND SEMIDETACHED	16,350	19,800	24,450	29,400	35,150	39,200	40,950
ROW DWELLINGS	14,600	17,500	21,650	25,800	30,950	34,600	36,150
WALKUP	14,500	18,000	22,850	27,100	31,350	34,400	36,150
ELEVATOR-STRUCTURE	23,650	27,350	34,750	------	------	------	------
SAN ANTONIO :							
DETACHED AND SEMIDETACHED	16,100	19,300	23,950	28,650	34,450	38,300	39,950
ROW DWELLINGS	18,050	17,600	21,450	25,750	30,900	34,500	35,750
WALKUP	13,550	17,000	21,400	25,300	29,500	32,400	33,900
ELEVATOR-STRUCTURE	23,800	27,700	35,150	------	------	------	------
AUSTIN :							
DETACHED AND SEMIDETACHED	16,750	20,100	24,800	29,600	35,700	39,700	41,350
ROW DWELLINGS	15,000	18,100	22,300	26,550	31,900	35,650	37,150
WALKUP	13,300	16,850	21,000	25,150	29,150	31,850	33,600
ELEVATOR-STRUCTURE	20,850	24,150	30,650	------	------	------	------
CORPUS CHRISTI :							
DETACHED AND SEMIDETACHED	17,450	20,950	26,200	31,100	37,350	41,650	43,250
ROW DWELLINGS	15,750	19,150	23,750	28,150	33,850	37,750	39,250
WALKUP	14,600	18,150	23,000	27,050	31,300	34,500	36,300
ELEVATOR-STRUCTURE	19,400	22,500	28,750	------	------	------	------
DEL RIO :							
DETACHED AND SEMIDETACHED	15,800	18,950	23,500	28,150	33,750	37,650	39,050
ROW DWELLINGS	14,400	17,350	21,450	25,550	30,650	34,150	35,600
WALKUP	13,550	16,950	21,400	25,300	29,500	32,400	34,000
ELEVATOR-STRUCTURE	21,850	25,350	32,300	------	------	------	------
EAGLE PASS :							
DETACHED AND SEMIDETACHED	18,550	22,200	27,500	32,850	39,550	43,950	45,650
ROW DWELLINGS	14,900	18,050	22,250	26,500	31,850	35,550	36,900
WALKUP	13,900	17,650	22,100	26,350	30,550	33,600	35,200
ELEVATOR-STRUCTURE	22,300	26,050	32,950	------	------	------	------
HARLINGEN :							
DETACHED AND SEMIDETACHED	17,450	20,950	25,950	31,100	37,300	41,600	43,250
ROW DWELLINGS	15,000	18,050	22,300	26,750	31,850	35,650	37,150
WALKUP	13,900	17,650	22,200	26,350	30,600	33,700	35,400
ELEVATOR-STRUCTURE	20,800	23,950	30,450	------	------	------	------
JUNCTION :							
DETACHED AND SEMIDETACHED	17,350	20,900	25,850	30,700	37,000	41,200	42,800
ROW DWELLINGS	15,000	18,250	22,500	26,850	32,350	36,000	37,500
WALKUP	14,150	17,750	22,350	26,700	30,900	34,000	35,700
ELEVATOR-STRUCTURE	22,700	26,450	33,400	------	------	------	------
LAREDO :							
DETACHED AND SEMIDETACHED	17,350	20,750	25,800	30,700	36,800	41,100	42,700
ROW DWELLINGS	15,350	18,700	23,050	27,550	32,950	36,800	38,250
WALKUP	13,400	16,850	21,150	25,100	29,250	32,050	33,750
ELEVATOR-STRUCTURE	21,850	25,350	32,300	------	------	------	------
VICTORIA :							
DETACHED AND SEMIDETACHED	16,250	19,700	24,300	29,050	34,800	38,750	40,350
ROW DWELLINGS	15,300	18,600	22,950	27,250	32,900	36,700	38,200
WALKUP	14,400	18,100	22,750	27,050	31,450	34,500	36,300
ELEVATOR-STRUCTURE	22,550	26,300	33,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII							
IOWA							
DES MOINES :							
DETACHED AND SEMIDETACHED	19,500	23,650	29,100	34,750	41,850	46,350	48,600
ROW DWELLINGS	18,650	22,450	27,600	32,900	39,600	44,000	46,000
WALKUP	18,200	22,800	28,900	34,250	39,600	43,450	45,750
ELEVATOR-STRUCTURE	26,350	30,450	38,700	------	------	------	------
BETTENDORF :							
DETACHED AND SEMIDETACHED	20,350	24,600	30,300	36,250	43,600	48,500	50,700
ROW DWELLINGS	19,400	23,300	28,700	34,100	41,250	45,950	47,900
WALKUP	19,100	23,700	30,150	35,500	41,200	45,300	47,650
ELEVATOR-STRUCTURE	27,200	31,500	39,850	------	------	------	------
CEDAR RAPIDS :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,300	23,250	28,450	33,900	40,850	45,550	47,600
WALKUP	18,250	22,700	28,850	35,350	40,900	43,300	45,450
ELEVATOR-STRUCTURE	27,000	31,300	39,700	------	------	------	------
COUNCIL BLUFFS :							
DETACHED AND SEMIDETACHED	19,600	23,650	29,100	34,750	41,950	46,400	48,600
ROW DWELLINGS	18,600	22,400	27,600	33,150	39,650	44,350	46,200
WALKUP	18,150	22,700	28,900	34,150	39,500	43,500	45,650
ELEVATOR-STRUCTURE	26,400	30,700	38,700	------	------	------	------
DAVENPORT :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,250	23,250	28,500	33,950	40,800	45,550	47,550
WALKUP	19,000	23,600	29,950	36,750	42,600	45,100	47,350
ELEVATOR-STRUCTURE	27,200	31,500	39,850	------	------	------	------
DUBUQUE :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,250	23,250	28,500	33,950	40,800	45,550	47,550
WALKUP	19,000	23,600	29,950	36,750	42,600	45,100	47,350
ELEVATOR-STRUCTURE	26,650	31,100	39,350	------	------	------	------
MASON CITY :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,250	23,250	28,500	33,950	40,800	45,550	47,550
WALKUP	18,850	23,550	29,950	36,900	42,650	45,100	47,450
ELEVATOR-STRUCTURE	26,650	31,100	39,350	------	------	------	------
SIOUX CITY :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,100	22,950	28,300	33,750	40,600	45,300	47,250
WALKUP	18,850	23,350	29,700	36,650	42,350	44,850	47,100
ELEVATOR-STRUCTURE	26,650	31,100	39,350	------	------	------	------
WATERLOO :							
DETACHED AND SEMIDETACHED	20,250	24,400	30,200	35,750	43,100	48,000	50,100
ROW DWELLINGS	19,250	23,250	28,500	33,950	40,800	45,550	47,550
WALKUP	19,000	23,600	29,950	36,750	42,600	45,100	47,350
ELEVATOR-STRUCTURE	26,650	31,100	39,350	------	------	------	------
KANSAS							
KANSAS CITY :							
DETACHED AND SEMIDETACHED	20,600	25,000	30,800	36,600	44,100	49,000	51,300
ROW DWELLINGS	18,500	22,150	27,350	32,600	39,250	43,600	45,550
WALKUP	19,400	23,950	30,600	36,100	41,800	46,150	48,500
ELEVATOR-STRUCTURE	29,050	33,600	42,550	------	------	------	------
TOPEKA :							
DETACHED AND SEMIDETACHED	19,450	23,400	29,000	34,450	41,550	46,250	48,350
ROW DWELLINGS	18,750	22,350	27,750	32,950	39,700	44,350	46,350
WALKUP	18,100	22,800	29,000	34,050	39,450	43,750	45,650
ELEVATOR-STRUCTURE	26,550	30,700	38,850	------	------	------	------
GARDEN CITY :							
DETACHED AND SEMIDETACHED	18,150	21,900	27,100	32,250	38,900	43,150	45,250
ROW DWELLINGS	17,500	21,000	25,900	30,900	37,150	41,600	43,200
WALKUP	17,200	21,300	26,950	32,000	37,100	40,850	42,850
ELEVATOR-STRUCTURE	24,900	28,750	36,300	------	------	------	------
PITTSBURG :							
DETACHED AND SEMIDETACHED	17,850	21,550	26,650	31,750	38,200	42,450	44,450
ROW DWELLINGS	17,250	20,650	25,500	30,200	36,550	40,800	42,550
WALKUP	16,750	20,950	26,550	31,250	36,400	40,200	42,050
ELEVATOR-STRUCTURE	24,250	28,200	35,600	------	------	------	------
SALINA :							
DETACHED AND SEMIDETACHED	17,850	21,550	26,650	31,900	38,400	42,500	44,650
ROW DWELLINGS	17,300	20,700	25,700	30,400	36,600	40,900	42,750
WALKUP	16,850	21,000	26,800	31,400	36,550	40,200	42,100
ELEVATOR-STRUCTURE	24,500	28,300	35,700	------	------	------	------
WICHITA :							
DETACHED AND SEMIDETACHED	18,750	22,600	28,150	33,350	40,150	44,700	46,900
ROW DWELLINGS	17,950	21,600	26,850	31,750	38,450	42,800	44,650
WALKUP	17,550	22,050	27,950	32,950	38,200	42,100	44,150
ELEVATOR-STRUCTURE	24,250	28,200	35,600	------	------	------	------
MISSOURI							
KANSAS CITY :							
DETACHED AND SEMIDETACHED	20,600	25,000	30,800	36,600	44,100	49,000	51,300
ROW DWELLINGS	21,250	25,450	31,550	37,450	45,050	50,200	52,400
WALKUP	19,400	24,050	30,600	36,100	41,800	46,150	48,600
ELEVATOR-STRUCTURE	29,050	33,600	42,550	------	------	------	------
JOPLIN :							
DETACHED AND SEMIDETACHED	19,100	23,100	28,700	34,000	40,950	45,700	47,750
ROW DWELLINGS	19,850	23,650	29,350	35,050	42,100	46,850	48,850
WALKUP	18,150	22,350	28,600	33,650	39,050	42,900	45,200
ELEVATOR-STRUCTURE	27,050	31,400	39,700	------	------	------	------
ST. JOSEPH :							
DETACHED AND SEMIDETACHED	19,900	23,850	29,400	35,050	42,250	47,100	49,300
ROW DWELLINGS	20,500	24,400	30,200	35,850	43,300	48,250	50,250
WALKUP	18,650	23,250	29,450	34,750	40,450	44,450	46,750
ELEVATOR-STRUCTURE	27,800	32,250	40,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
MISSOURI --CONTINUED							
SEDALIA							
DETACHED AND SEMIDETACHED	19,900	23,850	29,400	35,050	42,250	47,100	49,300
ROW DWELLINGS	20,500	24,400	30,200	35,850	43,300	48,250	50,250
WALKUP	18,650	23,250	29,450	34,750	40,450	44,450	46,750
ELEVATOR-STRUCTURE	27,800	32,250	40,850	------	------	------	------
SPRINGFIELD							
DETACHED AND SEMIDETACHED	20,000	23,950	29,650	35,350	42,650	47,400	49,550
ROW DWELLINGS	20,550	24,550	30,450	36,250	43,700	48,600	50,650
WALKUP	17,750	22,100	27,850	32,900	38,300	42,200	44,100
ELEVATOR-STRUCTURE	27,550	32,050	40,550	------	------	------	------
ST LOUIS							
DETACHED AND SEMIDETACHED	20,950	25,300	31,150	37,150	44,750	49,750	52,050
ROW DWELLINGS	21,400	25,450	31,700	37,750	45,450	50,800	52,850
WALKUP	20,300	25,350	31,950	37,850	44,000	48,300	50,600
ELEVATOR-STRUCTURE	28,600	33,150	41,850	------	------	------	------
CAPE GIRARDEAU							
DETACHED AND SEMIDETACHED	19,750	23,950	29,700	35,350	42,600	47,550	49,700
ROW DWELLINGS	20,550	24,450	30,200	36,050	43,100	48,100	50,300
WALKUP	19,350	24,100	30,250	36,050	41,950	45,850	48,300
ELEVATOR-STRUCTURE	27,400	31,700	40,000	------	------	------	------
COLUMBIA							
DETACHED AND SEMIDETACHED	20,600	24,800	30,700	36,700	44,150	49,000	51,350
ROW DWELLINGS	20,950	25,150	31,050	37,100	44,500	49,700	51,850
WALKUP	20,100	25,000	31,500	37,450	43,500	47,550	49,800
ELEVATOR-STRUCTURE	27,400	31,700	40,150	------	------	------	------
KIRKSVILLE							
DETACHED AND SEMIDETACHED	20,600	24,800	30,700	36,700	44,150	49,000	51,350
ROW DWELLINGS	20,950	25,150	31,050	37,100	44,500	49,700	51,850
WALKUP	20,200	25,050	31,750	37,600	43,650	48,000	50,300
ELEVATOR-STRUCTURE	27,400	31,700	40,150	------	------	------	------
ROLLA							
DETACHED AND SEMIDETACHED	18,700	22,600	28,050	33,300	40,000	44,450	46,550
ROW DWELLINGS	19,150	22,950	28,450	33,700	40,750	45,450	47,450
WALKUP	18,250	22,600	28,650	33,850	39,400	43,250	45,350
ELEVATOR-STRUCTURE	25,150	29,100	36,750	------	------	------	------
NEBRASKA							
OMAHA							
DETACHED AND SEMIDETACHED	20,600	24,800	30,550	36,550	43,950	48,800	51,050
ROW DWELLINGS	18,000	21,600	26,650	31,800	38,450	42,600	44,450
WALKUP	19,150	23,900	30,250	35,750	41,400	45,600	47,850
ELEVATOR-STRUCTURE	27,250	31,700	40,100	------	------	------	------
GRAND ISLAND							
DETACHED AND SEMIDETACHED	21,600	25,900	31,850	37,900	45,850	50,850	53,350
ROW DWELLINGS	19,000	22,900	28,350	33,750	40,750	45,150	47,200
WALKUP	19,850	24,950	31,650	37,250	43,300	47,550	49,950
ELEVATOR-STRUCTURE	28,200	32,800	41,250	------	------	------	------
LINCOLN							
DETACHED AND SEMIDETACHED	20,450	24,750	30,350	36,350	43,600	48,450	50,850
ROW DWELLINGS	18,150	21,850	26,750	32,000	38,600	42,750	44,700
WALKUP	18,250	22,650	28,650	34,050	39,350	43,500	45,550
ELEVATOR-STRUCTURE	27,000	31,250	39,250	------	------	------	------
MACY							
DETACHED AND SEMIDETACHED	24,600	29,600	36,600	43,650	52,600	58,850	61,400
ROW DWELLINGS	21,500	26,000	32,050	38,300	45,900	51,150	53,250
WALKUP	22,450	27,900	35,350	41,900	48,600	53,850	54,750
ELEVATOR-STRUCTURE	32,350	37,400	47,300	------	------	------	------
NORFOLK							
DETACHED AND SEMIDETACHED	20,850	25,150	31,100	37,050	44,650	49,850	52,050
ROW DWELLINGS	18,300	22,000	27,150	32,400	38,900	43,350	45,150
WALKUP	18,900	23,400	29,700	35,050	40,850	45,200	47,250
ELEVATOR-STRUCTURE	28,600	33,000	41,950	------	------	------	------
NORTH PLATTE							
DETACHED AND SEMIDETACHED	18,900	22,750	28,050	33,600	40,400	45,050	47,150
ROW DWELLINGS	17,050	20,500	25,300	30,250	36,200	40,400	42,200
WALKUP	18,600	23,000	29,400	34,800	40,150	44,500	46,700
ELEVATOR-STRUCTURE	27,550	31,900	40,500	------	------	------	------
SCOTTSBLUFF							
DETACHED AND SEMIDETACHED	21,300	25,700	31,450	37,550	45,200	50,300	52,500
ROW DWELLINGS	18,500	22,150	27,400	32,750	39,250	43,700	45,550
WALKUP	19,700	24,300	31,000	36,850	42,400	46,850	49,300
ELEVATOR-STRUCTURE	27,800	32,200	38,500	------	------	------	------
REGION VIII							
COLORADO							
DENVER							
DETACHED AND SEMIDETACHED	21,300	25,650	31,400	37,400	45,100	50,300	52,650
ROW DWELLINGS	19,050	22,800	28,300	33,550	40,400	44,950	47,100
WALKUP	18,350	22,900	28,950	34,250	39,450	43,600	45,700
ELEVATOR-STRUCTURE	30,400	35,450	44,700	------	------	------	------
GRAND JUNCTION							
DETACHED AND SEMIDETACHED	21,100	25,450	31,350	37,400	45,000	50,050	52,250
ROW DWELLINGS	19,350	23,100	28,450	34,100	41,150	45,500	47,800
WALKUP	18,600	23,100	29,200	34,600	40,000	44,100	46,300
ELEVATOR-STRUCTURE	30,750	35,700	45,000	------	------	------	------
ASPEN-VAIL							
DETACHED AND SEMIDETACHED	22,200	26,850	33,100	39,350	47,450	52,850	55,300
ROW DWELLINGS	20,500	24,600	30,300	36,200	43,650	48,550	50,900
WALKUP	19,750	24,650	31,200	36,750	42,700	47,000	49,400
ELEVATOR-STRUCTURE	32,550	37,850	48,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA							
HELENA :							
DETACHED AND SEMIDETACHED	22,750	27,400	33,850	40,300	48,700	54,250	56,600
ROW DWELLINGS	19,600	23,300	29,200	34,650	41,750	46,350	48,650
WALKUP	18,200	22,900	29,100	34,250	39,600	43,750	45,650
ELEVATOR-STRUCTURE	28,100	32,650	41,450	------	------	------	------
BILLINGS :							
DETACHED AND SEMIDETACHED	21,550	26,050	32,050	38,250	45,950	51,050	53,500
ROW DWELLINGS	18,750	22,200	27,650	32,800	39,550	44,050	46,050
WALKUP	17,100	21,650	27,500	32,400	37,300	41,400	43,300
ELEVATOR-STRUCTURE	26,650	30,750	39,250	------	------	------	------
GREAT FALLS :							
DETACHED AND SEMIDETACHED	22,750	27,350	33,850	40,350	48,300	53,950	56,400
ROW DWELLINGS	19,900	23,600	29,200	35,100	42,200	46,800	49,400
WALKUP	18,350	23,050	29,100	34,200	39,650	43,950	45,800
ELEVATOR-STRUCTURE	28,150	32,500	41,450	------	------	------	------
MISSOULA :							
DETACHED AND SEMIDETACHED	21,100	25,500	31,300	37,400	44,950	49,900	52,300
ROW DWELLINGS	18,350	21,650	27,050	32,050	38,650	43,100	45,050
WALKUP	16,750	21,200	27,000	31,700	36,600	40,600	42,400
ELEVATOR-STRUCTURE	26,100	30,150	38,400	------	------	------	------
NORTH DAKOTA							
FARGO :							
DETACHED AND SEMIDETACHED	24,200	28,950	35,850	43,100	51,800	57,250	60,200
ROW DWELLINGS	19,650	23,850	29,350	34,850	42,150	46,650	48,850
WALKUP	18,150	22,800	28,350	33,600	39,350	43,250	45,500
ELEVATOR-STRUCTURE	28,300	33,000	41,600	------	------	------	------
BISMARCK :							
DETACHED AND SEMIDETACHED	26,050	31,350	38,400	46,150	55,600	61,550	64,550
ROW DWELLINGS	21,200	25,650	31,500	37,600	45,500	50,350	52,750
WALKUP	19,700	24,650	30,400	36,250	42,650	46,700	49,200
ELEVATOR-STRUCTURE	30,350	35,250	44,600	------	------	------	------
DICKINSON :							
DETACHED AND SEMIDETACHED	25,250	30,400	37,550	45,050	54,050	60,050	63,050
ROW DWELLINGS	20,550	25,000	30,900	36,600	44,200	48,900	51,150
WALKUP	19,100	24,000	29,750	35,150	41,500	45,650	47,800
ELEVATOR-STRUCTURE	29,750	34,650	43,700	------	------	------	------
SOUTH DAKOTA							
SIOUX FALLS :							
DETACHED AND SEMIDETACHED	24,100	28,950	35,750	42,650	51,200	57,100	59,650
ROW DWELLINGS	22,000	26,600	33,000	39,250	47,400	52,150	55,050
WALKUP	19,050	23,700	30,050	35,650	41,300	45,600	47,850
ELEVATOR-STRUCTURE	27,500	32,000	40,350	------	------	------	------
PIERRE :							
DETACHED AND SEMIDETACHED	25,400	30,850	37,800	45,000	54,500	60,550	63,050
ROW DWELLINGS	23,000	27,850	34,300	40,800	49,350	54,650	57,250
WALKUP	19,200	24,050	30,200	35,900	41,600	45,750	48,200
ELEVATOR-STRUCTURE	28,000	32,450	41,150	------	------	------	------
RAPID CITY :							
DETACHED AND SEMIDETACHED	24,300	29,500	36,350	43,050	51,750	57,850	60,350
ROW DWELLINGS	22,250	27,200	33,350	40,100	47,950	52,900	55,850
WALKUP	19,950	25,050	31,600	37,250	43,100	47,650	50,200
ELEVATOR-STRUCTURE	27,850	32,400	40,950	------	------	------	------
UTAH							
SALT LAKE CITY :							
DETACHED AND SEMIDETACHED	20,250	24,450	30,150	36,100	43,450	48,150	50,600
ROW DWELLINGS	18,200	21,850	27,050	32,450	38,700	43,000	45,050
WALKUP	16,550	20,750	26,450	31,250	36,200	39,900	41,950
ELEVATOR-STRUCTURE	24,750	28,900	36,550	------	------	------	------
CEDAR CITY :							
DETACHED AND SEMIDETACHED	22,350	26,950	33,200	39,500	47,600	53,100	55,600
ROW DWELLINGS	17,500	21,150	26,000	31,200	37,300	41,650	43,350
WALKUP	18,300	23,000	29,150	34,200	39,850	43,800	46,100
ELEVATOR-STRUCTURE	27,250	31,750	40,250	------	------	------	------
VERNAL :							
DETACHED AND SEMIDETACHED	21,450	25,900	31,900	38,100	45,900	51,000	53,500
ROW DWELLINGS	16,950	20,450	25,200	30,100	36,200	40,250	42,300
WALKUP	17,650	22,100	28,000	32,900	38,350	42,150	44,400
ELEVATOR-STRUCTURE	26,200	30,600	38,700	------	------	------	------
WYOMING							
CASPER :							
DETACHED AND SEMIDETACHED	24,850	30,050	37,050	44,100	53,050	59,100	62,000
ROW DWELLINGS	21,300	25,550	31,750	37,750	45,350	50,550	52,850
WALKUP	19,350	24,300	30,850	36,200	42,150	46,350	48,650
ELEVATOR-STRUCTURE	28,400	33,100	42,050	------	------	------	------
CHEYENNE :							
DETACHED AND SEMIDETACHED	23,800	28,900	35,500	42,350	51,000	56,800	59,600
ROW DWELLINGS	20,200	24,500	30,450	37,700	43,500	48,200	50,350
WALKUP	18,550	23,350	29,550	34,800	40,300	44,550	46,500
ELEVATOR-STRUCTURE	27,350	31,800	40,250	------	------	------	------
CODY :							
DETACHED AND SEMIDETACHED	25,400	31,000	38,100	45,750	54,950	61,050	64,000
ROW DWELLINGS	22,050	26,300	32,750	38,950	46,700	51,900	54,550
WALKUP	19,950	25,050	31,750	37,350	43,050	47,700	49,750
ELEVATOR-STRUCTURE	29,350	34,200	43,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX							
ARIZONA							
PHOENIX							
DETACHED AND SEMIDETACHED	19,250	23,150	28,550	34,000	41,000	45,600	47,800
ROW DWELLINGS	17,450	21,100	26,050	31,150	37,250	41,700	43,450
WALKUP	15,950	19,800	25,200	29,850	34,400	37,950	39,900
ELEVATOR-STRUCTURE	27,700	32,150	40,750	------	------	------	------
CASA GRANDE							
DETACHED AND SEMIDETACHED	20,100	24,250	29,800	35,550	42,850	47,550	49,950
ROW DWELLINGS	18,250	21,150	27,100	32,300	38,850	43,350	45,200
WALKUP	16,600	20,750	26,350	31,200	36,000	39,700	41,600
ELEVATOR-STRUCTURE	28,850	33,550	42,500	------	------	------	------
DOUGLAS							
DETACHED AND SEMIDETACHED	19,700	23,700	29,350	34,800	41,850	46,750	49,000
ROW DWELLINGS	18,000	21,750	26,850	31,950	38,400	42,900	44,800
WALKUP	16,450	20,450	25,950	30,650	35,200	38,900	40,900
ELEVATOR-STRUCTURE	28,550	33,050	41,900	------	------	------	------
FLAGSTAFF							
DETACHED AND SEMIDETACHED	19,550	23,600	29,350	34,700	40,800	46,600	48,900
ROW DWELLINGS	18,000	21,750	26,850	31,950	38,400	42,900	44,800
WALKUP	16,350	20,350	25,950	30,550	35,200	38,950	40,800
ELEVATOR-STRUCTURE	29,550	34,100	43,100	------	------	------	------
KINGMAN							
DETACHED AND SEMIDETACHED	19,950	24,050	29,550	35,350	42,550	47,200	49,600
ROW DWELLINGS	18,200	21,100	27,050	32,250	38,700	43,250	45,150
WALKUP	16,500	20,650	26,150	30,950	35,650	39,400	41,300
ELEVATOR-STRUCTURE	28,600	33,300	42,200	------	------	------	------
SAFFORD							
DETACHED AND SEMIDETACHED	20,250	24,200	29,950	35,650	42,800	47,800	50,150
ROW DWELLINGS	18,350	22,300	27,600	32,800	39,350	44,000	45,900
WALKUP	16,650	20,800	26,500	31,350	36,200	39,900	41,900
ELEVATOR-STRUCTURE	29,100	33,900	42,800	------	------	------	------
TUCSON							
DETACHED AND SEMIDETACHED	19,350	23,300	28,750	34,050	41,100	45,850	48,000
ROW DWELLINGS	18,050	21,800	26,950	32,100	38,550	43,150	45,100
WALKUP	16,100	20,100	25,400	30,000	34,650	38,300	40,050
ELEVATOR-STRUCTURE	32,700	37,950	47,900	------	------	------	------
YUMA							
DETACHED AND SEMIDETACHED	19,050	22,950	28,350	33,700	40,600	45,200	47,500
ROW DWELLINGS	17,200	20,800	25,750	30,550	36,850	41,050	42,700
WALKUP	15,950	19,650	25,050	29,750	34,250	37,750	39,550
ELEVATOR-STRUCTURE	27,450	32,050	40,450	------	------	------	------
NOGALES							
DETACHED AND SEMIDETACHED	24,900	29,900	36,900	43,800	52,800	58,950	61,750
ROW DWELLINGS	22,500	27,300	33,600	40,200	48,350	53,850	56,050
WALKUP	20,800	25,750	32,600	38,700	44,750	49,200	51,850
ELEVATOR-STRUCTURE	33,850	39,400	50,000	------	------	------	------
CALIFORNIA							
LOS ANGELES							
DETACHED AND SEMIDETACHED	25,750	30,600	38,100	45,500	54,650	61,150	63,850
ROW DWELLINGS	25,250	30,600	37,600	44,750	54,000	60,050	62,650
WALKUP	24,550	30,850	38,600	45,850	52,800	58,300	61,250
ELEVATOR-STRUCTURE	38,100	44,350	55,950	------	------	------	------
BAKERSFIELD							
DETACHED AND SEMIDETACHED	25,350	30,250	37,650	44,950	53,950	60,250	63,100
ROW DWELLINGS	24,850	30,150	37,100	44,100	53,200	59,250	61,850
WALKUP	24,200	30,500	38,000	45,150	52,000	57,450	60,400
ELEVATOR-STRUCTURE	37,950	44,100	55,700	------	------	------	------
INYOKERN							
DETACHED AND SEMIDETACHED	26,600	31,650	39,400	46,800	56,500	63,250	66,150
ROW DWELLINGS	26,250	31,800	38,900	46,500	55,950	62,250	65,050
WALKUP	25,300	31,800	39,900	47,250	54,500	60,000	63,050
ELEVATOR-STRUCTURE	39,300	45,900	57,850	------	------	------	------
LANCASTER							
DETACHED AND SEMIDETACHED	25,800	31,050	38,350	45,700	55,050	61,550	64,550
ROW DWELLINGS	25,300	30,700	37,850	45,150	54,200	60,100	63,000
WALKUP	24,750	31,050	38,800	45,950	53,350	58,650	61,600
ELEVATOR-STRUCTURE	38,150	44,550	56,300	------	------	------	------
MOJAVE							
DETACHED AND SEMIDETACHED	26,450	31,450	39,100	46,550	56,100	62,650	65,350
ROW DWELLINGS	26,000	31,400	38,650	46,300	55,600	61,900	64,600
WALKUP	25,200	31,550	39,600	46,750	53,850	59,600	62,500
ELEVATOR-STRUCTURE	39,000	45,500	57,450	------	------	------	------
OJAI							
DETACHED AND SEMIDETACHED	23,950	28,650	35,800	42,500	51,150	57,150	59,650
ROW DWELLINGS	23,600	28,650	35,300	42,050	50,500	56,300	58,850
WALKUP	22,900	28,800	36,200	43,050	49,750	54,500	57,500
ELEVATOR-STRUCTURE	36,150	42,100	53,000	------	------	------	------
OXNARD							
DETACHED AND SEMIDETACHED	25,300	30,250	37,650	44,750	53,850	60,100	63,150
ROW DWELLINGS	24,800	30,100	37,100	44,100	53,100	59,150	61,650
WALKUP	24,150	30,250	38,000	45,000	51,950	57,600	60,300
ELEVATOR-STRUCTURE	37,950	44,100	55,700	------	------	------	------
PASO ROBLES							
DETACHED AND SEMIDETACHED	25,200	30,150	37,350	44,450	53,350	59,750	62,700
ROW DWELLINGS	24,750	30,100	36,850	44,200	52,750	59,000	61,500
WALKUP	24,100	30,100	37,800	44,600	51,400	56,900	59,600
ELEVATOR-STRUCTURE	38,950	45,450	57,400	------	------	------	------
PIRU							
DETACHED AND SEMIDETACHED	23,950	28,650	35,800	42,500	51,150	57,150	59,650
ROW DWELLINGS	23,600	28,650	35,300	42,050	50,500	56,300	58,850
WALKUP	22,900	28,800	36,200	43,050	49,750	54,500	57,500
ELEVATOR-STRUCTURE	36,150	42,100	53,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
RIDGECREST							
DETACHED AND SEMIDETACHED	24,700	29,450	36,650	43,500	52,700	58,600	61,400
ROW DWELLINGS	24,200	29,350	36,100	42,900	51,650	57,500	59,950
WALKUP	23,450	29,450	37,000	43,850	50,600	55,700	58,500
ELEVATOR-STRUCTURE	39,100	45,700	57,550	------	------	------	------
SAN BERNARDINO							
DETACHED AND SEMIDETACHED	25,300	30,250	37,650	44,750	53,850	60,100	63,150
ROW DWELLINGS	24,800	30,100	37,100	44,100	53,100	59,150	61,650
WALKUP	24,200	30,500	38,000	45,150	52,000	57,450	60,400
ELEVATOR-STRUCTURE	37,950	44,100	55,700	------	------	------	------
VICTORVILLE							
DETACHED AND SEMIDETACHED	25,900	30,950	38,350	45,800	55,000	61,350	64,150
ROW DWELLINGS	25,550	30,500	37,850	45,200	54,250	60,500	63,250
WALKUP	26,150	31,350	38,800	46,450	55,700	62,150	64,900
ELEVATOR-STRUCTURE	38,200	44,400	56,300	------	------	------	------
SANTA BARBARA							
DETACHED AND SEMIDETACHED	25,750	31,000	38,350	45,550	55,000	61,350	64,250
ROW DWELLINGS	25,150	30,800	37,850	44,950	54,200	60,350	62,750
WALKUP	24,650	30,850	38,800	45,700	53,200	58,450	61,500
ELEVATOR-STRUCTURE	38,150	44,550	56,300	------	------	------	------
ARROWHEAD							
DETACHED AND SEMIDETACHED	26,300	31,600	39,100	46,650	56,200	62,650	65,400
ROW DWELLINGS	26,000	31,200	38,650	46,000	55,500	61,750	64,600
WALKUP	26,550	31,950	39,600	47,200	56,900	63,300	66,100
ELEVATOR-STRUCTURE	38,450	45,300	57,450	------	------	------	------
SANTA MARIA							
DETACHED AND SEMIDETACHED	25,900	31,000	38,350	45,650	54,800	61,400	64,400
ROW DWELLINGS	25,350	30,900	37,850	45,400	54,200	60,700	63,150
WALKUP	24,700	30,950	38,800	45,850	52,800	58,500	61,300
ELEVATOR-STRUCTURE	38,950	45,450	57,400	------	------	------	------
BARSTOW							
DETACHED AND SEMIDETACHED	26,000	31,100	38,550	46,150	55,350	61,750	64,500
ROW DWELLINGS	25,650	30,650	38,150	45,500	54,600	60,850	63,650
WALKUP	26,350	31,550	39,100	46,800	56,100	62,550	65,350
ELEVATOR-STRUCTURE	38,450	44,750	56,700	------	------	------	------
TEHACHAPI							
DETACHED AND SEMIDETACHED	25,900	31,000	38,350	45,650	54,800	61,400	64,400
ROW DWELLINGS	25,350	30,900	37,850	45,400	54,200	60,700	63,150
WALKUP	24,700	30,950	38,800	45,850	52,800	58,500	61,300
ELEVATOR-STRUCTURE	38,950	45,450	57,400	------	------	------	------
BIG BEAR							
DETACHED AND SEMIDETACHED	26,300	31,600	39,100	46,650	56,200	62,650	65,400
ROW DWELLINGS	26,000	31,200	38,650	46,000	55,500	61,750	64,600
WALKUP	26,550	31,950	39,600	47,250	56,900	63,350	66,150
ELEVATOR-STRUCTURE	38,900	45,300	57,450	------	------	------	------
VENTURA							
DETACHED AND SEMIDETACHED	25,300	30,250	37,650	44,750	53,850	60,100	63,150
ROW DWELLINGS	24,800	30,100	37,100	44,100	53,100	59,150	61,650
WALKUP	24,200	30,500	38,000	45,150	52,000	57,450	60,400
ELEVATOR-STRUCTURE	37,950	44,100	55,700	------	------	------	------
SANTA ANA							
DETACHED AND SEMIDETACHED	25,800	30,800	38,100	45,450	54,800	60,850	63,950
ROW DWELLINGS	25,350	30,650	37,600	44,950	54,100	60,250	62,750
WALKUP	24,650	30,600	38,600	45,500	52,800	58,100	60,850
ELEVATOR-STRUCTURE	38,200	44,200	55,950	------	------	------	------
DESERT CENTER							
DETACHED AND SEMIDETACHED	28,550	34,300	42,450	50,750	61,100	68,000	71,350
ROW DWELLINGS	28,200	33,750	41,950	50,050	60,150	67,100	70,350
WALKUP	28,950	34,750	42,950	51,350	61,700	68,750	72,150
ELEVATOR-STRUCTURE	42,200	49,350	62,300	------	------	------	------
NEEDLES							
DETACHED AND SEMIDETACHED	28,950	34,700	43,100	51,050	61,500	68,500	71,750
ROW DWELLINGS	27,400	32,800	40,800	48,400	58,250	64,900	68,050
WALKUP	25,850	31,000	38,450	45,550	54,850	61,200	64,050
ELEVATOR-STRUCTURE	34,400	40,200	50,900	------	------	------	------
SACRAMENTO							
DETACHED AND SEMIDETACHED	20,650	24,750	30,650	36,350	43,850	48,800	51,100
ROW DWELLINGS	20,100	24,250	29,900	35,650	42,850	47,800	49,800
WALKUP	17,100	21,400	27,200	31,900	37,050	40,850	42,800
ELEVATOR-STRUCTURE	35,650	41,500	52,350	------	------	------	------
PLACERVILLE							
DETACHED AND SEMIDETACHED	20,800	24,900	31,000	36,800	44,350	49,350	51,600
ROW DWELLINGS	20,250	24,450	30,250	36,150	43,300	48,350	50,400
WALKUP	17,700	22,000	28,050	33,000	38,250	42,100	44,100
ELEVATOR-STRUCTURE	36,000	42,050	53,000	------	------	------	------
REDDING							
DETACHED AND SEMIDETACHED	20,600	24,800	30,650	36,600	44,000	48,850	51,100
ROW DWELLINGS	20,050	24,250	29,900	35,600	42,700	47,650	49,800
WALKUP	17,450	21,700	27,700	32,550	37,700	41,500	43,450
ELEVATOR-STRUCTURE	35,500	41,500	52,350	------	------	------	------
YREKA							
DETACHED AND SEMIDETACHED	20,750	25,000	30,900	36,700	44,200	49,250	51,400
ROW DWELLINGS	20,150	24,350	30,050	35,800	43,150	47,900	50,150
WALKUP	17,600	21,850	27,850	32,750	37,950	41,800	43,850
ELEVATOR-STRUCTURE	35,750	41,650	52,600	------	------	------	------
SOUTH LAKE TAHOE							
DETACHED AND SEMIDETACHED	21,300	25,600	31,700	37,550	45,300	50,550	52,800
ROW DWELLINGS	20,650	24,900	30,900	36,750	44,250	49,250	51,450
WALKUP	18,000	22,550	28,600	33,550	39,000	42,900	45,000
ELEVATOR-STRUCTURE	38,000	44,100	55,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA --CONTINUED							
SAN FRANCISCO :							
DETACHED AND SEMIDETACHED	27,100	32,700	40,450	48,150	58,000	64,500	67,350
ROW DWELLINGS	26,650	32,100	39,550	47,200	56,550	63,000	65,900
WALKUP	26,900	33,650	42,450	50,200	58,200	64,100	67,100
ELEVATOR-STRUCTURE	45,650	53,050	66,950	------	------	------	------
EUREKA :							
DETACHED AND SEMIDETACHED	27,250	32,700	40,400	48,150	58,050	64,650	67,600
ROW DWELLINGS	20,650	25,000	30,650	36,650	43,900	49,050	51,150
WALKUP	21,650	26,850	34,000	40,100	46,600	51,250	53,650
ELEVATOR-STRUCTURE	33,950	39,300	49,650	------	------	------	------
SANTA ROSA :							
DETACHED AND SEMIDETACHED	25,200	30,200	37,350	44,450	53,600	59,750	62,450
ROW DWELLINGS	20,300	24,550	30,150	36,000	43,100	48,200	50,300
WALKUP	21,300	26,400	33,450	39,450	45,800	50,400	52,800
ELEVATOR-STRUCTURE	33,350	38,650	48,750	------	------	------	------
FRESNO :							
DETACHED AND SEMIDETACHED	20,800	24,700	30,750	36,550	44,100	48,950	51,350
ROW DWELLINGS	19,350	23,450	28,900	34,450	41,350	46,100	48,200
WALKUP	20,300	25,250	32,000	37,650	43,700	48,050	50,450
ELEVATOR-STRUCTURE	35,800	41,700	52,700	------	------	------	------
MODESTO :							
DETACHED AND SEMIDETACHED	21,250	25,700	31,600	37,550	45,300	50,350	52,750
ROW DWELLINGS	20,750	25,050	30,900	36,850	44,200	49,200	51,700
WALKUP	20,700	25,750	32,600	38,350	44,400	49,200	51,150
ELEVATOR-STRUCTURE	32,600	37,750	47,600	------	------	------	------
OAKLAND-MARIN :							
DETACHED AND SEMIDETACHED	23,650	28,450	35,000	41,650	50,150	55,850	58,450
ROW DWELLINGS	22,350	26,750	33,050	39,450	47,400	52,800	55,250
WALKUP	23,400	28,800	36,500	43,100	50,150	54,950	57,800
ELEVATOR-STRUCTURE	37,200	43,300	54,550	------	------	------	------
SAN JOSE :							
DETACHED AND SEMIDETACHED	22,900	27,500	34,050	40,600	48,850	54,500	56,900
ROW DWELLINGS	22,050	26,750	32,850	39,200	46,950	52,450	54,700
WALKUP	23,200	28,750	36,400	42,950	49,900	54,850	57,450
ELEVATOR-STRUCTURE	35,150	40,750	51,450	------	------	------	------
SANTA CRUZ :							
DETACHED AND SEMIDETACHED	27,700	33,200	41,100	48,950	59,000	65,700	68,700
ROW DWELLINGS	20,900	25,400	31,150	37,250	44,650	49,900	52,000
WALKUP	22,250	27,650	34,950	41,250	47,900	52,700	55,150
ELEVATOR-STRUCTURE	34,950	40,500	51,200	------	------	------	------
SAN DIEGO :							
DETACHED AND SEMIDETACHED	24,750	29,700	36,800	43,750	52,650	58,700	61,250
ROW DWELLINGS	22,500	27,100	33,500	39,700	47,750	53,350	55,850
WALKUP	20,950	26,200	33,300	39,150	45,300	49,950	52,400
ELEVATOR-STRUCTURE	37,750	43,950	55,650	------	------	------	------
EL CAJON :							
DETACHED AND SEMIDETACHED	24,750	29,700	36,800	43,750	52,650	58,700	61,250
ROW DWELLINGS	22,500	27,100	33,500	39,700	47,750	53,350	55,850
WALKUP	21,400	26,900	34,150	40,300	46,700	51,300	53,850
ELEVATOR-STRUCTURE	37,750	43,950	55,650	------	------	------	------
HAWAII							
HONOLULU :							
DETACHED AND SEMIDETACHED	32,050	39,000	48,150	57,250	74,300	76,800	80,350
ROW DWELLINGS	31,150	37,300	46,250	54,850	66,250	73,750	77,050
WALKUP	29,100	36,250	46,000	54,450	62,950	69,450	72,800
ELEVATOR-STRUCTURE	51,550	60,050	76,050	------	------	------	------
HILO :							
DETACHED AND SEMIDETACHED	35,650	42,900	52,950	63,050	75,900	84,300	88,550
ROW DWELLINGS	33,900	41,150	50,800	60,250	72,700	81,050	84,650
WALKUP	32,150	39,900	50,650	59,950	69,450	76,300	80,150
ELEVATOR-STRUCTURE	56,850	65,200	83,500	------	------	------	------
KAUAI :							
DETACHED AND SEMIDETACHED	37,100	45,350	55,400	66,150	79,900	88,600	92,800
ROW DWELLINGS	35,750	43,100	53,450	63,200	76,300	85,300	89,000
WALKUP	32,850	40,750	51,700	61,100	70,900	78,050	81,850
ELEVATOR-STRUCTURE	58,200	67,450	85,350	------	------	------	------
KONG :							
DETACHED AND SEMIDETACHED	36,150	43,900	54,000	64,400	77,550	86,250	90,100
ROW DWELLINGS	34,800	41,950	51,900	61,500	74,350	82,950	86,450
WALKUP	32,850	40,750	51,700	61,100	70,900	78,050	81,850
ELEVATOR-STRUCTURE	58,200	67,450	85,350	------	------	------	------
MAUI :							
DETACHED AND SEMIDETACHED	35,150	42,650	52,350	62,600	75,350	83,750	87,800
ROW DWELLINGS	33,850	40,900	50,600	59,900	72,300	80,650	84,300
WALKUP	31,950	39,700	50,450	59,300	68,850	75,900	79,550
ELEVATOR-STRUCTURE	56,500	65,650	83,050	------	------	------	------
GUAM :							
DETACHED AND SEMIDETACHED	29,600	35,700	44,050	52,350	63,300	70,350	73,700
ROW DWELLINGS	28,450	34,100	42,300	50,200	60,900	67,350	70,550
WALKUP	26,750	33,100	42,000	49,650	57,650	63,200	66,500
ELEVATOR-STRUCTURE	47,150	55,050	69,700	------	------	------	------
NEVADA							
RENO :							
DETACHED AND SEMIDETACHED	22,050	26,300	32,700	38,850	46,900	52,050	54,600
ROW DWELLINGS	20,400	24,800	30,600	36,300	43,800	49,050	51,000
WALKUP	19,550	24,150	30,800	36,400	42,150	46,600	48,600
ELEVATOR-STRUCTURE	39,450	46,000	58,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
NEVADA --CONTINUED							
LAS VEGAS :							
DETACHED AND SEMIDETACHED	22,800	27,250	34,050	40,450	48,450	54,150	56,750
ROW DWELLINGS	21,550	26,000	31,950	37,950	46,000	51,350	53,600
WALKUP	20,450	25,300	32,150	37,900	44,050	48,550	50,750
ELEVATOR-STRUCTURE	40,750	47,350	59,650	------	------	------	------
REGION X							
ALASKA							
ANCHORAGE :							
DETACHED AND SEMIDETACHED	31,750	38,500	47,450	56,650	67,900	75,600	79,200
ROW DWELLINGS	31,300	37,900	46,600	55,450	67,050	74,500	77,800
WALKUP	28,750	35,850	45,250	53,700	62,200	68,350	72,000
ELEVATOR-STRUCTURE	50,300	58,600	74,100	------	------	------	------
FAIRBANKS :							
DETACHED AND SEMIDETACHED	33,950	40,950	50,400	60,350	72,550	80,500	84,450
ROW DWELLINGS	33,400	40,400	49,700	58,950	71,450	79,350	83,000
WALKUP	30,550	38,150	48,250	57,050	66,200	72,950	76,750
ELEVATOR-STRUCTURE	53,200	61,850	78,150	------	------	------	------
JUNEAU :							
DETACHED AND SEMIDETACHED	30,750	37,200	45,700	54,800	65,650	73,200	76,600
ROW DWELLINGS	30,300	36,650	45,300	53,950	65,150	72,300	75,600
WALKUP	28,750	35,850	45,550	53,700	62,200	68,550	72,000
ELEVATOR-STRUCTURE	48,550	56,600	71,350	------	------	------	------
KETCHIKAN :							
DETACHED AND SEMIDETACHED	30,600	37,050	45,600	54,550	65,250	72,900	76,250
ROW DWELLINGS	30,000	36,400	44,900	53,250	64,400	71,450	74,850
WALKUP	28,800	35,900	45,600	53,900	62,300	68,750	72,300
ELEVATOR-STRUCTURE	49,150	57,150	72,250	------	------	------	------
SITKA :							
DETACHED AND SEMIDETACHED	30,750	37,150	45,750	54,800	65,650	73,200	76,550
ROW DWELLINGS	30,300	36,550	45,050	53,450	64,650	71,850	75,200
WALKUP	29,200	36,450	46,100	54,700	63,200	69,500	72,950
ELEVATOR-STRUCTURE	50,700	58,900	74,550	------	------	------	------
KENAI :							
DETACHED AND SEMIDETACHED	34,750	42,100	52,000	61,850	74,150	83,050	86,550
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
IDAHO							
BOISE :							
DETACHED AND SEMIDETACHED	22,200	26,750	32,800	39,350	47,250	52,500	55,100
ROW DWELLINGS	20,200	24,350	29,950	35,850	43,200	48,000	50,350
WALKUP	19,750	24,600	31,300	36,950	42,550	47,100	49,250
ELEVATOR-STRUCTURE	29,850	34,800	43,950	------	------	------	------
IDAHO FALLS :							
DETACHED AND SEMIDETACHED	22,800	27,900	34,100	40,800	49,050	54,450	57,050
ROW DWELLINGS	20,850	25,400	31,150	37,200	44,850	49,900	53,250
WALKUP	20,650	25,550	32,400	38,400	44,150	49,000	51,300
ELEVATOR-STRUCTURE	31,100	35,950	45,650	------	------	------	------
MCCALL :							
DETACHED AND SEMIDETACHED	23,150	28,050	34,300	41,200	49,400	54,950	57,650
ROW DWELLINGS	21,300	25,550	31,300	37,550	45,200	50,350	52,750
WALKUP	20,850	25,850	32,650	38,550	44,650	49,400	51,700
ELEVATOR-STRUCTURE	31,250	36,200	46,050	------	------	------	------
POCATELLO :							
DETACHED AND SEMIDETACHED	24,250	29,600	36,300	43,400	52,250	57,950	60,800
ROW DWELLINGS	22,350	27,100	33,150	39,600	47,600	53,100	55,600
WALKUP	21,650	27,300	34,400	40,900	47,100	52,200	54,700
ELEVATOR-STRUCTURE	33,050	38,350	48,500	------	------	------	------
TWIN FALLS :							
DETACHED AND SEMIDETACHED	24,150	29,200	35,950	43,050	51,900	57,650	60,450
ROW DWELLINGS	22,050	26,850	32,900	35,850	47,200	52,700	55,250
WALKUP	21,600	26,900	34,250	40,500	46,700	51,700	54,200
ELEVATOR-STRUCTURE	32,800	38,200	48,150	------	------	------	------
LEWISTON :							
DETACHED AND SEMIDETACHED	23,600	28,650	35,450	41,950	50,800	56,550	59,150
ROW DWELLINGS	21,700	26,200	32,500	38,450	46,300	51,650	54,050
WALKUP	19,650	24,300	31,000	36,450	42,150	46,550	49,000
ELEVATOR-STRUCTURE	30,700	35,900	45,150	------	------	------	------
OREGON							
PORTLAND :							
DETACHED AND SEMIDETACHED	24,000	28,850	35,650	42,650	51,250	56,900	59,650
ROW DWELLINGS	22,400	27,200	33,650	39,750	48,050	53,350	55,700
WALKUP	21,100	26,450	33,450	39,450	45,900	50,450	53,050
ELEVATOR-STRUCTURE	30,500	35,100	44,500	------	------	------	------
PENDLETON :							
DETACHED AND SEMIDETACHED	24,500	29,450	36,350	43,650	52,350	58,000	61,000
ROW DWELLINGS	25,150	30,650	37,750	44,600	54,100	60,000	62,650
WALKUP	21,600	27,150	34,300	40,400	47,100	51,750	54,400
ELEVATOR-STRUCTURE	33,250	38,450	48,750	------	------	------	------
ONTARIO :							
DETACHED AND SEMIDETACHED	25,450	30,800	37,750	45,450	54,450	60,650	63,600
ROW DWELLINGS	24,200	29,050	35,750	42,500	51,450	57,350	60,100
WALKUP	22,700	28,300	35,650	42,350	48,700	53,950	56,500
ELEVATOR-STRUCTURE	31,850	37,000	47,100	------	------	------	------
BEND :							
DETACHED AND SEMIDETACHED	23,350	28,150	34,650	41,600	49,950	55,350	58,100
ROW DWELLINGS	21,700	26,450	32,750	38,650	46,700	52,000	54,200
WALKUP	20,300	25,150	31,900	37,700	43,900	48,050	50,600
ELEVATOR-STRUCTURE	30,500	35,100	44,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON --CONTINUED							
COOS BAY :							
DETACHED AND SEMIDETACHED	23,400	28,400	34,850	42,050	50,250	55,900	58,500
ROW DWELLINGS	22,850	27,650	34,350	40,450	49,050	54,450	56,800
WALKUP	21,750	27,100	34,300	40,600	47,350	52,000	54,600
ELEVATOR-STRUCTURE	31,200	36,150	45,500	------	------	------	------
EUGENE :							
DETACHED AND SEMIDETACHED	22,400	27,050	33,350	40,050	47,900	53,300	55,800
ROW DWELLINGS	20,850	25,450	31,450	37,200	44,900	49,900	52,100
WALKUP	19,450	23,100	30,950	36,400	42,500	46,700	49,150
ELEVATOR-STRUCTURE	29,850	34,500	43,750	------	------	------	------
MEDFORD :							
DETACHED AND SEMIDETACHED	22,900	27,300	33,650	40,450	45,900	54,000	56,400
ROW DWELLINGS	22,000	26,550	32,850	38,950	47,100	52,350	54,500
WALKUP	20,750	25,700	32,750	38,400	44,750	49,350	52,050
ELEVATOR-STRUCTURE	30,050	34,750	44,150	------	------	------	------
WEST SALEM :							
DETACHED AND SEMIDETACHED	22,950	27,900	34,150	41,150	49,350	54,750	57,400
ROW DWELLINGS	21,500	26,200	32,400	38,200	46,300	51,400	53,650
WALKUP	20,300	25,150	31,800	37,550	43,800	48,050	50,600
ELEVATOR-STRUCTURE	30,550	35,650	44,850	------	------	------	------
WASHINGTON							
SEATTLE :							
DETACHED AND SEMIDETACHED	22,950	27,750	34,100	40,700	48,850	54,250	56,950
ROW DWELLINGS	20,600	25,050	30,750	36,650	44,050	48,900	51,300
WALKUP	20,650	25,050	30,850	36,750	44,150	49,000	51,450
ELEVATOR-STRUCTURE	32,050	37,250	46,950	------	------	------	------
PORT ANGELES :							
DETACHED AND SEMIDETACHED	22,950	27,750	34,100	40,700	48,850	54,250	56,950
ROW DWELLINGS	20,600	25,050	30,750	36,650	44,050	48,900	51,300
WALKUP	20,650	25,050	30,850	36,750	44,150	49,000	51,450
ELEVATOR-STRUCTURE	32,800	38,150	48,300	------	------	------	------
LONGVIEW :							
DETACHED AND SEMIDETACHED	22,700	27,550	33,850	40,450	48,550	53,900	56,600
ROW DWELLINGS	20,450	24,750	30,500	36,450	43,750	48,550	50,950
WALKUP	20,550	24,350	30,600	36,450	43,900	48,650	51,100
ELEVATOR-STRUCTURE	32,950	38,550	48,650	------	------	------	------
ABERDEEN :							
DETACHED AND SEMIDETACHED	22,700	27,550	33,850	40,450	48,550	53,900	56,600
ROW DWELLINGS	20,450	24,750	30,500	36,450	43,750	48,550	50,950
WALKUP	20,550	24,350	30,600	36,450	43,900	48,650	51,100
ELEVATOR-STRUCTURE	32,300	37,400	47,450	------	------	------	------
BELLINGHAM :							
DETACHED AND SEMIDETACHED	22,950	27,750	34,100	40,700	48,850	54,250	56,950
ROW DWELLINGS	20,600	25,050	30,750	36,650	44,050	48,900	51,300
WALKUP	20,650	25,050	30,850	36,750	44,150	49,000	51,450
ELEVATOR-STRUCTURE	32,300	37,400	47,450	------	------	------	------
OLYMPIA :							
DETACHED AND SEMIDETACHED	22,950	27,750	34,100	40,700	48,850	54,250	56,950
ROW DWELLINGS	20,600	25,050	30,750	36,650	44,050	48,900	51,300
WALKUP	20,650	25,050	30,850	36,750	44,150	49,000	51,450
ELEVATOR-STRUCTURE	32,300	37,400	47,450	------	------	------	------
YAKIMA :							
DETACHED AND SEMIDETACHED	23,800	28,800	35,400	42,300	50,650	56,500	59,350
ROW DWELLINGS	21,450	25,950	31,850	38,100	45,750	50,850	53,450
WALKUP	21,500	26,000	32,000	38,150	45,900	51,050	53,600
ELEVATOR-STRUCTURE	33,600	39,100	49,550	------	------	------	------
SPOKANE :							
DETACHED AND SEMIDETACHED	21,900	26,600	32,600	38,950	46,600	52,000	54,550
ROW DWELLINGS	18,700	22,750	27,900	33,350	40,000	44,450	46,650
WALKUP	18,700	22,700	27,850	33,350	39,950	44,350	46,600
ELEVATOR-STRUCTURE	30,550	35,500	45,050	------	------	------	------
CHENEY :							
DETACHED AND SEMIDETACHED	22,300	26,600	33,200	39,650	47,600	52,850	55,500
ROW DWELLINGS	19,050	22,750	28,400	33,850	40,700	45,150	47,450
WALKUP	19,050	22,700	28,350	33,850	40,600	45,100	47,350
ELEVATOR-STRUCTURE	30,950	36,150	45,700	------	------	------	------
KENNEWICK :							
DETACHED AND SEMIDETACHED	24,600	27,000	36,600	43,700	52,400	58,200	61,100
ROW DWELLINGS	21,000	23,100	31,350	37,350	44,850	49,800	52,250
WALKUP	21,000	23,100	31,250	37,300	44,750	49,700	52,200
ELEVATOR-STRUCTURE	32,050	35,250	44,750	------	------	------	------
PULLMAN :							
DETACHED AND SEMIDETACHED	22,850	27,700	34,000	40,600	48,750	54,150	56,850
ROW DWELLINGS	19,550	23,700	29,050	34,700	41,700	46,250	48,600
WALKUP	19,500	23,650	29,000	34,750	41,650	46,300	48,600
ELEVATOR-STRUCTURE	33,650	39,250	49,650	------	------	------	------

federal register

Friday
January 20, 1984

Part V

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Equipment Leaks of VOC and SO_2 Emissions From Onshore Natural Gas Processing Plants; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2307-2]

Standards of Performance for New Stationary Sources; Onshore Natural Gas Processing Plants in the Natural Gas Production Industry; Equipment Leaks of VOC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit emissions of volatile organic compounds (VOC) from specific equipment leaking VOC containing gases or liquids in the natural gas production industry. The proposed standards would require a leak detection and repair program to reduce VOC emissions from pumps, valves, and pressure relief devices; and would specify the use of certain equipment to reduce VOC emission from compressors and open-ended valves or liner. Only equipment located at onshore natural gas processing plants would be covered by the proposed standards. Pieces of equipment that are remotely located (i.e., not located at an onshore natural gas processing plant) would not be covered by the proposed standards.

The proposed standards implement Section 111 of the Clean Air Act and are based on the Administrator's decision that the crude oil and natural gas production industry causes, or contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. As required by Section 111 of the Clean Air Act, the proposed standards are intended to require new, modified, and reconstructed sources in the natural gas production industry to use the best demonstrated system of continuous emission reduction, considering costs, nonair quality health and environmental impacts, and energy requirements.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed standards.

DATES: *Comments:* Comments must be received on or before April 6, 1984.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by Febuary 15, 1984, a public hearing will be held on March 7, 1984, beginning at 9:00 a.m. Persons interested in attending the hearing should call Mrs. Carol Eddinger at (919) 541-5578 to verify that a hearing will occur.

Request to Speak at Hearing. Persons wishing to present oral testimony should contact EPA by Febuary 15, 1984.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE-131), Attention: Docket No. A-80-20-B, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 15, 1984, the public hearing will be held at EPA Auditorium, corner of Highway 544 and Alexander Drive, RTP, NC. Persons interested in attending the hearing should call Mrs. Carol Eddinger at (919) 541-5578 to verify that a hearing will occur. Persons wishing to present oral testimony should notify Mrs. Carol Eddinger, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

Background Information Document. The background information document (BID) for the proposed standards is contained in the docket and may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Equipment Leaks of VOC in the Natural Gas Production Industry—Background Information for Proposed Standards" (EPA-450/3-82-024a).

Docket. Docket No. A-80-20-B, containing supporting information used in developing the proposed standard, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Wood, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5578.

SUPPLEMENTARY INFORMATION:

Summary of Proposed Standards

The proposed standards of performance would cover equipment leaks of VOC from certain affected facilities within onshore natural gas processing plants (gas plants) in the natural gas production industry. The affected facilities would consist of each new, modified, and reconstructed compressor and each new, modified, and reconstructed process unit. The equipment within a process unit covered by the proposed standards would include pumps, valves, pressure relief devices, open-ended valves and lines, and flanges and connectors. Only compressors and equipment containing or contacting a fluid containing more than 1.0 weight percent VOC (described as "in VOC service") would be regulated by the proposed standards.

The proposed standards would require: (1) a leak detection and repair program for pressure relief devices in gas/vapor service, for valves in gas/vapor service and in light liquid service, and for pumps in light liquid service; and (2) certain equipment for compressors and open-ended valves or lines. Flanges and other connectors, pressure relief devices in liquid service, and pumps and valves in heavy liquid service would be excluded from the routine monitoring requirements but would be subject to the same repair requirements for pressure relief devices in gas/vapor service and pumps and valves in light liquid service. The proposed standards would allow the use of alternative equipment for valves, pumps, and compressors, alternative standards for valves, and a procedure for determining the equivalency of other alternative control measures. "In gas/vapor service" means that the equipment contains organic fluids in the gaseous or vapor state. "In light liquid service" means that the equipment contains VOC liquids which would have more than 10 percent of the liquids evaporated at a boiling point of 150°C, as determined by ASTM Method D-86.

A gas plant that does not fractionate natural gas liquids and that also processes 283,000 standard cubic meters per day (scmd) [10 million standard cubic feet per day (scfd)] of less of field gas would be exempt from the routine monitoring requirements for pressure relief devices, valves, and pumps.

Reciprocating compressors in wet gas service that are located at an onshore natural gas plant that does not have a control device present at the plant site are exempt from the compressor control requirements.

Summary of Environmental, Energy, and Economic Impacts

The proposed standards of performance would reduce equipment leaks of VOC from newly constructed, modified, and reconstructed compressors and newly constructed, modified, and reconstructed process units by about 78 percent from the emission levels that would result with control means currently practiced by the

industry. In 1987, the proposed standards would reduce uncontrolled equipment leaks of VOC from newly constructed, modified, and reconstructed facilities by approximately 18,800 megagrams (Mg), a reduction of emissions from 24,200 megagrams of VOC per year (Mg/yr) to 5,400 Mg/yr.

The proposed standards of performance would not increase the energy usage within gas plants. In general, the controls required by the proposed standards do not require energy. Furthermore, the effect of the proposed standards would be to increase efficiency of raw material usage, so that a net positive energy impact would result. The proposed standards would also cause a positive impact on water quality by containment of potential liquid leaks. Implementation of the proposed standards would result in no adverse solid waste impact.

The proposed standards would require a cumulative capital investment of $7.8 million for 180 newly constructed gas plants and up to $2.3 million for 40 modified and reconstructed gas plants through 1987. The industry-wide net annual cost (after accounting for recovery credits) for newly constructed, modified, and reconstructed production facilities is estimated to be approximately $2.5 million in 1987. Average cost effectiveness would be about $130 per megagram of VOC reduction. These costs represent a small impact on the industry and are not expected to deter construction of gas processing plants. No adverse economic impacts are anticipated, and the consumer price of natural gas is not expected to increase more than 0.1 percent.

Rationale

Selection of Sources and Pollutants

The EPA Priority List (40 CFR 60.16, amended at 47 FR 951, January 8, 1982) includes, in order of priority for standards development, various major source categories that the Administrator has determined contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The order of the listed categories is based on consideration of the three factors specified in Section 111(f) of the Clean Air Act: (1) the quantity of air pollutant emissions that each category will be designed to emit, (2) the extent to which each pollutant may reasonably be anticipated to endanger public health or welfare, and (3) the mobility and competitive nature of each category. The Priority List identifies the source categories for which EPA must promulgate standards of performance. The category "Crude Oil and Natural Gas Production" ranks 29th on the list of 59 source categories.

The crude oil and natural gas production industry encompasses the operations of exploring for crude oil and natural gas products, drilling for these products, removing them from beneath the earth's surface, and processing these products from oil and gas fields for distribution to petroleum refineries and gas pipelines. The crude oil and natural gas production industry is a source of volatile organic compounds (VOC), sulfur dioxide (SO_2), hydrogen sulfide (H_2S), carbon disulfide (CS_2), carbonyl sulfide (COS), and nitrogen oxides (NO_x) emissions. All of these pollutants, except VOC, are considered in standards being developed separately. Thus, the standards proposed with this preamble would apply only to VOC emitted by this industry.

There are several VOC emission points within this industry. These emission points can be divided into three main categories: process, storage, and equipment leaks. Process emission sources include well systems, field oil and gas separators, wash tanks, settling tanks, and other sources. These process sources remove the crude oil and natural gas from beneath the earth and separate gas and water from the crude oil. Best demonstrated control technology has not been identified for process emission points; therefore, these sources have not been considered in developing the proposed standards.

Storage emission sources include field storage tanks, condensate tanks, and cleaned oil tanks. These were addressed during the development of standards of performance for storage of petroleum liquids in Subpart K of 40 CFR 60.

Equipment leaks of VOC can occur from pumps, valves, compressors, open-ended lines or valves, and pressure relief devices used in onshore crude oil and natural gas production. These leaks usually occur due to design or failure of the equipment. Equipment used in crude oil and natural gas production (not to be confused with natural gas processing) are widely dispersed over large areas. The analysis presented in the BID for the principal control technique (leak detection and repair work practices) for equipment leaks of VOC is not appropriate for widely dispersed equipment. The costs and emission reduction numbers for such an analysis are unknown at this time. Thus, the proposed standards do not apply to equipment associated with crude oil and natural gas production. The proposed standards apply only to equipment located at onshore natural gas processing plants.

Based on recent growth projections for onshore natural gas processing plants, about 180 newly constructed facilities and as many as 40 modified or reconstructed facilities could become covered by the proposed standards during the period from 1983 to 1987. If the equipment covered by the proposed standards in these 220 gas processing plants are controlled only by existing maintenance procedures, an estimated 24,200 megagrams of VOC per year would result from these facilities in 1987. These emissions of VOC could be reduced substantially by readily available controls at reasonable costs.

Standards of performance have other benefits in addition to achieving emissions reductions. Standards of performance establish a degree of national uniformity to air pollution standards and, therefore, preclude situations in which some States may attract new industries as a result of having relaxed standards relative to other States. Further, standards of performance provide documentation that reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analyses of alternative emission control technologies, development of associated costs, assessment of economic impacts on the industry and consumers, evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies.

The rulemaking process that establishes standards of performance assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government, and the public affected by the industry's emissions. The resultant standards represent a balance in which government resources are applied in a well-publicized national forum to reach a decision on a pollution emission level that allows for a dynamic economy and a healthful environment.

Selection of Affected Facilities

The choice of the affected facility for the proposed standards is based on EPA's interpretation of Section 111 of the Clean Air Act and on the judicial construction of its meaning [ASARCo, Inc., v. EPA, 578 F. 2d 319 (D.C. Cir. 1978)]. Under Section 111, standards of

performance for new stationary sources must apply to "new sources;" "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [Section 111(a)(3)]. Most industrial plants, however, may consist of numerous facilities—equipment or groups of equipment—that emit air pollutants and that, consequently, may be viewed as "sources." EPA uses the term "affected facility" to designate the equipment or groups of equipment, within a particular kind of plant, chosen as the "source" affected by given standards.

In choosing the affected facility, EPA must decide which equipment, or groups of equipment, is the appropriate unit for separate standards of performance in the particular industrial context involved. EPA must do this by examining the situation in light of the terms and purpose of Section 111 of the Clean Air Act. One major consideration in determining the definition of source is that the use of a narrower designation results in bringing replacement equipment under standards of performance sooner. If, for example, an entire plant is designated at the affected facility, no part of the plant would be covered by the standards unless the plant as a whole is "modified" (see 40 CFR 60.14) or "reconstructed" (see 40 CFR 60.15). The plant as a whole could be considered modified only if the replacement resulted in an increase in the aggregate emissions from the entire plant. The plant as a whole could be considered reconstructed only if the cost of the replacement exceeded 50 percent of the cost of an entire new plant. If, on the other hand, each piece of equipment is designated as an affected facility, then as each piece is replaced, the replacement piece will be a new source subject to the standards, regardless of the cost of the replacement or whether the replacement caused emissions from the plant as a whole to increase. Since the purpose of Section 111 is to minimize emissions by application of the best demonstrated system of emission reduction at all new and modified source (considering cost, nonair quality health and environmental impacts, and energy requirement), there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if EPA concludes either that: (a) a broader designation of the affected facility would result in greater emission reduction; or (b) consideration of the other relevant statutory factors (technical feasibility, costs, nonair quality health and environmental impacts, and energy requirements) leads to the conclusion that a broader designation is appropriate.

Affected facilities for standards that would cover equipment leaks of VOC could be defined as individual pieces of equipment, as groups of equipment that are operated in conjunction with each other (process units), or as groups of process units at one location (plant sites).

The alternative of defining the affected facility as separate pieces of equipment, the most narrow designation, was reviewed first. Due to the large number of equipment in a typical process unit, if EPA selected separate pieces of equipment as the basis for defining affected facilities, situations could arise in which replaced equipment in an existing process unit would be subject to the standards, while adjacent equipment would not be subject to the standards. With such a mixture of new and existing equipment, the effort to keep track of equipment covered by the standards and equipment not covered by the standards could be too costly. In addition, implementing a leak detection and repair program, the principal control technique considered for the proposed standards, for a very small proportion of the equipment within a process unit would be costly.

Therefore, EPA considered groups of equipment (with the exception of compressors, discussed below) within each process unit for the designation as an affected facility. This alternative obviates the need for, and the costs of, distinguishing between equipment covered by the standards and equipment not covered. Furthermore, in this case the designation of the affected facility as a process unit is expected to result in emission reductions comparable to the reductions achieved if the affected facility were designated as separate pieces of equipment. Based on these considerations, EPA selected the group of equipment within a process unit as the affected facility for equipment other than compressors.

Compressors, unlike the other equipment, can be easily identified because they are located together and are physically separate from the process unit. An owner or operator, at reasonable costs, could easily keep track of compressors covered by the standards and compressors not covered by the standards, and there are no other reasons for a broader designation of the affected facility. In addition, for existing compressors covered through the reconstruction provisions of 40 CFR 60.15, the reconstruction determination includes a consideration as to whether it is technically or economically feasible for an existing compressor to meet the standards. This could be used to determine which of the few existing compressors might not be designed to allow reasonable retrofitting of the control technique described in Chapter 4 of the BID. If compressors were included among other equipment in defining affected facilities, then an existing compressor could become subject to the standards under the modification provisions, and an independent review could not be used to determine if an existing compressor was not designed to allow reasonable retrofitting of the control techniques. Based on these considerations, EPA selected the individual piece of equipment (i.e., each compressor) as the affected facility for compressors.

In summary, the proposed standards would apply to two types of affected facilities. Each gas plant compressor in VOC service is one type of affected facility. The other type of affected facility comprises all equipment in VOC service, other than compressors, within a process unit. A process unit is defined as equipment assembled for the separation of natural gas liquids from field gas, fractionation of the liquids into natural gas products, or other operation associated with the processing of natural gas products.

More specifically, a process unit has discrete boundaries that consist of the points where process fluid enters from the preceding natural gas processing activity and where the treated process fluid is discharged to storage or for further processing. For example, a separation train is a process unit because a field gas stream enters the separation train, and separate product gas and natural gas liquids are discharged from the train. If further separation of natural gas liquids is performed by fractionation, the fractionation train comprises an additional process unit. Thus, the process unit is used as the basis for defining an affected facility, but the applicability of the proposed standards is limited to specific equipment in VOC service.

The proposed standards would exempt routine changes and additions made for process improvements from the modification provisions of Section 60.14 of the General Provisions of 40 CFR Part 60 if they are made without incurring a "capital expenditure" as defined in the General Provisions. Examples of such changes include those

made for increasing the ease of maintenance, improving plant safety, and correcting minor design flaws.

These standards would apply only to equipment with process stream VOC concentrations of 1.0 weight percent or more. VOC means any organic compound that participates in atmospheric photochemical reactions. It is assumed that an organic compound participates in atmospheric photochemical reactions unless the Adminstrator determines that it does not. The Administrator has determined that the following organic compounds have neligible photochemical reactivity: methane; ethane; 1,1,1–trichloroethane; methylene chloride; trichlorofluoromethane; dichlorodifluoromethane; trifluoromethane; trichlorotrifluoroethane; dichlorotetrafluoroethane; and chloropentafluorethane. The 1.0 percent cutoff is intended to exempt equipment in product natural gas service. Product natural gas has much less than 1.0 weight percent VOC; and there is little emission reduction potential associated with controlling equipment in product natural gas service. A relatively large percentage of the emissions from natural gas plants is from equipment with process streams with relatively low percentages of VOC (but greater than 1.0 weight percent). The costs of controlling equipment with VOC concentrations greater than 1.0 weight percent are reasonable, with one exception, and, therefore, they are covered by the proposed standards. The exception is reciprocating compressors in wet gas service that are located at a natural gas plant that does not have a control device at the plant site. As discussed in the *Selection of the Basis for the Proposed Standards* section of this preamble, these compressors are not subject to the compressor control requirements.

Equipment covered by standards of performance for facilities within the synthetic organic chemical manufacturing industry and within petroleum refinery process units are excluded from these proposed standards. Equipment covered by national emission standards for benzene are also excluded.

Control Techniques and Control Costs for Equipment Leaks of VOC

There are basically two types of control techniques available for equipment leaks of VOC: (1) leak detection and repair programs; and (2) equipments, design, and operational requirements. Leak detection and repair programs reduce equipment leaks of VOC by establishing a procedure which includes monitoring to detect VOC leaks from specific equipment and steps to repair leaking equipment. Both types of control techniques apply to pressure relief devices, valves, and pumps. Equipment, design, and operational requirements were considered for compressors, open-ended valves or lines, and sampling connection systems. The control techniques considered for each type of equipment are summarized below and are described more fully in Chapter 4 of the BID. In addition, costs and VOC emission reductions associated with each control technique are presented below.

Pressure relief devices. Equipment leaks of VOC from pressure relief devices result from leakage of process materials through the pressure relief device valve seat. VOC emissions can be controlled by a leak detection and repair program or by installation of a rupture disk between the process stream and pressure relief device.

The annual costs and VOC emission reductions achieved for monthy and quarterly leak detection and repair programs and for use of control equipment (rupture disks) were determined for pressure relief devices. A quarterly leak detection and repair program results in a net annual credit of $610, reducing VOC emissions by approximately 950 kilograms per year (kg/yr). The cost of a monthly leak detection and repair program is completely offset by the recovery credits, and VOC emissions would be reduced by about 1 megagram per year (Mg/yr). Installation of rupture disks would control an additional 500 kg/yr but at the relatively high cost of $6,700/Mg. The control costs per megagram of VOC reduced and the emission reductions achieved are presented in Table 1.

TABLE 1.—CONTROL COSTS PER MEGAGRAM OF VOC'S REDUCED [a]

Fugitive emission source	Control technique [b]	Emission reduction,[c] Mg/yr	Average,[d] $/Mg	Incremental,[e] $/Mg
Pressure relief devices	*Quarterly leak detection and repair* [g]	0.95	(f)	(f)
	Monthly leak detection and repair	1.0	0	5,800
	Rupture disks	1.5	6,800	22,000
Compressors	*Closed vent and seal system* [g]	[h]14	460	460
Open-ended valves and lines	*Caps on open ends* [g]	19	(f)	(f)
Sampling connection systems	Closed purge sampling	[i]0.22	[i]7,000	[i]7,000
Valves	Quarterly leak detection and repair	40	(f)	(f)
	Monthly leak detection and repair [g]	43	0	[j]1,400
Pumps	Quarterly leak detection and repair	2.0	590	590
	Monthly leak detection and repair [g]	2.3	610	800
	Dual mechanical seal systems	2.6	4,900	31,000

[a] Costs and emission reductions are based on Model Plant B as presented in the BID, Appendix H.
[b] Further discussion of control techniques used can be found in Chapters 4 and 6 of the BID.
[c] Emission reductions are for Model Plant B. Refer to BID Table 7-2.
[d] Average dollars per megagram (cost effectiveness) = net annual cost per component ÷ annual VOC emission reduction per component.
[e] Incremental dollars per megagram = (net annual cost of the control technique − net annual cost of the next less restrictive control technique) ÷ (annual emission reduction of control technique − annual emission reduction of the next less restrictive control technique).
[f] Cost savings occur.
[g] Control techniques selected as the basis for the proposed standards.
[h] Emission reduction for compressors is from BID Appendix H, Table 3.
[i] Costs and emission reduction for closed purge sampling represent both inlet gas sampling and product liquids sampling.
[j] Monthly/quarterly leak detection and repair is allowed under the proposed standards and the incremental cost effectiveness of monthly/quarterly from quarterly leak detection and repair is less than 300 $/Mg.

Compressors. Many types of seals and packings are used to limit leakage of process gases around compressor drive shafts. VOC can be emitted as a result of seal design, seal deterioration, or imperfections. VOC also can be emitted from barrier fluid degassing vents that are used on some types of mechanical seals on centrifugal compressors. Reciprocating compressors are supplied with vented seals and enclosed and vented distance pieces. Emissions from these vents can be collected and routed to either a process heater, the compressor intake, or a flare. The distance piece enclosures would be slightly pressurized with a barrier fluid (such as product gas) to prevent an explosive atmosphere in the enclosure.

The annual costs and emission reductions were estimated for the use of a closed vent system for reciprocating compressor seals and for the use of mechanical seals and barrier fluid systems for centrifugal compressor seals. The control cost per megagram of VOC reduced would be $460. These numbers are presented in Table 1.

Open-Ended Valves or Lines and Sampling Connection Systems. Equipment leaks of VOC from open-ended valves or lines result from leakage of process fluids through the valve seat. These emissions can be controlled by the installation of a cap or a second valve. A net annual credit of $1,900 would result from installation of caps on open-ended lines or valves. This

would result in an emission reduction of approximately 19 megagrams of VOC per year.

Open-ended valves or lines can be used for sampling process fluids, which may result in equipment leaks of VOC. These emissions can be reduced through the use of closed purge sampling systems. Closed purge sampling would result in an average annual cost of $7,000 per megagram of VOC and would reduce VOC emissions by 0.22 megagrams per year. The control costs per megagram of VOC reduced and the emission reductions achieved are presented in Table 1.

Valves. Equipment leaks of VOC result when valve packings or O-rings that are used to limit leakage of process fluids around valve stems deteriorate. VOC emissions from valves can be reduced through leak detection and repair programs.

The annual costs per megagram of VOC emissions reduced and emission reductions achieved were determined for leak detection and repair programs. These costs and emission reductions are presented in Table 1. Quarterly monitoring for leaks from valves results in net annual savings of about $4,000, and the cost of monthly monitoring is completely offset by the recovery credits. Quarterly monitoring would reduce VOC emissions by 40 megagrams per year, and monthly monitoring would reduce VOC emissions by 43 megagrams per year. The incremental cost per megagram of monthly monitoring compared to quarterly monitoring is $1,400 per year.

Pumps. Equipment leaks of VOC result from leakage of process fluids around pump drive shafts and through deteriorated seal packings or worn mechanical seal faces. VOC can also be emitted from the barrier fluid degassing vents used on some types of dual mechanical seal systems. VOC emissions from pump seals can be reduced through leak detection and repair programs or through the use of dual mechanical seals with controlled degassing vents.

The control costs incurred for each megagram of VOC emissions reduced and emission reductions achieved were determined for leak detection and repair programs and the use of dual mechanical seals with controlled degassing vents. These costs and emission reductions are presented in Table 1. Quarterly monitoring and monthly monitoring result in costs of $590 and $610 per megagram of VOC controlled and reduce annual VOC emissions by 2.0 and 2.3 megagrams, respectively. Dual mechanical seals would result in a cost of $4,900 per megagram of VOC and would reduce annual VOC emissions by 2.6 megagrams. The incremental cost per megagram of monthly monitoring is $800 per megagram of VOC (in comparison with quarterly monitoring), and the incremental cost per megagram of dual mechanical seals is $31,000 per megagram of VOC (in comparison with monthly monitoring).

Selection of the Basis for the Proposed Standards

Section 111 of the Clean Air Act, as amended, requires that standards of performance be based on the best system of continuous emission reduction that has been adequately demonstrated, considering costs, nonair quality health and environmental impact, and energy requirements (best demonstrated technology). As a first step toward determining which control techniques should be selected as the basis for the proposed standards, EPA analyzed the annual cost of controlling VOC emissions and the resultant VOC reduction for each alternative control technique. EPA also considered the nonair environmental, energy, and economic impacts associated with selecting alternative control techniques as the basis for the proposed standards.

The control costs per megagram of VOC reduced are presented in Table 1. These costs do not represent the actual amounts of money spent at any particular plant site. The cost of VOC emission reduction systems will vary according to the products being produced, production equipment, plant layout, geographic location, and company preferences and policies. However, these costs are considered typical of control techniques for equipment leaking VOC within natural gas plants and can be used in making decisions about the level of control to be required.

The analysis presented in Table 1 shows that the incremental control costs per megagram of VOC reduced were $31,000 for dual mechanical seals with controlled degassing vents compared to a leak detection and repair program with monthly monitoring. For pressure relief devices, the incremental costs per megagram were $22,000 for rupture disks compared to a leak detection and repair program with monthly monitoring and $5,800 for monthly monitoring compared to quarterly monitoring. The cost per megagram of VOC reduced was $7,000 for closed purge sampling systems. These costs were judged to be unreasonably high, and, therefore, these specific control options were given no further consideration.

EPA next examined the costs and emission reductions associated with a leak detection and repair program with monthly monitoring for valves and pumps, quarterly monitoring for pressure relief devices, and the use of equipment on open-ended valves or lines, and compressors. Incremental costs per megagram of VOC reduced for these control technologies range from a credit to a cost of about $1,400 for the typical size plant. As discussed later in this preamble, the monthly leak detection and repair requirement for valves has provisions that allow monthly/quarterly monitoring. Allowing monthly/quarterly monitoring reduces the incremental costs per megagram of VOC to a maximum of about $800. These costs are judged to be reasonable for a typical size plant, considering the potential emission reduction to be achieved.

EPA recognizes, however, that there are some relatively small plants that operate without technically trained personnel being present because of the type of process that is performed there. While fractionating plants require the presence of technically trained personnel, small nonfractionating plants often operate unmanned or without personnel having the technical ability necessary to carry out responsibly a leak detection and repair program. In these cases, central office personnel or an outside consultant would be required to conduct leak detection and repair. The additional costs that would be incurred in such cases were examined and considered in light of the emission reduction that would be achieved (Appendix F of the BID). The costs were judged to change from reasonable to unreasonable at plants having capacities between 142,000 and 283,000 scmd (5 and 10 million scfd). Therefore, EPA decided to exempt any nonfractionating plant whose capacity is 283,000 scmd (10 million scfd) or less of field gas from the routine monitoring requirements for valves, pumps, and pressure relief devices. However, all fractionating plants, regardless of capacity, would be required to implement the routine monitoring requirements.

The costs and the cost effectiveness numbers stated in Table 1 are based on an average size plant (2.55 million scmd, or 90 million scfd) with 50 percent reciprocating compressors and 50 percent centrifugal compressors. One industry representative stated that some small plants do not have a control device and that the additional costs associated with the installation and operation of a control device would

make the reciprocating compressor control cost effectiveness unreasonable for such small facilities. The costs, including the additional costs of installing and operating a control device (a flare), were analyzed for various compressor types (reciprocating and centrifugal) in different types of VOC service (wet gas and natural gas liquids). The costs and cost effectiveness were reasonable for all combinations of compressor type and type VOC service except the reciprocating compressor in wet gas service (less than 50 weight percent VOC). The cost effectiveness for this combination was judged to be unreasonable. Therefore, the Administrator decided to exempt from the compressor control requirements reciprocating compressors in wet gas service that are located at a gas plant that does not have a control device present at the plant site.

To ensure that the analyses leading to the small plant-size exemption and to the reciprocating wet gas compressor exemption adequately considered all relevant factors, the Agency requests comments from interested parties about the recommended exemptions.

Natural gas plants are relatively large emitters of VOC, with equipment leaks comprising a significant VOC emitting segment in natural gas plants. The control techniques, for which the incremental costs per megagram emission reduction were judged to be reasonable, would result in a nationwide reduction of at least 18,800 Mg of VOC in the fifth year after proposal. It is reasonable to believe that a reduction of this size in VOC emissions from the gas production industry would be of significant benefit to the environment. After considering the results of the analysis of the control costs per megagram reduced by these control techniques, EPA tentatively selected them as the basis for the proposed standards.

Next, economic, energy, and nonair quality environmental impacts were examined to determine if they would alter the selection of the basis for the proposed standards. The economic impact analysis shows that the control techniques, for which it was decided that the costs per megagram of VOC reduced are reasonable, would result in no adverse economic impacts on the affected industry and would result in an increase in the consumer price of natural gas of no more than 0.1 percent. EPA also examined the nonair quality environmental and energy impacts of the control techniques considered for each source. Analyses of these impacts are presented in Chapter 7 of the BID. Reduction in VOC leakage, resulting from any of the control options considered, would reduce the waste load on wastewater treatment systems, thereby having a positive impact on water quality. Solid waste impacts due to any of the control options would be minimal. Each control option would result in a net positive energy impact due to conservation of VOC which has an energy value. Since there were no adverse nonair quality environmental or energy impacts, consideration of these impacts did not affect the decision on the basis of the proposed standards.

In summary, the most effective control techniques which were considered by EPA to have reasonable incremental costs per megagram of VOC emissions reduced were selected as the basis for the proposed standards. These control techniques include a monthly leak detection and repair program for valves and pumps and a quarterly leak detection and repair program for pressure relief devices at all onshore natural gas plants except those that both do not fractionate natural gas liquids and that have a capacity of 283,000 scmd (10 million scfd) or less. Control equipment was selected as the basis for the proposed standards for open-end valves or lines and for compressors. Less restrictive control techniques were not considered further because they achieved less emission reduction; and there were no cost, economic, energy, or nonair quality environmental impacts which necessitated further examination of these control techniques.

Selection of Format for the Proposed Standards

Several formats could be used to implement the control requirements selected as the basis for the proposed standards. Section 111 of the Clean Air Act requires that a standard of performance be prescribed unless, in the judgment of the Administrator, it is not feasible to prescribe or enforce such a standard. Section 111(h) defines two conditions under which it is not feasible to prescribe or enforce a performance standard. These conditions are (1) if the application of measurement methodology to a particular class of sources is not practicable due to technological or economic limitations, or (2) if the pollutants cannot be emitted through a conveyance device. If a performance standard is not feasible to prescribe or enforce, then the Administrator may instead promulgate a design, equipment, work practice, or operational standard, or combination thereof.

A performance standard allows for some flexibility because any control technique may be used if it achieves the level of emission reduction represented by the standard. However, for most equipment leaks of VOC it is not feasible to prescribe a performance standard. Except in those cases in which standards can be set at "no detectable emissions," the only way to measure emissions from equipment leaking VOC would be to use a bagging technique for each piece of equipment. The great number of pieces of equipment and their distribution over large areas would make such a requirement economically impracticable for many plants.

Another approach for prescribing a performance standard would be to specify a number or percent of equipment that would be allowed to leak. The only equipment for which a leak frequency limit would be applicable is valves, because other pieces of equipment are too few in number to allow a meaningful percent to be determined. The variability in the percentage of leaking valves among process units precludes setting an allowable percentage of leaking valves that could necessarily be achieved by all process units within the industry. Therefore, establishing an allowable percentage of leaking valves applicable to all process units is not practicable. However, establishing an allowable percentage of leaking valves based on cost considerations associated with levels of performance is possible. If a process unit achieves the designated level of performance, then the owner or operator may elect to comply with an alternative standard for valves. This approach, which would add flexibility to the proposed standards, is discussed in more detail in the *Alternative Standards for Valves* section of this preamble.

Based on EPA's determination that it is infeasible to prescribe a performance standard for most equipment leaks of VOC at onshore natural gas plants, the alternative regulatory formats identified in Section 111(h) of the Act were considered. One possible format is an equipment standard. Equipment standards provide well-documented emission reductions. Determining compliance would require an initial check to ensure that the equipment had been installed properly and periodic checks to ensure that the equipment was continuing to operate properly. An inherent disadvantage associated with this type of format is less site-specific flexibility.

As indicated in the next section of this preamble, EPA reviewed the performance of equipment other than

the equipment selected as the basis for the proposed standards and is proposing to allow other equipment as alternatives to the equipment and work practices required by the proposed standards. These alternatives are allowed if they provide a reduction in emissions that is at least equivalent to the reductions achieved by the equipment or work practices required by the proposed standards. In addition, owners and operators of affected facilities would have additional flexibility because they could obtain EPA's approval to employ other equivalent techniques under Section 111(h)(3) and innovative techniques under the waiver provisions of Section 111(j).

Other formats include work practice, design, and operation standards. An example of the work practice format would be a program for leak detection and repair. Inspection methods, inspection time intervals, and time allowed for repair would be defined in detailing the work practices. Compliance with a work practice standard would be demonstrated by documenting that the work practices have been carried out. Rather than requiring specific control equipment or work practices, a design or operational format would require that a certain design representative of a level of control be attained or that certain conditions during operation of a process be achieved. For example, combustion devices may be required to be designed to achieve a specified level of control efficiency.

The proposed standards incorporate all of the possible formats. Different formats are required for different types of leaking equipment because characteristics of the equipment, the available emission control techniques, and the applicability of the measurement method used for equipment leaks differ. In the next section, the rationale for selecting a particular format is explained for each type of leaking equipment. For each type of leaking equipment, the feasibility of prescribing or enforcing a performance standard is discussed. If a performance standard is not feasible, the rationale for selecting another format is presented.

Selection of Emission Limit, Equipment, Work Practice, Design and Operational Standards

Compressors. The basis of the proposed standards for compressors is a closed-vent system to control leakage from the seal vent and distance piece area. Emission limits for compressors have not been proposed because the application of available measurement methods would not be practicable because of technological or economic limitations. Thus, EPA proposes that the compressor be equipped with a seal area enclosure and closed vent system to carry the VOC emissions to a control device. The enclosure would capture all the emissions from the seal area. The closed vent system and control device would be required to comply with requirements discussed in the *Closed Vent Systems and Control Devices* portion of this section of the preamble.

For centrifugal compressors, mechanical seals with a barrier fluid system would be an equivalent alternative to a vent control system because they would achieve essentially 100 percent control of VOC emissions. In these instances, requirements must also be established to ensure the proper operation and maintenance of the equipment. A pressure or level indicator on the barrier fluid system would reveal any catastrophic failure of the seal or of the barrier fluid system. This indicator could be monitored in the control room or be equipped with an alarm to signal a failure of the system. Thus, a requirement to include an indicator to detect failure of the system is proposed, pursuant to Section 111(h), to ensure the proper operation and maintenance of the alternative mechanical seal system.

As mentioned in the *Selection of Affected Facilities* section of this preamble, there may be some cases in which distance pieces cannot be enclosed or seals with barrier fluid systems cannot be utilized with a closed vent system to a control device because some existing compressors cannot technologically or economically be retrofitted. For example, enclosing the distance piece and venting to a control device could require replacement of the distance piece on a reciprocating compressor or replacement of an entire reciprocating compressor. In these situations, determination of whether installation of the enclosure and venting system or its equivalent is technologically or economically feasible can take place during the determination of whether an existing compressor will be considered reconstructed and therefore affected by the standards. If EPA determines that an existing compressor cannot be technologically or economically retrofitted, then the compressor would not be required to comply with the standards.

Open-Ended Valves or Lines. The basis of the proposed standards is equipment that would enclose the open end. Bagging of this equipment for emission measurement or other techniques for measuring leak rates would not be economically or technologically practicable. A "no detectable emissions" standard could not be selected as the format for the proposed standard because VOC could leak through the valve seat and become trapped in the line between the valve and the cap. The trapped VOC could be emitted to the atmosphere, even though the VOC emitted to the atmosphere would be much less than the VOC emitted without the enclosure. Thus, EPA selected the use of an equipment standard for control of equipment leaks of VOC from open-ended valves or lines.

Enclosure of the open end can be achieved by installing a cap, plug, or a second valve. The control efficiency associated with these techniques is approximately 100 percent, except when the line is used for draining, venting, or sampling operations. Thus, EPA is proposing standards that require open-ended valves or lines to be equipped with a cap, plug, or a second valve. If a second valve is used, the proposed standards require that the upstream valve be closed first, pursuant to Section 111(h). After the upstream valve is completely closed, the downstream valve must be closed. This operational requirement is necessary in order to prevent trapping process fluid between the two valves, which could result in a situation equivalent to the uncontrolled open-ended valve or line.

Valves. Valves could not reasonably be designed to release fugitive emissions to a conveyance, and bagging or other means of emission rate measurement is not reasonable. As discussed in the *Selection of Format for the Proposed Standards* section of this preamble, and allowable percentage of valves leaking cannot be selected as the basis for the proposed standard because of process unit variability. Similarly, a "no detectable emissions" limit cannot be prescribed, because, with the control techniques selected as the basis for the proposed standards, valves will still occasionally leak. Therefore, work practices consisting of periodic leak detection and repair programs were selected as the basis for the proposed standards for valves.

Several factors influence the level of emission reduction that can be achieved by a leak detection and repair program. The three main factors are the monitoring interval, leak definition, and repair interval. Training and diligence of personnel conducting the program, the adequacy of repair methods attempted, and other site-specific factors may also influence the level of emission reduction achievable; however, these factors are less quantifiable. The overall emission reduction of a leak detection and repair

program depends on the three main factors. Each of these three factors limits the effectiveness of the program. For example, if each of the factors selected for a leak detection and repair program represents a 90 percent effectiveness, then the overall effectiveness would be about 73 percent. Thus, the most effective definition that is reasonable for each factor should be selected.

The "monitoring interval" is the frequency at which individual equipment inspections are conducted. In selecting the basis of the proposed standards, EPA considered two regulatory alternatives for valves—monitoring at monthly intervals and monitoring at quarterly intervals. The incremental cost of monthly versus quarterly monitoring was judged to be reasonable for the additional emission reduction achieved by monthly valve monitoring. Consequently, monthly monitoring was selected as the basis of the standard. This judgment was based on emission reductions and costs calculated at the rate at which valve leaks typically occur at a gas plant.

However, EPA recognizes that some valves have lower leak occurrence rates than others. Monthly monitoring of valves that do not leak for 2 consecutive months was judged to be unreasonable when compared to the additional emission reduction achieved by monthly monitoring over quarterly monitoring. Therefore, although EPA is proposing that leak detection and repair programs include monthly monitoring for valves, the standard would allow quarterly monitoring for valves that have been found not leaking for 2 successive months.

Some valves are difficult to monitor because access to the valves is restricted. Difficult-to-monitor valves can be eliminated in new facilities but cannot be eliminated in existing facilities. Therefore, for facilities that become affected by a modification or reconstruction, EPA is proposing an annual leak detection and repair program for valves which are difficult to monitor. Valves which are difficult to monitor are defined as valves which would require elevating the monitoring personnel more than two meters above any readily available support surface. For new affected facilities, all valves would be subject to the proposed monthly leak detection and repair program.

The "leak definition" is the instrument reading observed during monitoring that would be used to determine which components have failed and need to be repaired. The best leak definition would be the one that achieved the most emission reduction at reasonable costs. The emission reduction achieved would increase at the leak definition decreased, due to the increasing number of components that would be found leaking and, therefore, repaired. At a leak definition of 10,000 ppm, approximately 90 percent of VOC leaks from valves would be detected. It is well documented that valves that have been found leaking at levels of 10,000 ppm or greater can be brought to levels below 10,000 ppm with proper maintenance. Also, as a practical matter, most commonly available hydrocarbon detectors that are considered intrinsically safe have a maximum reading of 10,000 ppm. Leak definitions higher than 10,000 ppm could, nevertheless, be selected (and dilution probes could be used with portable detectors); however, there would be less emission reduction with the 10,000 ppm definition and no substantial associated cost savings. Consequently, there is no basis for selecting a leak definition greater than 10,000 ppm. A leak definition lower than 10,000 ppm may be practicable in the sense that leaks can be repaired to levels less than 10,000 ppm. However, EPA is unable to conclude that a leak definition lower than 10,000 ppm would provide additional emission reductions and, therefore, would be reasonable. Because the 10,000 ppm leak definition would address approximately 90 percent of the VOC leaks from valves at reasonable costs and at reasonable cost effectiveness, and because safe, available hydrocarbon detectors can read 10,000 ppm, the 10,000 ppm level was selected as the leak definition for valves. This definition was also considered appropriate for pumps and pressure relief devices. The same portable monitor used for valves would be used for these types of equipment, and consideration of other relevant factors did not indicate that the 10,000 ppm definition should be different for pumps or pressure relief devices.

The "repair interval" is the length of time allowed between the detection of a leaking piece of equipment and its subsequent repair. To provide the maximum effectiveness of the leak detection and repair program, the repair interval selected should require expeditious reduction of emissions but allow the owner or operator sufficient time to maintain flexibility in the overall maintenance schedule of the gas plant.

The length of the repair interval would affect emission reductions achievable by the leak detection and repair program because leaking equipment would be allowed to continue to leak for a given length of time. Repair intervals of 5 and 15 days were evaluated. The effect on the emission reduction potential is proportional to the number of days the equipment is allowed to leak between detection and repair.

An initial attempt at repair of a leaking piece of equipment should be accomplished as soon as practicable after detection of the leak. Most repairs can be done quickly. A 5-day period provides sufficient time to schedule simple field repair. Attempting to repair the leak within 5 days will help maintenance personnel to identify the leaks that cannot be repaired with simple field repair or without shutdown of the affected facility.

Valves that are not repairable by simple field repair may require removal from the process for repair. Even repair intervals of 5 and 10 days could cause scheduling problems in repairing these valves. A 15-day interval provides time for isolating pieces of leaking equipment when equipment isolation is needed for repair beyond simple field repairs. A 15-day interval provides the owner or operator with sufficient time for determining precisely which spare parts are needed and provides sufficient time for flexibility in scheduling repair for these valves. In addition, a 15-day interval provides time for better determination of methods for isolating pieces of leaking equipment when equipment isolation is needed for repair beyond simple field repairs.

In general, a 5-day repair interval provides sufficient time to schedule simple field repair. A 15-day repair interval allows more efficient handling of more complex repair tasks while maintaining an effective reduction in equipment leaks. A repair interval of 30 or 45 days provides less effective reduction in emissions and does not substantially affect the ability to handle repair tasks. Thus, the proposed standards require an initial attempt to repair a leaking valve within 5 days and complete repair, except as discussed below, within 15 days.

Delay of repair beyond 15 days would be allowed for leaks that could not be repaired without shutting down an affected facility. In general, these leaks would have to be repaired at the next scheduled facility shutdown. Spare parts for valves can usually be stocked such that all leaks that could not be repaired without shutting down the affected facility could be repaired during the shutdown. Spare parts include packing gland bolts and valve packing material. In a few instances, replacement of the entire valve assembly would be required. EPA is proposing to allow delay of repair beyond an affected

facility shutdown for valves which require replacement of the entire valve assembly, provided the owner or operator can demonstrate that sufficient stock of spare valve assemblies had been maintained before the stock had been depleted.

Alternative Standards for Valves. The emission reduction and annual cost of the proposed leak detection and repair program depend in part on the number of leaking valves that are detected during monitoring. If very few valve leaks are detected in an affected facility, then the amount of VOC that could be reduced by the proposed program for valves is much smaller than the amount that could be reduced in a facility having more leaks. Additionally, the annual cost of the leak detection and repair program would be larger for an affected facility with fewer leaks than in an affected facility with more leaks, because the annual cost includes a recovery credit based on the amount of VOC reduced by the program. Thus, the annual cost per megagram of VOC emission reduction for the proposed leak detection and repair program varies with the number of valves which leak within an affected facility.

For example, a monthly leak detection and repair program for valves in VOC service, assuming 18 percent of valves leaking initially, results in zero net annual cost and achieves an annual VOC emission reduction of 43 Mg for a typical process unit. In contrast, for a typical process unit with 2.0 percent of the valves leaking on the average, a monthly leak detection and repair program results in an annual cost of about $7,000 and achieves an annual emission reduction of 5.2 Mg. For a typical process unit with 0.5 percent of the valves leaking on the average, a monthly leak detection and repair program results in an annual cost of $7,400 and achieves an annual emission reduction of about 1.5 Mg. As explained previously, although the standard is based on monthly monitoring, it actually allows monthly/quarterly monitoring, which reduces the costs.

There is no precise breakpoint in the annual cost and emission reduction relationship. However, EPA judges that the emission reduction and annual cost relationship is unreasonably high for process units that over an extended period have fewer than 1.0 percent of valves leaking. Based on this judgment, an allowable percent of valves leaking was determining that reflects the long-term average of 1.0 percent of valves leaking, as discussed below.

Due to the variability inherent in valve leak detection, a process unit that averages less than 1.0 percent of valves leaking will have, at times, more than 1.0 percent of valves leaking. The variability in valve leak detection can be characterized as a binomial distribution. Provision for the variability in leak detection is accomplished by straightforward statistical techniques based on the binomial distribution. An allowable percent of valves leaking of 2.0 percent, to be achieved at any point in time, would provide an owner or operator a risk of about 5 percent that greater than 2.0 percent of valves would be determined leaking when the average of 1.0 percent was actually being achieved. Based on these considerations, EPA considers an allowable percent of valves leaking of 2.0 percent to represent an average of 1.0 percent of valves leaking.

EPA is proposing two alternative standards which would exempt valves within process units from the required (monthly/quarterly monitoring) leak detection and repair program. Owners or operators of affected facilities may identify and elect to achieve either of the alternative standards. The alternative standards would allow owners or operators to tailor leak control programs to their own operations. An owner or operator would report which alternative standard he had identified and elected to achieve.

The first alternative standard would limit the maximum percent of valves leaking within an affected facility to 2.0 percent. As previously pointed out in the *Selection of Format for the Proposed Standards* section of this preamble, an industry-wide performance standard which could reasonably be achieved at all facilities was not possible for valves. This was due to the variability in valve leak frequency and variability in the ability of a leak detection and repair program to reduce these leaks among all affected facilities within the industry. However, this alternative standard would allow any affected facility the option of complying with an allowable percent of valves leaking for a particular affected facility. Choosing this alternative standard would allow for the possibility or different leak detection and repair programs and substitution of engineering controls (e.g., valves designed to leak less frequently) at the discretion of the owner or operator. This alternative standard would also eliminate a large part of the recordkeeping associated with the monthly/quarterly leak detection and repair program for valves.

Performance tests, as specified in 40 CFR 60.8(f), require three runs. However, three runs for performance tests to determine the percent of valves leaking are unnecessary and would be inconsistent with the performance standard, which is based on leak frequency at any time. Thus, performance tests for valves complying with the percent leak frequency alternative are exempt from § 60.8(f) in the proposed standards; a performance test will consist of only one run. However, this alternative standard would require a minimum of one performance test per year. Additional performance tests could be requested by EPA. If the results of a performance test showed that greater than 2.0 percent of the valves leak, the owner or operator would be in violation of the proposed standards.

In certain circumstances, an owner or operator may want to request a waiver of future tests as provided in the General Provisions of 40 CFR Part 60. This would provide flexibility for owners and operators of onshore natural gas processing plants where, for whatever reason, routine leak detection and repair is not needed to effectively control emissions. This would include gas plants that use superior equipment or that simply do not leak for unexplained reasons. Based on performance tests that demonstrate the achievability of the 2.0 percent standard and information that indicates that this standard would be achieved on a continuing basis, EPA could waiver the annual performance tests.

The second alternative standard would allow the use of skip-period leak detection for valves. Under skip-period leak detection, an owner or operator could skip from routine leak detection for valves to less frequent leak detection. This skip-period leak detection program would require that a performance level of 2.0 percent be achieved on a continuous basis with more than 90 percent certainty. An owner or operator would choose one of two skip-period leak detection programs for valves and then implement that one program. The first skip-period leak detection program could be used when fewer than 2.0 percent of the valves had been leaking for two consecutive quarterly leak detection periods. The first skip-period leak detection program would allow an owner or operator to skip every other quarterly leak detection period; that is, leak detection can be performed semi-annually. Under the second skip-period leak detection program, if fewer than 2.0 percent of the valves had been leaking for five consecutive quarterly leak detection periods, the owner or operator may skip three quarterly leak detection periods; that is, leak detection can be performed annually. When more than 2.0 percent of

valves are found to leak, monthly/quarterly leak detection would be required to be resumed.

Pumps. As with some of the previously discussed equipment, pumps are generally not designed to leak VOC emissions to a conveyance. Because of the difficulty of routinely bagging pumps, bagging of this equipment for emission measurement would not be economically or technologically practicable. Even though leaking pumps can be detected, the small number of pumps within process units does not allow the establishment of a performance standard. A "no detectable emissions" limit cannot be prescribed because, with the control technique selected as the basis for the proposed standards, pumps can still leak.

In the analysis for the basis for the proposed standards, EPA selected a work practice consisting of periodic leak detection and repair program for pumps. As with valves, the effectiveness of the leak detection and repair program for pumps is limited by the selection of the monitoring interval, leak definition, and repair interval. The same leak definition and repair interval selected for valves were selected for pumps for the reasons discussed previously. Monthly monitoring was selected as the monitoring interval for pumps based on cost considerations, as discussed in the *Selection of the Basis for the Proposed Standards* section of this preamble. One month provides the most effective leak detection and repair program for pumps without imposing difficulties or unreasonable cost in implementing the program.

Several types of pumps with ancillary equipment can achieve emission reductions of VOC at least equivalent to that achieved by the monthly leak detection and repair program for pumps. These include dual mechanical seal systems that utilize a barrier fluid between the seals, enclosure of the pump seal area, and sealless pumps. If the barrier fluid in a dual seal system is maintained at a pressure greater than the pump stuffing box pressure, any leakage between the seals would be from the barrier fluid to the process fluid, so no process fluid would be emitted to the atmosphere. If the pump stuffing box pressure is greater than the barrier fluid pressure (for example, tandem seals), the barrier fluid collects the leakage from the inner seal. The process fluid collected by the barrier fluid is controlled by either (1) connecting the barrier fluid degassing system to a control device with a closed vent systems, or (2) by returning the barrier fluid to the process stream. Because these dual mechanical seal systems are at least equivalent to a monthly leak detection and repair program for pumps, owners or operators may elect to use dual mechanical seals rather than implement the monthly monitoring program.

Section 111(h) of the Clean Air Act requires that when equipment standards, such a dual mechanical seal requirements, are established, requirements must also be established to assure the proper operation and maintenance of the equipment. As stated previously for mechanical seals in compressors, a pressure or level indicator on the barrier fluid system would reveal any catastrophic failure of the inner or outer seal, or of the barrier fluid system. This indicator could be monitored in the control room or equipped with an alarm to signal a failure of the system. Thus, EPA is proposing requirements to assure the proper operation and maintenance of the dual mechanical seal system.

Sealless pumps, such as diaphragm or canned pumps, do not have a potential leak area and, therefore, are at least equivalent to monthly leak detection and repair and dual seal systems. As with other leakless equipment, the proposed standard requires an initial performance test, using the procedures specified in Reference Method 21, to verify that the piece of leakless equipment meets the "no detectable emissions" limit and annual rechecks to ensure continued operation with "no detectable emissions." An instrument reading of less tha 500 parts per million by volume (ppm) above a background concentration based on Reference Method 21 can be used to indicate whether VOC leaks have been eliminated, that is, that the equipment has "no detectable emissions."

In many cases, the seal area of a pump could be completely enclosed, and this enclosed area could be connected with a closed vent system to a control device. The control efficiency of this arrangement is dependent on the control efficiency of the combustion or vapor recovery system. The closed vent system could require a flow-inducing device to transport emissions from the seal area to the control device. Some owners or operators may decide that this approach is preferable to leak detection and repair. Enclosing the seal area and venting the captured emissions to a control device by means of a closed vent system is a reasonable alternative because this system would be at least as effective as a monthly leak detection and repair program. Therefore, the EPA is proposing to allow pumps to be equipped with enclosed seal areas that are connected to a control device by a closed vent system in accordance with the requirements for these systems discussed below in the *Closed Vent System and Control Device* portion of this section.

Pressure relief devices. Pressure relief devices could not reasonably be designed to leak VOC emissions to a conveyance, and bagging or other means of emission rate measurement is not reasonable. A performance standard that prescribes an allowable percentage of pressure relief devices leaking is infeasible due to process unit variability. A "no detectable emissions" limit would be possible only if the standard were based on the use of rupture discs; this control technology was rejected as the basis for the standard for cost reasons.

Work practices consisting of periodic leak detection and repair programs were selected as the basis for the proposed standard for pressure relief devices. For reasons discussed previously, the leak definition selected for pressure relief devices is 10,000 ppm, and the repair interval selected is 15 days. Quarterly monitoring was selected as the monitoring interval for pressure relief devices based on incremental cost considerations, as discussed in the *Selection of the Basis for the Proposed Standards* section of this preamble. Quarterly monitoring provides the most effective leak detection and repair program for pressure relief devices without imposing unreasonable costs in implementing the program. In addition, pressure relief devices would be required to be monitored within 5 days after each overpressure to determine if a leak has occurred as a result of the overpressure.

In addition to the quarterly leak detection and repair program, EPA considered the use of rupture discs or closed vent systems with control device as equivalent alternatives. When the integrity of rupture discs is maintained, equipment leaks of VOC through the relief device are eliminated. Rupture discs maintain their integrity unless an overpressure occurs. After the occurrence of an overpressure, replacement of the rupture disc once again eliminates equipment leaks of VOC through the pressure relief device.

For control techniques that eliminate equipment leaks, such as the use of rupture discs, a "no detectable emissions" limit is feasible. An instrument reading of less than 500 parts per million by volume (ppm) above a background concentration based on Reference Method 21 can be used to

indicate whether equipment leaks have been eliminated, that is, that the equipment has "no detectable emissions."

The alternative "no detectable emission" limit would not apply to discharges through the pressure relief device during overpressure relief because the function of relief devices is to discharge process fluid, thereby reducing dangerous high pressures within the equipment. The standard would specify, however, that the relief device be returned to a state of "no detectable emissions" within 5 days after such a discharge. The standard would further require an annual test to verify the "no detectable emissions" status of the pressure relief devices.

If a closed vent system is not open to the atmosphere, and the control device complies with the requirements discussed in the *Closed Vent Systems and Control Devices* portion of this section of the preamble, then its reduction in VOC emissions would be at least equivalent to the reduction achieved with the quarterly leak detection and repair program. Based on these considerations, EPA is proposing to allow rupture discs or closed vent systems with control devices as equivalent alternatives to the quarterly leak detection and repair program for pressure relief devices.

Closed Vent Systems and Control Devices. Control devices would be used to reduce VOC captured and transported through closed vent systems. These control devices, which are present for purposes unrelated to this proposed standard, would be designed to dispose of organic vapor streams from other sources in the plant. Because the streams from the closed vent systems will usually be low-flow or intermittent in comparison to streams from other sources, emissions in closed vent streams will often contribute a very small and varying portion of the total organic vapor stream going to the control device. Measurement techniques that reflect the effectiveness of these control devices to reduce equipment leaks of VOC are limited. Because these techniques would require costly material balancing of the VOC entering the control devices, it is not economically practicable to measure the emissions from these control devices. For this reason an emission standard is not proposed for control devices used to reduce VOC that are captured and transported by closed vent systems.

Control devices were selected as part of the best technological system of emission reduction for some equipment leaks of VOC (such as compressors) and are part of alternative approaches to achieving compliance with the standards for other equipment (such as pumps). These control devices would already be in place in most existing gas plants and, therefore, would not be designed solely to reduce equipment leaks of VOC. These existing control devices provide varying degrees of emission reduction; therefore, selecting standards of performance for these devices may not reflect the emission reduction capability of the best control devices nor the capability of devices specifically designed for control of equipment leaks of VOC.

Flares are presently used in gas plants mainly as a means of handling emergency releases from various processes within the gas plant. According to the current knowledge of flare design, the best available flare design or state-of-the-art flare design is the smokeless flare. Smoking flares are environmentally less desirable because they emit particulates.

There are a number of techniques currently in use within industry which help flares achieve smokeless operation. One technique involves the use of staged elevated flare systems, where a small diameter flare is operated in tandem with a large diameter flare. The system is designed such that the small flare takes the continuous low flow releases and the larger flare accepts emergency releases. A second technique involves the use of a small, separate conveyance line to the flare tip in order to maintain a high exit velocity for the continuous low flow, low pressure gas flow. A third technique, sometimes used in conjunction with either of the above techniques, involves the use of continuous flare gas recovery. In the third technique, a compressor is used to recover the continuously generated flare gas "base load." The compressor is sized to handle the "base load," and any excess gas is flared. These techniques can be used to help provide smokeless operation of a flare which is used to reduce fugitive emissions of VOC that are captured and transported by closed vent systems.

In recent tests, smokeless steam-assisted flares, smokeless air-assisted flares, and smokeless flares with no assist were found to be as efficient as enclosed combustion devices in destroying VOC over a broad range of operating conditions if the heat content of the flared gas is maintained above a certain minimum, and the velocity of the gas at the flare tip is maintained below a certain maximum. Based on the test data and a comparison of vent stream characteristics between the test data and equipment leaking VOC, EPA believes that the destruction efficiency of smokeless flares used in natural gas processing plants would be at least 98 percent.

Enclosed combustion devices can be designed and operated to achieve VOC emission reductions of at least 98 percent. Vapor recovery systems can be readily designed and operated to achieve VOC emission reductions of at least 95 percent. Existing enclosed combustion devices and vapor recovery systems may not achieve the VOC emission reduction efficiencies that new control devices achieve. However, existing control devices achieve a VOC reduction efficiency of at least 95 percent.

EPA selected a VOC reduction efficiency of 95 percent for control devices used to reduce equipment leaks of VOC. EPA considers the use of enclosed combustion devices and flares achieving 98 percent emission reduction too costly to add to a process unit solely to control VOC leaks in light of the presence of existing control devices that can achieve 95 percent control. Thus, because EPA believes that flares with no assist, steam, or air assist in onshore natural gas plants can achieve at least 98 percent VOC reduction efficiency if designed for smokeless operation and that existing control devices, such as enclosed combustion devices and vapor recovery systems, will achieve at least 95 percent VOC reduction efficiency, EPA selected a VOC reduction efficiency of 95 percent.

EPA selected design and operational requirements for flares, enclosed combustion devices, and vapor recovery systems that reflect application of the best technological system of emission reduction for control devices used to reduce equipment leaks of VOC. The design and operation requirements for flares, discussed above, require smokeless operation and the presence of a flame. The presence of a flame can be ensured by monitoring the flare's pilot light with a thermocouple or some other heat sensor connected to an alarm. Smokeless operation of the flare is ensured through visible emission requirements. The proposed standards would limit visible emissions from a flare to less than 5 minutes in any 2-hour period. Many natural gas plants currently comply with State limits similar to this requirement. In addition, only steam-assisted flares, air-assisted flares, or flares with no assist could be used. Steam-assisted flares would have to be operated with exit velocities less than 18 m/sec (60 ft/sec), under standard conditions, combusting gases with heating values of 11.2 MJ/scm (300 Btu/scf) or greater. Air-assisted flares

would have to be operated with heating values of 11.2 MJ/scm (300 Btu/scf) or greater and with exit velocities equal to, or less than, that velocity determined by the equation specified in the regulation. The actual velocity would be calculated by dividing the gas flow (in standard units), as determined by the methods specified in the regulation, by the unobstructed (free) cross section area of the flare tip. Flares operated without assist would have to be operated with exit velocities less than 18 m/sec (60 ft/sec), under standard conditions, combusting gases with heating values of 7.4 MJ/scm (200 Btu/scf) or greater. Because enclosed combustion devices and vapor recovery systems exist that provide at least 95 percent emission reduction, a 95 percent emission reduction design requirement is proposed for these control devices. For enclosed combustion devices that do not use catalysts to aid in combustion of organic vapor streams, provisions for a minimum vapor residence time of 0.75 seconds at a minimum temperature of 816° C will be considered equivalent to at least a 95 percent emission reduction efficiency.

Miscellaneous. Pumps and valves in heavy liquid service, pressure relief devices in light liquid and heavy liquid service, and flanges and other connectors in all services would be excluded from the routine monitoring and inspection requirements on the basis of data from EPA testing. However, if leaks are detected from this equipment, the same allowable repair interval which applies to pumps, pressure relief devices, and valves would apply.

Individual flanges in process units have very low emission rates; and although they represent 76 percent of the total number of equipment leaking VOC in gas plants, their total contribution to overall emissions is about 14 percent. In EPA testing of equipment leaking VOC in refineries, pumps and valves in heavy liquid service, and pressure relief devices in light liquid and heavy liquid VOC service also exhibited very low emission rates. This equipment contributes less than 1 percent of all emissions from refineries. EPA did not test pumps and valves in heavy liquid service and pressure relief devices in light liquid and heavy liquid service at gas plants. However, it is reasonable to conclude that these sources would contribute a very low percentage of all emissions at gas plants as well as at refineries. Including pumps and valves in heavy liquid service, pressure relief devices in light liquid and heavy liquid service, and flanges and other connectors in all services in the monitoring and equipment requirements would result in an unreasonably high cost per megagram. Consequently, these equipment are excluded from those requirements.

Also excluded would be equipment operating under a vacuum because leaks to the atmosphere would not occur while the equipment is operated at subatmospheric internal pressures.

Selection of Recordkeeping and Reporting Requirements

Recordkeeping would be required by the proposed standards to provide documentation for the assessment of compliance with (1) work practice standards, (2) equipment standards, (3) design standards, (4) emission standards, and (5) operational standards. Review of records would provide information for enforcement personnel to assess implementation of the proposed standards. Compliance with the proposed standards would be determined by inspection and review of records.

Three recordkeeping alternatives were considered in evaluating the amount of recorded information needed to assess compliance with the proposed standards. The first alternative would be to require no formal recordkeeping. If recorded documentation of the proposed standards were not required, no mechanism would be provided for checking the thoroughness of efforts to reduce VOC leaks. Many owners or operators would institute recordkeeping requirements to manage the efforts of their plant personnel. However, some owners or operators might not institute such programs, and owners who would institute them might not know what information would be pertinent to enforcement of the standards.

The second alternative would require recordkeeping to document results of the leak detection and repair program and information relating to equipment specifications. Information would be recorded in sufficient detail to enable owners or operators to ensure that their emission reduction programs are being implemented effectively and to demonstrate compliance with the proposed standards. This alternative would require the maintenance of quantitative records of repaired and unrepaired leaking equipment. This alternative would require only that amount of records necessary to manage implementation of the required programs (and certain alternative valve programs, if selected) and to ensure the effective implementation of the proposed standards.

The third alternative would require recordkeeping of all the information generated by the proposed standards. This information would include, for example, the meter reading (ppm) detected for all components monitored at a given facility. Much of this information would be necessary for managing implementation of the required programs or for ensuring the effective implementation and maintenance of the proposed standards.

The second alternative was selected as the basis for the recordkeeping requirements of the proposed standards. This alternative would provide the necessary records for managing implementation of the required programs while ensuring effective implementation and maintenance of the proposed standards.

Specific information pertaining to the leak detection and repair would be recorded. Each valve found to be leaking during the first month of a quarter would be identified with a readily visible weatherproof identification. Each pump found to be leaking during a monthly monitoring would also be identified. The identifications could be a tag attached to the valve or pump or a number designation permanently marked on the valve or pump. The identification could be removed after a valve is repaired and found not to leak for the next 2 successive months. The identification also could be removed after a pump is repaired.

A log would be maintained to record the efforts by an owner or operator pertaining to the leak detection and repair program. The log would contain the instrument and operator identification numbers, the leaking equipment identification number, the date of detection of the leaking equipment, the date of the first attempt to repair the leaking equipment, repair methods applied to repair the equipment, and the date of final repair. The log would be kept for 2 years following the survey. If the leaking equipment could not be repaired within 15 days, the reasons for unsuccessful repair and the date of anticipated successful repair would be recorded on the leak report form. Once the leaking equipment was successfully repaired, the date of repair would be recorded. These records would be needed to provide the information necessary to allow the owner or operator to evaluate the effectiveness of repair efforts and to allow enforcement personnel to assess compliance with the work practice standards. If the owner or operator elects to implement the alternative standard for valves that allows skip-

period leak detection, he or she must also record the percentage of valves found leaking during each leak detection period.

For equipment specifications, records would be maintained of the dates of installation, start-up, equipment repair, and equipment modifications. The dates and descriptions of any control equipment failures would also be recorded. These records would be needed to provide information necessary to allow enforcement personnel to assess the effectiveness of implementation and maintenance of equipment standards.

For design standards, records would be maintained of the location and type of equipment to which the standards apply. As an example, if a combustion source is used as a VOC emission control device, then the design fuel and air usage rates, the firebox volume, and the average firebox temperature and other design specifications would be recorded.

Reporting requirements were also considered for the proposed standards. Three alternatives were considered in evaluating the reporting information needed to assess compliance with the proposed stands. These alternatives represent varying levels of enforcement monitoring of the proposed standards. Enforcement personnel would review the reports submitted by industry personnel on the status of implementing the proposed standards. Review of reports reduces the need for in-plant inspections.

The first alternative would require no formal reporting of compliance with the proposed standards other than notifications of construction, anticipated startup and actual startup, and an intention to comply with one of the alternative standards discussed in this preamble. This alternative would not provide a mechanism for routinely verifying industry's efforts to reduce equipment leaks of VOC. Thus, compliance with the proposed standards would be assessed through in-plant inspections.

The second reporting alternative would require the submittal of information in sufficient detail to ensure the implementation and maintenance of the proposed standards. These requirements would stipulate the submittal of semiannual reports. Included in the reports would be a summary of information on the leaking equipment that had been detected during the 6-month period. The semiannual reports would contain summary data of the number of leaks found, the number not repaired within 15 days, and the reasons for nonrepair. This requirement would provide enforcement personnel with an overview of the repair of leaking equipment.

The third reporting alternative would require the submittal of all the information obtained while conducting leak detection and repair programs. This information would include the information reported in the second alternative and, additionally, comprehensive information on all tested equipment. This reporting alternative would necessitate the reporting of all information included in the recordkeeping requirements and, therefore, would require more resources than the second alternative.

The second alternative was selected as the reporting requirement for the proposed standards. This alternative provides sufficient information to assess implementation of the work practice requirements without requiring excessive resources from industry and enforcement personnel (e.g., reduces the need for in-plant inspections). The first alternatives was not selected because implementation of work practice standards could not be assessed adequately by enforcement personnel to ensure that reductions in emissions from leaking equipment were achieved. The third reporting alternative was not selected because the additional resources expended by industry would not facilitate assessment of compliance enough to warrant the increased expense.

In addition to the requirements for semiannual reports, the reporting requirements of the General Provisions and the reporting of the intention to comply with an alternative standard for valves would apply. The requirements for semiannual reports are waived as to affected sources in States where the program has been delegated if EPA, in the course of delegation, approves reporting requirements or an alternative means of source surveillance adopted by the State. Such sources would be required to comply with the requirements adopted by the State.

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires clearance from the Office of Management and Budget (OMB) of reporting and recordkeeping requirements that qualify as an "information collection request" (ICR). For the purposes of OMB's review, an analysis of the burden associated with the reporting and recordkeeping requirements of this regulation has been made. During the first 2 years of this regulation, the average annual burden of the reporting and recordkeeping requirements would be about 6.6 person-years, based on an average of 44 respondents per year.

Equivalent Means of Emission Limitation

Under the provisions of Section 111(h) of the Clean Air Act, if the Administrator establishes work practices, equipment, design or operational standards, then the Administrator must allow the use of equivalent means of emission limitations if they achieve a reduction in air pollutants equivalent to that achieved under requirements of a standard of performance. Sufficient data would be required to show equivalency, and opportunity for a public hearing would be required.

Individual owners or operators could request equivalent means of emission limitation for specific requirements, such as the proposed equipment requirements and the proposed leak detection and repair program. Sufficient information would have to be collected by a facility to demonstrate that the control techniques would be equivalent to the control techniques required by the proposed standards. This information would then be submitted to EPA in a request for a determination of equivalence. If the Administrator believes that an equivalency request may be approved, a notice to announce the opportunity for a public hearing would be published in the **Federal Register**. After public notice and opportunity for public hearing, the Administrator would determine equivalence and would publish that determination in the **Federal Register**.

Public Hearing

There will be an opportunity for a public hearing to discuss these proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble and should refer to Docket Number A–80–20–B.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see **ADDRESSES** section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) to allow members of the public and industries involved to identify and locate documents so they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review, except for interagency review material (section 307(d)(7)(A)).

Miscellaneous

As prescribed by Section 111 of the Clean Air Act, establishment of standands of performance for the onshore crude oil and natural gas production industry was preceded by the Administrator's determination (40 CFR 60.16, amended at 47 FR 951, dated January 8, 1982) that this industry contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. EPA welcomes comments on all aspects of the proposed regulations, including economic and technological issues.

This regulation will be reviewed 4 years from the date of promulgation. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and the reporting requirements.

The reporting and recordkeeping (information collection) provisions associated with the proposed standards (40 CFR 60.7, 60.8, 60.636 and 60.637) will be submitted for approval to the Office of Management and Budget (OMB) under Section 3504(h) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The final rule will explain how the reporting and recordkeeping requirements respond to any OMB or public comments.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

"Major Rule" Determination. Under Executive Order 12291, the Administrator is required to judge whether a regulation is a "major rule" and, therefore, is subject to certain requirements of the Order. The Administrator has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as ground for finding a regulation to be "major rule." Fifth-year net annual costs (after accounting for recovery credits) of the proposed standards would be as much as $2.5 million for the 220 newly constructed, modified, and reconstructed production facilities projected that could be affected by the standards during the first 5 years. Price increases from implementation of these proposed standards would be less than 0.1 percent. This is because the annualized cost is a small fraction of the yearly revenue expected for the new, modified, and reconstructed units affected during the 5-year period. The Administrator has also concluded that this rule is not "major" under any of the criteria established in the Executive Order.

As discussed in the *Selection of the Basis of the Proposed Standards* section of this preamble, EPA considered annual costs in relation to the extent of VOC emission reduction achieved during selection of the proposed standards. The annual cost per megagram of VOC emission reduction is summarized in Table 1 for a new, intermediate-size natural gas plant that would be affected by the proposed standards. The incremental differences between the annual costs per megagram of VOC emission reductions under the proposed standards and the next less restrictive level of control are also summarized in Table 1.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Docket Number A–80–20–B, Central Docket Section, at the address given in the **ADDRESSES** section of this preamble.

Regulatory Flexibility Analysis Certification. The Regulatory Flexibility Act of 1980 requires that adverse effects of all Federal regulations upon small businesses be identified. Current criteria stipulate that a regulatory flexibility analysis must be prepared if 20 percent of the small businesses would suffer "significant impacts." According to current Small Business Administration guidelines, a small business in the gas production industry is one that has 500 employees or less. It is unlikely that any onshore natural gas plant that would be subject to these proposed standards would qualify as a small business. Even if there were any plants that would qualify as small businesses, none would suffer significant impacts. This conclusion is based on the fact, in doing the economic analysis for this proposal, the price increase and profitability impacts have been estimated from the perspective of the smaller facilities in operation. Therefore, the finding that the annual cost of the proposed standards would be less than 0.1 percent of the yearly revenue expected for plants affected by the proposed standards, accurately reflects the impacts for small natural gas plants.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Dated: January 11, 1984.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

It is proposed that 40 CFR Part 60 be amended by adding a new subpart as follows:

Subpart KKK—Standards of Performance for Onshore Natural Gas Processing Plants: Equipment Leaks of VOC

Sec.

60.630 Applicability and designation of affected facility.
60.631 Definitions.
60.632–1 Standards: General.
60.632–2 Standards: Pumps in light liquid service.
60.632–3 Standards: Compressors.

Sec.
60.632–4 Standards: Pressure relief devices in gas/vapor service.
60.632–5 Standards: Open-ended valves or lines.
60.632–6 Standards: Valves in gas/vapor and light liquid service.
60.632–7 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid and in heavy liquid service, and flanges and other connectors.
60.632–8 Standards: Delay of repair.
60.632–9 Standards: Closed-vent systems and control devices.
60.633–1 Alternative standards for valves—allowable percentage of valves leaking.
60.633–2 Alternative standards for valves—skip period leak detection and repair.
60.634 Equivalent means of emission limitation.
60.635 Test methods and procedures.
60.636 Recordkeeping requirements.
60.637 Reporting requirements.

Authority: Sec. 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart KKK—Standards of Performance for Onshore Natural Gas Processing Plants: Equipment Leaks of VOC

§ 60.630 Applicability and designation of affected facility.

(a)(1) The provisions of this subpart apply to affected facilities in onshore natural gas processing plants.

(2) A compressor in VOC service is an affected facility.

(3) The group of all equipment within a process unit is an affected facility.

(b) Any affected facility under paragraph (a) of this section that commences construction or modification after January 20, 1984 would be subject to the requirements of this subpart.

(c) Addition of replacement of equipment for the purpose of process improvement that is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.

(d)(1) Affected facilities covered by Subpart VV or Subpart GGG of 40 CFR Part 60 are excluded from this subpart.

(2) If the equipment is subject to the provisions of this subpart and 40 CFR Part 61 Subpart J, the equipment will only be required to comply with the provisions of 40 CFR Part 61 Subpart J.

(e) The provisions of this subpart do not apply to compressor stations, dehydration units, sweetening units, underground storage facilities, field gas gathering systems, and liquefied natural gas units unless the facility is located at an onshore natural gas processing plant.

§ 60.631 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in Subpart A of Part 60, and the following terms shall have the specific meanings given them:

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a compressor or from a piece (or pieces) of equipment to a control device.

"Connector" means flanged, screwed, welded, or other joined fittings used to connect two pipe lines or a pipe line and a piece of process equipment.

"Control device" means an enclosed combustion device, vapor recovery system, or flare.

"Distance piece" means an open or enclosed casing through which the piston rod travels, separating the compressor cylinder from the crankcase.

"Equipment" means each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service and any device or system required by this subpart.

"Field gas" means feedstock gas entering the natural gas plant.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to atmosphere using best practices.

"In gas/vapor service" means that the compressor or the piece of equipment contains fluid that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in liquid service.

"In light liquid service" means that the piece of equipment contains a liquid that meets the conditions specified in § 60.635(e).

"Natural gas liquids" means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas.

"Natural gas processing plant" (gas plant) means any processing site engaged in the separation of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.

"Onshore" means situated on land as opposed to over sea water.

"Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side that can be open to the atmosphere, either directly or through open piping.

"Pressure release" means the emission of materials from processes resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process improvement" means routine changes made for safety and occupational health requirements, for energy savings, for better utility, for ease of maintenance and operation, for correction of design deficiencies, for bottleneck removal, for changing product requirements, or for environmental control.

"Process unit" means equipment assembled for the separation of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

"Process unit shutdown" means a work practice or operational procedure that stops production from a process unit or part of a process unit. The use of spare equipment and technically feasible bypassing of equipment without stopping production are not process unit shutdowns.

"Quarter" means a 3-month period; the first quarter concludes on the last day of the last full month during the 180 days following initial startup.

"Reciprocating compressor" means a piece of equipment that increases the pressure of a process gas by positive displacement, employing linear movement of the driveshaft.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak as indicated by one of the following: an instrument reading of 10,000 ppm or greater, indication of liquids dripping, or indication by a sensor that a seal or barrier fluid system has failed.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kilopascals (kPa) below ambient pressure.

"In VOC service" means that the piece of equipment or the compressor contains or contacts a process fluid that is at least 1.0 percent VOC by weight. (The provisions of § 60.635(e) specify how to determine that a piece of equipment is not in VOC service.)

"In wet gas service" means that a compressor contains or contacts a process fluid that is less than 50 percent VOC by weight.

§ 60.632–1 Standards: General.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of § 60.632–1 to § 60.632–9 for affected facilities within 180 days of initial startup.

(b) Compliance with § 60.632–1 to § 60.632–9 will be determined by review of records and reports, review of performance test results, and inspection using the methods and procedures specified in § 60.635.

(c)(1) An owner or operator may request determination of equivalent means of emission limitation to the requirements of § 60.632–2, –3, –4, –5, –6, –7, and –9 as provided in §60.634.

(2) If the Administrator makes a determination that a means of emission limitation is at least equivalent to the requirements of § 60.632–2, –3, –4, –5, –6, –7, or –9, an owner or operator shall comply with the requirements of that determination.

(d) Equipment in vacuum service may be excluded from the requirements of § 60.632–2 to § 60.632–9 if they are identified as required in § 60.636(e)(3).

(e) Pumps in light of liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at an onshore natural gas processing plant that does not fractionate natural gas liquids and that does not have the design capacity to process 283,000 standard cubic meters per day (scmd) (10 million standard cubic feet per day (scfd)) or more of field gas are exempt from the routine monitoring requirements of § 60.632–2(a)(1), 60.632–4(a), and 60,632–6(a).

(f) Reciprocating compressors in wet gas service that are located at an onshore natural gas processing plant that does not have a control device present at the plant site are exempt from the compressor control requirements of § 60.632–3.

§ 60.632–2 Standards: Pumps in light liquid service.

(a)(1) Each pump seal in light liquid service shall be monitored monthly to detect leaks by the methods specified in § 60.635(b), except as provided in § 60.632–1(c) and paragraphs (d), (e), and (f) of this section.

(2) Each pump shall be checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seal.

(b)(1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(2) If there are indications of liquids dripping from the pump seal, a leak is detected.

(c)(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected except as provided in § 60.632–8.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of paragraph (a), provided the following requirements are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is connected by a closed-vent system to a control device that complies with the requirements of § 60.632–9; or

(iii) Equipped with a closed vent system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.

(2) The barrier fluid system is in heavy liquid service or is not in VOC service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each pump is checked by visual inspection, each calendar week, for indications of liquids dripping from the pump seal.

(5)(i) Each sensor as described in paragraph (d)(3) is checked daily or is equipped with an audible alarm, and

(ii) The owner or operator determines, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(6)(i) If there are indications of liquid dripping from the pump seal or the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion determined in paragraph (d)(5)(ii), a leak is detected.

(ii) When a leak is detected, it shall be required as soon as practicable, but not later than 15 calendar days after it is detected except as provided in § 60.632–8.

(iii) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(e) Any pump that is designated, as described in § 60.636(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a), (c), and (d) if the pump:

(1) Has no externally actuated shaft penetrating the pump housing,

(2) Is operated with no detectable VOC emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in § 60.635(c), and

(3) Is tested for compliance with paragraph (e)(2) initially upon designation, annually, and at other times requested by the Administrator.

(f) If any pump is equipped with a closed-vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of § 60.632–9, it is exempt from paragraphs(a) though (e).

§ 60.632–3 Standards: Compressors.

(a) Each compressor shall be equipped with a closed-vent system capable of capturing and transporting any leakage from the seal vent and the distance piece area to a control device as described in § 60.632–9, except as provided in § 60.632–1(c) and paragraphs (b) though (i) of this section.

(b) Any compressor that is not equipped as described in paragraph (a) shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of VOC to the atmosphere.

(c) Each compressor seal system as required in paragraph (b) shall be:

(1) Operated with the barrier fluid at a pressure that is greater than the compressor stuffing box pressure; or

(2) Equipped with a barrier fluid system that is connected by a closed-vent system to a control device that complies with the requirements of § 60.632–9; or

(3) Equipped with a system that purges the barrier fluid into a process stream with zero VOC emissions to the atmosphere.

(d) The barrier fluid system shall be in heavy liquid service or shall not be in VOC service.

(e) Each barrier fluid system as described in paragraph (b) of this section shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(f)(1) Each sensor as required in paragraph (e) shall be checked daily or shall be equipped with an audible alarm.

(2) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(g) If the sensor indicates failure of the seal system, the barrier fluid system, or both, based on the criterion determined under paragraph (f)(2) of this section a leak is detected.

(h)(1) When a leak is detected, it shall be repaired as soon as practicable but no later than 15 calendar days after it is detected except as provided in § 60.632–8.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(i) Any compressor that is designed, as described in § 60.632(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph (a) through (h) of this section if the compressor:

(1) Is operated with no detectable emissions, as indicated by an instrument reading less than 500 ppm above background, as measured by the methods specified in § 60.635(c); and

(2) Is tested for compliance with paragraph (i)(1) initially upon designation, annually, and at other times requested by the Administrator.

§ 60.632–4 Standards: Pressure relief devices in gas/vapor service.

(a) Each pressure relief device shall be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in § 60.635–(b) except as provided in § 60.632–1(c).

(b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(c)(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in § 60.632–8.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) Any pressure relief device that is designated, as described in § 60.636–(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraphs (a), (b), and (c) of this section if the pressure relief device:

(1) Is operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, except during pressure releases, as measured by the method specified in § 60.635(c);

(2) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after the pressure release, except as provided in § 60.632–8; and

(3) Is tested for compliance initially, after each pressure release, annually, and at other times requested by the Administrator.

(e) Any pressure relief device that is equipped with a closed-vent system capable of capturing and transporting all leakge from the pressure relief device to a control device that complies with the requirements of § 60.632–9 is exempt from paragraphs (a) through (d) of this section.

§ 60.632–5 Standards: Open-ended valves or lines.

(a)(1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second closed valve, except as provided in § 60.632–1(c).

(2) The cap, blind flange, plug, or second closed valve shall seal the open end at all times except during sampling and other operations requiring process fluid flow through the open-ended valve or line.

(b) Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.

§ 60.632–6 Standards: Valves in gas/vapor and light liquid service.

(a) Each valve in gas/vapor and light liquid service shall be monitored monthly to detect leaks by the methods specified in § 60.635(b) and shall comply with paragraphs (b) through (e) of this section, except as provided in paragraphs (f) and (g) of this section, § 60.633–1 and –2, and § 60.632–1(c).

(b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(c)(1) Any valve for which a leak is not detected for 2 successive months may be monitored the first month of every quarter, beginning with the next quarter, until a leak is detected.

(2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.

(d)(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in § 60.632–8.

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(e) First attempts at repair include, but are not limited to, the following best practices where practicable:

(1) Tightening of bonnet bolts.

(2) Replacement of bonnet bolts.

(3) Tightening of packing gland nuts.

(4) Injection of lubricant into lubricated packing.

(f) Any valve that is designated, as described in § 60.636(e)(2), for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of paragraph(a) if the valve:

(1) Has no external actuating mechanism in contact with the process fluid.

(2) Is operated with emissions less than 500 ppm above background, as measured by the method specified in § 60.635(c), and

(3) Is tested for compliance initially upon designation, annually, and at other times requested by the Administrator.

(g) Any valve that is designated, as required in § 60.636(f)(2), as a difficult-to-monitor valve is exempt from the requirements of paragraph(a) if:

(1) The owner or operator of the valve demonstrates that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface.

(2) The process unit within which the valve is located becomes an affected facility through § 60.14 or § 60.15, and

(3) The owner or operator of the valve has a written plan that requires monitoring of the valve at least once per calendar year.

§ 60.632–7 Standards: Pumps and valves in heavy liquid service, pressure relief devices in light liquid and in heavy liquid service, and flanges and other connectors.

(a) Pumps and valves in heavy liquid service, pressure relief devices in light liquid and in heavy liquid service, and flanges and other connectors shall be monitored within 5 days, by the method specified in § 60.635(b), after evidence of a potential leak is found by visual, audible, olfactory, or other detection method.

(b) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(c)(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in § 60.632–8.

(2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(d) First attempts at repair include, but are not limited to, the best practices described under § 60.632–6(e).

§ 60.632–8 Standards: Delay of repair.

(a) Delay of repair of compressors and equipment for which leaks have been detected will be allowed if the repair is technically infeasible without a process unit shutdown. Repair of this equipment shall occur, however, at the first process unit showdown.

(b) Delay of repair beyond a process unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.

§ 60.632–9 Standards: Closed-vent systems and control devices.

(a) Owners or operators of closed-vent systems and control devices used to comply with provisions of this subpart shall comply with the provisions of this section.

(b) Vapor recovery systems (for example, condensers and adsorbers) shall be designed and operated to recover the VOC emissions vented to them with an efficiency of 95 percent or greater.

(c) Enclosed combustion devices shall be designed and operated to reduce the VOC emissions vented to them with an efficiency of 95 percent or greater or to provide a minimum residence time of 0.75 seconds at a minimum temperature of 816°C.

(d)(1) Flares shall be designed for and operated with no visible emissions, as determined by the method in § 60.635(g), except for periods not to exceed a total of 5 minutes during any period of 2 consecutive hours.

(2) Flares shall be operated with a flame present at all times, as determined by the method specified in § 60.635(g).

(3) Flares shall be used only with the net heating value of the gas being combusted being 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted; or with the net heating value of the gas being combusted being 7.45 MJ/scm or greater if the flare is non-assisted. The net heating value of the gas being combusted shall be determined by the methods specified in § 60.635(g).

(4) Steam-assisted and non-assisted flares shall be designed for and operated with an exit velocity, as determined by the methods specified in § 60.635(g)(4), less than 18 m/sec (60 ft/sec).

(5) Air-assisted flares shall be designed and operated with an exit velocity less than the velocity, V_{max}, as determined by the methods specified in § 60.635(g)(5).

(6) Flares used to comply with this subpart shall be steam-assisted, air-assisted, or non-assisted.

(e) Owners or operators of control devices used to comply with the provisions of this subpart shall monitor these control devices to ensure that they are operated and maintained in conformance with their design.

(f)(1) Closed-vent systems shall be designed and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the method specified in § 60.635(c).

(2) Closed-vent systems shall be monitored to determine compliance with this section initially in accordance with § 60.8, annually, and at other times requested by the Administrator.

(g) Closed-vent systems and control devices used to comply with provisions of this subpart shall be operated at all times when emissions may be vented to them.

§ 60.633–1 Alternative standards for valves—allowable percentage of valves leaking.

(a) An owner or operator may elect to comply with an allowable percentage of valves leaking, which is equal to or less than 2.0 percent.

(b) The following requirements shall be met if an owner or operator wishes to comply with an allowable percentage of valves leaking:

(1) An owner or operator must notify the Administrator that the owner or operator has elected to comply with the allowable percentage of valves leaking before implementing this alternative standard, as specified in § 60.637(a).

(2) A performance test as specified in paragraph (c) of this section shall be conducted initially upon designation, annually, and at other times requested by the Administrator.

(3) If a valve leak is detected, it shall be repaired in accordance with § 60.632–6 (d) and (e).

(c) Performance tests shall be conducted in the following manner:

(1) All valves in gas/vapor and light liquid service within the affected facility shall be monitored within a 1 week period by the methods specified in § 60.635(b).

(2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(3) The leak percentage shall be determined, and recorded, by dividing the number of valves for which leaks are detected by the number of valves in gas/vapor and light liquid service within the affected facility.

(d) Owners and operators who elect to comply with this alternative standard shall not have an affected facility with a leak percentage greater than 2.0 percent.

(e) If an owner or operator no longer wishes to comply with § 60.633–1, the owner or operator must notify the Administrator in writing that the work practice standard described in § 60.632–6 (a) through (e) will be followed.

§ 60.633–2 Alternative standards for valves—skip period leak detection and repair.

(a)(1) An owner or operator may elect to comply with one of the alternative work practices specified in paragraph (b) of this section.

(2) An owner or operator must notify the Administrator before implementing one of the alternative work practices, as specified in § 60.637(a).

(b)(1)(i) An owner or operator shall comply with a reference leak detection program.

(ii) The reference leak detection program shall conform to the requirements for valves in gas/vapor service and valves in light liquid service, as described in § 60.632–6.

(2) After 2 consecutive quarterly leak detection periods with the percent valves leaking equal to or less than 2.0, an owner or operator may begin to skip 1 of the quarterly leak detection periods.

(3) After 5 consecutive quarterly leak detection periods with the percent of valves leaking equal to or less than 2.0, an owner or operator may begin to skip 3 of the quarterly leak detection periods.

(4) If the percent of valves leaking is greater than 2.0, the owner or operator shall comply with the reference leak detection program, as described in § 60.632–6, but can again elect to use paragraphs (b)(2) or (b)(3) of this section.

(5) An owner or operator must keep a record of the percent of valves found leaking during each leak detection period.

§ 60.634 Equivalent means of emission limitation.

(a) Each owner or operator subject to the provisions of this subpart may apply to the Administrator for determination of equivalence for any means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to the reduction in emissions of VOC achieved by the controls required in this subpart.

(b) Determination of equivalence to the equipment, design, and operational requirements of this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for an equivalence determination shall be responsible for collecting and verifying test data to demonstrate

equivalence of any means of emission limitation.

(2) The Administrator will compare test data for the equivalent means of emission limitation to test data for the equipment, design, and operational requirements.

(3) The Administrator may condition the approval of equivalence or requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the equipment, design, and operational requirements.

(c) Determination of equivalence to the required work practices in this subpart will be evaluated by the following guidelines:

(1) Each owner or operator applying for a determination of equivalence shall be responsible for collecting and verifying test data to demonstrate equivalence of any means of emission limitation.

(2) For each affected facility for which a determination of equivalence is requested, the emission reduction achieved by the required work practice shall be demonstrated for a minimum period of 12 months.

(3) For each affected facility, the emission reduction achieved by the equivalent means of emission limitation shall be demonstrated.

(4) Each owner or operator applying for a determination of equivalence shall commit to compliance with a performance that provides for emission reductions equal to or greater than the emission reductions achieved by the required work practice.

(5) The Administrator will compare the demonstrated emission reduction for the equivalent means of emission limitation to the demonstrated emission reduction for the required work practice and will consider the commitment in paragraph (c)(4) of this section.

(6) The Administrator may condition the approval of equivalence on requirements that may be necessary to assure operation and maintenance to achieve the same emission reduction as the required work practice.

(d) An owner or operator may offer a unique approach to demonstrate the equivalence of any means of emission limitation.

(e)(1) After a request for determination of equivalence is received, the Administrator will publish a notice in the **Federal Register** and provide the opportunity for a public hearing if the Administrator judges that the request may be approved.

(2) After notice and opportunity for a public hearing, the Administrator will determine the equivalence of any means of emission limitation and will publish the determination in the **Federal Register**.

(3) Any equivalent means of emission limitation approved under this section shall constitute a required work practice, equipment, design, or operational standard within the meaning of Section 111(h)(1) of the Clean Air Act.

(f)(1) Manufacturers of equipment used to control equipment leaks of VOC may apply to the Administrator for determination of equivalence for any means of emission limitation that achieves a reduction in emissions of VOC achieved by the equipment, design, and operational requirements of this subpart.

(2) The Administrator will make an equivalence determination according to the provisions of paragraphs (b), (c), (d), and (e) of this seciton.

§ 60.635 Test methods and procedures.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the test method and procedure requirements provided in this section.

(b) Monitoring, as required in § 60.632, § 60.633, and § 60.634, shall comply with the following requirements:

(1) Monitoring shall comply with Reference Method 21.

(2) The detection instrument shall meet the performance criteria of Reference Method 21.

(3) The instrument shall be calibrated before use on each day of its use by the methods specified in Method 21.

(4) Calibration gases shall be:

(i) Zero air (less than 3 ppm of hydrocarbon in air); and

(ii) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

(5) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

(c) When compressors or equipment are tested for compliance with no detectable emissions as required in § 60.632–2(e), –3(i), –4(d), –6(f), and –9(f), the test shall comply with the following requirements:

(1) The requirements of paragraphs (b)(1) through (5) of this section shall apply.

(2) The background level shall be determined, as set forth in Reference Method 21.

(3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

(4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

(d)(1) Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150°C as determined by ASTM Method (incorporated by reference as specified in § 60.17).

(2) Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150°C as determined by ASTM Method D–86 (incorporated by reference as specified in § 60.17).

(e)(1) Each piece of equipment within a process unit is presumed to be in VOC service unless an owner or operator demonstrates that the piece of equipment is not in VOC service. For a piece of equipment to be considered not in VOC service, it must be determined that the percent VOC content can be reasonably expected never to exceed 1.0 percent by weight. For a compressor to be considered in wet gas service, it must be determined that the percent VOC content is less than 50.0 percent by weight. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a compresor or equipment, procedures that conform to the methods described in ASTM Method E–260, E–168, or E–169 (incorporated by reference as specified in § 60.17) shall be used.

(2) If an owner or operator decides to exclude nonreactive organic compounds from the percent VOC content of the process fluid, the exclusion will be allowed, provided:

(i) Those substances excluded are those considered by the Administrator as having negligible photochemical reactivity; and

(ii) The owner or operator demonstrates that the percent VOC content, excluding nonreactive organic compounds, can be reasonably expected never to exceed 1.0 percent VOC by weight.

(3)(i) An owner or operator may use engineering judgment rather than the procedures in paragraphs (e) (1) and (2) of this section to demonstrate that the VOC content does not exceed 1.0 weight percent provided that the engineering judgment demonstrates that the VOC content clearly does not exceed 1.0 weight percent. When an owner or operator and the Administrator do not agree on whether a piece of equipment is not in VOC service, however, the procedures in paragraphs (e) (1) and (2) of this section shall be used to resolve the disagreement.

(ii) If an owner or operator determines that a piece of equipment is in VOC service, that determination can be revised only after following the procedures in paragraph (e) (1) and (2) of this section.

(f) Samples used in conjunction with paragraphs (d) and (e) shall be representative of the process fluid that is contained in or contacts the equipment.

(g)(1) Reference Method 22 shall be used to determine the compliance of flares with the visible emission provisions of this subpart.

(2) The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.

(3) The net heating value of the gas being combusted in a flare shall be calculated using the following equation:

$$H_T = K\left(\sum_{i=1}^{n} C_i H_i\right)$$

where:

H_T = Net heating value of the sample, MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to one mole is 20°.

K = Constant,

$$1.740 \times 10^{7}\left(\frac{1}{\text{ppm}}\right)\left(\frac{\text{g mole}}{\text{scm}}\right)\left(\frac{\text{MJ}}{\text{kcal}}\right),$$

where standard temperature for

$$\left(\frac{\text{g mole}}{\text{scm}}\right)$$

is 20°C.

C_i = Concentration of sample component i in ppm, as measured by Reference Method 18 and ASTM D2504–67 (reapproved 1977) (incorporated by reference as specified in § 60.17.

H_i = Net heat of combustion of sample component i, kcal/g mole. The heats of combustion may be determined using ASTM D2382–76 (incorporated by reference as specified in § 60.17) if published values are not available or cannot be calculated.

(4) The actual exit velocity of a flare shall be determined by dividing the volumetric flowrate (in units of standard temperature and pressure), as determined by Reference Method 2, 2A or 2C, as appropriate; by the unobstructed (free) cross sectional area of the flare tip.

(5) The maximum permitted velocity, V_{max}, for air-assisted flares shall be determined by the following equation:

$V_{max} = 8.706 + 0.7084\ (H_T)$

V_{max} = Maximum permtted volicity, m/sec.

8.706 = Constant.

0.7084 = Constant.

HG2T = The net heating value as determined in paragraph (g)(4).

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.636 Recordkeeping requirements.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the recordkeeping requirements of this

(b) When each leak is detected as specified in §§ 60.632–2, –3, –4, –6, and –7, the following requirements apply:

(1) A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(2) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in § 60.632–6(c) and no leak has been detected during those 2 months.

(3) The identification on a compressor or equipment, except on a valve, may be removed after it has been repaired.

(c) When each leak is detected as specified in §§ 60.632–2, 60.632–3, 60.632–4, 60.632–6, and 60.632–7, the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:

(1) The instrument and operator identification numbers and the equipment identification number.

(2) The date the leak was detected and the dates of each attempt to repair the leak.

(3) Repair methods applied in each attempt to repair the leak.

(4) "Above 10,000 ppm" if the maximum instrument reading measured by thge methods specified in § 60.635(a) after each repair attempt is 10,000 ppm or greater.

(5) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(6) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.

(7) The expected date of successful repair of the leak if a leak is not repaired within 15 days.

(8) Dates of process unit shutdowns that occur while the equipment is unrepaired.

(9) The date of successful repair of the leak.

(d) The following information pertaining to the design requirements for closed-vent systems and control devices described in § 60.632–9 shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any change in the design specifications.

(3) A description of the parameter or parameters monitored, as required in § 60.632–9(e) to ensure that control devices are operated and maintained in conformance with their design and an explanation of why the parameter (or parameters) was selected for the monitoring.

(4) Periods when the closed-vent systems and control devices specified in §§ 60.632–2, 60.632–3, 60.632–4 are not operated as designed, including periods when a flare pilot light does not have a flame.

(5) Dates of startups and shutdowns of the closed-vent systems and control devices specified in §§ 60.632–2, 60.632–3, 60.632–4.

(e) The following information pertaining to all compressors and equipment subject to the requirements in §§ 60.632–2, 60.632–3, 60.632–4, and 60.632–6 shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for equipment subject to the requirements of this subpart.

(2)(i) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions under the provisions of §§ 60.632–2(e), 60.632–3(i), 60.632–4(d), and 60.632–6(f).

(ii) The designation of this equipment as subject to the requirements of §§ 60.632–2(e), 60.632–3(i), 60.632–4(d), or 60.632–6(f) shall be signed by the owner or operator.

(3)(i) The dates of each compliance test as required in §§ 60.632–2(e), 60.632–3(i), 60.632–4(d), and 60.632–6(f).

(ii) The background level measured during each compliance test.

(iii) The maximum instrument reading measured at the equipment during each compliance test.

(4) A list of identification numbers for equipment that are in vacuum service.

(f) The following information pertaining to all valves subject to the requirements of § 60.632–6(g) shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for valves that are designated as difficult to monitor,

(2) An explanation for each valve stating why the valve is difficult to monitor, and

(3) The expected date for monitoring each valve.

(g) The following information shall be recorded in a log that is kept in a readily accessible location:

(1) Design criterion require in § 60.632–2(d)(5) and 60.632–3(f)(2), and an explanation of the design criterion; and

(2) Any changes to this criterion and the reasons for this change.

(3) An analysis demonstrating the design capacity of the natural gas processing plant.

(h) Each owner or operator electing to comply with the provisions of § 60.632–8 shall maintain records of the date, duration, and purpose of each shutdown.

(i) Information and data used to demonstrate that a piece of equipment is not in VOC service shall be recorded in a log that is kept in a readily accessible location.

(j) Information and data used to demonstrate that a reciprocating compressor is in wet gas service to apply for the exemption in § 60.632–1(f) shall be recorded in a log that is kept in a readily accessible location.

(k) The provisions of § 60.7(b) and (d) do not apply to affected facilities subject to this subpart.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414)

§ 60.637 Reporting requirements.

(a) Each owner or operator subject to the provisions of this subpart shall submit semiannual reports to the Administrator, beginning 6 months after the initial startup date.

(b) The initial semiannual report to the Administrator shall include the following information:

(1) Process unit identification.

(2) Number of valves subject to the requirements of § 60.632–6 or § 60.633, excluding those valves designated for no detectable emissions under the provisions of § 60.632–6(f).

(3) Number of pumps subject to the requirements of § 60.632–2, excluding those pumps designated for no detectable emissions under the provisions of § 60.632–2(e) and those pumps complying with § 60.632–2(f).

(4) Number of compressors subject to the requirements of § 60.632–3(b)–(h).

(5) Number of pressure relief devices subject to the requirements of § 60.632–4, except those pressure relief devices designated for no detectable emissions under the provisions of § 60.632–4(d), and those pressure relief devices complying with § 60.632–4(e).

(c) All semiannual reports to the Administrator shall include the following information, summarized from the information recorded in § 60.636:

(1) Process unit identification.

(2) For each month during the semiannual reporting period,

(i) Number of valves for which leaks were detected as described in § 60.632–6(b) or 60.633–2.

(ii) Number of valves for which leaks were not repaired as required in § 60.632–6(d).

(iii) Number of pumps for which leaks were detected as described in § 60.632–2 (b) and (d)(6).

(iv) Number of pumps for which leaks were not repaired as required in § 60.632–2 (c) and (d)(6).

(v) Number of compressors for which leaks were detected as required in § 60.632–3(g).

(vi) Number of compressors for which leaks were not repaired as required in § 60.632–3(h).

(vii) Number of pressure relief devices for which leaks were detected as required in § 60.632–4(b).

(viii) Number of pressure relief devices for which leaks were not repaired as required in § 60.632–4(c).

(ix) The facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.

(3) Dates of process unit shutdowns which occurred within the semiannual reporting period.

(4) Revisions to items reported according to paragraph (b) of this section if changes have occurred since the initial report or subsequent revisions to the initial report.

(d) An owner or operator electing to comply with the provisions of §§ 60.633–1 and 60.633–2 shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.

(e) An owner or operator shall report the results of all performance tests in accordance with § 60.8 of the General Provisions. The provisions of § 60.8(d) do not apply to affected facilities subject to the provision of this subpart, except that an owner or operator shall notify the Administrator of the schedule for the initial performance tests at least 30 days before the initial performance tests.

(f) The requirements of paragraphs (a) through (c) of this section remain in force until and unless EPA, in delegating enforcement authority to a State under Section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such State. In that event, affected sources within the State will be relieved of the obligation to comply with paragraphs (a) through (c) of this section, provided that they comply with the requirements established by the State.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

[FR Doc. 84–1502 Filed 1–19–84; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 60

[AD–FRL 2307–3]

Standards of Performance for New Stationary Sources; Onshore Natural Gas Processing SO_2 Emissions From Onshore Natural Gas Processing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The proposed standards would limit atmospheric emissions of sulfur dioxide (SO_2) from new, modified, and reconstructed sweetening and sulfur recovery units in the natural gas production industry. The standards do not regulate sulfur content in natural gas; instead, they apply only to SO_2 emissions from gas processing (sweetening and sulfur recovery) facilities. Standards that limit volatile organic compounds (VOC) from the natural gas production industry are also being proposed in a separate **Federal Register** notice.

The standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that the crude oil and natural gas production industry contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect is to require new, modified, and reconstructed affected facilities in the natural gas production industry to reduce emissions by using the best demonstrated system(s) of continuous emissions reduction, considering costs, nonair quality health, and environmental and energy impacts.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of

data, views, or arguments concerning the proposed standards.

DATES: *Comments.* Comments must be received on or before April 6, 1984.

Public Hearing. If anyone contacts EPA requesting to speak at a public hearing by February 15, 1984, a public hearing will be held on March 7, 1984, beginning at 9:00 a.m. Persons interested in attending the hearing should call Mrs. Pat Finch at (919) 541–5578 to verify that a hearing will occur.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Central Docket Section (LE–131), Attention: Docket No. A–80–20–A, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing: If anyone contacts EPA requesting to speak at a public hearing by February 15, 1984, the public hearing will be held at EPA Auditorium, corner of Highway 54 and Alexander Drive. Persons interested in attending the hearing should call Mrs. Pat Finch at (919) 541–5578 to verify that a hearing will occur. Persons wishing to present oral testimony should notify Mrs. Pat Finch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578.

Request to Speak at Hearing: Persons wishing to present oral testimony must contact EPA by February 15, 1984.

Background Information Document. The background information document (BID) for the proposed standards may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "SO_2 Emissions in Natural Gas Production Industry—Background Information for Proposed Standards," EPA–450/3–82–023a.

Docket. Docket No. A–80–20–A, containing information used by EPA in development of the proposed standards for SO_2 emissions, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Policy issues contact: Mr. Gilbert H. Wood, Standards Development Branch, Emissions Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578.

Technical issues contact: Mr. James F. Durham, Chemical and Petroleum Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5671.

SUPPLEMENTARY INFORMATION:

Proposed Standards

The affected facilities to which the proposed standards apply include each new (i.e., a newly constructed, modified, or reconstructed) sweetening unit and each new sweetening unit followed by a sulfur recovery unit at onshore natural gas processing facilities.

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health, and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated (Section 111(a)(1)).

For convenience, this will be referred to as "best demonstrated technology" or BDT.

BDT for SO_2 emissions from onshore natural gas processing is based on control through sulfur recovery. Different control technologies are available which achieve varying degrees of sulfur recovery (i.e., control). These technologies include 2-state and 3-stage Recycle Selectox sulfur recovery units, 2-state and 3-stage Claus recovery units, Sulfreen tail gas units, Shell Claus off-gas treatment (SCOT) units, and Beavon sulfur removal process (BSRP) units. The performance capabilities and the cost per megagram emission reduction of these systems depend on the ratio of hydrogen sulfide (H_2S) to carbon dioxide (CO_2) and the total quantity of sulfur in the gas stream being treated. These two characteristics vary considerably from plant to plant within the industry. EPA considered the performance and cost differences of applying each of these control systems to different categories of plants within the industry. That is, for a wide range of model plant types with differing H_2S/CO_2 rates and sulfur feed rates, EPA evaluated the performance capability of each of the control technologies and the cost per megagram emission reduction of applying each technology. Because these factors vary, BDT selected for SO_2 from the natural gas production industry includes multiple emission limits. The limit which is applicable to a particular plant type is determined by the H_2S/CO_2 ratio and sulfur feed rate at that plant, and reflects technology and cost considerations for that plant type. Sweetening units producing less than 1.0 long tons per day (LT/D) of sulfur are not subject to the control requirements of the proposed standards.

The level of performance achievable by most of the control systems on which the standards are based is dependent on the age of the catalyst being used. That is, the performance of a given control system is higher when the system is initially installed and the catalyst is new than it is later after the catalyst degrades. In calculating costs for the control systems, it was assumed the catalysts would be replaced every 4 years. This is consistent with current industry practice. Because of catalyst degradation, a plant cannot be expected to achieve the same emission limit on a continuous basis that it can achieve when the control system is initially installed. For this reason, the proposed standards include two emission limits applicable to each affected facility, one which must be met during the initial performance test and a less stringent emmision limit which must be met on a continuing basis after the initial performance test. The proposed standards include equations for determining both the initial and continuous emisssion limits for a given plant. The emission limits are in terms of percent reduction of sulfur.

For facilities with sulfur feed rates of more than 5.0 LT/D, the required efficiencies to be met during the initial performance test would vary from about 92 to 99.8 percent and the required efficiencies to be met on a continuous basis would vary between about 90 and 99.8 percent. In each case the required efficiency for a particular plant would depend on the H_2S/CO_2 ratio and sulfur feed rate at that plant. Facilities with sulfur feed rates of at least 1.0 LT/D but less than or equal to 5.0 LT/D would be required to reduce SO_2 emissions by 79.0 percent initially and 74.0 percent on a continuous basis. The averaging time for all emission limits would be 12 hours.

Initial performance tests would be required within 180 days of startup. Reference Method 6 would be used to measure SO_2 emissions. Reference Method 15 or proposed Reference Method 16A (depending on the nature of the compounds or the stack gas oxygen content) would be used to measure TRS. The H_2S concentration in the acid gas would be measured by ASTM E–260 or the Tutwiler method, which is published in this **Federal Register** notice.

The standards would require continuous monitoring of SO_2 emissions or total reduced sulfur compound (TRS)

emissions, depending on whether the sulfur compounds are combusted prior to being emitted. Continuous monitoring of the sulfur production rate and the incinerator operating temperature would also be required. A temperature of at least 811° K (1,000° F) is required to convert H_2S to SO_2. Since only SO_2 will be monitored, all H_2S must be converted; otherwise, additional monitoring of H_2S would be necessary to achieve an accurate measurement of stack emissions. Monitoring results would be used to determine whether the control systems are being operated and maintained properly.

For the purpose of excess emissions reports, required by the General Provisions, excess emissions are defined as (1) any 12-hour period during which the efficiency achieved (determined by the continuous monitoring results) is less than the efficiency required to be met on a continuous basis, or (2) any 12-hour period during which the average temperature of the gas leaving the combustion zone of the incinerator is less than 811° (1,000° F). No additional periodic reports are required by the standards.

Summary of Environmental Energy, and Economic Impacts

Based on a projected growth of 44 new sweetening units with sulfur feed rates of at least 1.0 LT/D, the proposed standards would reduce SO_2 emissions from the natural gas production industry by about 86,200 megagrams per year (95,000 tons per year) in the fifth year of implementation. This represents a reduction in SO_2 emissions of 78 percent from State implementation plan (SIP) levels.

The best demonstrated technology upon which the proposed standards are based would not result in any adverse water pollution impacts. There would be no significant impact on solid waste disposal.

The proposed standards would increase total nationwide energy usage by 7.8×10^{14} Joules per year (25.9 megawatts) in the fifth year of implementation.

To comply with the SO_2 standards, the increase in fixed-capital costs to industry over the first 5 years would be $102 million. The increase in annualized costs would be about $31 million in the fifth year. This increase in annualized costs represents about 1 percent of the revenue generated by the sale of the processed sour natural gas in the fifth year. Plants affected by the SO_2 standards may also be subject to the VOC standards for the natural gas production industry that are being proposed in a separate **Federal Register** notice. Not all plants would be affected by both standards; only natural gas plants that separate natural gas liquids from field gas and/or fractionate natural gas liquids, in addition to sweetening sour gas, would be impacted by both the SO_2 and VOC standards. Costs to comply with the VOC standards alone and to comply with both the VOC and SO_2 standards were also analyzed. The economic impacts were evaluated and were determined to be reasonable. The proposed regulations are not expected to have an effect on incentives to develop new sour natural gas fields.

Rationale

Selection of Source for Control

The EPA priority list (40 CFR 60.16, amended at 47 FR 951, January 8, 1982) ranks, in order of priority for standards development, various source categories in terms of quantities of nationwide pollutant emissions, the mobility and competitive nature of each source category, and the extent to which each pollutant endangers health and welfare. The priority list reflects the Administrator's determination that emissions from the listed source categories contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare, and is intended to identify major source categories for which standards of performance are to be promulgated. The crude oil and natural gas production industry is ranked 29th out of 59 source categories on the priority list. Sulfur dioxide (SO_2) and volatile organic compounds (VOC) are the primary pollutants from this industry.

The crude oil and natural gas production industry encompasses not only processing of the natural gas (associated or not associated with crude oil) but operations of exploration, drilling, and subsequent removal of the gas from porous geologic formations beneath the earth's surface. There is generally only a small amount of crude oil, if any, associated with field gas in natural gas wells. The crude oil is separated from the field gas at the well site and transported by field lines to storage tanks, before being transported to refineries. These operations are not sources of SO_2 emissions and therefore are not covered by these standards. After the field gas has been separated from the crude oil and condensates, it is further processed. If the gas is sour, hydrogen sulfide (H_2S) and carbon dioxide (CO_2) are removed. This process is called "sweetening" of natural gas; the separated gas stream of H_2S and CO_2 is called "acid gas." The acid gas is further processed for elemental sulfur recovery or incinerated. The SO_2 standards affect only the processing of sour natural gas, which is a subgroup of all natural gas. The remaining gas is referred to as sweet gas and does not contain significant quantities of sulfur.

Data from the American Gas Association (AGA) and from a gas plant survey conducted by the American Petroleum Institute (API) in 1982 were used to project growth in the industry over the 5-year period following proposed of the standards (1983–1987). In 1980, the AGA published its estimation of natural gas production for each year through the year 2000. Total new onshore production for the period 1983–1987 was projected to be about 79 billion cubic meters (2,800 billion cubic feet). Historically, natural gas produced offshore has been sweet gas. The EPA assumed offshore production during the first five years after proposal of the standards would continue to be sweet gas. Therefore, offshore production was not considered in the development of the growth projections.

The data provided by API described the H_2S composition of over 700 onshore natural gas streams processed in 1982. The data indicate that approximately 25 percent of current onshore natural gas production is sour. Assuming that this percentage will remain constant over the next 5 years, EPA projects that there will be about 20 billion cubic meters (690 billion cubic feet) of new sour gas produced between 1983 and 1987. Seventy-four percent of the new sour gas, approximately 15 billion cubic meters (510 billion cubic feet), will contain an average H_2S concentration of 5.8 mole percent, and the remaining 5.0 billion cubic meters (180 billion cubic feet) will contain an average H_2S concentration of 0.2 mole percent. This predicted H_2S composition of new gas production was then used to calculate the amount of sulfur that would be present in the new sour gas. The amount of sulfur was then distributed among various sizes of sweetening plants, ranging from less than 0.1 LT/D of sulfur feed rate to 1,000 LT/D. The distribution was based on the range of existing plant sizes and the proposition of existing plants in each size category. The resulting growth projections indicate that 67 new sweetening plants will be constructed during the next 5 years, ranging in size from less than 0.1 LT/D to 1,000 LT/D of sulfur feed rate.

A large potential for reductions in SO_2 emissions exists with the projected growth. The fifth-year (end of 1987) increase in nationwide SO_2 emissions is estimated to be 110,000 megagrams per

year (121,000 tons/yr), based on current SIP requirements.

The quantities and sources of VOC emissions from this industry are described in a separate **Federal Register** notice, in which a standard for equipment leaks of VOC is proposed. This VOC standard would cover processing of sweet, as well as sour, natural gas.

Selection of Pollutants

As stated in the previous section, onshore natural gas processing is a major source of SO_2 emissions. SO_2 emissions comprise over 97 percent of all the pollutants emitted from a typical onshore natural gas sweetening or sulfur recovery facility. Baseline emissions of SO_2 from a typical 5 LT/D facility are 3,550 megagrams per year (3,900 tons/yr) and those from a large facility with a sulfur feed rate of 1,000 LT/D are 23,900 megagrams per year (23,300 tons/yr). It is expected that over the 5-year period of 1983–1987, annual nationwide SO_2 emissions from this industry will increase by about 110,000 megagrams per year (121,000 tons/yr) if emissions are controlled to the level of existing applicable regulations (typical SIP regulations) or voluntary control levels. These incremental emissions, due to growth in the industry, can be significantly reduced by available sulfur recovery technologies that have been demonstrated.

The industry also emits VOC, nitrogen oxides (NO_x), H_2S, and very small quantities of carbonyl sulfide (COS) and carbon disulfide (CS_2). A standard for VOC is being proposed separately. Sources of NO_x are being addressed by other standards. Most of the potential H_2S, COS and CS_2 which would be emitted by plants are converted (due to their toxicity and odor) into SO_2 through incineration (Docket entry A–80–29–A, II–E–32). As such, both the technology upon which the standard is based and the standard, which is expressed in terms of total sulfur, effectively limit H_2S, CS_2, and COS emissions as well as SO_2 emissions.

For the reasons stated in the preceding paragraphs, SO_2 and VOC are the only pollutants in the natural gas production industry selected for regulation by standards of performance at this time.

Selection of Affected Facilities

As explained previously, SO_2 is emitted from onshore natural gas facilities that process sour gas. The point at which the SO_2 is emitted depends on whether the plant only sweetens the gas or sweetens the gas and recovers the sulfur. If the plant only sweetens the gas, the SO_2 is emitted from an incinerator following the sweetening operation. If the plant sweetens the gas and also recovers sulfur, the SO_2 is emitted from the sulfur recovery unit or from an incinerator following the sulfur recovery unit.

The choice of the affected facilities for these standards is based on the Agency's interpretation of Section 111 of the Clean Air Act and on the judicial construction of its meaning [ASARCo, Inc. vs EPA, 578 F. 2d 319 (D.C. Cir 1978)]. Under Section 111, the standards of performance for new stationary sources must apply to "new sources;" "source" is defined as "any building, structure, facility, or installation which emits or may emit air pollutants, and which may be viewed as sources." EPA therefore uses the term "affected facility" to designate the equipment within a particular kind of plant which is chosen as the "source" covered by a given standard.

In designating the affected facility, EPA must decide which piece or group of equipment is the appropriate unit (the source) for separate emission standards in the particular industrial context involved. The Agency must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrow designation results in bringing replacement equipment under standards of performance sooner. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed.

In the case of SO_2 emissions from onshore natural gas processing plants, the most narrow designation for the affected facility would be each sweetening unit and each sweetening unit with a sulfur recovery unit, depending upon what exists at a particular plant. Since there are no other statutory factors that lead to selection of a broader designation of affected facility, the proposed standards designate the affected facility in the most narrow way, as described above.

Selection of Control Technologies for Best Demonstrated Technology (BDT)

The technologies selected as candidates for best demonstrated technology (BDT) were: 2-stage and 3-stage Recycle Selectox sulfur recovery units, 2-stage and 3-stage Claus sulfur recovery units, Sulfreen tail gas units, Shell Claus off-gas treatment (SCOT) units, and Beavon sulfur removal process (BSRP) units. The performance capabilities of these systems vary depending on the H_2S concentration in the acid gas.

A 2-stage Claus sulfur recovery unit is capable of attaining recovery efficiencies between approximately 93.0 percent (with a 12.5 percent inlet H_2S concentration) and 96.3 percent (with an 80 percent inlet H_2S concentration). A 3-stage Claus sulfur recovery unit increases sulfur recovery to between about 94.7 percent (with a 12.5 percent H_2S inlet concentration) and 97.3 percent (with an 80 percent inlet H_2S concentration). The Claus process becomes less efficient in recovering sulfur and less cost effective as the H_2S concentration in the acid gas feed decreases. The recently developed Recycle Selectox process is more efficient and more cost effective than the Claus process on streams with low H_2S concentrations. The performance of the Recycle Selectox process, like the Claus process, varies with varying H_2S concentrations. The Selectox process can be designed as a once-through process without a recycle stream for processing acid gas streams with H_2S concentrations up to about 5 mole percent. For H_2S concentrations higher than 5 mole percent, a recycle stream is needed to maintain proper reaction conditions. A 2-stage Recycle Selectox sulfur recovery unit is designed to attain recovery efficiencies with fresh catalyst at the start of the operating run between about 80.6 percent (with a 2 percent inlet H_2S concentration) and 92.3 percent (with a 12.5 percent inlet H_2S concentration). A 3-stage Recycle Selectox sulfur recovery unit is designed to attain recovery efficiencies between about 83.6 percent (with a 2 percent H_2S concentration) and 95.1 percent (with a 12.5 percent H_2S concentration).

There are three demonstrated tail gas technologies available for use in conjunction with the Claus process to achieve a higher degree of control. The Sulfreen process is capable of increasing the Claus sulfur recovery efficiency to approximately 97.9 percent (with a 12.5 percent H_2S inlet concentration) and 98.8 percent (with an 80 percent H_2S inlet concentration). The SCOT process can increase sulfur recovery efficiency from 94.7 percent to 99.9 percent. The process is adaptable to a variety of Claus units and is flexible over a wide range of operating conditions. The BSRP can increase sulfur recovery for a 3-stage Claus unit to 99.9 percent.

In addition to these technologies there are other processes such as the Cold Bed Absorption (CBA) process that may achieve comparable emission reductions at comparable costs. These processes could be used to meet the standard, provided they achieve the required emission reduction efficiency. The

technologies selected as candidates for BDT are described in detail in Chapter 4 of the BID.

Selection of Model Plants and Regulatory Alternatives

The sulfur feed rate and the ratio of H_2S to CO_2 in the acid gas entering a sulfur recovery unit vary from plant to plant. Both the effectiveness and the costs of sulfur recovery technologies depend on these two process parameters. Therefore, model plants covering the typical range in sulfur feed rates and in H_2S/CO_2 ratios expected in the industry were developed to evaluate specific regulatory alternatives. The sulfur feed capacities of these model plants range from less than 0.1 to 1,000 LT/D; the H_2S/CO_2 ratios evaluated range from less than 5/95 to over 80/20.

Baseline control technology, that level of control expected to be used in new plants in the absence of a new source performance standard, is referred to as Regulatory Alternative I. Baseline control technologies range in sulfur reduction efficiency between 0 and 97.3 percent. At the present time sulfur control technology is being used to comply with existing State regulations and to recover marketable sulfur at some facilities.

To develop alternatives beyond the baseline, the various levels of technology presented in "Selection of Control Technologies for BDT" were applied to each of the model plants. Annualized costs and emission reductions were calculated for each model plant/control technology combination. The calculations were used to determine the additional cost per megagram of SO_2 remove (cost effectiveness) beyond baseline for each model plant/control technology combination. The incremental cost per megagram of SO_2 removed between progressively more effective control technologies was also calculated for each model plant. These costs are presented in Chapter 8 of the BID.

Consistency in the incremental cost effectiveness was used to group the model plant/control technology combinations into five progressively more stringent control levels. (See Table 1.) These control levels are referred to as Regulatory Alternatives II through VI.

TABLE 1.—MODEL PLANT/CONTROL TECHNOLOGY COMBINATIONS FOR EACH REGULATORY ALTERNATIVE

Model plants		Average incremental cost effectiveness [1] ($/Mg)	Regulatory alternative					
			I	II	III	IV	V	VI
Sulfur feed rate LT/D	H_2S to CO_2 ratio	Maximum incremental cost effectiveness [2] ($/Mg)		21 36	519 1,030	1,170 1,680	6,300 23,700	17,500 44,800
<0.1	[3]		None	None	None	None	None	None.
0.2	[3]		None	None	None	None	None	Recycle Selectox 2-stage.
0.3	[3]		None	None	None	None	Recycle Selectox 2-stage.	Recycle Selectox 2-stage.
0.4	[3]		None	None	None	None	Recycle Selectox 2-stage.	Recycle Selectox 3-stage.
0.5 to 0.9	[3]		None	None	None	Recycle Selectox 2-stage.	Recycle Selectox 3-stage.	Sulfreen.
1.0 to 2.0	[3]		None	None	Recycle Selectox 2-stage.	Recycle Selectox 2-stage.	Recycle Selectox 3-stage.	Sulfreen.
3.0 to 5.0	[3]		None	None	Recycle Selectox 2-stage.	Recycle Selectox 3-stage.	Sulfreen	Sulfreen.
10	[4]		Claus 2-stage	Claus 2-stage	Claus 3-stage	Claus 3-stage	Sulfreen	Sulfreen.
100	[4]		Claus 3-stage	Claus 3-stage	Sulfreen	Sulfreen	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.
555	50/50		Claus 3-stage	Sulfreen	Sulfreen	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.
555	80/20		Claus 3-stage	Sulfreen	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.
1,000	50/50		Claus 3-stage	Sulfreen	Sulfreen	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.
1,000	80/20		Claus 3-stage	Sulfreen	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.	SCOT/BSRMDEA or BSRP.

[1] Incremental cost effectiveness is the ratio of the additional cost and the additional emission reduction for moving from one regulatory alternative to the next more stringent alternative. The incremental cost effectiveness within a particular alternative varies among the different model plants, depending on technology cost and performance. This is the average incremental cost effectiveness for all model plants within an alternative for which additional control is required in that alternative.

[2] See footnote Number 1. This is the maximum incremental cost effectiveness for any model plant within an alternative for which additional control is required in that alternative.

[3] Covers entire range from less than 2/98 to over 80/20. Emission reductions, however, were calculated assuming 2/98 to 12.5/87.5, which tends to give higher cost effectiveness figures.

[4] Covers the entire range from 12.5/87.5 to over 80/20.

For each model plant, each regulatory alternative is based on the control technology that is the most effective within the range of incremental cost effectiveness established for that particular regulatory alternative. Model plants that did not have an available control technology with incremental cost effectiveness within the range for the next more stringent alternative continued to keep the technology option from the previous (less stringent) regulatory alternative until the cost per Mg was within the appropriate range for a more stringent alternative. For example, in developing the regulatory alternatives for the model plant with a 100 LT/D sulfur feed rate, the control technology having costs within the designated range of Regulatory Alternative III was the Sulfreen process. The SCOT and BSRP processes, which achieve greater emission reductions, were considered for Alternative IV but the costs were outside the designated range for Alternative IV. Therefore, the Sulfreen process was selected for Alternative IV. The SCOT and BSRP processes were again considered in Alternative V. Because the costs were within the designated range, the SCOT and BSRP processes were selected for Alternative V. This methodology was applied in selecting the control technologies to be used in each regulatory alternative for each model plant size.

In summary, the formulation of specific alternatives was based upon the consistency of the incremental cost per megagram SO_2 reduced beyond the previous alternative. The model plants

and regulatory alternatives are further detailed in Chapter 6 of the BID.

Environmental Impacts

In making projections about the number and size of new sweetening and sulfur recovery facilities it was assumed that new plants would reflect the 1982 average plant sizes and their distribution. The expected distribution of new facilities in terms of quantity of sulfur in the acid gas is as follows: 23 facilities with less than 1 LT/D of H_2S, 14 facilities with 1 through 5 LT/D, 18 facilities with 10 LT/D, 9 facilities with 100 LT/D, 2 facilities with 555 LT/D, and 1 facility with 1,000 LT/D. Most facilities with 5 LT/D or less were projected to have no sulfur recovery; the rest were projected to have some sulfur recovery.

Table 2 presents a summary of the projected nationwide emission reduction that would be associated with implementing Regulatory Alternatives II through VI.

TABLE 2.—NATIONWIDE IMPACTS ON NEW FACILITIES

[1987: 67 NEW FACILITIES]

Alternative	Impact					
	I (baseline)	II	III	IV	V	VI
Five year cumulative capital cost beyond the baseline, dollars million/year		4.7	102	115	349	419
Fifth-year annualized cost beyond the baseline, dollars million/year		0.58	30.7	33.5	116	125
Fifth-year SO_2 emission reduction beyond the baseline, 1,000 Mg/yr		28.2	86.2	88.6	102.6	103.0
Cost effectiveness, dollars/Mg SO_2		21	356	378	1,150	1,210
Incremental cost effectiveness, dollars/Mg SO_2		21	519	1,170	6,300	17,500

The fifth-year reduction in emissions beyond baseline is estimated to be 26 percent for Alternative II, 78 percent for Alternative III, 81 percent for Alternative IV, 93 percent for Alternative V, and 94 percent for Alternative VI.

The technologies selected as candidates for best demonstrated technologies for each regulatory alternative do not result in any adverse water impacts. Also, implementation of any of Regulatory Alternatives II through VI does not result in any adverse solid waste impact. Spillage during transport of liquid sulfur is negligible.

Cost and Economic Impacts

Operation of the baseline technology (Alternative I) is estimated to result in a net fifth-year annualized credit of $88 million due to the sale of recovered sulfur and the use of by-product steam. Sulfur production from onshore natural gas processing and refinery operations has consistently increased: from 2 percent of the total domestic sulfur supply in 1950 to over 25 percent of the total in 1975. The sulfur produced from onshore natural gas processing amounted to 12.9 percent of domestic supply in 1978. Published prices of elemental sulfur indicate that the price has increased over 198 percent, from $31.49 per megagram in December 1969 to $93.99 per megagram in November 1979. Although the sulfur price has fluctuated during this period, it has increased on a consistent basis. These data indicate continued ability to sell the sulfur produced from the gas. However, EPA recognizes that some small plants (producing less than 5 LT/D of sulfur) may not be able to market recovered sulfur as readily as larger plants. For this reason, the annualized costs calculated for plants with sulfur feed rates below 5 LT/D do not include credits for recovered sulfur. Instead, storage and disposal costs of recovered sulfur were included.

The increase in the fifth-year capital and net annualized costs associated with implementing Regulatory Alternatives II through VI beyond Alternative I are presented in Table 2.

A detailed analysis of the economic and cost impacts of the regulatory alternative is included in Chapter 9 of the BID. The analysis considered each regulatory alternative, 21 model plant sizes (ranging in sulfur feed rates from less than 0.1 to 1,000 LT/D), and the normal range of H_2S concentrations (0.5 to 20 mole percent) in the sour natural gas currently found in the industry. Incremental cost per thousand standard cubic feet of sweetened natural gas produced was determined for each combination of control technology, plant size, and sour natural gas H_2S concentration. As a result of the competitive nature of the fuel industry, individual onshore natural gas sulfur recovery plant operators are not expected to pass additional sulfur emissions control costs on to the consumers. Sour gas producers are generally expected to absorb the additional emissions control costs out of revenues generated from the sale of sweet gas and recovery sulfur.

Under all regulatory alternatives, nationwide costs of compliance are approximately 1 percent of the total projected value of all new onshore natural gas (sweet and sour) production. Thus, under Regulatory Alternatives I through VI, the impacts of SO_2 emissions control costs on expected returns from natural gas exploration and development are small; and, therefore, the effect of any of these alternatives on exploration and development would likely be negligible. Under Regulatory Alternatives I through IV, nationwide costs of compliance would be about 1 percent of the total revenue from the sale of processed sour natural gas in 1987. Under Regulatory Alternatives V and VI, nationwide costs of compliance could be approximately 4.0 and 4.2 percent, respectively, of the total revenue from the sale of processed sour natural gas in 1987. Consequently, Regulatory Alternatives I through VI would be expected to have no effect on industry incentives to develop new sour natural gas fields. Although none of the regulatory alternatives is expected to affect incentives to develop new gas fields, Alternatives IV through VI could adversely affect the economic viability (i.e., total production costs may exceed total plant revenues) of some small (less than 1 LT/D) sour gas processing facilities. Under Regulatory Alternative VI, two projected affected facilities are expected not to be economically viable; under Regulatory Alternative V, one projected affected facility is expected not to be economically viable. Regulatory Alternative IV is less likely to cause adverse economic impacts than Alternative V and VI. However, Alternative IV could affect the economic viability of some plants with sulfur production rates below 1.0 LT/D

Alternatives III and II are not expected to result in any unreasonably adverse economic impacts.

Energy Impacts

The application of baseline controls (Regulatory Alternative I) to new affected facilities in the natural gas production industry is estimated to increase energy consumption by 53.9×10^{14} Jouls per year (178 megawatts) of energy in the fifth year (1987) after proposal. Increased energy utilization is primarily to meet electric and steam energy needs for sulfur recovery plant operation and the fuel requirements for incineration of any residual H_2S prior to discharge the atmosphere. The fifth-year (end of 1987) increase in energy consumption over Regulatory Alternative I is estimated to be 0.48×10^{14} Joules per year (1.57 megawatts) for Regulatory Alternative II; 7.8×10^{14} Joules per year (25.9 megawatts) for Regulatory Alternative III, 8.6×10^{14} Joules per year (28.6 megawatts) for Regulatory Alternative IV; 19.3×10^{14} Joules per year (64.1 megawatts) for Regulatory Alternative V; and 19.4×10^{14} Joules per year (64.4 megawatts) for Regulatory Alternative VI. A detailed discussion of the energy impacts of SO_2 emission control is included in the BID, Chapter 7.

Selection of the Basis for the Proposed Standards

In selecting the basis for the proposed standards, the Administrator selected the regulatory alternative that would achieve the most emission reduction while incurring reasonable nonair quality environmental, energy, cost, and economic impacts.

A review of the nonair environmental and energy impacts indicated no significant adverse impacts for any of the regulatory alternatives. Emission reduction, cost and economic impacts were then evaluated for each alternative. Regulatory Alternative VI would achieve the most emission reduction; however, Alternative VI is expected to cause small plants with sulfur intake rates of 1 LT/D or less to be economically nonviable. In addition, the incremental cost which would be incurred to achieve the additional emission reduction of Alternative VI as compared with Alternative V (which would average $17,500 per Mg SO_2 reduced for all the affected model plants and would be a maximum of $44,800 per Mg SO_2 reduced for any affected model plant) was judged to be unreasonable. Alternative V would achieve more emission reduction than the remaining alternatives but is expected to cause small plants with sulfur intake rates of 1 LT/D and less to be economically nonviable. Further, the incremental cost per Mg SO_2 reduced for Alternative V as compared with Alternative IV (which would average $6,300 per Mg SO_2 reduced for all the affected model plants and would be a maximum of $23,700 per Mg SO_2 reduced for any affected model plant) was judged to be unreasonable.

The economic impact analysis indicated that there is some probability that plants with low sulfur feed rates (below 1 L/D) and high H_2S concentrations (4 percent or more) in the sour gas would not be economically viable under the requirements of Regulatory Alternative IV. There was sufficient probability that such plants would become nonviable to cause concern that Regulatory Alternative IV would result in unreasonable economic impacts on small plants.

The incremental cost effectiveness associated with moving from Regulatory Alternative III to Alternative IV averages $1,170 per Mg SO_2 emission reduction. The highest incremental cost effectiveness for any individual plant would be $1,680 per Mg. In assessing the reasonableness of incremental cost for a particular source category, the Agency may consider a variety of factors that may indicate that higher or lower costs per Mg would be appropriate for that source category. The incremental difference in emission reduction between Regulatory Alternative III and IV is 2,400 per Mg of SO_2 emissions per year. While this is considered to be a significant amount of emission reduction, the likelihood that most of this reduction will occur in remotely located and unpopulated areas has influenced the Administrator's judgment of what constitutes reasonable incremental costs. In addition, the location of these remote areas is limited to the western States and Texas, where acid deposition is not, at this time, known to be a problem. In light of these considerations, the Administrator decided that the incremental cost effectiveness between Regulatory Alternatives III and IV may be unreasonably high.

The potential for small plants to encounter unreasonably adverse economic impacts under Alternative IV, combined with the Administrator's judgment that the incremental cost between Alternatives III and IV may be too high for the incremental emission reduction (in view of the location of future plants), led to the decision to reject Regulatory Alternative IV as the basis for the proposed standards.

Regulatory Alternatives III, II, and I were all judged to have reasonable cost, incremental cost effectiveness, and economic impacts. Consequently, Alternative III was selected as the basis of the proposed standards rather than the less stringent alternatives because Alternative III would achieve more emission reduction than the others.

Although the economic impact analysis performed by the Agency (described in detail in Chapter 9 of the BID) indicates that there would be no unreasonable adverse economic impacts associated with the recommended standard, several industry representatives have indicated that some owners/operators of sweetening facilities producing acid gas with less than 5 LT/D of sulfur could experience unreasonable impacts. An attempt has been made to develop small plant exemption criteria (applicable to plants with sulfur intake rates between 1 and 5 LT/D) that would take plant-specific economic parameters into account in determining applicability. A summary of these materials is contained in the docket and is available for review (see Docket A-80-20-A, Entry II-B-42). However, only limited data are currently available on which to support exemption criteria based on plant-specific economic parameters. For this reason, such provisions are not incorporated in the proposed standards, but the Administrator is considering adding such provisions to the final regulation. Therefore, the Agency is soliciting comments on the exemption criteria and on the economic impact of the standard on facilities producing acid gas with less than 5 LT/D of sulfur. Any comments submitted should, where possible, include specific information and supporting calculations detailing the economic effect of controls.

The Agency also is soliciting comment on impacts that the proposed standards may have on affected facilities in the 250 to 1000 LT/D range with H_2S concentrations in the acid gas of less than 50 mole percent. Plants of this type are on the fringe of the span of model plants considered in evaluating technology costs and economic impacts of the proposed standard. Only one plant in this size and acid gas H_2S concentration range is known by the Agency to exist, and projections of affected facilities do not include additional plants of this type. The Administrator is soliciting information on whether additional large plants (greater than 250 LT/D of sulfur) with H_2S concentrations in the acid gas below 50 mole percent are expected to be construced in the United States, and whether the technology requirements of the proposed standards would have an

unreasonably adverse economic impact on facilities of this type. Where possible, comments should include control cost information, supporting calculations, and specific information detailing the economic effects of controls.

Selection of the Format of the Proposed Standards

Standards for SO_2 emissions from onshore natural gas processing could be expressed as:

(i) Concentration standards that limit emissions per unit volume of exhaust gases to the atmosphere,

(ii) Mass standards that limit the mass of pollutants emitted to the atmosphere, or

(iii) Efficiency standards (based on mass or concentration) that require emissions to be reduced by a specified percent.

The format of the proposed standard needs to reflect the fact that the technologies selected as BDT vary in terms of the achievable emission reduction, depending on the mass flow rate and the concentration of H_2S in the acid gas stream at a given plant. Mass or concentration standards can take the form of limits in pounds per hour or parts per million by volume that apply uniformly, or across the board, to all facilities within a range of sulfur feed rates (sizes) and H_2S concentrations. Either of these formats would establish required emission reduction efficiencies applicable to various plant sizes. Large plants would have to achieve high reduction efficiencies and smaller plants would have to achieve increasingly lower reduction efficiencies to meet the same limit. The effect is consistent with the performance capabilities of the technologies as BDT in that the smaller plants would be required to meet lower efficiencies. However, the efficiency requirements that result from uniform mass or concentration limits do not match the reduction efficiencies that are achievable by BDT. With uniform mass or concentration limits, the emission reduction efficiencies required for small plants are far below (i.e., less stringent than) the efficiencies achievable by BDT. Consequently, uniform mass or concentration standards are inappropriate.

In lieu of the uniform mass or concentration format, an emission reduction efficiency format was selected for the proposed standard. Because the format for the standard needs to reflect the variation in the emission reduction efficiencies achievable by the selected BDT, the proposed standard takes the form of an equation that calculates the required emission reduction efficiency (or sulfur recovery efficiency) for each specific plant type based on the two characteristics of the acid gas (i.e., the mass flow rate of acid gas and the concentration of H_2S in it). The equation calculates required emission reduction efficiencies that closely match the efficiencies achievable with BDT. The result is a standard that ensures the application and the proper operation BDT at new facilities.

The equation format appears to best reflect the efficiencies achievable with the technologies in Regulatory Alternative III. However, the Agency is continuing to evaluate other formats and invites comment on alternate formats that may be appropriate.

Selection of Emission Limitations

In order to assess the emissions reduction potential of available control technologies, two design studies performed by an engineering firm with expertise in acid gas sulfur recovery facilities were evaluated. The studies provide investment costs, direct operating cost data including utilities requirements, process descriptions, and atmospheric sulfur compound emissions for 51 sweetening plant/sulfur recovery control combinations. These facilities cover a range of sulfur feed rates from 0.5 to 1,000 LT/day, with various conbinations of sulfur recovery and tail gas processes (Appendices E and H of the BID). The selection of emission limitations was based upon (1) the control systems selected as BDT for different plant types depending on the H_2S/CO_2 ratio and the sulfur feed rate, (2) the design efficiencies of the available control technologies from the engineering studies (3) technical information/data on catalyst degradation, and (4) emission source test data from facilities with demonstrated sulfur recovery technologies.

As presented above, the engineering study indicates that the sulfur recovery efficiency for any one technology varies with the acid gas ratio (i.e., as the ratio of volume percent H_2S to CO_2 increases, the sulfur recovery efficiency increases). In addition, the data indicate the the control elfficiencies of the technologies upon which the proposed standards are based generally decline over a long period of operation. This decline in efficiency is due to the fact that, in most cases, the catalysts gradually degrade with time. Information provided by industry indicates that the useful life span of a Claus catalyst bed ranges from approximately 1 to 7 years with a 3-year to 5-year range occurring most frequently.

In order to ensure that the proposed standard would result in the installation of the best demonstrated technology at each affected facility, an emission limitation as developed based on the design efficiencies achievable with new catalyst beds. This emission reduction requirement would apply to the performace of control equipment at the time of the initial performance test and considers the effects of variations in H_2S to CO_2 concentrations in the acid gas and in sulfur intake rates.

However, EPA recognizes that, for a given feed rate, the initial control efficiency may not be maintained on a continuous basis due to catalyst degradation. Therefore, a second less stringent emission limitation was developed that takes into account catalyst degradation and that can be met on a continuous basis. This second emission limitation would apply to each affected facility after the initial performance test. In developing the costs of the technologies upon which the proposed standards are based, a 4-year catalyst life was assumed to be most representative of expected useful life. This same 4-year life was assumed in developing the second (or continuous) emission limitation. Sulfur recovery design data indicate that catalyst degradation results in approximately 0.89 percent reduction in efficiency per year for a 3-stage Claus unit; 0.29 percent per year for a 3-stage Claus unit with Sulfreen tail gas treatment; 0.013 percent per year for a 3-stage Claus unit with SCOT tail gas treatment; and 1.68 percent for a 2-stage Recycle Selectox unit (Docket A–80–20–A, entries II–B–26 and II–B–27). The continuous emission limitation for the proposed standards is based on the anticipated control efficiency after 4 years of catalyst degradation. Therefore, the required efficiencies can be achieved on a continuous basis, assuming the catalysts are replaced approximately every 4 years. The cost of replacing catalysts at the frequency are judged to be reasonable. An individual plant owner may have to replace his catalyst somewhat more or less frequently than 4 years. The cost of more frequent replacement, if necessary to achieve continued compliance, is also considered reasonable.

In support of the engineering study, emission source tests were conducted at three production facilities. Plant operating parameters and conditions were obtained along with the test data. The facilities tested represent a range of both sulfur feed rates (from 18 to 1,155 LT/D) and acid gas H_2S/CO_2 (24/76 to 84/16) ratios. Additional emission source test data were gathered from seven other sulfur recovery facilities.

Six facilities that were not tested were visited during the standards development process to obtain data on the sulfur recovery efficiency of their respective sulfur recovery units. The emission test data and supplementary information confirm the engineering study sulfur recovery efficiencies for corresponding sulfur feed rates and acid gas H_2S/CO_2 ratios. Test data support the conclusion that the design efficiencies are achievable on a continuous basis in plants operating under normal conditions. The emission source test data are presented in detail in Appendix C of the BID.

The sulfur recovery technologies in Regulatory Alternative III have been selected as the basis for the standards. Regulatory Alternative III requires no control above baseline for facilities with sulfur feed rates less than 1.0 LT/D. Facilities with sulfur feed rates of at least 1.0 but less than or equal to 5.0 LT/D are required to control emissions to the level achievable with a 2-stage Recycle Selectox process. The initial performance test requirement is a 79.0 percent reduction efficiency; thereafter the standards require that the emissions be reduced, on a continuous basis, by at least 74.0 percent.

Facilities with sulfur feed rates greater than 5 LT/D are required to control emissions to levels achievable with 2-stage Recycle Selectox units, 3-stage Claus sulfur recovery units, or 3-stage Claus units with a tail gas cleanup unit, depending on the characteristics of the facility. The design efficiencies of these technologies range as follows: for a 2-stage Recycle Selectox unit—79.0 percent (with a 2.0 percent H_2S concentration) to 90.6 percent (with a 12.5 percent H_2S) concentration; for a 3-stage Claus unit—93.8 percent (with a 12.5 percent H_2S concentration) to 96.4 percent (with an 80 percent H_2S concentration); for a 3-stage Claus with a Slufreen unit—97.6 percent (with a 12.5 percent H_2S concentration) to 98.5 percent (with an 80 percent H_2S concentration); for a 3-stage Claus with a SCOT unit—99.8 percent (with a 12.5 percent H_2S concentration) to 99.9 percent (with an 80 percent H_2S concentration).

These efficiencies were used to develop a numerical relationship between sulfur feed rate, mole percent H_2S in the acid gas, and sulfur dioxide emission reduction efficiency (Docket entry A–80–20–A, II–B–27 and II–B–43). This relationship is expressed in the form of an equation that calculates the percent reduction efficiency. Compliance with this efficiency requirement would be based on 12-hour averages of sulfur intake measurements, measurements of recovered sulfur and measurements of SO_2 emissions. The equation to be used to determine the efficiency required during the initial performance test is presented below:

$$Z = 88.51X^{0.0101}Y^{0.0125}$$

where:

Z = minimum required sulfur dioxide emissions reduction efficiency expressed as a percent and carried to one decimal place,

X = sulfur feed rate (i.e., the H_2S in the acid gas from the sweetening unit) expressed in long tons per day of sulfur, and

Y = sulfur content of the acid gas from the sweetening unit, expressed as mole percent H_2S.

This equation establishes a continuous functional relationship between efficiency level required, sulfur feed rate and mole percent H_2S. The SO_2 emission reduction efficiency calculated from the equation may, in some cases, exceed 99.8 percent. In these cases, however, the standard for that facility would be 99.8 percent efficiency.

A similar equation was developed based on the efficiencies achievable with catalyst beds that have been in operation for 4 years. The efficiency level required to be met on a continuous basis, following the initial performance test, is calculated using the following equation:

$$Z = 85.35X^{0.0146}Y^{0.0128}$$

where X, Y, and Z have the same meaning as in the initial equation.

The highest efficiency required on a continuous basis would be 99.8 percent. The adjusted efficiency numbers achievable with either fresh or degraded catalyst for selected sulfur feed rates and acid gas ratios as calculated from the above equations, but not exceeding 99.8 percent, are presented in Table 3 as examples for the reader's information.

TABLE 3.—PERCENT EFFICIENCY REQUIREMENTS

Sulfur feed rate, LT/D	Mole percent H_2S in acid gas									
	10		20		40		60		80	
	A	B	A	B	A	B	A	B	A	B
1,000									99.8	99.7
555							99.2	98.5	99.6	98.8
100			96.2	94.7	97.0	95.6	97.5	96.1	97.9	96.4
10	93.2	90.8	94.0	91.6	94.8	92.4	95.3	92.9	95.6	93.3
5	92.5	89.9	93.3	90.7						

A: Efficiencies with fresh catalyst (initial requirements).
B: Efficiencies with degraded catalyst (continuous requirements).

NOTE.—Efficiencies are listed only for those sulfur feed rate, mole percent H_2S in acid gas combinations that are considered to be realistic based on the types of facilities currently operating.

Modification/Reconstruction Considerations

The proposed standard would apply to sweetening units and to sweetening units followed by sulfur recovery units.

"Modification" is defined in § 60.14 of the General Provisions as any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies. Exemptions from the modification provision are also described in § 60.14. Changes to existing sweetening units that would qualify as modifications are rare in this industry. Sweetening capacity is increased, when necessary, by adding an entirely new sweetening unit to existing units or by replacing an existing unit with a new, larger unit. In either case, the new unit would be subject to the standards as a newly constructed facility, but the existing units would not be changed and would not be considered modified. If the affected facility had been defined as the entire sweetening operation, which could consist of one or more sweetening units, additions or replacements of individual sweetening units could mean that the entire sweetening operation would be modified, and modifications would have been projected. However, with the designation of the affected facility as each sweetening unit, no modifications are projected.

Changes to existing sulfur recovery units that would result in an increase in the emission rate to the atmosphere are not expected to occur. Consequently, no modifications to a sweetening unit followed by a sulfur recovery unit are projected.

The definition of "reconstruction" is also described in Section 60.14 of the General Provisions. No situations in the industry are anticipated where the replacement costs would exceed 50 percent of the cost of an entirely new facility and, therefore, no reconstructions are anticipated.

Performance Test Methods

The proposed standard is based on an SO_2 emission reduction efficiency requirement. The emission reduction

efficiency required (Z) for a given facility is a function of the sulfur feed rate (X) and the H_2S content (Y) of the acid gas at that facility. To determine the applicable emission reduction efficiency required, an owner or operator would use the following procedures: (1) use either the Tutwiler procedure or ASTM E–260 to determine Y, the H_2S content of the acid gas; (2) use a process flow meter to measure the average volumetric flow rate of the acid gas, and determine X, the average sulfur feed rate, using Y and the volumetric flow rate; and (3) use the values obtained for X and Y to determine Z, the required efficiency, from the equations given in Section 60.642 (a) and (b) of the proposed regulation. This procedure will be used to calculate a value for Z at least quarterly or more often if a significant change occurs in X or Y and the owner or operator elects to recalculate the required efficiency. For facilities with sulfur feed rates of 5 LT/D and less, Z is 79.0 percent during the initial performance test.

During the performance test, the emission reduction efficiency actually being achieved by the control system is compared to the required efficiency in order to determine compliance. If the achieved efficiency, R, is equal to or greater than the required efficiency (Z), the facility is in compliance. The sulfur emission reduction efficiency achieved, R, is a function of the liquid sulfur production rate (S) and the sulfur emission rate (E). R is defined as S divided by the sum of S and E, multiplied by 100.

The sulfur emission rate is obtained by measuring the concentration of sulfur compounds, i.e., sulfur dioxide (SO_2) and total reduced sulfur compounds (TRS), and calculating a total SO_2 equivalent concentration using the volumetric flow rate of the stack gas. EPA Reference Method 6 for SO_2 (40 CFR Part 60, Appendix A) and proposed Method 16A for TRS (46 FR 31904, June 18, 1981) are used without modification. The TRS measurement includes carbonyl sulfide (COS), carbon disulfide (CS_2), and H_2S.

In those facilities in which the exiting gases from the sulfur recovery units are not incinerated, the sulfur emission rate is obtained by measuring the individual reduced sulfur compounds (H_2S, COS, CS_2) using EPA Reference Method 15 rather than Method 16A. Because sufficient oxygen may not be available in the sample gases from these facilities for oxidation of the reduced compounds, Method 15, which provides for measurement of individual reduced compounds, is specified as the performance test method.

The stack gas flow rate is determined by EPA Reference Methods 1, 2, 3, and 4. Method 3 may be modified by use of thermal conductivity gas chromatography instead of the specified Orsat apparatus. The sum of the SO_2 and TRS concentrations in the stack gas, when multiplied by the stack gas flow rate and by the appropriate molecular weights of sulfur per mole for each sulfur species, yields the sulfur emission rate.

For measurement of the sulfur production rate, industry practice is to use the difference between readings of calibrated level indicators or between manual soundings of the product sulfur storage tanks. This method of sulfur production rate measurement is within acceptable accuracy of ±2% and acceptable reliability and, therefore, is considered adequate for determining compliance. The proposed standard requires measurement of the sulfur production rate over every consecutive 12-hour period.

Continuous Monitoring Requirements

Monitoring requirements can provide a convenient and necessary means for plant owners and enforcement personnel to ensure that sulfur recovery operations are properly operated and maintained. As a check against monitored data, all parameters specified under monitoring requirements would be measured and recorded during the initial performance test.

The recommended standard would require each owner or operator to measure and to record on a continuous basis and to calculate, for each 12-hour period, the SO_2 mass emission rate (E), averaged over 12 consecutive hours, through the incinerator stack to the atmosphere, or the TRS mass emission rate if a combustion device is not used.

For monitoring purposes, measurement of the liquid sulfur production rate (S) would be conducted once every 12 hours. The measurement could be performed by accepted industry practice that uses the difference of calibrated level indicator readings or of manual soundings of the product sulfur storage tanks. The liquid sulfur production rate (S) divided by the sum of the SO_2 or TRS (expressed as sulfur) emission rate (E) and the liquid sulfur production rate (S) indicates the SO_2 emission reduction (R) of the unit. The calculation of emission reduction efficiency, for continuous monitoring purposes, would yield an efficiency slightly less precise than the efficiency calculated during the performance test, because the monitoring calculation does not include emissions of TRS for recovery units with an operating incinerator. The monitoring calculation could indicate an efficiency greater than the efficiency calculated during the performance test, but the difference in calculated efficiency would be approximately 0.02 percent. This small difference is considered acceptable, as the alternative would be to require continuous monitoring of both SO_2 and TRS, and the costs of monitoring both were judged too high for the resulting slight improvement in exactness of the efficiency calculation.

The reason for selecting 12 hours as the averaging time for these calculations is to have a measurement comparable to the performance test measurement. (The performance test is the average of three test runs, each run being conducted for a period of at least 4 hours.)

Continuous monitoring of the rate of SO_2 mass emissions from the incinerator stack, when combined with the liquid sulfur production rate, gives a more precise measurement of emission reduction efficiency than use of the measured sulfur intake (LT/day) with the liquid sulfur production rate. Uncertainties in the calculated efficiency for the sulfur intake (LT/day) method could be ±7.0%, whereas for the emission method, the uncertainties could be only ±0.6%. The costs of continuous monitoring of either SO_2 or TRS for both small and large facilities are reasonable, and the emission method is the most accurate measurement of emission reduction efficiency available at reasonable costs. Therefore, the Administrator decided to require continuous monitoring of SO_2 emissions for facilities that use a sulfur recovery unit followed by an incinerator and continuous monitoring of TRS emissions for facilities that do not use an incinerator. (However, monitors for TRS are not required until specifications are promulgated.)

In addition, the proposed standard would require each sulfur recovery facility with an incinerator to measure on a continuous basis and to record, for each 12-hour period, the temperature of the gas leaving the combustion zone of the incinerator. The proposed standard requires that a temperature of 811°K (1,000°F) be maintained in order to convert the H_2S in the gas stream to SO_2. Since the required monitoring devices measure only SO_2, it is essential that all H_2S be converted to SO_2 to achieve an accurate measurement of the sulfur compounds leaving the stack. Normally, all facilities record the incinerator temperature on a periodic basis as an integral part of the operation.

Impacts of Reporting Requirements

The recommended standard would require the owners or operators of onshore natural gas processing facilities to submit four types of reports. First, there are notification reports required under the General Provisions that would enable the Agency to keep abreast of facilities subject to the standards of performance. Notification of construction, anticipated start-up, actual startup, and initial performance tests are among those activities requiring notification reports. Second, there are reports of initial performance test results. The third requirement is for quarterly reports of excess emissions as required in § 60.7(c) of the General Provisions. Fourth, reports of performance evaluations of the continuous monitoring systems are required, as described in § 60.13(c).

Section 60.7(b) requires an owner or operator of a plant to maintain records documenting the contents of the required reports and identifying whether excess emissions are due to startup, shutdown, or malfunction.

The Paperwork Reduction Act (PRA) of 1980 (Pub. L. 96–511) requires that the Office of Management and Budget (OMB) approve reporting and recordkeeping requirements that qualify as an "information collection request" (ICR). For the purposes of OMB's review, EPA's impact analysis procedures provide for estimating the labor hour burden of reporting and recordkeeping requirements on a 2-year basis. During the first 2 years of effectiveness of the proposed standard, the average annual industry-wide burden of the reporting and recordkeeping requirements associated with the proposed standard would be 8.6 person-years, based on an average of 14 respondents per year.

Public Hearing

A public hearing will be held, if requested, to discuss the proposed standards in accordance with Section 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the **ADDRESSES** section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the **ADDRESSES** section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see **ADDRESSES** section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted for, or otherwise considered in, the development of this proposed rulemaking. The principal purposes of the docket are (1) to allow interested parties to identify and locate documents so that they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review (except for those portions of the docket excluded from the record under Section 307(d)(7)(A)).

Miscellaneous

As prescribed by Section 111, establishment of standards of performance of affected facilities in the natural gas production industry was preceded by the Administrator's determination (40 CFR 60.16, amended at 47 FR 951, dated January 8, 1982) that the crude oil and natural gas production industry contributes significantly to air pollution that may reasonably be anticipated to endanger public health or welfare.

In accordance with Section 117 of the Act, publication of this proposal was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. The Administrator will welcome comments on all aspects of the proposed regulation, including economic and technological issues. Any comments submitted to the Administrator on these issues should contain specific information and data pertinent to the issue or procedure and should suggest alternative courses of action.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

The information provisions associated with this proposed rule (40 CFR 60.7, 60.8, and 60.647) have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB—marked Attention: Desk Officer for the EPA. The final rule package will respond to any OMB or public comments on the information collection provisions.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance under Section 111(b) of the Act. An economic impact assessment was prepared for the proposed regulations and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the proposed standards to insure that the proposed standards would represent the best system of emission reduction considering costs. The economic impact assessment is included in the background information document.

"Major Rule" Determination. Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to certain requirements of the Order. The Agency has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." Fifth-year annualized costs of both the SO_2 standard discussed here and the VOC standard compared to an uncontrolled situation, would be about $31 million and $2.5 million, respectively, in the worst case. The combined impact for the worst case is not expected to result in an increase of well-head natural gas wholesale prices greater than 0.1 percent per 1,000 standard cubic feet of gas. The Agency has therefore concluded that the proposed regulation is not a major rule under Executive Order 12291. In addition to economic impacts, the Agency carefully considered the overall costs per megagram of emission reduction that would result from this standard. This analysis is described under Rationale and served as a primary basis for establishing the control levels set forth in the proposed standard.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMN and EPA and any EPA response to those comments are available for public inspection in Docket No. A–80–20–A, EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

Regulatory Flexibility Analysis Certification. The Regulatory Flexibility Act of 1980 requires that adverse effects of all Federal regulations upon small business be identified. According to current Small Business Administration (SBA) guidelines, a small business in the SIC category 1311, "Crude Petroleum and Natural Gas" is one that has 500

employees or less. This is the criterion to qualify for SBA loans or for the purpose of government procurement. Of the 31 onshore natural gas sulfur recovery companies, all but one of the companies have more than 500 employees. The average employment in these companies is approximately 26,000. Therefore, it is estimated that employment in a typical company owning a new facility will average well over 500. Thus, it is unlikely that any such company would be considered a small entity. Existing small entities are not expected to become subject to the recommended standards through new construction, modification, or reconstruction.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can suface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Dated: January 11, 1984.

William D. Ruckelshaus,

Administrator.

PART 60—[AMENDED]

It is proposed that 40 CFR Part 60 be amended by adding a new subpart as follows:

Subpart LLL—Standards of Performance for Onshore Natural Gas Processing; SO_2 Emissions

Sec.

60.640 Applicability and designation of affected facilities.
60.641 Definitions.
60.642 Standards for sulfur dioxide.
60.643 Compliance provisions.
60.644 Performance test procedures.
60.645 Performance test methods.
60.646 Monitoring of emissions and operations.
60.647 Recordkeeping and reporting requirements.
60.648 Optional procedure for measuring hydrogen sulfide in acid gas—Tutwiler Procedure.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart LLL—Standards of Performance for Onshore Natural Gas Production: SO_2 Emissions

§ 60.640 Applicability and designation of affected facilities.

(a) The provisions of this subpart are applicable to the following affected facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit.

(b) Facilities that have a design capacity less than 1.0 long tons per day (LT/D) of hydrogen sulfide (H_2S) in the acid gas are required to comply with § 60.647(c) but are not required to comply with § 60.642 through § 60.646.

(c) The provisions of this subpart are applicable only to facilities located on land and exclude facilities located on offshore platforms.

(d) The provisions of this subpart apply to each affected facility identified in paragraph (a) of this section which commences construction or modification after January 20, 1984.

§ 60.641 Definitions.

All terms used in this subpart not defined below are given the meaning in the Act and in Subpart A of this part.

"Acid gas" means a gas stream of hydrogen sulfide (H_2S) and carbon dioxide (CO_2) that is separated from natural gas by a sweetening unit.

"Natural gas" means a naturally occuring mixture of hydrocarbon and non-hydrocarbon gases found in geologic formations beneath the earth's surface. The principal hydrocarbon constituent is methane.

"Onshore" means situated on land as opposed to over seawater.

"Reduced sulfur compounds" means H_2S, carbonyl sulfide (COS), and carbon disulfide (CS_2).

"Sulfur production rate" means the rate of liquid sulfur accumulation from the sulfur recovery unit.

"Sulfur recovery unit" means a process device that recovers elemental sulfur from acid gas.

"Sweetening unit" means a process device that separates the H_2S and CO_2 contents from the sour natural gas stream.

"Total SO_2 equivalents" means the sum of volumetric or mass concentrations of the sulfur compounds obtained by adding the quantity existing as SO_2 to the quantity of SO_2 that would be obtained if all reduced sulfur compounds were converted to SO_2 (ppmv or kg/DSCM).

"E" = the sulfur emission rate expressed as elemental sulfur, kilograms per hour (kg/hr) rounded to one decimal place.

"R" = the sulfur emission reduction efficiency achieved in percent, carried to one decimal place.

"S" = the sulfur production rate in kilograms per hour (kg/hr) rounded to one decimal place.

"X" = the sulfur feed rate, i.e., the H_2S in the acid gas from the sweetening unit, expressed in long tons per day (LT/D) of sulfur rounded to one decimal place.

"Y" = the sulfur content of the acid gas from the sweetening unit, expressed as mole percent H_2S rounded to one decimal place.

"Z" = the minimum required sulfur dioxide (SO_2) emission reduction efficiency, expressed as a percent carried to one decimal place.

§ 60.642 Standards for sulfur dioxide.

(a) When the sulfur feed rate of an affected facility is greater than 5.0 LT/D:

(1) During the initial performance test required by § 60.8(b), each owner or operator subject to the provisions of this subpart shall achieve a minimum SO_2 emission reduction efficiency (Z) for each affected facility calculated using the following equation:

$$Z = 88.51\ X^{0.0101}\ Y^{0.0125} \quad (1)$$

In no case, however, will the required efficiency exceed 99.8 percent.

(2) After the initial performance test, each owner or operator subject to the provisions of this subpart shall maintain at least a minimum SO_2 emission reduction efficiency (Z) for each affected facility calculated using the following equation:

$$Z = 85.35\ X^{0.0144}\ Y^{0.0128} \quad (2)$$

In no case, however, will the required efficiency exceed 99.8 percent.

(b) When the sulfur feed rate for an affected facility is at least 1.0 LT/D but less than or equal to 5.0 LT/D: During the initial performance test required by § 60.8(b), each owner or operator subject to the provisions of this subpart shall achieve an SO_2 emission reduction efficiency (Z) for that affected facility of at least 79.0 percent; after the initial compliance test, each owner or operator subject to the provisions of this subpart shall maintain an SO_2 emissions reduction efficiency (Z) for that affected facility of at least 74.0 percent.

(c) On and after the date on which § 60.8(b) requires a performance test to be completed, each owner or operator subject to the provisions of this subpart shall continuously maintain the 12-hour average temperature of the gas leaving the combustion zone of an incinerator that follows a sweetening unit above 811°K (1,000°F).

§ 60.643 Compliance provisions.

(a) To determine compliance with the standards for sulfur dioxide specified in § 60.642, the minimum sulfur dioxide emission reduction efficiency (Z) is compared to the emission reduction efficiency (R), achieved by the sulfur recovery technology during the performance test:

(1) If $R \geqq Z$, the affected facility is in compliance.

(2) If $R < Z$, the affected facility is not in compliance.

(b) The emission reduction efficiency (R) achieved by the sulfur recovery technology is calculated by using the equation:

$$R = \frac{S}{S+E} \times 100 \qquad (3)$$

"S" and "E" are determined using the procedures and test methods specified in § 60.644 and § 60.645.

§ 60.644 Performance test procedures.

(a) For the purpose of determining (Y):

(1) Collect and analyze at least one sample per hour (equally spaced) during the performance test, using the method specified in § 60.645(a)(8).

(2) Calculate the arithmetic mean of all samples to determine the average H_2S concentration in mole percent.

(b) For the purpose of determining (X):

(1) Determine the average volumetric flow rate of the acid gas from the sweetening unit by continuous measurements made with a process flow meter during the performance test period. Express the result as standard cubic feet per day (scf/day).

(2) Calculate the average sulfur feed rate, in long tons per day, from the average volumetric flow rate, using the method specified in § 60.645(a)(1), and the average H_2S content [from § 60.644(a)] by the equation:

$$X = \frac{\text{(average volumetric acid gas flow, scf/day)(Y/100)(32 lb/lb mole)}}{\text{(385.36 standard cubic feet/lb mole)(2,240 lbs/long ton)}} \qquad (4)$$

(c) For the purpose of determining (S):

(1) Measure the sulfur accumulation rate in the product storage tanks using level indicators or manual soundings. Record the level reading at the beginning and end of each test run. Convert the level readings to mass (kilograms) of sulfur in the storage tanks, using the tank geometry and the sulfur density at the temperature of storage. Divide the change in mass by the test duration (hours and fractions of hours) to determine the sulfur production rate in kilograms per hour for each run.

(2) Calculate the arithmetic mean of the rates for each run to determine the average sulfur production rate to use in § 60.643(b).

(d) For the purpose of determining (E):

(1) Measure the concentrations of sulfur dioxide and total reduced sulfur compounds, using the methods specified in § 60.645(a) (5) through (7). The minimum sampling time for run shall be 4 hours. For each run the SO_2 and TRS concentrations shall be combined to calculate the total SO_2 equivalent concentration as follows:

Total SO_2 equivalent, (kg/dscm) = 0.001 (SO_2 concentration mg/dscm from Method 6) + 2.704×10^{-6} (SO_2 equivalents in ppmv, dry from Method 15 or from Method 16A)

(2) Measure the exhaust gas velocity, molecular weight, and moisture content using the methods specified in § 60.645(a) (2) through (4). Calculate the volumetric flow rate of the exhaust gas at dry, standard conditions using equation 2–10 in Method 2.

(3) Calculate the equivalent sulfur emission rate as elemental sulfur for each run as follows:

Sulfur emission rate = (total SO_2 equivalent, kg/dscm) (gas flow rate, dscm/hr)(0.50)

Calculate the arithmetic mean of the sulfur emission rate for each run to determine the average sulfur emission rate (E) to use in § 60.643(b).

§ 60.645 Performance test methods.

(a) For the purpose of determining compliance with § 60.642(a) or (b), the following reference methods shall be used:

(1) Method 1 for velocity traverse points selection,

(2) Method 2 for determination of stack gas velocity and calculation of the volumetric flow rate,

(3) Method 3 for determination of stack gas molecular weight,

(4) Method 4 for determination of the stack gas moisture content,

(5) Method 6 for determination of SO_2 concentration,

(6) Method 15 for determination of the TRS concentration from reduction-type devices or where the oxygen content of the stack gas is less than 1.0 percent by volume,

(7) Method 16A for determination of the TRS concentration from oxidation-type devices or where the oxygen content of the stack gas is greater than 1.0 percent by volume.

(8) The Tutwiler procedure in § 60.648 or a chromatographic procedure following ASTM E–260, which is incorporated by reference (see § 60.17), for determination of the H_2S concentration in the acid gas feed from the sweetening unit.

(b) The sampling location for Methods 3, 4, 6, 15, and 16A shall be the same as that used for velocity measurement by Method 2. The sampling point in the duct shall be at the centroid of the cross-section if the area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (39 inches) if the cross-sectional area is 5 m^2 or more, and the centroid is more than one meter from the wall. For Methods 3, 4, 6 and 16A, the sample shall be extracted at a rate proportional to the gas velocity at the sampling point. For Method 15, the minimum sampling rate shall be 3 liters/minute (0.1 ft^3/minute) to insure minimum residence time in the sample line.

(c) For Methods 6 and 16A the minimum sampling time for each run shall be 4 hours. Either one sample or a number of separate samples may be collected for each run so long as the total sample time is 4 hours. Where more than one sample is collected per run, the average result for the run is calculated by:

$$C_s = \sum_{i=1}^{n} (C_{si}) \frac{(t_{si})}{T} \qquad (5)$$

Where:

C_s = time-weighted average SO_2 or TRS concentration for the run, (mg/dscm or ppmv, dry)

N = number of samples collected during the run

C_{si} = SO_2 or TRS concentration for sample i, (mg/dscm or ppmv, dry)

t_{si} = sampling time for sample i, (minutes)

T = total sampling time for all samples in the run (minutes)

(d) For Method 15, each run shall consist of 16 samples taken over a minimum of 4 hours. The equivalent SO_2 concentration for each run shall be calculated as the arithmetic average of the SO_2 equivalent concentration for each sample.

(e) For Method 2, a velocity traverse shall be conducted at the beginning and end of each run. The arithmetic average of the two measurements shall be used to calculate the volumetric flow rate for each run.

(f) For Method 3, a single sample may be integrated over the 4-hour run interval and analysis, or grab samples at 1-hour intervals may be collected, analyzed, and averaged to determine the stack gas composition.

(g) For Method 4, each run shall consist of 2 samples; one collected at the

beginning of the 4-hour test period, and one near the end of the period. For each sample the minimum sample volume shall be 0.1 dscm (0.35 dscf) and the minimum sample time shall be 10 minutes.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.646 Monitoring of emissions and operations.

(a) At least once each calendar quarter the owner or operator of each affected facility subject to § 60.642(a) shall use the procedures specified in § 60.644 (a) and (b) to determine an average X and Y for use in equation (2) in § 60.642 to calculate an average minimum required sulfur dioxide emission reduction for that quarter. Data for the quarterly measurements for X and Y shall be collected over a test period of 12 hours made up of three 4-hour sample periods occurring within one 24-hour day. The time between the measurements of X and Y that are recorded for one calendar quarter and the measurements of X and Y recorded for the next consecutive calendar quarter is not to exceed 100 days.

(b) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator subject to § 60.642 (a) or (b) as follows:

(1) A continuous monitoring system for the measurement of the temperature of the gas leaving the combustion zone of the incinerator. The monitoring device shall be certified by the manufacturer to be accurate to within ±1 percent of the temperature being measured.

(2) A continuous monitoring method for the measurement of the sulfur production rate (S). The monitoring method shall be certified by the manufacturer to be accurate to within ±2 percent of the rate being measured. The monitoring method may use an instrument to measure and record the sulfur production rate or it may be a method of measuring and recording the sulfur liquid levels in the storage tanks with a level indicator or by manual soundings with subsequent calculation of the sulfur production rate based on the tank geometry and stored sulfur density.

(3) A continuous monitoring system to measure the emission rate of SO_2 in the gases discharged to the atmosphere from a sulfur recovery plant if compliance with § 60.642 (a) or (b) is achieved through the use of an oxidation control system or a reduction control system followed by a continually operated incineration device. The SO_2 emission rate shall be expressed in terms of equivalent sulfur mass flow rates (kg/hr). The span of this monitoring system shall be set so that the equivalent emission limit of § 60.642 (a) or (b) will be between 30 percent and 70 percent of the measurement range of the instrument system.

(4) A continuous monitoring system to measure the emission rate of SO_2 equivalent compounds in the gases discharged to the atmosphere if compliance with § 60.642 (a) or (b) is achieved by the use of a reduction control system not followed by a continually operated incineration device. The SO_2 equivalent compound emission rate shall be expressed in terms of equivalent sulfur mass flow rates (kg/hr). The span of this monitoring system shall be set so that the equivalent emission limit of § 60.642 (a) or (b) will be between 30 percent and 70 percent of the measurement range of the system.

(5) The average sulfur emission reduction efficiency achieved (R) shall be calculated for each 12-hour clock interval, beginning at midnight and at noon. The 12-hour average R shall be computed based on the 12-hour averages for sulfur production rate (S) and sulfur emission rate (E), using equation (3) in § 60.643(b).

(i) Data obtained from the sulfur production rate monitoring system in subparagraph (2) shall be used to calculate a 12-hour average for S. Measurements are to be taken at the beginning and at the end of each 12-hour period.

(ii) Data obtained from the sulfur emission rate monitoring system in subparagraphs (3) or (4) shall be used to calculate a 12-hour average for E. The monitoring system must provide at least one data point in each successive 15-minute interval. At least two data points must be used to calculate each 1-hour average. A minimum of nine 1-hour averages must be used to compute each 12-hour average.

(c) The continuous monitoring systems required in § 60.646(b) (1) and (2) shall be calibrated at least annually according to the manufacturers' specifications.

(d) The continuous monitoring systems required in § 60.646(b) (3) and (4) shall be subject to the emission monitoring requirements of § 60.13 of the General Provisions. For conducting the monitoring system performance evaluation required by § 60.13(c), Performance Specification 2 shall apply, and Method 6 shall be used for systems required by § 60.646(a)(3). Performance Specification 5 and Method 15 shall be used for systems required by § 60.646(a)(4).

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.647 Recordkeeping and reporting requirements.

(a) Records of the measurements required in § 60.642 (a), (b) and (c) and § 60.646 (a) through (d) must be retained for at least 2 years following the date of the measurements by owners and operators subject to this subpart. This requirement is included under § 60.7(d) of the General Provisions.

(b) Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions to the Administrator for each calendar quarter. This requirement is included under § 60.7(c) of the General Provisions. For the purpose of these reports, excess emissions are defined as:

(1) Any 12-hour period (clock intervals beginning at midnight and noon) during which the average sulfur emission reduction efficiency (R) is less than the minimum required efficiency (Z).

(i) For the purpose of determining "R", "E" is to be determined using the sulfur mass flow rate obtained in § 60.646(b) (3) or (4).

(ii) Facilities subject to § 60.642(a) shall use the "Z" value calculated for the current calendar quarter according to the procedure in § 60.646(a).

(iii) Facilities subject to § 60.642(b) shall use "Z" value of 74.0 percent.

(2) Any 12-hour period during which the average temperature of the gases leaving the combustion zone of an incinerator is less than 811°K (1,000°F). Each 12-hour period must consist of at least 48 temperature measurements, equally spaced over the 12 hours.

(c) Each owner or operator of a facility with a design capacity less than 1.0 LT/D of H_2S in the acid gas shall keep for the life of the facility an analysis demonstrating that the facility's design capacity is less than 1.0 LT/D of H_2S, expressed as sulfur.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.648 Optional procedure for measuring hydrogren sulfide in acid gas—Tutwiler Procedure.[1]

When an instantaneous sample is desired and H_2S concentration is ten grains per 100 cubic foot or more, a 100 ml Tutwiler burette is used. For concentrations less than ten grains, a 500 ml Tutwiler burette and more dilute solutions are used. In principle, this method consists of titrating hydrogen

[1] Gas Engineers Handbook, Fuel Gas Engineering Practices, The Industrial Press, 93 Worth Street, New York, New York, 1966, First Edition, Second Printing, page 6/25 (Docket A-80-20-A, II-I-67).

sulfide in a gas sample directly with a standard solution of iodine.

Apparatus. (See Figure 1.) A 100 or 500 ml capacity Tutwiler burette, with two-way glass stopcock at bottom and three-way stopcock at top which connect either with inlet tubulature or glass-stoppered cylinder, 10 ml capacity, graduated in 0.1 ml subdivision; rubber tubing connecting burette with leveling bottle.

Reagents. (1) Iodine Stock Solution, O.1N. Weight 12.7 g iodine, and 20 to 25 g cp potassium iodide for each liter of solution. Dissolve KI in as little water as necessary; dissolve iodine in concentrated KI solution, make up to proper volume, and store in glass-stoppered brown glass bottle.

(2) Standard Iodine Solution, 1 ml = 0.00171 g I. Transfer 33.7 ml of above 0.1N stock solution into a 250 ml volumetric flask; add water to mark and mix well. Then, for 100 ml sample of gas, 1 ml of standard iodine solution is equivalent to 100 grains H_2S per 100 cubic feet of gas.

(3) *Starch Solution.* Rub into a thin paste about one teaspoonful of wheat starch with a little water; pour into about a pint of boiling water; stir; let cool and decant off clean starch solution. Make fresh solution every few days.

Procedure. Fill leveling bulb with starch solution. Raise (L), open cook (G), open (F) to (A), and close (F) when solution starts to run out of gas inlet. Close (G). Purge gas sampling line and connect with (A). Lower (L) and open (F) and (G). When liquid level is several ml past the 100 ml mark, close (G) and (F), and disconnect sampling tube. Open (G) and bring starch solution to 100 ml mark by raising (L); then close (G). Open (F) momentarily, to bring gas in burette to atmospheric pressure, and close (F). Open (G), bring liquid level down to 10 ml mark by lowering (L). Close (G), clamp rubber tubing near (E) and disconnect it from burette. Rinse graduated cylinder with a standard iodine solution (0.00171 g I per ml); fill cylinder and record reading. Introduce successive small amounts of iodine thru (F); shake well after each addition; continue until a faint permanent blue color is obtained. Record reading; subtract from previous reading, and call difference D.

With every fresh stock of starch solution perform a blank test as follows: introduce fresh starch solution into burette up to 100 ml mark. Close (F) and (G). Lower (L) and open (G). When liquid level reaches the 10 ml mark, close (G). With air burette, titrate as during a test and up to the same end point. Call ml of iodine used C. Then,

Grains H_2S per 100 cubic feet of gas = 100 (D–C)

Greater sensitivity can be attained if a 500 ml capacity Tutwiler burette is used with a more dilute (0.001N) iodine solution. Concentrations less than 1.0 grains per 100 cubic feet can be determined in this way. Usually, the starch-iodine end point is much less distinct, and a blank determination of end point, with H_2S-free gas or air, is required.

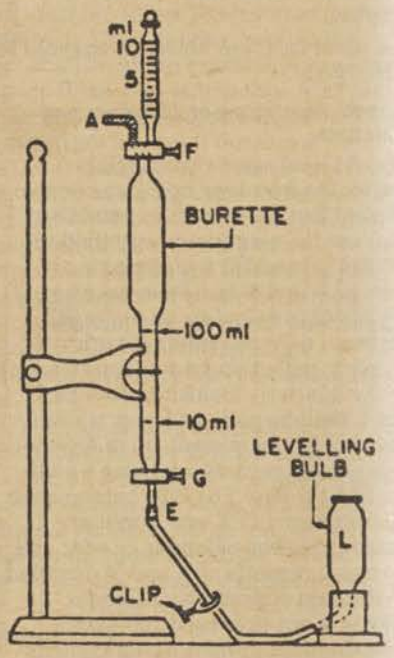


Figure 1. Tutwiler burette (lettered items mentioned in text).

[FR Doc. 84–1501 Filed 1–19–84; 8:45 am]
BILLING CODE 6560–50–M

federal register

Friday
January 20, 1984

Part VI

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978; Notice

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Vol. 1041]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 16, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS
ISSUED JANUARY 16, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-TXO PRODUCTION CORP				RECEIVED: 12/08/83		JA: CA			
8412030	83-3-0067	0410120213		102-4		SANBORN 29-1	GRIMES GAS	100.0	PACIFIC GAS & ELE
LOUISIANA OFFICE OF CONSERVATION									
-UNION TEXAS PETROLEUM				RECEIVED: 12/12/83		JA: LA			
8411760	82-0369	1706120283		102-4		GRAY RA SUG: DOWLING 1981	TERRYVILLE SEC 19 T19	1460.0	SUGAR BOWL GAS CO
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BEREA OIL AND GAS CORPORATION				RECEIVED: 12/12/83		JA: NY			
8411764	5873	3101318456		107-TF		WHEELER-H Y S #1	WILDCAT	14.0	COLUMBIA GAS TRAN
-CHAUTAUQUA ENERGY INC				RECEIVED: 12/12/83		JA: NY			
8411762	5898	3101318417		103	107-TF	R NICKERSON #2	CLYMER	12.0	COLUMBIA GAS TRAN
8411761	5896	3101318416		103	107-TF	R NICKERSON #3	CLYMER	12.0	COLUMBIA GAS TRAN
-LENAPE RESOURCES CORP				RECEIVED: 12/12/83		JA: NY			
8411771	5650	3105117305		108		A E SCOTT #1 LRC #100	WILDCAT	11.2	NEW JERSEY NATURA
8411776	5691	3112113992		108		B R MORAN #1 LRC #42	DANLEY CORNERS	1.4	NEW JERSEY NATURA
8411774	5653	3105116198		108		H M RAYMOND UNIT #1 LRC #95	WILDCAT	10.1	NEW JERSEY NATURA
8411766	5860	3105117455		103	107-TF	J HOAG UNIT #1 LRC #205	CALEDONIA	20.0	NEW JERSEY NATURA
8411772	5649	3105117309		108		K M NOBLE UNIT #1 LRC #101	WILDCAT	4.3	NEW JERSEY NATURA
8411765	5858	3105117453		103	107-TF	L HILDERBRANT UNIT #1 LRC #201	CALEDONIA	20.0	NEW JERSEY NATURA
8411770	5647	3105117310		108		L P HILL UNIT #1 LRC #104	WILDCAT	7.5	NEW JERSEY NATURA
8411775	5688	3112113990		108		P BARBERG #1 LRC #46	DANLEY CORNERS	0.7	NEW JERSEY NATURA
8411773	5652	3105116199		108		P STURM & H WILSON #1 LRC #96	WILDCAT	4.8	NEW JERSEY NATURA
-MAYNARD OIL COMPANY				RECEIVED: 12/12/83		JA: NY			
8411763	5892	3102915918		103	107-TF	JOHN DIX #1	ORCHARD PARK	70.0	NATIONAL FUEL GAS
-SHAWNEE OPERATING CO				RECEIVED: 12/12/83		JA: NY			
8411767	5862	3102918378		107-TF		DANIEL MECCA #1	EVANS	0.0	SCG GAS QUEST INC
8411769	5863	3102918492		107-TF		DANIEL MECCA #2		0.0	SCG GAS QUEST INC
8411768	5864	3102918434		107-TF		DECARLO #1	BRANT	0.0	SCG GAS QUEST INC
-TRAHAN PETROLEUM INC				RECEIVED: 12/12/83		JA: NY			
8411777	5855	3101318508		107-TF		WOYTON #2 #31-013-18508	CHERRY CREEK	36.0	COLUMBIA GAS TRAN
OHIO DEPARTMENT OF NATURAL RESOURCES									
-A & R COMPANY				RECEIVED: 12/14/83		JA: OH			
8411900		3416724890		107-TF		MARIE HAYNES #1 OH-16-1701	NEWPORT	2.0	COLUMBIA GAS TRAN
-APPALACHIAN EXPLORATION INC				RECEIVED: 12/14/83		JA: OH			
8411903		3415321358		107-TF		HALASA #1	BATH	18.3	
8411902		3415321208		107-TF		MANGES #1	NORTON	43.8	
8411901		3415321191		107-TF		SCHRANK #1	BATH	27.4	
-BARTLO OIL AND GAS COMPANY				RECEIVED: 12/14/83		JA: OH			
8411904		3410323529		103	107-TF	BAUER UNIT #1	GRANGER	5.0	
-BELDEN & BLAKE & CO 82				RECEIVED: 12/14/83		JA: OH			
8411905		3401921601		103		M SAVAGE #5 - 341328	ROSE	36.5	

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8411906		3401921655		103	107-TF	W & V WARLOCK ET AL COMM #1-341335	BROWN	36.5	
-BERMAN J SHAFER				RECEIVED: 12/14/83 JA: OH					
8411908		3415321510		107-TF		CARTER #1	RICHFIELD	1.2	EAST OHIO GAS CO
8411907		3415321509		107-TF		CARTER #2	RICHFIELD	1.2	EAST OHIO GAS CO
-BILL BLAIR INCORPORATED				RECEIVED: 12/14/83 JA: OH					
8411909		3402920980		103	107-TF	BANDY #1	HOMEWORTH	10.0	EAST OHIO GAS CO
8411910		3402920981		103	107-TF	HENDERSHOTT #1	ALLIANCE	16.0	EAST OHIO GAS CO
-CA D' ORA INC				RECEIVED: 12/14/83 JA: OH					
8411911		3416723687		108		BARNETT #1	DUNHAM	0.1	
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED: 12/14/83 JA: OH					
8411912		3411926690		103	107-TF	OHIO POWER 31-A	MEIGS	53.4	TEXAS EASTERN TRA
-CLARENCE SHERMAN				RECEIVED: 12/14/83 JA: OH					
8411913		3407524017		103	107-TF	MILLER #30-A	CLARK	273.7	COLUMBIA GAS TRAN
-DAVID A WALDRON & ASSOC INC				RECEIVED: 12/14/83 JA: OH					
8411914		3415321519		107-TF		STEWART UNIT #1	COPLEY	18.0	
-DENNIS DUGAN				RECEIVED: 12/14/83 JA: OH					
8411915		3408323299		103		FLACK #1	BUTLER	20.0	
-DERBY OIL & GAS CORP				RECEIVED: 12/14/83 JA: OH					
8411917		3407524129		103	107-TF	ABE MILLER #1	BERLIN	12.0	COLUMBIA GAS TRAN
8411916		3407524128		103	107-TF	ANDY Y MILLER #2	WALNUT CREEK	12.0	COLUMBIA GAS TRAN
8411919		3407524164		103	107-TF	GRABER UNIT #2	WALNUT CREEK	12.0	COLUMBIA GAS TRAN
8411918		3407524133		103	107-TF	JACOB GRABER #1	WALNUT CREEK	12.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED: 12/14/83 JA: OH					
8411920		3402920674		108		BRUTTO #1		6.0	EAST OHIO GAS CO
8411939		3415122452		108		CAMPBELL-ROOSE #1		7.0	EAST OHIO GAS CO
8411940		3415152453		108		CAMPBELL-ROOSE #2		8.0	EAST OHIO GAS CO
8411927		3413320800		108		CARLISLE #1		8.0	ANCHOR HOCKING CO
8411926		3413320799		108		CARLISLE #2		9.0	ANCHOR HOCKING CO
8411923		3413320539		108		CRAEMER #1		10.0	ANCHOR HOCKING CO
8411921		3402920691		108		FRENCH #1		9.0	EAST OHIO GAS CO
8411922		3402920694		108		GEISELMAN #1		7.0	EAST OHIO GAS CO
8411938		3415122078		108		HOMER #2		7.0	BELDEN & BLAKE &
8411941		3415122454		108		HURFORD #1		10.0	EAST OHIO GAS CO
8411932		3413321013		108		KOGLER #1		9.0	ANCHOR HOCKING CO
8411930		3413320864		108		MERWIN #1		8.0	ANCHOR HOCKING CO
8411931		3413320996		108		MINER #1		8.0	ANCHOR HOCKING CO
8411934		3413321118		108		MINER #5		9.0	ANCHOR HOCKING CO
8411928		3413320835		108		R CARLISLE #3		9.0	ANCHOR HOCKING CO
8411935		3413322156		108		R CARLISLE #4		7.0	ANCHOR HOCKING CO
8411925		3413320788		108		RYDER #1		7.0	ANCHOR HOCKING CO
8411924		3413320787		108		RYDER #2		8.0	ANCHOR HOCKING CO
8411943		3413320804		108		STAVENGER #1		10.0	ANCHOR HOCKING CO
8411942		3415122702		108		SWARTZENTRUBER #3		6.0	ANCHOR HOCKING CO
8411937		3415121951		108		SWARTZENTRUBER #4		7.0	ANCHOR HOCKING CO
8411936		3415121597		108		SWARTZENTRUBER #5		8.0	ANCHOR HOCKING CO
8411929		3413320862		108		SWEET #1		6.0	ANCHOR HOCKING CO
8411933		3413321024		108		UNITED METHODIST CHURCH #1		7.0	ANCHOR HOCKING CO
-EVERFLOW EASTERN INC				RECEIVED: 12/14/83 JA: OH					
8411945		3415723719		103	107-TF	BLOOM-CRABTREE #1	MILL	0.0	
8411947		3415723914		103	107-TF	CROSIER #1	GOSHEN	0.0	
8411946		3415723913		103	107-TF	DAY/ORCHARD #1	GOSHEN	0.0	
8411944		3409921639		103	107-TF	HARRIS #1	ELLSWORTH	0.0	
-GASEARCH INC				RECEIVED: 12/14/83 JA: OH					
8411949		3415321485		103	107-TF	GOLDEN LINKS #13	BOSTON	20.0	GAS OHIO TRANSPOR
8411950		3415321486		103	107-TF	GOLDEN LINKS #15	NORTHFIELD CENTER	20.0	GAS OHIO TRANSPOR
8411948		3415321483		103	107-TF	GOLDEN LINKS #16	NORTHFIELD CENTER	20.0	GAS OHIO TRANSPOR
-GENERAL ELECTRIC CO				RECEIVED: 12/14/83 JA: OH					
8411951		3405525270		103	107-TF	GEAUGA ROAD UNIT #2	MIDDLEFIELD	20.0	EAST OHIO GAS CO
8411952		3415522352		103	107-TF	PRESBYTERY OF CLEVELAND #1	MESOPOTAMIA	20.0	EAST OHIO GAS CO
-GEO ENERGY INC				RECEIVED: 12/14/83 JA: OH					
8411953		3410323454		107-TF		J KLOOZ #2-2-1	LIVERPOOL	15.0	GAS OHIO TRANSPOR
8411954		3410323457		107-TF		J KLOOZ #2-2-2	LIVERPOOL	15.0	GAS OHIO TRANSPOR
-GREEN ENERGY				RECEIVED: 12/14/83 JA: OH					
8411955		3407524081	D	103		MEISTER #10	KILLBUCK	3.6	COLUMBIA GAS TRAN
-GREENLAND PETROLEUM CO				RECEIVED: 12/14/83 JA: OH					
8411956		3412123052		103		SMITH #2	JACKSON	150.0	EAST OHIO GAS CO
8411957		3412123053		103		SMITH #3	JACKSON	150.0	EAST OHIO GAS CO
-J & J OPERATING INC				RECEIVED: 12/14/83 JA: OH					
8411959		3416120195		103		DONALD E WISENER #1A	WASHINGTON	4.0	WEST OHIO GAS CO
8411958		3416120194		103		PAULINE SHRIDER #1	WASHINGTON	3.0	WEST OHIO GAS CO
8411961		3416120199		103		PAULINE SHRIDER #2	WASHINGTON	16.0	WEST OHIO GAS CO
8411960		3416120197		103		PAULINE SHRIDER #4	WASHINGTON	3.0	WEST OHIO GAS CO
-J O B INC				RECEIVED: 12/14/83 JA: OH					
8411962		3416727555		107-TF		W & J BURKHART #1	DEVOLA	2.0	RIVER GAS CO
-K S T OIL & GAS CO INC				RECEIVED: 12/14/83 JA: OH					
8411963		3415321114		103	107-TF	AUSTIN #1	BATH	50.0	
8411964		3415321158		103	107-TF	BASOM & GREENE #2	TWINSBURG	45.0	
8411966		3415321383		103	107-TF	SCOLARO #1	HUDSON	45.0	
8411965		3415321214		103	107-TF	SUNRISE #5	TWINSBURG	35.0	
-KENOIL				RECEIVED: 12/14/83 JA: OH					
8411967		3416923589		103		RITTENHOUSE #1	PLAIN	1.0	COLUMBIA GAS TRAN
-KING PETROLEUM				RECEIVED: 12/14/83 JA: OH					
8411968		3411926761		103		CECIL HOFFMAN #1	LICKING	3.0	NATIONAL GAS & OI
-LAKE REGION OIL INC				RECEIVED: 12/14/83 JA: OH					
8411969		3403125179		103	107-TF	ANDREW YODER #1	CRAWFORD	10.0	YANKEE RESOURCES
8411970		3407524090		103	107-TF	JOHN & KATIE RABER #1	CLARK	10.0	YANKEE RESOURCES
8411971		3407524151		103	107-TF	MERVIN SHETLER #1	CLARK	10.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 12/14/83 JA: OH					
8411972		3405520557		107-TF		D PAGE #1	CLARIDON	24.0	EAST OHIO GAS CO
8411973		3413323035		107-TF		V RHODES #1	RAVENNA	24.0	EAST OHIO GAS CO
-M B OPERATING CO INC				RECEIVED: 12/14/83 JA: OH					
8411982		3401921652		103	107-TF	BEADNELL UNIT #1	FOX	3.7	EAST OHIO GAS CO
8411980		3401921593		103	107-TF	CARLTON UNIT #1	FOX	11.0	EAST OHIO GAS CO
8411985		3415723901		103	107-TF	H WRIGHT #1	WAYNE	36.5	EAST OHIO GAS CO
8411979		3401921583		103	107-TF	NEIDER UNIT #1	WASHINGTON	18.3	EAST OHIO GAS CO
8411983		3415123871		103	107-TF	RAMSEY #4	NIMISHILLEN	5.5	EAST OHIO GAS CO
8411981		3401921597		103	107-TF	RINEHART UNIT #1	WASHINGTON	14.6	EAST OHIO GAS CO
8411984		3415723788		103	107-TF	SILVIUS #1	WAYNE	54.8	EAST OHIO GAS CO
-MARK RESOURCES CORP				RECEIVED: 12/14/83 JA: OH					
8411975		3400722296		107-TF		BRUNELL UNIT #1	KINGSVILLE	30.0	EAST OHIO GAS CO
8411976		3400722299		107-TF		FISCHER #1	SHEFFIELD	30.0	EAST OHIO GAS CO
8411978		3400722318		107-TF		GANLEY #2	KINGSVILLE	30.0	EAST OHIO GAS CO
8411974		3400722184		107-TF		HUBBARD #2	KINGSVILLE	30.0	EAST OHIO GAS CO
8411977		3400722301		107-TF		VESEY-BURNETT UNIT #1	KINGSVILLE	30.0	EAST OHIO GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MOUNTAIN GAS VIRGINIA LTD				RECEIVED: 12/14/83 JA: OH					
8411986		3415321206		103	107-TF	MIDWEST POWER INC/STYLES UNIT #1	BOSTON	0.0	POI ENERGY INC
-NATIONAL PRODUCTION CORPORATION				RECEIVED: 12/14/83 JA: OH					
8411989		3412725961		103		KING #2	THORN	8.0	NATIONAL GAS & OI
-NOBLE OIL CORP				RECEIVED: 12/14/83 JA: OH					
8411990		3400722362		107-TF		HAMILTON #1A	LENOX	20.0	EAST OHIO GAS CO
8411991		3413322984		107-TF		HUGHES #3B	PALMYRA	20.0	GENERAL ELECTRIC
-NORTH COAST PETROLEUM INC				RECEIVED: 12/14/83 JA: OH					
8411993		3413322716		107-TF		DREGER-HAUCK #5	FREEDOM	33.9	
8411992		3413322409		107-TF		RESNICK #4	RAVENNA	19.5	
8411994		3413323083		107-TF		WINDMILL #3	RAVENNA	0.0	
-OXFORD OIL CO				RECEIVED: 12/14/83 JA: OH					
8412016		3408924723		103		HARRY BROCEUS #1	BOWLING GREEN	10.0	
8412017		3408924823		103		HERMAN BROCEUS #1	BOWLING GREEN	8.0	
8412018		3412726062		103		NEIL BEARD #1	THORN	10.0	
-PARKSIDE PETROLEUM OF OHIO INC				RECEIVED: 12/14/83 JA: OH					
8411995		3410323463		107-TF		KRATZER #1	WESTFIELD	40.0	COLUMBIA GAS TRAN
-PINETOP ESTATES				RECEIVED: 12/14/83 JA: OH					
8411996		3415321526		103	107-TF	LORD #2	NORTHAMPTON	0.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED: 12/14/83 JA: OH					
8411997		3405520554		103	107-TF	MITCHELL UNIT #2	BAINBRIDGE	36.0	
-RICHARD C POLING				RECEIVED: 12/14/83 JA: OH					
8411998A		3412726001		103		MADDEN-BAUGHMAN #1	MADISON	0.0	
8411998B		3412726001		107-TF		MADDEN-BAUGHMAN #1	MADISON	0.0	
-RSC ENERGY CORP				RECEIVED: 12/14/83 JA: OH					
8411999		3409921508		103	107-TF	AMERICAN FIRE CLAY - AFC #1	CANFIELD	15.0	REPUBLIC STEEL CO
8412000		3409921581		103	107-TF	AMERICAN FIRECLAY - AFC #18	CANFIELD	16.0	REPUBLIC STEEL CO
8412001		3411926648		103	107-TF	CONSOLIDATION COAL - CR #67	MADISON	9.0	REPUBLIC STEEL CO
8412002		3411926653		103	107-TF	CONSOLIDATION COAL CR #63	MADISON	8.7	REPUBLIC STEEL CO
-SECURITY GAS & OIL INC				RECEIVED: 12/14/83 JA: OH					
8412003		3416723896		108		E WILLARD WINDLAND #1	BELPRE	0.0	VIKING RESOURCES
-SHONGUM OIL & GAS INC				RECEIVED: 12/14/83 JA: OH					
8412006		3416923625	D	107-TF		FRED BUTCHER #2	DOYLESTOWNE	0.0	
8412004		3410323270		107-TF		SANDFORD #1	SHARON	0.0	
8412005		3410323329		107-TF		SERAFIN-COWLING #1	SHARON	0.0	YANKEE RESOURCES
-STOCKER & SITLER INC				RECEIVED: 12/14/83 JA: OH					
8412007		3415723866		103	107-TF	BEYERLE UNIT #4	PERRY	82.0	PANHANDLE EASTERN
8412008		3415723869		103	107-TF	DICKINSON UNIT #4	PERRY	25.0	EAST OHIO GAS CO
8412009		3415723870		103	107-TF	NALLE UNIT #3	PERRY	36.0	EAST OHIO GAS CO
8412010		3415723871		103	107-TF	NALLE UNIT #4	PERRY	29.0	EAST OHIO GAS CO
-THE BENATTY CORPORATION				RECEIVED: 12/14/83 JA: OH					
8412011		3412123008		103	107-TF	D MORRIS #1-105	JACKSON	75.0	
8412013		3412130360		103	107-TF	OHIO POWER #7-110	JACKSON	70.0	
8412012		3412123035		103	107-TF	OHIO POWER #8-109	JACKSON	40.0	
8412014		3416933860		103	107-TF	SWACK /USN AND STEEL #1	CONGRESS	0.0	COLUMBIA GAS TRAN
-THE CARTER JONES LUMBER CO				RECEIVED: 12/14/83 JA: OH					
8412015		3415321351		107-TF		CARTER - JONES #5	TALLMADGE	15.0	
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 12/14/83 JA: OH					
8411987		3415721557		103		D MONTE #2W	WARREN	7.5	EAST OHIO GAS CO
8411988		3415722475		103		D MONTE #3W	WARREN	7.5	EAST OHIO GAS CO
-UNIVERSAL EXPLORATION				RECEIVED: 12/14/83 JA: OH					
8412019		3410323474		107-TF		A&T ENTERPRISES #1	MADSWORTH	0.0	YANKEE RESOURCES
8412021		3415321535		107-TF		HANZEL #1	FRANKLIN	0.0	EAST OHIO GAS CO
8412020		3415321460		107-TF		REX LAND #1	FRANKLIN	0.0	EAST OHIO GAS CO
-VIKING RESOURCES CORP				RECEIVED: 12/14/83 JA: OH					
8412023		3408520411		103	107-TF	PLEISCHL UNIT #1	PERRY	30.0	
8412022		3408520410		103	107-TF	PLEISCHL UNIT #2	PERRY	30.0	
-WALLICK PETROLEUM CO				RECEIVED: 12/14/83 JA: OH					
8412025		3400922878		103	107-TF	DAVID CHRISIMAN #1	TRIMBLE	10.0	COLUMBIA GAS TRAN
8412024		3411523281		103	107-TF	ERIC ANGLE #1	HOMER	10.0	COLUMBIA GAS TRAN
8412026		3411523282		103		R KOLBE #1	HOMER	5.0	COLUMBIA GAS TRAN
-WAYNE HAMMOND				RECEIVED: 12/14/83 JA: OH					
8412027		3415723856		103	107-TF	RICHARDS #3	LAWRENCE	638.7	COLUMBIA GAS TRAN
-WILLIAM N TIPKA				RECEIVED: 12/14/83 JA: OH					
8412028		3406720637		107-TF		CROSSAN UNIT #1	WASHINGTON	20.0	
8412029		3410323494		107-TF		YOKUM UNIT #1	SHARON	10.0	COASTAL PETROLEUM
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, ALBUQUERQUE,NM									
**********									
-AMERADA HESS CORPORATION				RECEIVED: 12/12/83 JA: NM 4					
8411844	NM-1862-82	3003922928		103		JICARILLA APACHE 'F' #15	SOUTH BLANCO PICTURED	172.2	EL PASO NATURAL G
-AMERICAN PETROFINA COMPANY OF TEXAS				RECEIVED: 12/12/83 JA: NM 4					
8411899	NM-1504-83PB	3003906155		108-PB		BOLACK FEDERAL #2	BALLARD	0.0	EL PASO NATURAL G
8411898	NM-1503-83PB	3003906115		108-PB		FOSTER FEDERAL A #1	BALLARD	0.0	EL PASO NATURAL G
-AMOCO PRODUCTION CO				RECEIVED: 12/12/83 JA: NM 4					
8411888	NM-1508-83PB	3004508555		108-PB		AL ELLIOTT D #3	BLANCO	0.0	EL PASO NATURAL G
8411790	NM 0828-83	3004525643		103		BELL FEDERAL GAS COM "B"/TRUE #1E	BASIN - DAKOTA	59.0	EL PASO NATURAL G
8411839	NM 0786-83	3004525525		103		EALUM GAS COM "C" #1	UNDESIGNATED - FRUITL	70.0	
8411873	NM-0563-83	3004525541		103		FLORENCE GAS COM "B" #1E	BASIN DAKOTA	29.5	EL PASO NATURAL G
8411840	NM 0791-83	3004521575		103		GALLEGOS CANYON UNIT #176E	BASIN DAKOTA	22.0	EL PASO NATURAL G
8411793	NM 0831-83	3004525172		103		GALLEGOS CANYON UNIT #192E	BASIN - DAKOTA	26.6	EL PASO NATURAL G
8411789	NM 0827-83	3004525173		103		GALLEGOS CANYON UNIT #193E	BASIN - DAKOTA	40.6	EL PASO NATURAL G
8411891	NM-1510-83PB	3004511622		108-PB		GALLEGOS CANYON UNIT #223	BASIN	0.0	EL PASO NATURAL G
8411892	NM-1511-83PB	3004511684		108-PB		GALLEGOS CANYON UNIT #226	BASIN	0.0	EL PASO NATURAL G
8411893	NM-1512-83PB	3004511678		108-PB		GALLEGOS CANYON UNIT #247	BASIN	0.0	EL PASO NATURAL G
8411792	NM 0830-83	3004525169		103		GALLEGOS CANYON UNIT #85E	BASIN - DAKOTA	50.0	EL PASO NATURAL G
8411890	NM-1509-83PB	3004506931		108-PB		GALLEGOS CANYON UNIT #90	BASIN	0.0	EL PASO NATURAL G
8411889	NM-1507-83PB	3004521052		108-PB		HEATH GAS COM O #1	BLANCO	0.0	EL PASO NATURAL G
8411779	NM-1530-82	3004511710		108		JACK FROST GAS COM "E" #1	BASIN DAKOTA	20.0	EL PASO NATURAL G
8411843	NM-0792-83	3003922560		103		JICARILLA CONTRACT 146 #34	GONZALES MESAVERDE	0.0	
8411803	NM-0237-83	3003922524		108		JICARILLA CONTRACT 148 #24	OTERO CHACRA	17.0	EL PASO NATURAL G
8411838	NM 0789-83	3003922560		103		JICARILLA CONTRACT 148 #34	OTERO CHACRA	23.0	
8411841	NM-0790-83	3004525602		103		L C KELLY/TRUE #3E	BASIN DAKOTA	28.5	EL PASO NATURAL G
8411791	NM 0829-83	3004525622		103		TAFT GAS COM / TRUE #1E	BASIN - DAKOTA	22.0	EL PASO NATURAL G
8411887	NM-1506-83PB	3003921488		108-PB		VALENCIA CANYON UNIT #9	CHOZA MESA	0.0	EL PASO NATURAL G
8411842	NM-1740-82	3004507982		108		WHITE GAS COM #1	BASIN DAKOTA	17.0	EL PASO NATURAL G
-BOLACK MINERALS CO				RECEIVED: 12/12/83 JA: NM 4					
8411836	NM 0772-83	3003932133		103		CANYON LARGO UNIT #320 WELL	DEVIL'S FORK GALLUP P	12.0	
-CHACE OIL COMPANY INC				RECEIVED: 12/12/83 JA: NM 4					
8411822	NM 0670-83	3003923108		103		JICARILLA 71-11	SOUTH LINDRITH GALLUP	7.0	EL PASO NATURAL G
8411788	NM 0813-83	3003923204		103		JICARILLA 71-20	S LINDRITH GALLUP DAK	8.0	NORTHWEST PIPELIN
-CONSOLIDATED OIL & GAS INC				RECEIVED: 12/12/83 JA: NM 4					
8411781	NM 0352-83	3004525514		102-4		PAYNE #4	NORTHWEST BLANCO AREA	54.0	SOUTHERN UNION GA
-CURTIS J LITTLE				RECEIVED: 12/12/83 JA: NM 4					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8411818	NM-0663-83	3003922905		108		FOSTER #2	SOUTH BLANCO PICTURED	25.0	EL PASO NATURAL G
8411815	NM-0662-83	3003922788		108		GREVEY #2	BALLARD-PICTURED CLIF	25.0	EL PASO NATURAL G
8411876	NM-0357-83	3004525424		107-TF		KELLY-FEDERAL #1	BASIN DAKOTA	60.0	EL PASO NATURAL G
8411816	NM-0661-83	3003922789		108		SALAZAR #2	BALLARD-PICTURED CLIF	25.0	EL PASO NATURAL G
-DEPCO INC				RECEIVED:	12/12/83	JA: NM 4			
8411826	NM 0723-83	3003922933		103		FEDERAL 8 #22	BASIN DAKOTA/BLANCO M	200.0	EL PASO NATURAL G
8411780	NM-1468-83PB	3003906688	D	108-PB		MKL #17	BLANCO - MESAVERDE	0.0	EL PASO NATURAL G
-DOME PETROLEUM CORP				RECEIVED:	12/12/83	JA: NM 4			
8411778	NM-0503-82	3004509525	D	108		DICK HUNT #2	BASIN DAKOTA	17.7	NORTHWEST PIPELIN
-DUGAN PRODUCTION CORP				RECEIVED:	12/12/83	JA: NM 4			
8411809	NM 0655-83	3004320597		103		BALLYMALOE #1	UNDESIGNATED CHACRA	20.0	NORTHWEST PIPELIN
8411814	NM 0658-83	3003923032		103		BUDDY #1	COUNSELORS GALLUP	8.5	NORTHWEST PIPELIN
8411857	NM-0619-83	3004525163		103		BUMBLE #2	UNDESIGNATED GALLUP	15.0	EL PASO NATURAL G
8411837	NM 0771-83	3003923191		103		CELSIUS #1	COUNSELORS GALLUP O &	18.0	NORTHWEST PIPELIN
8411811	NM 0657-83	3003922945		103		GALLO RED #1	COUNSELORS GALLUP	15.0	NORTHWEST PIPELIN
8411812	NM 0656-83	3003922944		103		GALLO WHITE #1	COUNSELORS GALLUP	15.0	NORTHWEST PIPELIN
8411810	NM 0654-83	3004320598		103		KINSALE #1	UNDESIGNATED CHACRA	20.0	NORTHWEST PIPELIN
8411834	NM 0770-83	3004320674		103		KINSALE #2	LYBROOK GALLUP EXT	11.0	NORTHWEST PIPELIN
8411835	NM 0769-83	3004525589		103		LA LEE ANN #2-J	WAW PICTURED CLIFFS	18.0	EL PASO NATURAL G
8411805	NM 0642-83	3004522470		103		MOUNTAIN #5	POTWIN PICTURED CLIFF	10.0	EL PASO NATURAL G
8411808	NM 0650-83	3003923135		103		STRAWBERRY #2	COUNSELORS GALLUP ASS	15.0	EL PASO NATURAL G
-EL PASO EXPLORATION CO				RECEIVED:	12/12/83	JA: NM 4			
8411853	NM-0602-83	3004320208		108		CHACON JICARILLA D #3	CHACON - DAKOTA ASSOC	6.0	EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/12/83	JA: NM 4			
8411878	NM-1491-83PB	3003906046		108-PB		CANYON LARGO UNIT #35	SOUTH BLANCO	0.0	EL PASO NATURAL G
8411875	NM-0504-83	3003920532		108		CANYON LARGO UT #169	SOUTH BLANCO-PICTURED	13.0	EL PASO NATURAL G
8411886	NM-1498-83PB	3004500000		108-PB		CLEVELAND #5	FULCHER KUTZ	0.0	EL PASO NATURAL G
8411884	NM-1497-83PB	3004506451		108-PB		FLORANCE D #5	SOUTH BLANCO	0.0	EL PASO NATURAL G
8411885	NM-1496-83PB	3004506523		108-PB		FLORANCE D #6	SOUTH BLANCO	0.0	EL PASO NATURAL G
8411852	NM-0605-83	3004521975		108		HOWELL G #2A	BLANCO - MESA VERDE	10.0	EL PASO NATURAL G
8411880	NM-1493-83PB	3004506030		108-PB		HUERFANITO UNIT #24	BALLARD	0.0	EL PASO NATURAL G
8411879	NM-1490-83PB	3003906282		108-PB		HUGHES #9	BALLARD	0.0	EL PASO NATURAL G
8411872	NM-0444-83	3004510688		108		KELLY A #1	BLANCO-MESA VERDE	11.0	EL PASO NATURAL G
8411850	NM-0601-83	3004505604		108		MCMANUS #9	BALLARD - PICTURED CL	16.0	EL PASO NATURAL G
8411882	NM-1495-83PB	3003907046		108-PB		RINCON UNIT #105	BLANCO SOUTH	0.0	EL PASO NATURAL G
8411883	NM-1494-83PB	3003960093		108-PB		RINCON UNIT #107 PC & MV	SOUTH BLANCO-BLANCO	0.0	EL PASO NATURAL G
8411847	NM-0592-83	3003906802		108		RINCON UNIT #26	SOUTH BLANCO - PICTUR	12.0	EL PASO NATURAL G
8411849	NM-0595-83	3004508130		108		SAN JACINTO #6	BASIN - DAKOTA	13.0	EL PASO NATURAL G
8411864	NM-0591-83	3003900000		108		SAN JUAN 27-4 UNIT #5	BASIN-DAKOTA	12.0	EL PASO NATURAL G
8411821	NM-0671-83	3003907422		108		SAN JUAN 28-7 UNIT #22	BLANCO-MESA VERDE	13.0	EL PASO NATURAL G
8411865	NM-0590-83	3003921093		108		SAN JUAN 28-7 UNIT #242	BASIN-DAKOTA	10.3	EL PASO NATURAL G
8411881	NM-1492-83PB	3003907132		108-PB		SAN JUAN 28-7 UNIT #81 PC & MV	SOUTH BLANCO & BLANCO	0.0	EL PASO NATURAL G
8411807	NM 0653-83	3003921453		108		SAN JUAN 29-4 UNIT #21 MV & PC	BLANCO - MESA VERDE &	4.0	EL PASO NATURAL G
8411846	NM-0593-83	3004510958		108		SAN JUAN 32-9 UNIT #14	BLANCO - MESA VERDE	11.0	EL PASO NATURAL G
-ELLIOTT OIL CO				RECEIVED:	12/12/83	JA: NM 4			
8411824	NM 0689-83-A	3003922902		103		ORA #2	OJITO GALLUP DAKOTA	100.0	EL PASO NATURAL G
8411825	NM 0689-83-B	3003922902		103		ORA #2	BLANCO MESA VERDE	100.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	12/12/83	JA: NM 4			
8411851	NM-0599-83	3004522235		108		GALLEGOS CANYON UNIT P C #267	KUTZ WEST PICTURED CL	14.9	EL PASO NATURAL G
8411848	NM-0598-83	3004507610		108		GALLEGOS CANYON UNIT P C #44	KUTZ WEST PICTURED CL	12.7	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	12/12/83	JA: NM 4			
8411801	NM 0865-83	3003923189		103		JICARILLA "B" #26E	BASIN DAKOTA	90.0	EL PASO NATURAL G
8411787	NM 0812-83	3003923188		103		JICARILLA "C" #33	OTERO CHACRA	70.0	EL PASO NATURAL G
8411786	NM 0808-83	3003922996		103		JICARILLA "D" #3	LINDRITH GALLUP/DAKOT	10.0	NORTHWEST PIPELIN
8411895	NM-1502-83PB	3003905845		108-PB		JICARILLA C #8	SOUTH BLANCO-PC	0.0	EL PASO NATURAL G
8411794	NM 0832-83	3004525548		103		MEXICO FED "N" #2	OTERO CHACRA	150.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	12/12/83	JA: NM 4			
8411877	NM-0383-83	3004524584		108		FULLERTON FEDERAL #12	WEST KUTZ PICTURED CL	15.0	EL PASO NATURAL G
-MARATHON OIL COMPANY				RECEIVED:	12/12/83	JA: NM 4			
8411823	NM 0706-83	3003922591		103		JICARILLA APACHE #14-E	JICARILLA APACHE (GRA	227.0	NORTHWEST PIPELIN
-MERRION OIL & GAS CORP				RECEIVED:	12/12/83	JA: NM 4			
8411827	NM 0712-83	3003923090		103		CANYON LARGO UNIT #317	DEVILS FORK GALLUP	117.0	
8411785	NM 0806-83	3003923194		103		MARGARITA COM #1	COUNSELORS GALLUP	36.5	NORTHWEST PIPELIN
8411845	NM-1820-82	3004521625		108		NAVAJO H 15	WEST KUTZ	11.0	GAS CO OF NEW MEX
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	12/12/83	JA: NM 4			
8411854	NM-0614-83	3003920169		108		JICARILLA G NO 9-PC	GAVALIN PICTURED CLIF	16.1	NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	12/12/83	JA: NM 4			
8411894	NM-1500-83PB	3004521163		108-PB		COX CANYON #11	AZTEC-PICTURED CLIFFS	0.0	EL PASO NATURAL G
8411866	NM-0572-83	3003907944		108		ROSA UNIT 18	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
8411860	NM-0577-83	3003921397		108		ROSA 62	BASIN DAKOTA	0.0	NORTHWEST PIPELIN
8411867	NM-0574-83	3004511135		108		SAN JUAN 32-8 #14	BLANCO MESAVERDE	0.0	NORTH WEST PIPELI
8411813	NM-0659-83	3004510781		108		SAN JUAN 32-8 UNIT 21	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-ROBERT L BAYLESS				RECEIVED:	12/12/83	JA: NM 4			
8411855	NM-0613-83	3004525524		103		STRIBLING COM #1	BASIN DAKOTA	112.0	EL PASO NATURAL G
-SOUTHLAND ROYALTY CO				RECEIVED:	12/12/83	JA: NM 4			
8411819	NM-0669-83	3003905743		108		ARIZONA JICARILLA #1	SOUTH BLANCO	2.9	GAS CO OF NEW MEX
8411871	NM-0516-83	3003922019		108		ARIZONA JICARILLA "B" #9	SOUTH BLANCO	19.0	GAS CO OF NEW MEX
8411797	NM 0836-83	3004525684		103		CAIN #24	OTERO	200.0	SOUTHERN UNION GA
8411870	NM-0522-83	3004510692		108		GRENIER #8	AZTEC	4.5	SOUTHERN UNION GA
8411820	NM-0668-83	3004508695		108		GRENIER B #3	BASIN	16.0	SOUTHERN UNION GA
8411874	NM-0515-83	3004507739		108		HAGOOD #4	BASIN	20.0	EL PASO NATURAL G
8411806	NM-0641-83	3004510069		108		HALE #3	BLANCO	15.0	EL PASO NATURAL G
8411804	NM-0640-83	3004507512		108		MCCLANAHAN #1	AZTEC	20.0	EL PASO NATURAL G
8411796	NM 0835-83	3004525696		103		MCCLANAHAN #22	OTERO	170.0	SOUTHERN UNION GA
8411795	NM 0834-83	3004525683		103		REID #26	OTERO	210.0	SOUTHERN UNION GA
-TENNECO OIL COMPANY				RECEIVED:	12/12/83	JA: NM 4			
8411817	NM-0666-83	3004524294		108		CALLOW 9E	BASIN DAKOTA	11.0	EL PASO NATURAL G
8411800	NM 0864-83	3004525623		103		CHILDERS 3E	BASIN DAKOTA	51.0	EL PASO NATURAL G
8411782	NM 0793-83	3004525566		103		DRYDEN 1E	BASIN DAKOTA	47.0	NORTHWEST PIPELIN
8411798	NM 0862-83	3004525313		103		PRICE COM 4E	BASIN DAKOTA	71.0	EL PASO NATURAL G
8411896	NM-1513-83PB	3004511895		108-PB		STOREY C #1	BASIN-DAKOTA	0.0	NORTHWEST PIPELIN
8411897	NM-1514-83PB	3004511895		108-PB		STOREY C #1	BASIN-DAKOTA	0.0	NORTHWEST PIPELIN
8411799	NM 0863-83	3004525551		103		TAPP 4E	BASIN DAKOTA	82.0	EL PASO NATURAL G
8411833	NM 0734-83	3004525458		103		WILCH 1E	BASIN DAKOTA	49.0	NORTHWEST PIPELIN
-TURNER PRODUCTION CO				RECEIVED:	12/12/83	JA: NM 4			
8411802	NM-0340-83	3004525139		107-TF		FEDERAL 28 #1	BASIN-DAKOTA	48.0	EL PASO NATURAL G
8411868	NM-056683103	3003923111		103		TURNER 26 #1	SOUTH BLANCO-PICTURED	10.0	EL PASO NATURAL G
8411869	NM-0565-83	3003923111		103	107-TF	TURNER 26 #1	OTERO-CHACRA POOL	0.0	EL PASO NATURAL G
-UNICON PRODUCING CO				RECEIVED:	12/12/83	JA: NM 4			
8411829	NM 0726-83	3004525530		103		ANGEL PEAK 'B' #22-E	WILDCAT GALLUP	53.0	GAS CO OF NEW MEX
8411830	NM 0729-83	3004525530		103		ANGEL PEAK 'B' #22-E	BASIN DAKOTA	134.0	GAS CO OF NEW MEX
8411856	NM-0623-83	3004524530		108		ANGEL PEAK 'B' #30	BLOOMFIELD CHACRA EXT	58.0	SOUTHERN UNION GA
8411861	NM-0638-83	3004507501		108		EATON FEDERAL #1	BASIN DAKOTA	43.0	SOUTHERN UNION GA
8411832	NM 0768-83	3004525201		103		F-13-24-10 #1	BISTI LOWER GALLUP EX	26.0	

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8411862	NM-0582-83	3004510290		108		FEDERAL 'A' #1	BASIN DAKOTA	39.0	SOUTHERN UNION GA
8411831	NM 0728-83	3003923016		103		JICARILLA 'F' #7	BLANCO MESAVERDE	579.0	GAS CO OF NEW MEX
8411784	NM 0804-83	3003922886		103		JICARILLA "L" #4-E	BASIN DAKOTA	0.0	GAS CO OF NEW MEX
8411783	NM 0803-83	3004525583		103		MC CORD "B" #1E	BASIN DAKOTA	0.0	SOUTHERN UNION GA
8411859	NM-0626-83	3004508995		108		MCCORD #2	BASIN DAKOTA	53.0	SOUTHERN UNION GA
8411863	NM-0581-83	3004509146		108		MCCORD #5	BASIN DAKOTA	60.0	SOUTHERN UNION GA
8411828	NM 0727-83	3004525091		103		RICHARDSON COM 3-E	BASIN DAKOTA	1229.0	EL PASO NATURAL G
8411858	NM-0636-83	3004525111		103		TALIAFERRO #8	FLORA VISTA GALLUP	580.0	SOUTHERN UNION GA
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY									
**********									
-COASTAL OIL & GAS CORP				RECEIVED:	12/09/83	JA: UT 5			
8411758	045-83	4304731156		107-TF		NBU 211-20	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8411759	046-83	4304731267		107-TF		NBU 212-19	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA
8411757	044-83	4304731284		107-TF		NBU 216-35	NATURAL BUTTES UNIT	0.0	COLORADO INTERSTA

[FR Doc. 84-1606 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1042]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: January 16, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED JANUARY 16, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
********** COLORADO OIL & GAS COMMISSION **********									
-ACEITE ENERGY CORP				RECEIVED:	12/14/83	JA: CO			
8412046	83-499	0512310957		103		ACEITE #2-25 L F RANCH	SAND CANYON	20.0	ASSOCIATED NATURA
-AMOCO PRODUCTION CO				RECEIVED:	12/14/83	JA: CO			
8412080	82-371	0512309752		107-TF		MILLER FEED LOTS UNIT #1	HAMBERT	73.0	PANHANDLE EASTERN
8412081	83-486	0501306146		107-TF		STATE OF COLORADO "AQ" #1	WATTENBERG	149.0	PANHANDLE EASTERN
8412047	83-566	0512310822		103		UPRR 42 PAN AMERICAN "E" #2	WATTENBERG	75.0	PANHANDLE EASTERN
-ARROWHEAD ENERGY CORP				RECEIVED:	12/14/83	JA: CO			
8412048	83-545	0512310540		103		NECKIEN #1	WATTENBERG	0.0	PANHANDLE EASTERN
8412082	83-544	0512310540		107-TF		NECKIEN #1	WATTENBERG	0.0	PANHANDLE EASTERN
8412083	83-542	0512310497		107-TF		STRAWDER #1	WATTENBERG	0.0	PANHANDLE EASTERN
-BLACK HAWK RESOURCES CORP				RECEIVED:	12/14/83	JA: CO			
8412049	83-606	0512311130		103		CARLSON #33-18	BRACEWELL	216.0	NATURAL GAS ASSOC
8412050	83-603	0512311165		103		ENGLISH 31-20	BRACEWELL	108.0	NATURAL GAS ASSOC
8412051	83-569	0512311131		103		TIGGES #31-18	ANTELOPE	75.0	NATURAL GAS ASSOC
8412052	83-604	0512311174		103		TIGGES 31-19	BRACEWELL	61.0	NATURAL GAS ASSOC
8412053	83-605	0512311115		103		WALKER 11-18	BRACEWELL	108.0	NATURAL GAS ASSOC
-BOW VALLEY PETROLEUM INC				RECEIVED:	12/14/83	JA: CO			
8412054	83-598	0507708289		103		CARLETON CURRIER 23-4	VEGA - MESA VERDE	180.0	NORTHWEST PIPELIN
8412037	83-576	0507708395		102-2		CARLTON CURRIER #2-1	VEGA	45.0	NORTHWEST PIPELIN
8412056	83-594	0507708406		103		PALLADRO #15-1	PLATEAU CREEK - COZET	91.0	ROCKY MOUNTAIN NA
8412055	83-597	0507708201		103		PALLADRO 14-2	PLATEAU CREEK	153.8	ROCKY MOUNTAIN NA
8412057	83-599	0507708202		103		WISSEL #17-1	PLATEAU CREEK	31.5	ROCKY MOUNTAIN NA
8412058	83-595	0507708193		103		WISSEL #17-2	PLATEAU CREEK	20.0	ROCKY MOUNTAIN NA
-CARL A HOUY				RECEIVED:	12/14/83	JA: CO			
8412032	83-540	0500108248		102-4		SAUTER 43-8	BASE LINE	22.0	DAMSON GAS PROCES
8412065	83-538	0512311017		103		SCHWINDT 23-26	WILDCAT	51.0	DAMSON GAS PROCES
8412033	83-539	0500108271		102-4		WARREN 11-10	KRAUTHEAD	42.0	DAMSON GAS PROCES
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	12/14/83	JA: CO			
8412038	83-571	0501706345		102-2		MCCORMICK 44-34 #2-C	SORRENTO	14.0	
-CITIES SERVICE OIL & GAS CORP				RECEIVED:	12/14/83	JA: CO			
8412084	83-426	0512198760		107-TF		MCCREATH "C" #1	WHITE EAGLE	28.6	NATURAL GAS PIPEL
-COORS ENERGY CO				RECEIVED:	12/14/83	JA: CO			
8412059	83-610	0512311049		103		COORS FEE 3-6	WATTENBERG SECTION 6	200.0	COORS ENERGY CO
8412060	83-627	0500108259		103		FRI 2-18	WATTENBERG SECTION 18	69.0	COORS ENERGY CO
8412085	83-452	0507708514		107-TF		GIBSON 4-3	PLATEAU SEC 3 T10S-R9	62.0	NORTHERN NATURAL
8412086	83-349	0507708491		107-TF		WEBB 2-9	PLATEAU	410.0	NORTHERN NATURAL
-DAMSON OIL CORPORATION				RECEIVED:	12/14/83	JA: CO			
8412061	83-181	0508106531		103		BIG GULCH #16-2	BIG GULCH	300.0	MOUNTAIN FUEL SUP
8412062	83-180	0508106532		103		BIG GULCH #21-2	BIG GULCH	182.0	MOUNTAIN FUEL SUP
-ENERGY OIL INC				RECEIVED:	12/14/83	JA: CO			
8412087	83-521	0512310958		107-TF		AUFRECHT #2	WATTENBERG	25.0	PANHANDLE EASTERN
8412088	83-554	0512305172		107-TF		HANKINS #2	WATTENBERG	52.5	PANHANDLE EASTERN
-FUEL RESOURCES DEVELOPMENT CO				RECEIVED:	12/14/83	JA: CO			
8412089	83-572	0510309025		107-TF		C-K LEASING 27-3	CATHEDRAL	30.0	NORTHWEST PIPELIN
-GRIFFIN OIL & GAS INC				RECEIVED:	12/14/83	JA: CO			
8412039	83-529	0500108262		102-2		JOANNA #1	FENCE POST	12.8	DAMSON GAS PROCES

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412031	83-630	0512311192		102-4		LENITA #1	BARDWIRE	73.0	KOCH HYDROCARBON
-GUSHER OIL & GAS CO INC				RECEIVED:	12/14/83	JA: CO			
8412063	83-528	0512310709		103		SHOENEMAN 3-32	WIGHAM	30.0	DAMSON GAS PROCES
-HAINES RICHARD				RECEIVED:	12/14/83	JA: CO			
8412064	83-453	0500108004		103		ANTELOPE FARMS #1-24	PORTER	24.0	PANHANDLE EASTERN
-IMPERIAL OIL COMPANY				RECEIVED:	12/14/83	JA: CO			
8412040	83-568	0508106510		102-2		STATE OF COLORADO #1-36	WILDCAT	1.0	MOUNTAIN FUEL SUP
-J-W OPERATING COMPANY				RECEIVED:	12/14/83	JA: CO			
8412094	83-397	0512506885		107-PE		C JOSH #3-34	WAGES	88.0	KN ENERGY INC
8412093	83-399	0512506878		107-PE		D CROSSLAND #3-26	WAGES	143.0	KN ENERGY INC
8412095	83-396	0512506880		107-PE		KLINZMANN #2-11	OLD BALDY	207.0	KN ENERGY INC
-JOHN P LOCKRIDGE				RECEIVED:	12/14/83	JA: CO			
8412097	83-363	0512506845		107-TF		DEVLIN 34-4	BONNY FIELD	9.0	NORTHWEST CENTRAL
8412098	83-362	0512506847		107-TF		MAYNARD 13-18	BONNY FIELD	18.0	NORTHWEST CENTRAL
-KAREN OIL CO				RECEIVED:	12/14/83	JA: CO			
8412041	83-506	0512311076		102-2		DEBRA ROBIN #1	LAKESIDE	75.0	DAMSON GAS PROCES
-LOCKRIDGE & THOMPSON				RECEIVED:	12/14/83	JA: CO			
8412096	83-406	0512109830		107-TF		ALLEN #2-15	DE NOVA	0.0	NATURAL GAS PIPEL
-MGF OIL CORP				RECEIVED:	12/14/83	JA: CO			
8412034	82-1258	0512300000		102-4		JANE STATE #33-16	JUPITER	0.0	PENDING
-MOUNTAIN PETROLEUM CORPORATION				RECEIVED:	12/14/83	JA: CO			
8412099	83-314	0512506891		107-TF		GRIGSBY 2-32	VERNON FIELD	25.0	KN ENERGY INC
-NATOMAS NORTH AMERICA INC				RECEIVED:	12/14/83	JA: CO			
8412100	83-414	0506706533		107-TF		HARPER #1-13U	IGNACIO-BLANCO	0.0	EL PASO NATURAL G
8412101	83-420	0506706532		107-TF		HARPER 1-18U	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8412102	83-418	0506706547		107-TF		HAYS #1-11 U	IGNACIO-BLANCO	0.0	EL PASO NATURAL G
8412103	83-419	0506706285		107-TF		SMITH #1-20	IGNACIO-BLANCO	0.0	EL PASO NATURAL G
8412104	83-413	0506706363		107-TF		STATE #1-24	IGNACIO-BLANCO	0.0	EL PASO NATURAL G
8412105	83-416	0506706322		107-TF		UTE #1-10	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8412106	83-417	0506701356		107-TF		WRIGHT 1-19	IGNACIO BLANCO	0.0	EL PASO NATURAL G
-PETROQUEST INC				RECEIVED:	12/14/83	JA: CO			
8412107	83-442	0512310633		107-TF		STATE "A" 14-16X	WATTENBERG	56.0	PANHANDLE EASTERN
-PORTER ENERGY & RESOURCES INC				RECEIVED:	12/14/83	JA: CO			
8412035	83-608	0512310956		102-4		COOKSEY #1	WOODCHUCK NW/4 SW/4 S	24.0	DAMSON GAS PROCES
-ROCK OIL CORP				RECEIVED:	12/14/83	JA: CO			
8412042	83-504	0512300000		102-2		BBR #22-34	BANNER LAKES	10.0	DAMSON GAS PROCES
8412043	83-555	0512300000		102-2		CROISSANT #1	WILDCAT	180.0	
8412044	83-475	0500100000		102-2		EIFFEL #1	BASELINE	23.0	DAMSON GAS PROCES
8412066	83-476	0500182270		103		HELZER FARMS #1	BASELINE	23.0	DAMSON GAS PROCES
8412067	83-477	0500108206		103		LOCKE #1	BASELINE	13.0	DAMSON GAS PROCES
8412045	83-503	0512300000		102-2		LONE EAGLE #13-34	BANNER LAKES	22.0	DAMSON GAS PROCES
8412068	83-564	0512300000		103		STEINWALD #1	WILDCAT	100.0	PANHANDLE EASTERN
-SAMSON OIL COMPANY				RECEIVED:	12/14/83	JA: CO			
8412069	83-493	0500906235		103		SCHREPEL 2-22	WALSH	3.0	COLORADO INTERSTA
-SAMUEL GARY OIL PRODUCER				RECEIVED:	12/14/83	JA: CO			
8412090	83-632	0503906447		107-TF		AMOCO #23-14	RUNNING CREEK	8.3	BUCKEYE NATURAL G
8412091	83-633	0503906441		107-TF		COGGINS #10-14	CALEDONIA	1.0	BUCKEYE NATURAL G
8412092	83-631	0503906423		107-TF		RUNNING CREEK #15-4	CALEDONIA	4.0	BUCKEYE NATURAL G
-SOHIO PETROLEUM CO				RECEIVED:	12/14/83	JA: CO			
8412070	83-449	0500108239		103		LARSON 4-12	BEAR GULCH	109.5	
-TERMO CO OF TEXAS				RECEIVED:	12/14/83	JA: CO			
8412109	83-531	0512310348		107-TF		MCKAY LAND & CATTLE CO #1	BRACE WELL	35.0	
8412073	83-526	0507508997		103		WAGNER #3	DIPPER GAP	20.0	
-THE SAND HILLS SOCIETY				RECEIVED:	12/14/83	JA: CO			
8412108	82-1355	0512109837		107-TF		R SMALL #2-35	DAPPER	35.0	NATURAL GAS PIPEL
TIFFANY GAS CO				RECEIVED:	12/14/83	JA: CO			
8412079	83-516	0500706086		107-CS		ROSS #1	IGNACIO BLANCO	109.0	NORTHWEST PIPELIN
-TUDEX PETROLEUM INC				RECEIVED:	12/14/83	JA: CO			
8412074	83-518	0500108277		103		TUDEX BIOW #11-4	SPINDLE	25.0	VESSELS GAS PROCE
8412075	83-517	0500108282		103		TUDEX BIOW #11-5	SPINDLE	25.0	VESSELS GAS PROCE
-TXO PRODUCTION CORP				RECEIVED:	12/14/83	JA: CO			
8412071	83-565	0500108103		103		BRADBURY "C" #1	RIMROCK	584.0	KOCH HYDROCARBON
8412072	83-567	0500108211		103		BRADBURY "C" #2	RIMROCK	58.0	KOCH HYDROCARBON
-UNION OIL COMPANY OF CALIF				RECEIVED:	12/14/83	JA: CO			
8412036	81-597	0510700000		102-4		WATSON SECURITIES CO #1	INDIAN RUN	300.0	NORTHERN NATURAL
-UTE ENERGY CO				RECEIVED:	12/14/83	JA: CO			
8412111	82-1247	0500506799		107-TF		DAN KISSLER #1	CHALICE	64.1	NATURAL PIPELINE
8412110	83-485	0500506830		107-TF		PETERSON HEIRS #1	CHALICE	42.0	NATURAL GAS PIPEL
-VESSELS OIL & GAS COMPANY				RECEIVED:	12/14/83	JA: CO			
8412112	83-505	0501306133		107-TF		CANINO 'G' UNIT #1	WATTENBERG	0.0	PANHANDLE EASTERN
8412113	83-581	0501306108		107-TF		WARREN H WIGGETT #13-2	WATTENBERG FIELD	0.0	PANHANDLE EASTERN
-WILLIAM PERLMAN				RECEIVED:	12/14/83	JA: CO			
8412077	83-537	0506706556		107-TF		JAMES F MAYFIELD #1-11U	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8412076	83-536	0506706559		107-TF		JAMES H MAYFIELD #1-10U	IGNACIO BLANCO	0.0	EL PASO NATURAL G
8412078	82-1376	0506706551		107-TF		MABEL C PAYNE #1-33		0.0	EL PASO NATURAL G
**********									
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
**********									
-EPSILON 1980 S T JOINT VENTURE				RECEIVED:	12/15/83	JA: PA			
8412144	19099	3703321174		108		SPENCER #2		25.0	CONSOLIDATED GAS
8412143	19098	3703321026		108		V SPENCER #1	GRANT	25.0	CONSOLIDATED GAS
-FOX OIL & GAS INC				RECEIVED:	12/15/83	JA: PA			
8412150	21668	3703321462		102-3		EARL BUTERBAUGH #2 (282)	BURNSIDE	25.5	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP				RECEIVED:	12/15/83	JA: PA			
8412145	21191	3703921841		102-2		REID WILLIS #647-3	ROCKDALE	0.0	COLUMBIA GAS TRAN
8412146	21192	3703921841		107-TF		REID WILLIS #647-3	ROCKDALE	0.0	COLUMBIA GAS TRAN
-MICON ENERGY GROUP LTD				RECEIVED:	12/15/83	JA: PA			
8412115	18663	3708339329		108		CROWLEY #11	DANIEL AND JUDITH CRO	7.3	NORTH PENN GAS CO
8412141	19067	3708339301		108		CROWLEY #12	PHILLIP AND MARY CAUS	7.3	NORTH PENN GAS CO
8412140	19066	3708339641		108		CROWLEY #15	CROWLEY	7.3	NORTH PENN GAS CO
8412139	19065	3708339962		108		CROWLEY #16	CROWLEY	0.0	NORTH PENN GAS CO
8412138	19064	3708339642		108		CROWLEY #19	CROWLEY	7.3	NORTH PENN GAS CO
8412124	19041	3708339324		108		CROWLEY #23	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412123	19040	3708339302		108		CROWLEY #26	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412122	19039	3708339326		108		CROWLEY #28	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412121	19038	3708339644		108		CROWLEY #29	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412120	19037	3708339303		108		CROWLEY #35	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412119	19036	3708339304		108		CROWLEY #36	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412117	19034	3708339305		108		CROWLEY #38	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412118	19035	3708339307		108		CROWLEY #40	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412137	19063	3708339309		108		CROWLEY #42	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412135	19061	3708339310		108		CROWLEY #43	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412136	19062	3708339647		108		CROWLEY #45	CROWLEY	7.3	NORTH PENN GAS CO
8412133	19059	3708339648		108		CROWLEY #46	CROWLEY	7.3	NORTH PENN GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412134	19060	3708339311		108		CROWLEY #51	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412125	19042	3708339312		108		CROWLEY #53	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412126	19043	3708339313		108		CROWLEY #56	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412127	19044	3708339329		108		CROWLEY #58	CROWLEY/CAUSER	7.3	NORTH PENN GAS CO
8412142	19068	3708338873		108		CROWLEY #8	CROWLEY	7.3	NORTH PENN GAS CO
8412114	18661	3708340768		108		HUGHES #17	HUGHES	7.3	NORTH PENN GAS CO
8412132	19050	3708340769		108		HUGHES #18	HUGHES	7.3	NORTH PENN GAS CO
8412131	19049	3708340770		108		HUGHES #19	HUGHES	7.3	NORTH PENN GAS CO
8412130	19048	3708340772		108		HUGHES #21	HUGHES	7.3	NORTH PENN GAS CO
8412129	19047	3708340773		108		HUGHES #22	HUGHES	7.3	NORTH PENN GAS CO
8412128	19046	3708340774		108		HUGHES #23	HUGHES	7.3	NORTH PENN GAS CO
8412116	19033	3708339965		108		LANE #2	CLIFFORD GERARD LANE	7.3	NORTH PENN GAS CO
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	12/15/83	JA: PA			
8412147	21596	3704721390		103		PA STATE FOREST 6281	CLERMONT	3.0	GENERAL SYSTEM PU
-QUAKER STATE OIL REFINING CORP				RECEIVED:	12/15/83	JA: PA			
8412152	21676	3712327723		108		WENTZ #09	PLEASANT	0.5	NATIONAL FUEL GAS
8412153	21677	3712337724		108		WENTZ 010	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412154	21678	3712327725		108		WENTZ 011	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412155	21617	3712327726		108		WENTZ 012	PLEASANT	0.5	NATIONAL FUEL GAS
8412156	21680	3712327727		108		WENTZ 013	PLEASANT	0.5	NATIONAL FUEL GAS
8412157	21681	3712327728		108		WENTZ 014	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412158	21682	3712327729		108		WENTZ 015	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412171	21695	3712327730		108		WENTZ 016	GRUNGER RUN	0.5	NATIONAL FUEL GAS
8412172	21696	3712327731		108		WENTZ 017	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412173	21697	3712327732		108		WENTZ 018	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412174	21698	3712327733		108		WENTZ 019	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412161	21685	3712327716		108		WENTZ 02	PLEASANT	0.5	NATIONAL FUEL GAS
8412175	21699	3712327734		108		WENTZ 020	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412176	21700	3712327735		108		WENTZ 021	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412177	21701	3712327736		108		WENTZ 022	GRUNDER RUN	0.5	NATIONAL FUEL GAS
8412178	21702	3712327737		108		WENTZ 023	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412167	21691	3712327738		108		WENTZ 024	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412168	21692	3712327739		108		WENTZ 025	PLEASANT	0.5	NATIONAL FUEL GAS
8412170	21694	3712327741		108		WENTZ 027	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412159	21683	3712327742		108		WENTZ 028	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412160	21684	3712327743		108		WENTZ 029	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412162	21686	3712327717		108		WENTZ 03	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412187	21711	3712327744		108		WENTZ 030	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412188	21712	3712327745		108		WENTZ 031	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412189	21713	3712327746		108		WENTZ 032	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412190	21714	3712327747		108		WENTZ 033	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412191	21715	3712327748		108		WENTZ 034	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412192	21716	3712327749		108		WENTZ 035	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412179	21703	3712327750		108		WENTZ 036	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412180	21704	3712327751		108		WENTZ 037	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412181	21705	3712327752		108		WENTZ 038	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412182	21706	3712327753		108		WENTZ 039	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412163	21687	3712327718		108		WENTZ 04	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412184	21708	3712327755		108		WENTZ 041	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412185	21709	3712327756		108		WENTZ 042	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412186	21710	3712327757		108		WENTZ 043	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412202	21726	3712327758		108		WENTZ 044	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412203	21727	3712327759		108		WENTZ 045	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412204	21728	3712327760		108		WENTZ 046	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412205	21729	3712327761		108		WENTZ 047	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412206	21730	3712327762		108		WENTZ 048	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412193	21717	3712327763		108		WENTZ 049	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412164	21688	3712327719		108		WENTZ 05	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412194	21718	3712327764		108		WENTZ 050	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412195	21719	3712327765		108		WENTZ 051	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412196	21720	3712327766		108		WENTZ 052	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412197	21721	3712327767		108		WENTZ 053	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412198	21722	3712327768		108		WENTZ 054	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412199	21723	3712327769		108		WENTZ 055	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412200	21724	3712327770		108		WENTZ 056	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412201	21725	3712327771		108		WENTZ 057	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412165	21689	3712327720		108		WENTZ 06	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412166	21690	3712327721		108		WENTZ 07	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412151	21675	3712327722		108		WENTZ 08	PLEASANT	0.5	NATIONAL FUEL GAS
8412169	21693	3712327740		108		026 WENTZ	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
8412183	21707	3712327754		108		040 WENTZ	GRUNDER RUN (GLADE)	0.5	NATIONAL FUEL GAS
-ZAMA PETROLEUM INC				RECEIVED:	12/15/83	JA: PA			
8412149	21598	3705900000		107-PE		SMITH #1		4.0	PEOPLES NATURAL G
8412148	21597	3705900000		107-PE		SMITH #2		4.0	PEOPLES NATURAL G

[FR Doc. 84-1607 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-C

[Vol. 1043]

Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued January 16, 1984.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capital St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED JANUARY 16, 1984

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-SOUTHLAND ROYALTY CO				RECEIVED:	12/15/83	JA: NM			
8412353		3001522814		102-4		STATE "23A" COM #1	TURKEY TRACK	125	0 LEAND INC
8412352		3001522769		102-4		STATE "24" #1	TURKEY TRACK	180	0 LEAND INC
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BOUNTY OIL & GAS INC				RECEIVED:	12/16/83	JA: NY			
8412374	2810	3101316547		107-TF		ALEXANDER WELL #1	WILDCAT	0	0 COLUMBIA GAS TRAN
-LENAPE RESOURCES CORP				RECEIVED:	12/16/83	JA: NY			
8412369	3825	3105117306		107-TF		A E SCOTT #2 LRC #103	WILDCAT	20	0 NEW JERSEY NATURA
8412366	3810	3105116196		107-TF		A K MCILWAINE #1 LRC #88	CALEDONIA	20	0 NEW JERSEY NATURA
8412362	3804	3105117311		107-TF		C A ANDERSON #1 LRC #105	WILDCAT	20	0 NEW JERSEY NATURA
8412356	4933	3105117369		107-TF		E C AYERS UNIT #1 LRC #155	WILDCAT	20	0 NEW JERSEY NATURA
8412363	3805	3105117312		107-TF		E DOOLITTLE #1 LRC #106	WILDCAT	20	0 NEW JERSEY NATURA
8412367	3814	3105116193		107-TF		E VOGEL UNIT #1 LRC NO 92	WILDCAT	20	0 NEW JERSEY NATURA
8412368	3820	3105117301		107-TF		H WILSON #1 LRC #98	WILDCAT	20	0 NEW JERSEY NATURA
8412373	3798	3105116192		107-TF		J P KRENZER UNIT #1 LRC #82	CALEDONIA	20	0 NEW JERSEY NATURA
8412370	3898	3105116144		107-TF		JOHN S REED UNIT #1 LRC NO 81	CALEDONIA	20.0	NEW JERSEY NATURA
8412357	4932	3105117358		107-TF		L L POWELL #1 LRC #147	WILDCAT	20.0	NEW JERSEY NATURA
8412361	3803	3105117310		107-TF		L P HILL UNIT #1 LRC #104	WILDCAT	20.0	NEW JERSEY NATURA
8412372	3797	3105116132		107-TF		LRC # 76 - GRACE MITCHELL #1	WILDCAT	20	0 NEW JERSEY NATURA
8412365	3809	3105117303		107-TF		R GRANT #1 LRC #133	CALEDONIA	20.0	NEW JERSEY NATURA
8412364	3808	3105116190		107-TF		S DEUEL #1 LRC #132	WILDCAT	20	0 NEW JERSEY NATURA
8412358	4931	3105117368		107-TF		S R POWELL #1 LRC #154	WILDCAT	20.0	NEW JERSEY NATURA
8412371	3796	3105116141		107-TF		T COONEY UNIT #1 LRC #69	CALEDONIA	20	0 NEW JERSEY NATURA
8412359	3801	3105117305		107-TF		W A DENOON #1 LRC #85	CALEDONIA	20.0	NEW JERSEY NATURA
8412360	3802	3105116186		107-TF		WEEWOOD FARM UNIT #1 LRC #86	CALEDONIA	20.0	NEW JERSEY NATURA
-SHAWNEE EXPLORATION INC				RECEIVED:	12/16/83	JA: NY			
8412375	4594	3102917856		107-TF		JOHN D RINALDO #1	BRANT	15.0	SCG GAS QUEST INC
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:	12/16/83	JA: NY			
8412355	4947	3101318011		107-TF		B WILLSON UNIT #3	GERRY	20.0	COLUMBIA GAS TRAN
-VILLANOVA NATURAL GAS CORP				RECEIVED:	12/16/83	JA: NY			
8412354	4520	3101317746		107-TF		HARRY STROM #1	ELLERY CENTER	0.0	COLUMBIA GAS TRAN
8412377	2356	3101316361		102-2	107-TF	JAMES BAER #1	LAKEWOOD	0.0	COLUMBIA GAS TRAN
8412376	2358	3101316362		102-2	107-TF	JOHN KOVEL #1	LAKEWOOD	0.0	COLUMBIA GAS TRAN
8412378	2354	3101316465		102-2	107-TF	WION-FIRTH UNIT #1	LAKEWOOD	0.0	COLUMBIA GAS TRAN
OKLAHOMA CORPORATION COMMISSION									
-AMBASSADOR OIL CO				RECEIVED:	12/16/83	JA: OK			
8412243	25391	3513322083		103		REED #2		36.5	WELLHEAD ENTERPRI
-AN-SON CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412253	23295	3514920191		102-2		MILLIE #1-30	WILDCAT	105.9	
-ANADARKO LAND & EXPLORATION CO				RECEIVED:	12/16/83	JA: OK			
8412270	25121	3503920928		103		CONKLING #1-5	S E THOMAS	150	0 TRANSOK PIPE LINE
-ANADARKO PRODUCTION COMPANY				RECEIVED:	12/16/83	JA: OK			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412258	23226	3500722310		102-2		AMEN B #1	FLORIS	29.0	PANHANDLE EASTERN
8412257	23225	3513921557		102-4		APSLEY "B" NO 1	PLEASANT VIEW	146.0	PANHANDLE EASTERN
8412210	23009	3504921700		102-4		BRADSHAW A 1-26	S W ANTIOCH	68.0	WARREN PETROLEUM
8412256	23224	3500722331		102-4		MATKIN B-1	EAST LORENA	18.0	PANHANDLE EASTERN
8412259	23227	3513921634		102-4		OGLETREE "A" NO 1	EAST LORENA	36.0	PANHANDLE EASTERN
8412254	23297	3500721266		102-2		SMITH "P" #1	EAST LORENA	55.0	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED:	12/16/83	JA: OK			
8412287	22755	3504723157		102-4		LINDA WILLIAMS #1	SOUTH DOUGLAS	14.6	ARCO OIL & GAS CO
8412278	22959	3511922134		102-4		MINOR DEAN #2	N W STILLWATER AIRPOR	36.5	ARCO OIL & GAS CO
8412304	22867	3504723135		102-2		VERA WINTER #2	CARRIER	22.6	PANHANDLE EASTERN
-ATKINSON J V				RECEIVED:	12/16/83	JA: OK			
8412290	23139	3510521423		102-4		LEROY PLACE #2		22.0	RH OPERATING CO
-ATLAS OIL INC				RECEIVED:	12/16/83	JA: OK			
8412301	22537	3508322151		103		MITCHELL 1-35	WEST GUTHRIE FIELD	36.5	EASON OIL CO
-B J HOWELL				RECEIVED:	12/16/83	JA: OK			
8412329	25120	3506321620		103		BAILEY #1	HILL TOP	15.0	HILL TOP INVESTME
-BEARD OIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412317	22889	3501121754		102-2	103	USA #27-1	S E LONGDALE	360.0	OKLAHOMA GAS PIPE
-BEASLEY OIL CO				RECEIVED:	12/16/83	JA: OK			
8412309	24946	3501121850		103		RON SCHWEITZER #1	NORTHWEST OMEGA	125.0	WARREN PETROLEUM
-BETA OIL & GAS DEVELOPMENT				RECEIVED:	12/16/83	JA: OK			
8412285	21894	3511123128		108		PINE I-1		1.5	PHILLIPS PETROLEU
8412284	21893	3511123129		108		PINE I-2		8.0	PHILLIPS PETROLEU
-BOGERT OIL CO				RECEIVED:	12/16/83	JA: OK			
8412267	25131	3507323815		103		CLARA #1-21	SOONER TREND	58.0	
-C W SMITH & ASSOCIATES INC				RECEIVED:	12/16/83	JA: OK			
8412233	25366	3508122031		103		JAMES MURPHY #5	S E DAVENPORT	12.0	MERIDIAN ENERGY I
8412234	25367	3508122032		103		WILLIS BLANEY #2	S E DAVENPORT	14.0	MERIDIAN ENERGY I
-CHEROKEE RESOURCES INC				RECEIVED:	12/16/83	JA: OK			
8412214	23096	3508322196		102-4		BOLING #1 08322196	WEST GUTHRIE	0.0	BUCKEYE NATURAL G
-CONTINENTAL RESOURCES CORP				RECEIVED:	12/16/83	JA: OK			
8412211	23075	3504321640		102-4		REYNOLDS #12-1		0.0	HYDROCARBON SERVI
8412277	22966	3504321535		102-4	103	THOMPSON #3-1		0.0	HYDROCARBON SERVI
-COTTON PETROLEUM CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412296	23177	3512120942		102-4		BUELA MAE #1	PITTSBURG	584.0	ARKANSAS LOUISIAN
8412242	25390	3512920907		103		JOHNNIE #1	W GRAND	0.0	
8412241	25389	3500722512		103		LONG "B" #1	BALKO SOUTH (MORROW)	0.0	
8412297	23178	3501521374		102-4		WAYNE #1	HINTON SW	263.0	TRANSOK PIPELINE
-CROUCH PETROLEUM COMPANY				RECEIVED:	12/16/83	JA: OK			
8412209	22250	3509120141		103		STORM #34-6	S E CHECOTAH	25.0	COLUMBIA GAS TRAN
-DEVON ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412305	24847	3512120735		108		MITCHELL #1-8	WEST MCALESTER	15.0	DELHI GAS PIPELIN
-DLB ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412291	23137	3507323757		103		STRUCK #18-5	SOONER TREND	250.0	PHILLIPS PETROLEU
-DONALD C SLAWSON				RECEIVED:	12/16/83	JA: OK			
8412302	22769	3505121372		102-4		HALL #1-4	MIDDLEBERG	300.0	ARKANSAS LOUISIAN
-DYCO PETROLEUM CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412262	26430	3512920901		107-DP		PURVIS #1-2		0.0	
-EARLSBORO ENERGIES CORP				RECEIVED:	12/16/83	JA: OK			
8412266	21133	3509322715		103		SUTTER FARMS #1-13	CHEYENNE VALLEY	0.0	
-EL PASO NATURAL GAS COMPANY				RECEIVED:	12/16/83	JA: OK			
8412220	24697	3500906785		108-PB		OREN B #1	ERICK SOUTH	0.0	EL PASO NATURAL G
8412222	23233	3500935559		108-PB		PUCKETT C #1	ERICK SOUTH	0.0	EL PASO NATURAL G
8412321	23233	3500935559		108-PB		PUCKETT C #1	ERICK SOUTH	0.0	EL PASO NATURAL G
8412320	22295	3500906805		108-PB		STATE OF OKLAHOMA A #1	ERICK SOUTH	0.0	EL PASO NATURAL G
8412316	21536	3500935432		108-PB		SUTTON #1	ERICK SOUTH	0.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	12/16/83	JA: OK			
8412341	24609	3509300000		108		C E NELSON #1	RINGWOOD	14.0	RINGWOOD GATHERIN
8412342	24585	3509120134		108		NEWCOMER #1-12	S ASHLAND	21.9	PHILLIPS PETROLEU
-EXXON CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412244	21846	3500700000		108		HARVEY L MOORE #1	MOCANE-LAVERNE	19.0	COLORADO INTERSTA
8412313	26282	3514920358		107-DP		IRIS E BOOKOUT UNIT #1	WILDCAT	120.0	
-FLAG-REDFERN OIL CO				RECEIVED:	12/16/83	JA: OK			
8412276	25096	3515100000		108		RADER #1-A	OSWEGO FORMATION	11.6	PANHANDLE EASTERN
-FLYNN ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412275	25106	3507122643		103		CARTER 35-1	NORTHEAST BILLINGS	20.0	SUN EXPLORATION &
-GEORGE E FEARS				RECEIVED:	12/16/83	JA: OK			
8412255	24994	3508300000		108		TURNER #1		0.0	EASON OIL CO
-GIANT PETROLEUM CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412213	23089	3500300000		102-4		CROMWELL #1-25	EAST MENDON	300.0	SUN EXPLORATION &
-GULF OIL CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412315	20113	3507300237		108-PB		BOECKMAN #1	LINCOLN SE	0.0	CONOCO INC
-HARPER OIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412271	25045	3504723301		103		MUNKRES #3	S W LAHOMA	73.0	ARKANSAS LOUISIAN
8412303	22781	3512920915		102-2		TIEN #1	N E STRONG CITY	146.0	NATURAL GAS PIPEL
-HAZLEWOOD OIL & GAS CO				RECEIVED:	12/16/83	JA: OK			
8412343	24333	3500722491		103		BELL #1	GRAND VALLEY	2431.0	
8412212	2380	3508322180		102-2		KAY #30-2	COON CREEK	75.0	BUCKEYE NATURAL G
-HILL TOP INVESTMENTS INC				RECEIVED:	12/16/83	JA: OK			
8412349	20844	3506320749		108		REDMAN #1	HILL TOP	5.2	HILL TOP INVESTME
-HOLDEN ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412248	23255	3506720513		102-4		KIDDE 25-1	W-AYLEE	25.0	AMINOIL USA INC
-HOPPES WILLIAM B JR				RECEIVED:	12/16/83	JA: OK			
8412232	25362	3503721732		103		H TUCKER #4-A	CUSHING	82.1	S & T TRANSMISSIO
-INEXCO OIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412346	23030	3512920896		102-2		BOWMAN #1-34	STRONG CITY NORTHWEST	165.0	DELHI GAS PIPE LI
8412347	23029	3512920953		102-2		KIMZEY #1-17	N E STRONG CITY	365.0	DELHI GAS PIPE LI
8412344	23032	3512920956		102-2		MILLER #1-15	WEST HAMMON	365.0	DELHI GAS PIPE LI
8412345	23031	3503920864		102-2		VERNARD #1-11	N W BUTLER-CUSTER FIE	630.0	
-K & A INC				RECEIVED:	12/16/83	JA: OK			
8412289	23111	3511124011		102-4		11124011 HOPE #1	HOOT OWL HOLLOW	1277.5	PHILLIPS PETROLEU
-K & P OIL CORP				RECEIVED:	12/16/83	JA: OK			
8412335	24910	3501722528		103		KREMIER #13-1	SOONER CITY	547.0	PHILLIPS PETROLEU
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412246	22851	3500722414		102-4	103	ELAM #1-23	W SLAPOUT	298.0	
8412263	25311	3505120717		108		HURST #1	WATONGA - CHICKASHA T	10.6	ARKANSAS LOUISIAN
8412251	23283	3501521497		102-4	103	YATES #1-31	E APACHE	401.5	
-L & N EXPLORATION INC				RECEIVED:	12/16/83	JA: OK			
8412310	24949	3508100000		103		ERIK-KYLE #1	STROUD	42.0	NATURAL GAS ENTER
8412219	24948	3512120785		103		JIMMY #1	S E BLOCKER	55.0	SOUTHEAST TRANSMI
-LANGFORD B J				RECEIVED:	12/16/83	JA: OK			
8412286	22714	3510721464		102-4	103	VENADO PETROLEUM CORP #2 DEER		36.5	SWAB CORP
-MAJOR OIL CO				RECEIVED:	12/16/83	JA: OK			
8412330	25093	3509322580		103		BURPO #3-7 LTD	MENO	75.0	PIONEER GAS PRODU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARCUS EXPLORATION INC				RECEIVED:	12/16/83	JA: OK			
8412265	25172	3510322013		103		CARRIER #3	GANSEL	18.0	ARCO OIL & GAS CO
-MARRIOTT OIL CORP				RECEIVED:	12/16/83	JA: OK			
8412236	25382	3508112157		103		KINDER #1		47.5	SUN EXPLORATION &
-MIDWEST ENTERPRISES INC				RECEIVED:	12/16/83	JA: OK			
8412323	24420	3508320729		103		PAUL DOAK #1		7.0	EASON OIL CO
8412324	24421	3508352042		103		TRACI #3		5.0	EASON OIL CO
8412325	24422	3508320717		103		TRACI #4		5.0	EASON OIL CO
-MOBIL OIL CORP				RECEIVED:	12/16/83	JA: OK			
8412223	6856	3503900000		108-PB		JONES HUNTON UNIT #1	NORTH CUSTER CITY	11.0	NATURAL GAS PIPE
-ONYX ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412207	25133	3501722414		103		JAY W #1-33		0.7	PHILLIPS PETROLEU
-PENNZOIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412300	23208	3512920867		102-2		HAYDEN #1	SOUTH EAST ROLL	274.0	TRANSWESTERN PIPE
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	12/16/83	JA: OK			
8412240	25388	3500700000		108		HAM A #1	LAVERNE MORROW	0.0	TRANSWESTERN PIPE
8412283	25107	3504721622		108		WHEELER U #2	SOONER TREND	15.0	TRANSOK PIPELINE
-PLAINS RESOURCES INC				RECEIVED:	12/16/83	JA: OK			
8412261	26446	3505121390		107-DP		BALL #1-29	S ALEX	122.0	
8412260	22473	3504521120		103		BERRYMAN #14-16		0.0	PANHANDLE EASTERN
-PREMIER OPERATING CO				RECEIVED:	12/16/83	JA: OK			
8412225	25203	3507323823		103		AETNA-GORTON #1	SOONER TREND	30.0	PHILLIPS PETROLEU
8412224	25229	3500321057		103		DAGUE #1	SOONER TREND	40.0	UNION TEXAS PETRO
-R & M PETROLEUM INC				RECEIVED:	12/16/83	JA: OK			
8412227	25263	3503724488		103		MARY B #1	MANNFORD	0.0	
-R & R OIL CO				RECEIVED:	12/16/83	JA: OK			
8412319	22957	3514320836		102-2		LEFEBER #1		18.0	DIAMOND "S" GAS S
-RATLIFF EXPLORATION CO				RECEIVED:	12/16/83	JA: OK			
8412279	23203	3510920735		102-4	103	AIRPORT TRUST #28-3		0.0	CONOCO INC
8412280	23202	3510920612		102-4	103	WILKERSON #31-2		0.0	CONOCO INC
-RED ROCK EXPLORATION INC				RECEIVED:	12/16/83	JA: OK			
8412268	25129	3509300000		103		SCANNELL #1-14	N W RINGWOOD	0.0	PIONEER GAS PRODU
-ROBERT P LAMMERTS				RECEIVED:	12/16/83	JA: OK			
8412311	24986	3507305666		108		GRAFF #1	SOONER TREND	18.0	PHILLIPS PETROLEU
-RUTH THELMA				RECEIVED:	12/16/83	JA: OK			
8412350	19727	3511100000		108		CLARK #5 #032219	TIGER FLATS	4.6	PHILLIPS PETROLEU
-SANGUINE LTD				RECEIVED:	12/16/83	JA: OK			
8412312	26153	3501521538		107-DP		RUSSELL #1		1183.6	UNION OIL CO OF C
-SANTA FE-ANDOVER OIL CO				RECEIVED:	12/16/83	JA: OK			
8412326	25140	3501121875		103		KEPHART #32-2		160.0	SANTA FE - ANDOVE
8412274	22542	3505121121		102-3		TREADAWAY #34-1		50.0	TRANSOK PIPELINE
-SEIGEL PETROLEUM CO				RECEIVED:	12/16/83	JA: OK			
8412295	23171	3511721739		102-2		WINGO #1		0.0	PHILLIPS PETROLEU
8412294	23170	3511721740		102-2		WINGO #2		0.0	PHILLIPS PETROLEU
-SENECA OIL CO				RECEIVED:	12/16/83	JA: OK			
8412249	23261	3501722371		102-4		SIMPSON #6-5		11.0	PHILLIPS PETROLEU
-SIEGRIST INVESTMENT CO				RECEIVED:	12/16/83	JA: OK			
8412327	25139	3507300000		103		RHODES #9-1	SOONER TREND	36.5	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	12/16/83	JA: OK			
8412221	23455	3515121083		108-PB		RORING #2-29	FREEDOM 76	10.0	PANHANDLE EASTERN
-STANTON ENERGY INC				RECEIVED:	12/16/83	JA: OK			
8412235	25376	3514322674		103		LUVENA #10	KEYSTONE	85.0	COLORADO GAS COMP
8412228	25246	3510721646		103		WESLEY #1		350.0	
-STOCO PETROLEUM CORP				RECEIVED:	12/16/83	JA: OK			
8412331	25092	3514521419		103		HOBBS #1			
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	12/16/83	JA: OK	SPENCER SW1/4NE1/4NE1	30.0	PHILLIPS PETROLEU
8412298	23184	3501521276		102-2		DUANE YEARWOOD #1	EAKLEY EAST	3880.0	
8412314	26308	3512920852		107-DP		L L ROARK UNIT #2	CHEYENNE WEST	868.0	DELHI GAS PIPELIN
8412269	25128	3507323732		103		PERDUE 2-17 #2	SOONER TREND	54.0	EXXON CORP
8412351	9553	3512920810		108-PB		SCRIVNER #1	REYDON	0.0	K-N ENERGY INC
-SUNDANCE ENERGY CORP				RECEIVED:	12/16/83	JA: OK			
8412226	25264	3504723180		103		FH-11 #1		14.6	FARMLAND INDUSTRI
-TARGA OIL & GAS INC				RECEIVED:	12/16/83	JA: OK			
8412208	23992	3508121914		103		CROSS #1-11	DAVENPORT FIELD	36.0	MERIDIAN ENERGY I
-TENNECO OIL COMPANY				RECEIVED:	12/16/83	JA: OK			
8412217	23109	3512920912		102-2	103	CHALFANT #1-31	WILDCAT	1.0	
8412216	23108	3512920931		102-2		CHAPMAN #2-15	S E STRONG CITY	1070.0	
8412238	25386	3501520502		108		DODSON IX-4	WATONGA-CHICKASHA TRE	20.0	OKLAHOMA GAS & EL
8412218	23110	3512920902		102-2	103	MERRICK #1-23	WILDCAT	475.0	
8412237	25385	3500722148		108		RATZLAFF #3-8	DOMBEY	8.0	KN ENERGY INC
8412336	24799	3510321978		103		SOUTH EAST LONE ELM CLEVELAND #3-3	SOUTH LONE ELM	3.0	AMINOIL USA INC
8412339	25387	3501922786		103		SOUTH GRAHAM DEESE SAND UNIT #24-1A	SHO-VEL-TUM	14.0	MOBIL OIL CORP
8412339	24796	3510321906		103		SOUTH LONE ELM CLEVELAND SAND #101	SOUTH LONE ELM	0.5	AMINOIL USA INC
8412338	24797	3510321969		103		SOUTH LONE ELM CLEVELAND SAND #105	SOUTH LONE ELM	2.0	AMINOIL USA INC
8412337	24798	3510321981		103		SOUTH LONE ELM CLEVELAND SAND #109	SOUTH LONE ELM	0.5	AMINOIL USA INC
8412272	24604	3510321904		103		SOUTH LONE ELM CLEVELAND SAND #96	SOUTH LONE ELM	2.0	AMINOIL USA INC
-TEX-OK PETROLEUM INC				RECEIVED:	12/16/83	JA: OK			
8412388	24918	3500721964		103		PARKER #4-1	N ELMWOOD	2.0	PHILLIPS PETROLEU
-TEXACO INC				RECEIVED:	12/16/83	JA: OK			
8412247	23320	3505321018		102-2		E HENDRICKS #1	GILBERT SOUTH	0.0	SUN EXPLORATION &
8412215	23095	3505321017		102-2		W A RAYNER #1	GILBERT SOUTH	116.1	SUN EXPLORATION &
8412273	23901	3513700000		108-PB		W G BARNARD #1	WADE FORMATION	0.0	ARKANSAS-LOUISIAN
-THE GHK COMPANY				RECEIVED:	12/16/83	JA: OK			
8412252	23290	3503920721		102-2		HOWE 1-18		110.8	PANHANDLE EASTERN
8412288	22850	3500920528		103		O'HARA #1-3	SW CARPENTER	0.0	
-TODDCO PETROLEUM INC				RECEIVED:	12/16/83	JA: OK			
8412245	22369	3505520405		108		HOOD #1	S BLOOMINGTON	2.8	DAMSON OIL CO
-TOWNER PETROLEUM CO				RECEIVED:	12/16/83	JA: OK			
8412250	23271	3501521358		102-4	103	STEVENS #13-1		0.0	
-TRIGG DRILLING COMPANY INC				RECEIVED:	12/16/83	JA: OK			
8412318	22889	3515321388		102-1	103	CARPENTER HALL #1	WILDCAT	95.0	
-TXO PRODUCTION CORP				RECEIVED:	12/16/83	JA: OK			
8412328	25124	3509321442		103		OKEENE #2	NW OKEENE	0.0	UNION TEXAS PETRO
8412231	25188	3509322702		103		SMITH TT	CHEYENNE VALLEY	0.0	DELHI GAS PIPELIN
-UNION TEXAS PETROLEUM				RECEIVED:	12/16/83	JA: OK			
8412282	25117	3510300000		108		BOCOX #3	FOURDEE	18.0	ARCO OIL & GAS CO
8412307	24887	3500300000		108		FANNIE WHITWORTH #1	CARMEN	14.0	PANHANDLE EASTERN
8412281	25118	3504720980		108		GIFT #2	HODGE II	52.0	PANHANDLE EASTERN
8412340	24668	3509300000		108		HOFFMAN-UNRUH #1	HODGE I	33.0	PANHANDLE EASTERN
8412306	24885	3500300000		108		HOMER DAVIS 'A' #1	HODGE II	47.0	PANHANDLE EASTERN
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	12/16/83	JA: OK			
8412230	25216	3504521140		103		BERRYMAN #1-26		30.0	
8412229	25218	3504521102		103		WIEDEN #1		29.2	
-VIERSEN & COCHRAN				RECEIVED:	12/16/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8412264	25181	3501121848		103		HEIRS OF YELLOW WOMAN #1-31	WATONGA TREND	88.0	PHILLIPS PETROLEU
-WARD PETROLEUM CORP				RECEIVED:	12/16/83	JA: OK			
8412322	24315	3502720666		103		BANK #1	S MOORE	465.0	SUN GAS CO
-WESSELY ENERGY CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412332	25044	3504921009		103		WALTERS #1 049-12384	W MAYSVILLE	54.0	WARREN PETROLEUM
-WHEATLAND OIL CO				RECEIVED:	12/16/83	JA: OK			
8412293	23145	3505321045		102-4		KENT A-1	NORTH VICAR	166.4	UNION TEXAS PETRO
8412292	23144	3505321052		102-4		KENT A-2	NORTH VICAR	91.3	UNION TEXAS PETRO
-WOODS PETROLEUM CORPORATION				RECEIVED:	12/16/83	JA: OK			
8412348	21855	3512920826		102-2		LAMB #18-1	N REDMOON	401.0	TRANSOK PIPE LINE
8412299	23187	3503920852		102-2		STATE OF OKLAHOMA "A" #36-1	SE MOOREWOOD	365.0	
-ZINKE & TRUMBO LTD				RECEIVED:	12/16/83	JA: OK			
8412333	24961	3500722479		103		KRAFT-STATE #1-30	IVANHOE	360.0	TRANSWESTERN PIPE
8412334	24960	3500722479		103		KRAFT-STATE #1-30	IVANHOE	360.0	TRANSWESTERN PIPE
**********									
** DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, CASPER,WY									
**********									
-AMBRA OIL & GAS CO				RECEIVED:	12/13/83	JA: UT 5			
8412386	059-83	4301930998		103		I F 23-8	GREATER CISCO AREA	50.0	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED:	12/13/83	JA: UT 5			
8412384	057-83	4304705207		108		CWU #7	CHAPITA WELLS UNIT	0.0	MOUNTAIN FUEL SUP
8412382	055-83	4304700000		108		CWU-15	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
8412381	054-83	4304700000		108		CWU-21	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
8412385	058-83	4304730628		108		DUCK CREEK 8-16	DUCK CREEK	0.0	NORTHWEST PIPELIN
8412383	056-83	4304731263		107-TF		NORTH DUCK CREEK 61-29	NBU-WASATCH	0.0	NORTHWEST PIPELIN
8412380	053-83	4304700000		108		STAGECOACH #5	STAGECOACH UNIT	0.0	MOUNTAIN FUEL SUP
-CELSIUS ENERGY CO				RECEIVED:	12/13/83	JA: UT 5			
8412388	061-83	4303730874		102-2		UCOLO WELL #1	WILDCAT	73.0	MOUNTAIN FUEL RES
-COASTAL OIL & GAS CORP				RECEIVED:	12/13/83	JA: UT 5			
8412390	063-83	4304731249		107-TF		NATURAL BUTTES UNIT #49V	NATURAL BUTTES	246.0	COLORADO INTERSTA
8412379	052-83	4304731240		107-TF		NATURAL BUTTES UNIT #80V	NATURAL BUTTES	511.0	COLORADO INTERSTA
8412389	062-83	4304731245		107-TF		NATURAL BUTTES UNIT #84V	NATURAL BUTTES	420.0	COLORADO INTERSTA
-LOMAX EXPLORATION COMPANY				RECEIVED:	12/13/83	JA: UT 5			
8412391	065-83	4304731278		107-TF		FEDERAL #3-15	BONANZA	150.0	NATURAL GAS PIPEL
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	12/13/83	JA: UT 5			
8412393	068-83	4301330681		102-2		NGC #24-15-H	PLEASANT VALLEY	414.0	PG & E SUPPLY CO
8412394	069-83	4301330682		102-2		NGC WELL #24-9-H	PLEASANT VALLEY	234.0	PG & E SUPPLY CO
8412392	067-83	4301330679		102-2		NGC WELL #31-8-H	PLEASANT VALLEY	54.0	PG & E SUPPLY CO
8412387	060-83	4301330678		102-2		NGC 42-8-H	PLEASANT VALLEY	720.0	PG & E SUPPLY CO

[FR Doc. 84-1608 Filed 1-19-84; 8:45 am]

BILLING CODE 6717-01-C

Federal Register

Friday
January 20, 1984

Part VII

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Announcement of Third Round of the Rental Rehabilitation Program Demonstration; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-84-1333; FR-1861]

Announcement of Third Round of the Rental Rehabilitation Program Demonstration

AGENCY: Offices of the Assistant Secretaries for Community Planning and Development and Housing, HUD.

ACTION: Notice of solicitation of proposals from eligible applicants to participate in the third round of the Rental Rehabilitation Program Demonstration.

SUMMARY: HUD is soliciting proposals from States and units of general local government to participate in a third round of the Rental Rehabilitation Program Demonstration. The Department is interested in promoting the rehabilitation of rental properties which require moderate amounts of rehabilitation, minimum levels of public financial subsidy, and which, after rehabilitation, will be affordable to lower income tenants. The Demonstration is jointly administered by the Assistant Secretary for Housing—Federal Housing Commissioner and the Assistant Secretary for Community Planning and Development.

DATES: Applications must be received in the appropriate HUD Field Office by 5:00 p.m. local time on February 21, 1984. The original proposal and two copies are to be sent to the appropriate HUD Field Offices, Attention: CPD Division Director, and two copies to HUD Headquarters, Attention: Rental Rehabilitation Program Demonstration, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Craig Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, Room 7162, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-5970. For information about Section 8 Existing Housing certificates or the Section 8 Program requirements contact Gerald Benoit, Director, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation at the same address, telephone (202) 755-5353. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: For the last 2 fiscal years, the Demonstration has been the forerunner for the Rental Rehabilitation Program, which was included as part of the 1983 Housing and Urban Development legislation and recently enacted as Section 301 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98-181, 97 Stat. 1153 (1983) (the 1983 Act). The Demonstration embodies the basic precepts of the legislation, including the separation of the subsidy to the property from the tenant rental subsidy, reliance on the private sector, local flexibility and discretion, and minimum Federal involvement.

The purpose of the Demonstration is to help States and local governments develop the capacity and experience to administer streamlined, cost-effective rental property rehabilitation programs as part of their overall community development and revitalization strategies, and to prepare eligible grantees to assume responsibility for the administration of the Rental Rehabilitation Program when the regulations for the program are issued and become effecive in FY 1984. The Second Round of the Rental Rehabilitation Demonstration showed that even though the preparation of the application was a relatively simple process, implementation of the program often required considerable effort. The selection of appropriate areas and neighborhoods, the selection of projects, and securing the cooperation and participation of property owners and lending institutions required time.

The Third Round of the Rental Rehabilitation Program Demonstration is a continuation of a Demonstration started three years ago. There are no significant or substantial differences between this round of the demonstration and previous rounds. As such, it does not involve commencement of a demonstration program which would require compliance with the provisions of Section 470 of the 1983 Act.

The Rental Rehabilitation Demonstration is not a separate program and has no funds associated with it other than what participants voluntarily use, usually CDBG funds, and Section 8 Certificates. The Demonstration is *not* a permanent program but rather a self limited one. This year it will specifically give participants a chance to design and operate rental rehabilitation programs based on the same model, if not on all of the requirements, of the new law. Participants will have the chance to develop capacity and management skills, so that once regulations for the new program are published during FY 1984, they can move quickly to implement their new programs.

Twenty-three localities were selected to participate in the first round of the Demonstration in the summer of 1981. Fourteen States and 162 localities were selected to participate in the second round of the Demonstration in the summer of 1982.

As in the first two rounds, participating local governments must provide Community Development Block Grant (CDBG) funds or other forms of public subsidy for rehabilitation under the Demonstration.

The Department will provide Public Housing Agencies (PHAs) operating in participating States and units of general local government with special allocations of Section 8 Existing Housing certificates to be used as part of the Demonstration. Section 8 certificates, to the extent available, will be provided to participants at a ratio of one certificate for each $5,000 in public subsidy funds committed to the Demonstration. HUD also will provide, to the maximum extent feasible, technical assistance by HUD staff and private consultants to assist participating State and local governments in designing effective rental rehabilitation programs.

The Department is interested in promoting the rehabilitation of rental properties which require moderate amounts of rehabilitation using minimum levels of public subsidies. In general, public subsidies to finance repairs should not exceed 50 percent of the cost of rehabilitation.

1. Background

Since the late 1970s local governments have been actively involved in property rehabilitation programs. Although an average $1.1 billion in CDBG funds has been budgeted annually for publicly financed rehabilitation programs in recent years, most of these funds have been directed to rehabilitating owner occupied properties. Small rental properties represent a significant portion of the deteriorating housing stock in many localities and comprise a major source of housing for low- and moderate-income households. This Demonstration offers States and localities the opportunity to develop efficient, locally appropriate rental rehabilitation strategies to address these properties.

There are two essential precepts of the Demonstration. First, the program separates financial subsidies for property rehabilitation from rental

subsidies to lower income tenants. Second, the program permits local rental markets to operate freely without any rent restrictions or similar controls imposed by HUD or the State or local government which differ from those applicable to structures undergoing comparable rehabilitation without assistance. Under the Demonstration, State and local governments may use CDBG or other State or local public funds within their control to provide front-end subsidies to projects so that operating costs, debt amortization and reasonable profit can be achieved at market rentals. The Assistant Secretary for Housing will waive the Section 8 Existing Housing regulations (see paragraph 3.6 below) to permit eligible lower income tenants residing in these properties to receive Section 8 Existing Housing certificates from a special allocation and thus remain in occupancy of the rehabilitated units, or find alternative housing, subject to all other Section 8 Existing Housing regulations. The special allocation of certificates may also be used initially for eligible families wishing to move into vacant units rehabilitated under the Demonstration.

The 23 localities in the first round of the Demonstration committed a total of $7.5 million of their CDBG funds to subsidize conventional rehabilitation financing of rental properties. The first round was supported by a special allocation of approximately 715 Section 8 Existing Housing certificates. The fourteen States and 162 localities in the second round of the Demonstration committed approximately $38.5 million of their CDBG funds to the Demonstration and were allocated approximately 6,000 Section 8 Existing Housing certificates. First and second round participants are well underway in implementing their programs, and invaluable experience has been gained in program design and the mechanics of operating rental rehabilitation programs. This experience will provide useful information to State and local governments selected to participate in the third round of the Demonstration.

2. Goals of the Demonstration

The overall goals of the Rental Rehabilitation Program Demonstration are to expand the number of States and local governments with the capacity to carry out effective rental rehabilitation programs, and to expand the range of cost effective programs, so as to prepare as many State and local governments as possible to assume the responsibility for operating the Rental Rehabilitation Program once regulations implementing Section 301 of the 1983 Act become effective.

Specific objectives of the Demonstration include the deveopment of:

(a) Appropriate subsidy mechanisms that make it feasible, practical and cost effective to rehabilitate investor-owned small rental properties, especially occupied and partially occupied projects, for market rate rental;

(b) Rental rehabilitation programs which will increase the availability of standard, investor-owned, rental units that are affordable to lower income tenants, including those suitable for occupancy by the handicapped;

(c) Effective strategies to leverage private monies to subsidize financing for the rehabilitation of rental properties;

(d) Incentive for property owners to provide strong management and long term maintenance of rental properties which have received rehabilitation subsidies.

(e) Strategies to minimize displacement and to provide for the housing needs of tenants, including initial targeting of a special allocation of Section 8 Existing Housing certificates to eligible lower income households residing in the properties to be rehabilitated; and

(f) State and local government capacity to administer rental rehabilitation programs.

3. Resources for the Demonstration To Be Committed by Participants and HUD

3.1 Each participating unit of government must budget State or local public funds within their control to the Demonstration to leverage private rehabilitation financing. The principal use of public rehabilitation funds will be to subsidize the cost of private rehabilitation financing to the level required to make a project feasible at market rents. The funds made available for any structure should not exceed 50 percent of the costs necessary to rehabilitate that structure. Activities eligible for assistance with CDBG funds include any form of rehabilitation financial assistance for privately-owned properties allowed under Section 105 of the Housing and Community Development Act of 1974, for the State-administered Community Development Block Grant Program, or under the CDBG program regulations (24 CFR Part 570) for localities funded by HUD. If participating governments utilize a lump sum drawdown of funds to finance activities, substantial disbursements from the funds must begin within 180 days after receipt of such payment under Section 104(f) of the 1983 Act.

3.2 Small cities participating, or expecting to participate, in State-run CDBG programs may apply for assistance to the Demonstration either directly, after consultation with the State, or through a State agency (see ¶3.3). If applying directly, the applicant must state the amount, source, and availability of funds. If funds are only available contingent upon the State's approval, the application should indicate this and give a date when approval is expected.

3.3 States applying to the Demonstration may evidence their commitment of public funds to the Demonstration in several ways, for example by:

- Committing appropriated or other available State funds to the program to subsidize private rehabilitation financing;
- Including in their final CDBG statement of objectives and method of fund distribution an amount of CDBG funds set aside for use by small cities that wish to participate, and then coordinating the Demonstration with the participating communities; or
- Obtaining statements of intent to commit CDBG monies (or other resources) from recipient small cities and coordinating the Demonstration with such recipients.

3.4 State participants are encouraged to explore techniques for improving the flow of private funds for rental rehabilitation through use of State bonding authority. Funds raised by State housing finance agencies through tax-exempt or taxable bond financing, as well as funds provided from reserves or similar resources, can be used in the Demonstration. Unless otherwise specified, these funds, for the purposes of the Demonstration, are considered a source of private financing and not a commitment of public subsidy monies. State housing finance agencies that wish to have all or part of their financial contribution considered as a "public" subsidy should explain this in their new application, describe how projects will be financed, and indicate how much of the funds should be considered public. HUD will take this into account when allocating Section 8 certificates.

3.5 HUD will provide a special allocation of Section 8 Existing Housing certificates to PHAs within States and units of general local government selected for participation. Certificates will be provided, within the limits of availability, at a ratio of one certificate for each $5,000 in public subsidy funds committed. This special allocation of Section 8 certificates is provided solely for the purpose of carrying out this

Demonstration. Consequently, the PHA will be required to amend its administrative plan to provide that the funding for these certificates may not be used initially for any purpose other than Demonstration activity without the written approval of HUD. Once a certificate has been used as part of the Demonstration, any subsequent use of the certificates is subject only to the requirements of the Section 8 Existing Housing Program.

3.6 The Assistant Secretary for Housing will issue appropriate waivers under 24 CFR Part 882 to permit participating PHAs to target the special allocation of Section 8 Existing Housing certificates initially to eligible tenants residing in the Properties undergoing rehabilitation through the Demonstration and to eligible tenants on the PHA's waiting list who wish to occupy initially any vacant unit rehabilitated as part of the Demonstration. Before the granting of waivers and the execution of the necessary Annual Contributions Contract (ACC) amendments, however, the PHA will be required to submit appropriate modifications to its Section 8 administrative plan. In planning their programs, participants should be aware that as part of its implementation of section 16(b) of the United States Housing Act of 1937, HUD is currently considering adoption of a final rule that would sharply curtail, or eliminate altogether, the availability of newly issued Section 8 Existing Housing certificates to families whose incomes are between 50 percent and 80 percent of area median income levels. While the rule may permit the granting of exceptions, participants should not plan their programs on the expectation that a categoric exception will be made for occupants of units rehabilitated as part of the Demonstration.

3.7 To the maximum extent feasible, using resources available, HUD will provide technical assistance at no cost to participating States and localities from HUD Headquarters and Field staff, from staff of localities already participating in the Demonstration, and from private technical consultants.

4. Local Rental Rehabilitation Program Design

Each participant will have the flexibility to design a Demonstration program to meet its local needs, priorities and management structures, within the basic parameters of the Demonstration. Program components which are required in all locally adopted designs are outlined in the following paragraphs.

4.1 *Area Selection.* All applicants must tentatively designate one or more areas for participation in the Demonstration. These areas may be changed, expanded, or contracted as Demonstration communities begin to operate their programs. Appropriate areas are those where there is a need for rehabilitation of rental residential properties principally occupied, or to be occupied, by lower income tenants, where the rental housing market is reasonably stable and where, after rehabilitation, "street rents," including utilities, generally will be affordable to low- and moderate-income renters, and are within Section 8 Existing Housing Fair Market Rents for the area. For the purpose of the Demonstration, the term "street rent" means the highest rent, including utilities, that the owner can reasonably expect to receive for the unit in a given location and at a particular point in time from an unassisted tenant.

4.2 *Property Selection.* Small, predominantly residential rental properties of one to thirty units per building are the focus of this Demonstration, although larger properties may be assisted where appropriate. To be eligible, a property must contain one or more rental units, whether owned by an absentee investor or an owner occupant. In addition, for properties to be considered eligible for assistance they must, before rehabilitation, be substandard (i.e., not meet the Section 8 Housing Quality Standards or a locally determined standard) and require a minimum expenditure of $1,000 per unit to correct substandard conditions.

4.3 *Eligible Property Owners.* To be eligible for rehabilitation assistance under the Demonstration, the property must be owned by private, for-profit owners. Non-profit organizations, defined as any public or private legal entities that are organized on a not-for-profit basis under applicable State law, may perform any function with regard to the Demonstration, with the exception that they may not participate as the property owner.

4.4 *Rehabilitation Standards.* After rehabilitation, all properties assisted through the Demonstration must, at a minimum, meet the performance requirements set forth in 24 CFR § 882.109 (Section 8 Existing Housing Quality Standards).

4.5 *Relocation/Tenant Assistance Policy.* Participants must develop a written relocation/tenant assistance policy that is consistent with local needs and neighborhood characteristics. Such policy must be developed after public consultation in which the grantee sets forth its plans for minimizing displacement of persons as a result of the use of CDBG funds and for assisting persons actually displaced as a result of CDBG activities (see section 104(b)(2) of the 1983 Act). When the participant is an Entitlement community planning to use CDBG funds in the Demonstration, this policy must be consistent with the public policy on displacement as required by law. Reasonable minimum levels of protection for lower income tenants shall be developed by the participating State or locality. The Department will be available for technical assistance on relocation and tenant assistance policies but will not approve such policies.

4.6 *Affirmative Fair Housing Marketing.* All States, units of general local government and individual property owners participating in the Demonstration must agree, in addition to all other requirements under applicable statutes, Executive Orders or regulations, to comply with the following Affirmative Fair Housing Marketing requirements (except for units rented to tenants already in occupancy or to families moving into a unit with a Section 8 Demonstration certificate): (a) The property owner assisted through this program must ensure that any vacant rehabilitated units will be marketed for rental in a manner affirmatively to further fair housing, as described in 24 CFR § 200.620(a)–(f); (b) If a rehabilitated unit is advertised for rental, the advertising must be accomplished in a manner calculated to inform eligible persons who would otherwise be least likely to apply for the unit; and (c) The HUD "Equal Housing Opportunity" logo and slogan shall be displayed in all advertising.

4.7 *Rehabilitation Financing.* Private financing is an essential element of the Demonstration. All projects included in this Demonstration must be structured so that operating costs, debt service and reasonable profit can be supported by the street rents. CDBG or State or local public subsidy funds are used to leverage private financing in any manner that the locality finds appropriate to achieve its purpose. Public funds should be the minimum required to make projects financially feasible. Public subsidies should not exceed 50 percent of the cost of rehabilitation for a structure. The appropriate subsidy to achieve these objectives is some form of reduction of the privately-financed cost of rehabilitating the project. The amount and type of subsidy will depend upon the specific Demonstration program

design and upon the economics of the rental rehabilitation market for the neighborhood or for specific projects. The State or locality must require that the owner have a substantial equity in the real property connected with each rehabilitation project. Examples of possible public rehabilitation financing mechanisms are:

(a) a direct front-end capital grant or a deferred payment loan in an amount sufficient to provide the subsidy necessary to make the project economically feasible at street rents; or

(b) an interest-rate buy-down of a private rehabilitation loan.

Guaranteed artifically high rental incomes to property owners, or public guarantees to protect owners and investors against market risks are *not* permitted as part of the Demonstration.

4.8 *Rental Subsidies.* In keeping with the preceding paragraph, the credit analysis and subsidy determination for all projects must separate the rental subsidy to lower income tenants administratively, financially and conceptually from the subsidy for property rehabilitation. Demonstration projects must be feasible at street rents since the rent stream is *not* guaranteed by the public sector. Tenants with Section 8 Existing Housing certificates may move out at any time, leaving the unit to be rented without any guarantee of rent subsidy. Thus, areas and properties appropriate for selection in the program are those in which, after rehabilitation, street rents, including utilities, would be affordable to lower income tenants with Section 8 Existing rental assistance (i.e., rents do not exceed Section 8 Existing Housing FMRs).

4.9 *Rent Restrictions.* No rent restrictions, rent controls, restrictions on return on investment, or other policies which prevent an owner from maximizing return, and which are different than those applicable to structures being rehabilitated without assistance may be imposed as a condition of receiving assistance through this Demonstration.

4.10 *Private Sector Participation.* In order to minimize administrative overhead costs, each Demonstration program shall encourage delegation of appropriate responsibilities to the private sector and utilize streamlined processing procedures. For example, lenders might perform loan origination, underwriting or servicing functions. Contractors might be required to prepare work write-ups, and architects to develop plans and specifications.

4.11 *Future Assistance to Projects.* It must be made clear to all participating property owners that they cannot rely upon future public assistance for projects that subsequently develop financial difficulties.

4.12 *Property Owner Certification.* Participating States and localities must secure, for all properties rehabilitated under the Demonstration, a certification signed by the property owners that they will adhere to the following conditions:

(a) Property owners, as a condition of participation in the Demonstration, and not as a Section 8 Existing Housing Program requirement, shall not discriminate against tenants on the basis of their receipt of, or eligibility for, housing assistance under any Federal, State or local housing assistance program.

(b) Property owners renting to tenants with Section 8 Existing Housing certificates shall comply with all Section 8 Existing Housing regulations.

(c) Property owners must affirmatively market units whenever units become vacant, in accordance with Paragraph 4.6, above.

4.13 *Program Requirements.* States and localities participating in this Demonstration program must comply with all applicable CDBG and Section 8 Existing Housing regulations and policies, except as provided for in waivers to be issued by the Department, when monies from these programs are used as part of the Demonstration. In addition, if funds, including rehabilitation financing, are provided through any other Federal assistance, loan, guarantee, or insurance program, the regulations and requirements applicable to such programs must be followed. Prospective participants should be aware that the 1983 Act modified the Housing and Community Development Act of 1974 to provide that not less than 51 percent of Community Development Block Grant funds be used for activities that benefit persons of low and moderate income during a period specified by the grantee of not more than three years. CDBG funds used for rehabilitation of property for housing will only be counted for low and moderate benefit to the extent that the units are occupied by low- and moderate-income persons.

5. Application Requirements: New Participants

Form 424 (sample attached) will be used for the application. The application should be brief—not more than 10 pages—and provide the following information:

5.1 A two-page narrative on why a rental rehabilitation program is needed by the State or locality, and why this Demonstration is particularly appropriate to address these needs. The narrative should also state the objectives of the applicant State or locality and expected accomplishments as a result of participation.

5.2 A preliminary selection of one or more areas for the Demonstration, with a discussion of why the area is appropriate in accordance with paragraph 4.1 of this Notice.

5.3 A brief description of the State or local organizational framework for implementing the Demonstration, including the administrative and managerial relationship between the agency administering the Demonstration program and the Public Housing Agency.

5.4 Where the applicant is a unit of general local government, a statement by the Chief Executive Officer (a) certifying the willingness of the locality to comply with the program design requirments set forth in Paragraph 4 of this Notice, and (b) indicating the proposed amount of CDBG or other public funding which the applicant intends to commit and when these funds will be available. The PHA also must certify its willingness to cooperate with the agency administering the Demonstration.

5.5 Where the applicant is a State, the Governor or authorized State agency official shall submit statements as described above. To the extent feasible, State applicants also should specify the subgrantees who will be working with them, and the amount and source of funds, if any, that each recipient intends to commit to the Demonstration. Applications from States and local governments without *firm* fund commitments will be considered. However, Section 8 certificates will not be provided to selected communities until the public funds are actually committed to the Demonstration.

5.6 The Department will attempt to achieve diversity in its selection of new participants, as to geographical distribution, population and type of applicant (State, city or urban county). Other factors to be taken into consideration (which may be addressed by applicants in the application) in assessing each application will include the following:

- Extent of commitment to the development of an investor-owned rental rehabilitation program;
- Degree of understanding and incorporation of key elements of the Demonstration;
- Quality and past performance of the applicant in connection with a State or local rehabilitation Demonstration;
- Ability to implement the program within a reasonable amount of time from date of approval.

6. Application Requirements: Existing Participants

6.1 Applications from existing first and second round participants who wish to expand their activity under the Demonstration should be in the form of a letter sent to the appropriate HUD Field Office and HUD Headquarters which states the amount of additional CDBG funds or other public funds the applicant intends to commit to the expanded program. Letters from States should indicate whether new CDBG or other public funds will be used to expand activity in the existing Demonstration communities or to bring in additional communities, and when funds are likely to be available. As with new participants, applications from State and local governments without firm fund commitments will be considered. However, Section 8 certificates will not be provided to selected communities until the public funds are actually committed to the Demonstration.

6.2 Where the participant is a unit of general local government, the letter must be signed by the Chief Executive Officer. Where the participant is a State, the Governor or authorized State agency official shall sign the letter. The PHA for the local government or State must certify its willingness to continue its participation and cooperation with the agency administering the Demonstration.

6.3 Current participants will be selected for allocation of additional Section 8 certificates based upon the level of public commitment to the Demonstration and the actual performance of a participant in implementing its existing Demonstration activity.

7. Selection and Approval Procedures

7.1 New applications will be reviewed, rated and ranked by HUD Field Offices and by a selection board of senior HUD Headquarters staff from the offices of Housing and Community Planning and Development, according to the factors set forth in Paragraph 5.6 of this Notice. Preliminary selection of applicants will be made by the Assistant Secretaries for Housing and for Community Planning and Development, in consultation with Regional Administrators, based on staff recommendations. The Secretary of HUD shall make the final selection.

7.2 Applications from current participants will be selected based upon a review and certification by the appropriate HUD Field Office of progress in their current Demonstration. Preliminary approval of such applications will be made by the Assistant Secretaries for Housing and Community Planning and Development in consultation with Regional Administrators, based on staff recommendations. The Secretary of HUD shall make the final selection. Announcement of selections of current participants may be made in advance of, and separately from, announcements concerning new participants.

7.3 Where the applicant will provide funds other than CDBG funds as its form of public subsidy, HUD will comply with the environmental requirements of the statutes and authorities cited in 24 CFR 50.4 of the HUD regulations with respect to applications proposed for approval. Moreover, notwithstanding the general categorical exclusion of the Section 8 Existing Housing Program from the environmental review requirements of 24 CFR Part 50, HUD recognizes that projects approved under this Demonstration could result in an effect on the physical environment, and therefore will conduct an environmental review of each application proposed to be approved which does not involve CDBG funds, unless the application indicates that the scope of the proposed rehabilitation activity will not exceed the thresholds for the categorical exclusion of rehabilitation found in 24 CFR 50.20(c). Where the applicant will use CDBG funds, the applicant, rather than HUD, shall be responsible for environmental requirements under the National Environmental Policy Act and other environmental laws and authorities in accordance with 24 CFR Part 58.

A Finding of No Significant Impact with respect to the environment has been made with regard to this Notice, in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, D.C. 20410.

The Catalog of Federal Domestic Assistance program numbers are: 14.218, Community Development Block Grants/Entitlement Grants; 14.219, Community Development Block Grants/Small Cities Program; 14.228, Community Development Block Grants for States; and 14.156, Lower Income Housing Assistance Program.

The collection of information requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) and have been assigned OMB Control No. 2506–0051.

Authority: Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5320); United States Housing Act of 1937 (42 U.S.C. 1437).

Dated: January 16, 1984.

Jack R. Stokvis,

General Deputy Assistant Secretary.

Maurice L. Barksdale,

Assistant Secretary for Housing/Federal Housing Commissioner.

[FR Doc. 84–1685 Filed 1–19–84; 8:45 am]

BILLING CODE 4210–29–M

federal register

Friday
January 20, 1984

Part VIII

Department of Energy

10 CFR Part 625

Sale of Strategic Petroleum Reserve; Standard Sales Provisions

DEPARTMENT OF ENERGY

10 CFR Part 625

Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions

AGENCY: Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, Department of Energy.

ACTION: Interim appendix to final rule; request for further comment.

SUMMARY: On December 21, 1983 (48 FR 56538), the Department of Energy (DOE) published in the **Federal Register** a final rule governing price competitive sales of petroleum from the Strategic Petroleum Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the Agreement on an International Energy Program (IEP). This final rule provided for the publication in the **Federal Register**, as an appendix thereto, of Standard Sales Provisions (SSPs) containing or describing contract clauses, terms and conditions of sale, and performance and financial responsibility measures, which may be applicable to a particular sale of SPR petroleum. On June 15, 1983, draft SSPs were published in the **Federal Register** for public comment. After consideration of these and other comments, DOE has revised the SSPs and now adopts them on an interim final basis for use in the event that an emergency should occur. DOE also solicits further written comments with respect to these SSPs.

DATES: Comments on the SSPs are requested by March 20, 1984. The effective date of the SSPs is January 20, 1984.

ADDRESSES: Send comments to: Lynn Warner, MA–453.1, Department of Energy, Room 1J–015, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Marcia L. Morris, Procurement and Assistance Management Directorate, Department of Energy, Room 1I–018, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–8871;

Fred A. Hutchinson, Strategic Petroleum Reserve, Environmental Protection, Safety, and Emergency Preparedness, Department of Energy, Room 3E–042, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–4734; and

E. Grant Garrison, Office of Assistant General Counsel, International Trade and Emergency Preparedness, Department of Energy, Room 6A–141, 1000 Independence Avenue, SW., Washington, D.C. 20585; (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background
A. The Strategic Petroleum Reserve Plan
B. The Final Rule
C. Proposed Standard Sales Provisions
II. Discussion of Major Comments
A. General Comments on the SSPs
B. Responses to Questions Asked in the Draft SSPs Notice
C. Comments on SPR Plan Amendment No. 4
III. The Interim Final Standard Sales Provisions
A. Major Revisions
B. Revised Provisions
IV. Procedural Matters
A. Comment Procedures
B. Effective Date
C. Paperwork Reduction Act

I. Background

A. The Strategic Petroleum Reserve Drawdown Plan

In the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97–229, Congress required that a new "Drawdown" (Distribution) Plan, establishing procedures for the sale of oil from the SPR during a drawdown in response to a severe energy supply interruption or to meet IEP obligations, be transmitted to the Congress. The EEPA provided that this amendment to the SPR Plan would take effect on the date transmitted, without Congressional review. The new Distribution Plan, SPR Plan Amendment No. 4, was transmitted to Congress on December 1, 1982, and took effect on that date. The new Plan provided that the principal method of distributing SPR oil will be price competitive sale.

On March 16, 1983, DOE published a notice of proposed rulemaking (48 FR 11125) to establish a framework for implementing the policies and procedures set out in Amendment No. 4. For a discussion of the statutory authority for the SPR, the regulatory background of the proposed rule, and the SPR's physical facilities, *see* the preamble to the proposed rule at 48 FR 11125.

B. The Final Rule

The purpose of the rule is to facilitate the sales process during a drawdown of the SPR by providing for the establishment of Standard Sales Provisions (SSPs), containing contract terms and conditions developed in accordance with the rule which, it is expected, will be contained in contracts for the sale of SPR petroleum. The rule calls for the publication of the SSPs in the **Federal Register** and the Code of Federal Regulations as an appendix to the rule. The rule also provides for the periodic review and republication of the SSPs in the **Federal Register**, including any revisions to such Provisions.

Upon a Presidential decision to draw down the SPR, DOE would issue a Notice of Sale, announcing the amounts, types, and locations of the SPR petroleum to be sold, the delivery points and other pertinent information. The rule provides that the Secretary of Energy or his designee would specify in the Notice of Sale, by referencing the **Federal Register** and the Code of Federal Regulations in which the latest version of the SSPs was published, which of the terms and conditions in the SSPs would or would not apply to a particular sale. In the Notice of Sale, the Secretary also could revise such terms and conditions, or add new ones which would apply to that particular sale. Offerors, as part of their offers for SPR petroleum, would agree to all contractual provisions and financial and performance responsibility measures made applicable by the Notice of Sale, and comply with the responsibility measures in accordance with the Notice of Sale. The rule provides that no contract could be awarded to an offeror who had not unconditionally agreed to all contractual provisions and responsibility measures made applicable by the Notice of Sale. It is expected that the terms and conditions set out in the SSPs and made applicable by the Notice of Sale will not be part of the contract documents as such, but rather will be incorporated by reference; the rule so provides.

Time may be of the essence in a severe energy supply interruption. Failure to achieve the desired SPR drawdown rate could lessen the beneficial effect of an SPR drawdown. Buyers who default on their sales contracts could undermine achivement of the desired drawdown rate, with potentially adverse consequences for the economy or the national security. Consequently, in order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the rule provides that the Secretary may exclude a firm from participating in any future sale of SPR petroleum when that firm had previously offered to buy SPR oil, was awarded a contract, and failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to any remedies for breach which may be provided for in the contract of sale. The ineligibility would not come into effect until after the firm

had been given an opportunity to submit information or argument in opposition to the ineligibility, which the Secretary must consider before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility would continue for the length of time determined by the Secretary as appropriate under the circumstances. The rule provides that at his discretion the Secretary may permit any such firm that petitions for reinstatement, to participate in future SPR sales. In addition to the remedies available to the Government under the contract and under this rule, a purchaser who defaults on a contract also may be subject to debarment procedures in accordance with other applicable DOE regulations.

C. Proposed Standard Sales Provisions

1. *General Sales Objectives.* On June 15, 1983, proposed SSPs were published in the **Federal Register** (48 FR 27482) for public comment. The new SPR Distribution Plan, SPR Plan Amendment No. 4, provides that price competitive sales of SPR petroleum will be open to all interested buyers. Amendment No. 4 also provides for performance and financial responsibility measures in the SPR oil sales process, to reduce the risk that a buyer of SPR oil might fail to meet its contractual obligations to the Government. The procedures and provisions contained in the proposed SSPs were designed to balance and achieve both of these objectives.

In order to maximize competition by the widest possible universe of offerors, DOE made the draft SSPs as unrestricted and nonjudgemental as possible. As required by Amendment No. 4, price was to be the determining factor in the award of SPR petroleum sale contracts.

In order to reduce the risk of purchases by persons who lack the capability or intent to take timely delivery of SPR petroleum, or the financial wherewithal to pay for it, the proposed SSPs required that: (1) A firm transportation plan showing an ability to move the oil must be submitted by an offeror before it is awarded a contract, and (2) binding guarantees of the offeror's full payment and performance under the contract must be agreed to by each offeror as a precondition to contract award. The measures included in the draft SSPs to ensure the offeror's fulfillment of its responsibilities included:

1. Requirement for offer guarantee;

2. Requirement for letter of credit or cash deposit to guarantee payment and performance;

3. Assessment of liquidated damages for failure to lift oil in accordance with the contract; and

4. Possible termination for default.

An offer or agreement to acquire SPR oil thus would involve a substantial commitment to the implementation of SPR drawdown and distribution in a manner consistent with the purposes of the SPR.

2. *General Sales Procedures.* Under the draft SSPs published for comment on June 15, the SPR sales process started with the issuance of a Notice of Sale, followed by the submission of offers by prospective buyers. The Notice of Sale announcing the sale of SPR petroleum would indicate the amount, characteristics and location of the petroleum being sold, the delivery dates and the procedures for submitting offers, as well as providing other information pertinent to a particular sale; in addition, it would specify what contractual provisions and performance and financial responsibility measures were applicable. The Government would evaluate the offers and award SPR sales contracts to those offerors making the highest priced responsive offers, who had provided the necessary assurances of performance and financial responsibility.

Over the course of an SPR drawdown, a number of Notices of Sale may be issued, each covering a sales period of 1 to 2 months. Initially, Notices of Sale issued during SPR drawdown could allow an extremely short lead time for offers and deliveries. Under the proposed SSPs, it was contemplated that offerors might be given as little as 7 days from the issuance of the Notice of Sale until offers were due, and as little as 15 days from the time of such issuance until oil delivery started, with a less compressed schedule becoming more feasible after the initial stages of drawdown. Because of the possible short lead times, the proposed SSPs provided for the establishment of a list of prospective offerors, to whom the Government would furnish copies of all Notices of Sale.

The next step in the sales process was the preparation by prospective purchasers of their offers, which must be submitted before a time specified in the Notice of Sale. The proposed SSPs required that the offeror: unconditionally accept all terms and conditions made applicable to that sale by the Notice of Sale; include an offer guarantee; and offer at least the minimum price specified in the Notice of Sale.

Following the receipt of offers, the Government would evaluate the offers to select the "apparently successful" offerors. Offers were to be for prespecified amounts of petroleum (termed "delivery line items"), at given delivery points, on designated delivery dates, as set out in the Notice of Sale. Offerors would not have been permitted to alter a specified quantity, delivery point, or date. Offers for a particular delivery line item would have been ranked from highest to lowest, with the offeror making the highest offer, being selected as the apparently successful offeror. In the event that no offers were received for a particular item, the proposed SSPs established a procedure for selecting an apparently successful offeror for that item without soliciting further offers.

Under the proposed SSPs, all apparently successful offerors would have been required, within as little as 72 hours, to provide details of firm transportation arrangements for the crude oil, as well as either a letter of credit or a cash deposit as a guarantee of performance and of payment of amounts due under the contract. Upon timely receipt of those items, and upon a final determination by the Contracting Officer that the offer was responsive and the offeror responsible, the Government would issue the Notice of Award.

3. *Purchaser Performance and Financial Responsibility.* As mentioned above, the proposed SSPs established four major measures to assure purchaser performance and financial responsibility: (1) The offer guarantee, (2) the payment and performance guarantee, (3) liquidated damages, and (4) termination for default remedies.

a. Offer Guarantee

Under the proposed SSPs, the offeror was required to submit with its offer a guarantee that the offer would remain valid for 10 days after the date set for receipt of offers. This guarantee could take the form of an offer bond on the Government's Standard Form 24, a certified or cashier's check, or a cash deposit to a special DOE account. The maximum amount of the required guarantee was $10 million or 30 percent of the total of all of the bidder's offers for SPR petroleum line items, whichever was less. The offer guarantee was to be available for offset against any damages, including lost revenue on resale of the petroleum, incurred by the Government when an apparently successful offeror failed to provide the required payment and performance guarantee, or otherwise failed to execute the contract.

b. Payment and Performance Guarantee

In order to assure that the Government received payment for oil delivered or for other amounts due under the contract in connection with the buyer's performance, such as liquidated damages or other damages for breach of contract, apparently successful offerors were required to provide a payment and performance guarantee prior to contract award. This could be in the form of either a letter of credit or an advance cash payment.

The letter of credit was to be for 115 percent of the contract, and was to be issued by a bank that participates in the Federal Reserve Bank FEDWIRE system. It would be an irrevocable clean letter of credit, in the form specified in the proposed SSPs, with payment by draft accompanied by a statement of an authorized Government official either that payment was due for oil delivered, or that payment was due for liquidated or other damages.

After delivering the SPR petroleum to the purchaser, DOE would prepare a delivery report on a Department of Defense Standard Form DD–250, and a message containing the draft and the prescribed statement of an authorized Government official. The message containing the draft and prescribed statement could be sent by the SPR's New Orleans Project Management Office to the New Orleans Branch of the Atlanta Federal Reserve Bank for wire transmittal to the bank which issued the letter of credit. That bank must wire the funds thus drawn upon to the U.S. Department of the Treasury Account at the New York Federal Reserve Bank by the next business day after receipt of the draft. Copies of the invoice and the DD–250 would be mailed to the contractor and to the bank.

As an alternative to submitting a letter of credit, under the proposed SSPs the apparently successful offeror could submit an advance cash payment by wire transfer to a special DOE account, in an amount of 45 days' billings under the contract plus 15 percent of the total contract amount, or 115 percent of the entire contract amount, whichever is less. DOE would invoice the purchaser after each delivery, and if the amount remaining due under the contract exceeded the amount of the advance payment, the purchaser would make payment by wire transfer to the U.S. Department of the Treasury account. The cash guarantee would be applied as a credit against the final invoice.

c. Liquidated Damages

To provide compensation for the damages incurred by the Nation from a failure by purchasers to fully honor SPR petroleum sales contracts, the proposed SSPs imposed liquidated damages on buyers' unexcused failure to comply with the contractually agreed delivery schedules. These damages were to be in an amount equal to one percent of the contract price per barrel of undelivered petroleum, for each day or fraction thereof that a purchaser is late in accepting the petroleum, up to a maximum of 30 days. Liquidated damages would not be assessed unless the tardiness was due to causes for which the contractor was responsible.

In addition to being liable for liquidated damages, a purchaser who, without valid excuse, failed to take delivery of SPR petroleum in accordance with a contract to buy, also could be liable to the Government for the Government's lost receipts in the event that the purchaser's contract was terminated for default, and the petroleum was sold to another buyer at a lower price.

d. Termination for Default

The proposed SSPs provided that in the event that the purchaser failed, without valid excuse, to make payment in accordance with the SSPs, to accept delivery under the terms of the SSPs, or to comply with any other provision of the SSPs within 5 working days after written notice of such failure, the Contracting Officer could terminate the contract in whole or in part. Should the Government exercise its right of termination, it could sell any contracted-for and undelivered petroleum, holding the original purchaser liable for the difference between the contract price and any lesser price obtained for the sale of the crude, as well as for any applicable liquidated damages.

If there were insufficient time to decide whether a failure or refusal to lift SPR oil was due to a reason for which the contractor was culpable, DOE initially could elect to terminate the contract, before determining whether there was a basis to declare a default. The Contracting Officer promptly would proceed to examine the facts, and could convert the termination to one for default at any time within 10 days from the termination.

e. Other Performance and Financial Responsibility Measures

In addition to the performance and financial responsibility measures contained in the draft SSPs, the SPR sales rule on competitive SPR sales provides a mechanism for excluding purchasers from future participation in SPR sales in the event of their nonperformance. The only other bases in the proposed SSPs upon which the Contracting Officer could make a finding of nonresponsibility were a failure of an apparently successful offeror to submit a transportation plan showing its ability to take timely delivery of the SPR petroleum and move it to its destination, or evidence of an offeror's conduct or activity which: (i) Represented a violation of law or regulation, or Executive Order having the force and effect of law, or (ii) showed a lack of integrity or willingness to perform, and would substantially diminish the Contracting Officer's confidence in the offeror's performance.

II. Discussion of Major Comments

The interim final SSPs have been substantially revised as a result of the public comment process and of independent analysis and study by DOE. In August 1983 DOE conducted a test exercise of the SPR drawdown management system, called "DIREX–B," which involved a simulated use of the draft SSPs. As part of that test, an independent assessment team made up of DOE personnel and other Government personnel, supported by industry consultants, reviewed the entire exercise and recommended changes to the draft SSPs. In addition, discussions held by DOE with industry, particularly with operators and owners of the terminals and pipelines connected to SPR facilities, have contributed to an understanding of how best to achieve the SPR's drawdown objectives.

The most significant changes in the proposed SSPs published on June 15 are revision of the line item schedules and the method for evaluating offers and, related to that change, elimination of the requirement for a transportation plan. There also have been a number of changes to the purchaser payment and performance responsibility measures. However, the basic principles discussed above with respect to these responsibility measures have been retained in the revised SSPs. A provision-by-provision discussion of changes which have been made in the published draft SSPs follows this discussion of the major comments.

Comments on the proposed SSPs were requested through September 16, 1983. Written comments were received from 30 different organizations including major oil refiners, small oil refiners, oil industry trade associations, a chemical manufacturers trade association, a banking trade association, and two States. The specific comments received from these respondents, or made by the DIREX–B assessment team, are discussed below in three categories: (1)

general comments on the SSPs; (2) comments in response to the specific questions asked in the preamble to the proposed SSPs; and (3) comments on the SPR Distribution Plan, SPR Plan Amendment No. 4.

A. General Comments on the SSPs

A major finding of the DIREX–B assessment team was that while the sales procedures of the draft SSPs were likely to accomplish the sale of SPR petroleum, the rigid transportation requirements of the draft SSPs would detract from the success of any SPR drawdown and distribution. The assessment team recommended a sales process which gave industry greater flexibility in determining lot sizes, delivery dates and transportation methods, rather than having DOE dictate them. Two commenters also proposed similar changes to the sales method. Another five commenters suggested that the sales method at least be changed to permit greater flexibility as to delivery dates. As recommended, DOE has adopted a significantly different and more flexible approach to awarding SPR oil sale contracts through price competitive sale, which is further explained in the provision-by-provision discussion which follows this discussion of the major comments.

The oil sale system proposed on June 15 was a fragmented, yet rigid one, in which offerors had to offer on numerous small lots of oil, fixed by the Government, to be lifted at such times and by such methods as the Government specified. The system we propose today allows high offerors to choose the volume of their purchases, and to pick the method and timing of delivery.

Under the draft SSPs published on June 15, there were 16 master line item schedules, two for each of the eight SPR crude oil streams in storage,* consisting of one master line item covering petroleum to be delivered to each major common carrier pipeline connected to a storage site, and one master line item covering petroleum to be delivered by vessel or by private pipeline. Each master line item had up to 31 delivery line items corresponding to the days of the month. The Notice of Sale would have specified a quantity of oil to be available on a particular day for delivery via the delivery method specified by the master line item. Alternate offers would not have been permitted, nor would an offeror's changing of quantities, dates or delivery methods.

Under the revised SSPs, there will be only eight master line items, one for each of the eight crude oil streams stored in the SPR. The Notice of Sale will not specify the method by which the oil must be delivered, the delivery date, or the quantity, except to establish a minimum required purchase quantity. Instead, the offeror must indicate the proposed delivery method, and for vessel deliveries, a delivery period (although alternate offers may be made for different delivery periods and methods). Offerors may submit offers on more than one master line item, but may not make alternate offers on different master line items. Specific delivery dates are to be worked out by mutual agreement between the Government and the successful offerors, with the highest offerors being given first choice as to delivery dates. *See* SSP No. C.6. DOE will rank all offers on a master line item, and award contracts to those submitting the highest offers, regardless of delivery method. However, DOE will not award more petroleum to be transported by a particular delivery method than DOE estimates can be delivered by that method. The SPR oil sale contract will specify the delivery method, and the delivery method can be altered only by contract modification. Provision No. C.16 does provide that DOE will grant such modification whenever the modification does not interfere with the transportation plans of other purchasers. For a detailed discussion of the sales process, *see* the discussions in the following section, and SSP Nos. B.14, B.15, B.16, B.19, B.20 and the Instructions to Exhibit A of the interim final SSPs.

The DIREX–B assessment team further recommended elimination of the transportation plan, as they concluded that the performance and payment responsibility measures provide sufficient assurance that only those capable of accepting delivery of the petroleum would submit offers, and that the plan therefore was superfluous as an assurance of purchaser responsibility. The assessment team also found that it was likely that purchasers would be unable to provide firm transportation plans, including final destination, within the time required. The assessment team recommended that the scheduling of deliveries be achieved by discussions between the parties, such arrangements to be as flexible as possible. Nineteen comments from the public also were received objecting to various aspects of the draft SSPs' requirements for transportation plans.

As a result of the comments received, DOE has eliminated the transportation plan. Transportation arrangements are to be worked out by agreement between the parties in accordance with SSP No. C.6. However, while DOE no longer will require a transportation plan from every purchaser, DOE, in SSP No. B.21, has reserved the right to request information on an offeror's plans for transporting the petroleum, in order to obtain assurance that the offeror does not plan to transport the petroleum in violation of either the cabotage laws or U.S. export control laws.

Twenty comments were received recommending that the SSPs allow purchasers more time to meet SPR oil acquisition and delivery requirements. Of particular concern was the time allowed by the SSPs for the buyer's submission of a payment and performance guarantee, and for arrangement of transportation. The DIREX–B assessment team likewise recommended that additional time be allowed the buyer for making transportation arrangements. The proposed SSPs were based upon an assumed 15-day lead time from the issuance of the Notice of Sale until deliveries commenced. As revised, the SSPs which we publish today assume a 30-day lead time from the Notice of Sale until the delivery month which would allow longer for the submission of the guarantee and for the making of transportation arrangements; DOE expects to have oil deliveries start on the 1st day of a calendar month, to the maximum extent practicable, so as to coincide with normal industry practice and with pipeline requirements. Provision No. B.20 now provides at least 5 days for submission of the payment and performance guarantee, and with a 30-day lead time DOE estimates that, assuming offers are required to be submitted 7 days after the issuance of the Notice of Sale (as provided in Provision No. B.5), apparently successful offerors will have approximately 20 days to make transportation arrangements before the delivery month is to commence.

Eighteen comments were received urging, in case of an SPR drawdown, waiver of the "Jones Act," 46 U.S.C. 883, which has the effect of requiring that SPR crude delivered between ports in the U.S. be carried in U.S.-flag vessels. The comments expressed a concern that there were not sufficient tankers in the U.S.-flag fleet to meet the transportation requirements of an SPR drawdown. Five of the 18 recommended waiver of the

*The eight SPR crude oil streams, each of which is available only at a single location, are:

SPR Bryan Mound Sweet; SPR Bryan Mound Sour; SPR Bryan Mound Maya; SPR West Hackberry Sweet; SPR West Hackberry Sour (includes Sulphur Mines oil); SPR Bayou Choctaw Sweet; SPR Bayou Choctaw Sour; SPR Weeks Island Sour.

The locations of these crude streams are listed in SSP No. B. 14.

Jones Act when the Notice of Sale is issued so that firms without assured access to U.S.-flag vessels may offer. The potential seriousness of the problem is recognized. The President's Comprehensive Energy Emergency Response Procedures report to Congress on December 31, 1982, found that: "It may become necessary in case of a Presidential finding of a 'severe energy supply interruption,' to waive the U.S.-flag shipping requirement of the Jones Act (46 U.S.C. 883) so that the bidding for SPR oil which is to be moved by ocean carrier will not be limited to those bidders having advance assurance of the use of U.S.-flag ships. The Customs Service and the Maritime Administration are agreed that authority for such a blanket waiver presently exists under Pub. L. 81–891, 64 Stat. 1120." The DIREX–B assessment team also recommended advance waiver of the Jones Act. The issue will arise at the time of the solicitation of offers to buy SPR oil, because it bears upon the ability to submit such an offer (putting at risk first the offer guarantee and subsequently the payment and performance guarantee), depending on whether the offeror has access to a U.S.-flag vessel. In the event of a blanket waiver, the appropriate provisions in the SSPs would be amended to reflect the existence of such waiver. However, as no advance waiver decision has been made, the cautions to offerors in SSPs No. B.2 and No. C.3 regarding compliance with the Jones Act have been retained.

Eighteen comments were received objecting to various aspects of the draft SSPs' payment terms. In addition, the DIREX–B assessment team also recommended amendment of the payment terms. Plan Amendment No. 4 calls for the use of payment guarantees to assure that payment is received for petroleum delivered, and DOE believes that such measures are necessary to protect the public's investment in the SPR. However, a number of provisions have been amended so as to ease the payment terms imposed by the draft SSPs. In Provision No. C.17, the letter of credit has been reduced from 115 percent of the contract amount to 100 percent of the contract amount; the advance payment by wire cash deposit has been reduced from 115 percent to 105 percent of the contract amount. Provision No. C.19 now requires that the Contracting Officer authorize the cancellation of the letter of credit within 30 days of final payment under the contract, so that letters of credit no longer need to be valid for a full year. Provision No. C.18 makes clear that the level of available funds in the payment and performance guarantee need only be maintained at a level sufficient to cover the contract amount of petroleum remaining to be delivered. There should be no need for replenishment of the guarantee unless the Government has to draw against the guarantee for amounts due under the contract for extraordinary charges, such as liquidated damages.

A number of comments reflected an understanding that payment for oil would be due immediately upon its delivery to the buyer. However, that will not be the case for SPR oil purchasers who choose to use a letter of credit as the means of payment. The only time period specified in the billing and payment procedures for purchasers using the letter of credit, SSP No. C.21, is that the purchaser's bank must transfer the funds due to the Government's account at the Federal Reserve Bank of New York, the next business day after receipt of the Government's draft. Before that draft is issued, however, a number of events must occur: the delivery documentation must be completed by the Government's Quality Assurance Representative, the documentation forwarded to the New Orleans Project Management Office, the invoice prepared and, assuming wire transmittal of the Government's draft, the draft presented to the Federal Reserve Bank for transmittal to the purchaser's bank. DOE estimates that this process may take from 5 to 7 days from the time delivery is completed until the payment is transferred to the Government's account.

Twelve comments were received objecting to the use of the offer guarantee. The draft SSPs required that each offeror submit with its offer, either a cash wire deposit, a certified check or a Government Standard Form 24 Bid Bond, in the amount of 30 percent of the offer or $10 million, whichever was less, as an offer guarantee. The Government could draw against the offer guarantee for any damages incurred by the Government arising from a winning offeror's refusal to enter into a contract in accordance with the terms of the offer. The offer guarantee is necessary to assure that offers are submitted only by persons who have the intent and capability to take delivery of SPR oil and that drawdown is not delayed by the processing of frivolous offers. However, the DIREX–B assessment team likewise recommended a lower offer guarantee, and DOE has concluded that this objective could be satisfied by a lower offer guarantee than previously proposed. Provision No. B.9 of the revised SSPs requires an offer guarantee of 5 percent of the amount of the offer or $10 million, whichever is less. The revised SSPs also added a fourth acceptable guarantee, a standby irrevocable letter of credit. These changes should substantially lower the cost of offering to buy SPR petroleum, while retaining an assurance that only offerors with a serious intent and an adequate capability submit offers on SPR petroleum. However, DOE specifically seeks comments from State governments and other commenters, as to whether there are any potential purchasers who would be unable to comply with any of the four offer guarantee mechanisms, cash wire deposit, certified check, offer bond, or letter of credit.

DOE received 11 comments that the proposed liquidated damages were too high. As explained above, a failure to honor SPR petroleum sales contracts could hinder attainment of the desired SPR drawdown rate, with possible adverse effects on the Nation. The liquidated damages are compensation for the damages incurred by the country when a buyer fails to comply with the contractually agreed schedule. Therefore, the revised SSPs continue to impose liquidated damages of one percent of the contract amount for each day of *unexcused* delay in accepting delivery of the petroleum, up to a maximum cumulative liability of 30 percent. However, one change has been made which will reduce the potential extent of liability for liquidated damages. For vessel deliveries, the originally proposed SSPs would have imposed liquidated damages for each day of delay until delivery was completed; but SSP No. C.28 of the interim final SSPs only imposes liquidated damages until the buyer's vessel presents its notice of readiness. It should be emphasized that liquidated damages would be imposed only for delays that are *not excused* by SSP No. C.26. A contractor will not be held liable if the vessel presents its notice of readiness during the delivery window or if the nonperformance is caused by events beyond the control and without the fault of the contractor or its subcontractors. For example, where one commenter argued that it would be unfair to hold a purchaser liable for the actions of a vessel's master in refusing to bring a vessel into a channel for reasons of safety, in fact a purchaser would not be liable under the SSPs, so long as the vessel's master was acting reasonably.

Another seven comments objected to the termination for convenience clause. The right of termination for convenience

of the Government is a standard Government contract provision. It also is standard Government contract procedure to compensate contractors whose contracts are terminated for the convenience of the Government for costs incurred by the contractor in performance of the contract. While the draft SSPs authorized a termination for the convenience of the Government, the draft SSPs did not provide for any payment to the terminated SPR purchaser for costs incurred by that purchaser in preparing to accept delivery of the petroleum. The DIREX–B assessment team recommended that the SSPs compensate SPR oil purchasers in the event that the Government exercises its right of termination. The revised SSPs now provide for the compensation of terminated contractors in some circumstances. If the purchaser fails to comply with the terms of the contract, SSP No. C.26(c)(1) still authorizes the termination of the contract for the convenience of the Government, without liability of the Government to the purchaser, even if such failure was beyond the control and without the fault of the purchaser. But, in any other termination for convenience, the Government will be liable to the purchaser for any reasonable cost incurred by the purchaser in preparing to accept delivery of the petroleum. Under no circumstances will the Government be liable for consequential damages or lost profits as the result of a termination for convenience of the Government.

Five comments were received recommending that the minimum vessel load rate of 20,000 barrels per hour established by the SSPs be lowered. The DIREX–B assessment team recommended permitting the use of barges where the necessary facilities were available. Due to facility constraints at the marine terminals interconnected to the SPR storage sites, achievement of desired SPR drawdown rates necessitates the use of vessels with loading rates in excess of 20,000 barrels per hour in most instances. Provision No. C.46 has been amended to permit two exceptions. The use of barges with a loading rate of 5,000 barrels per hour at the Sun Terminal barge docks is now permitted. In addition, barges may be used at the Seaway Terminal and tankers with loading rates of less than 20,000 barrels per hour may be used at all terminals, so long as the use of such barges and tankers is limited to circumstances where a smaller vessel is needed to complete loading of contract quantities and such use does not interfere with liftings by the other purchasers.

Five comments recommended that the Notice of Sale establish a maximum purchase quantity to preclude the possibility of a single purchaser, or a small number of purchasers, buying all of the SPR petroleum. The interim final SSPs will not set a maximum purchase quantity because it would be contrary to the philosophy of Plan Amendment No. 4 that price competition should be the sole determinant of how the petroleum is to be distributed.

B. Responses to Questions Asked in the Draft SSPs Notice

The preamble to the draft SSPs asked nine questions related to the SSPs. The nine questions are set forth below with a discussion of the comments received.

1. Do prospective offerors need any additional information on specifications for SPR petroleum, beyond that contained in Exhibit D of the SSPs?

Fourteen commenters requested additional information, while three commenters indicated that no further information was required. The revised Exhibit D will provide more detailed characteristics on each crude oil stream. This information is generated as part of the SPR's continuing petroleum sampling and analysis program. The actual analysis is performed by the National Institute for Petroleum and Energy Research, formerly the U.S. Department of Energy's Bartlesville Energy Technology Center. Whenever the SSPs are revised, the latest available information will be included in a revised Exhibit D to be published in the **Federal Register.** The Notice of Sale also will provide any revisions subsequent to the last publication of this information in the **Federal Register.** However, it should be noted that because of the complexity of the testing program and the length of time required to receive the results, DOE does not intend to analyze all crude oil streams just before issuance of the Notice of Sale; rather, it will provide whatever data happens to be the most recent data available.

2. Do the proposed gravity and sulfur adjustments (see Provision No. C.7) accurately reflect the possible quality differentials between SPR specifications and any nonconforming petroleum which may be delivered?

Eleven comments were received indicating disagreement with the gravity and sulfur adjustments established in the draft SSPs. The draft SSPs proposed a price adjustment of 7 cents per barrel for each degree that the API gravity of the crude oil actually delivered to the purchaser varied from the API gravity specified in the contract (increase price as API gravity increases, decrease price as API gravity decreases). The price adjustment for sulfur was 7 cents per barrel for each tenth of one percent that the total sulfur content (percent by weight) varied from the specific contract sulfur content (increase price as sulfur content decreases, decrease price as sulfur content increases). Nine of the 11 comments indicated that the sulfur and gravity adjustments should reflect the difference in the value of various crude oils as determined by the market. However, those comments recommending specific numbers were widely disparate; thus, a determination of the market value will not be easy. Five comments indicated that because, at least in theory, sulfur and gravity adjustments reflect market differentials, those adjustments ought to be determined at the time of drawdown. DOE agrees, and the provision on gravity and sulfur adjustments, SSP No. C.11 of the interim final SSPs, therefore does not have a specific figure, but rather provides that the Notice of Sale will establish the price adjustments. Before issuing the Notice of Sale, DOE will analyze the then-existing differentials between the various types of crude to arrive at the sulfur and gravity adjustments to be used for the sale of SPR petroleum.

3. Absent events outside of the tanker master's control, can purchasers provide, 5 days prior to a tanker's estimated arrival time, a 1-day window for the tanker's arrival?

In response to this question, five commenters answered that it would be possible to provide a firm delivery date 5 days in advance, while six indicated that it would not be possible. Four of the latter six said that it would be possible to provide a firm date 3 days in advance of arrival. The revised SSPs in Provision No. C.7 provide that the delivery window shall be as announced in the Notice of Sale, but shall not be less than a 3-day window. The purchaser still is required to establish a firm arrival date 3 days prior to vessel arrival.

4. What should be the smallest and largest quantity of SPR barrels sold as a single delivery line item? While administrative convenience would be served by selling large lot sizes, DOE seeks comments on the extent to which small sized lots may be needed by prospective offerors.

Fourteen comments were received in response to this question. None addressed the extent to which small sized lots should be offered by the SPR. The recommended minimum sized lots were from 10,000 to 100,000 barrels for

pipelines, 40,000 to 60,000 barrels for barges, and 200,000 barrels for tankers. Maximum recommended lot sizes were 300,000 to 500,000 barrels for tankers. However, with the revision of the sales process, DOE no longer will expect to establish lot sizes in the Notice of Sale.

Under Provision No. B.15 of the revised SSPs, the Notice of Sale will establish minimum offer quantities. Separate minimum quantities will be established for tanker deliveries, barge deliveries, and pipeline deliveries. As discussed above, facilities for loading barges are limited, and SSP No. C.7 limits their use accordingly.

5. A transportation plan (Exhibit C of the proposed SSPs) is proposed to be required prior to contract award in order to assure the timely movement of SPR petroleum. Are there likely to be any circumstances where it is unreasonable to require such a plan before award?

Nineteen comments were received raising objections to various aspects of the previously proposed requirements for transportation plans. As a result of public comments and of the recommendations of the DIREX–B assessment team, DOE has eliminated the transportation plan. Transportation arrangements are to be worked out by agreement between the parties in accordance with SSP No. C.6.

6. It is intended that the transportation plan be accepted by the Contracting Officer so long as it shows credible arrangements consistent with the terms of the Notice of Sale for timely movement of the SPR petroleum to be awarded. Are there additional specific questions which could be asked on Exhibit C to further mechanize the Contracting Officer's review of transportation plans?

As explained above, the transportation plan has been eliminated.

7. For tanker and pipeline shipments, what minimum lead time is required from the date of SPR contract award until the time of delivery to the buyer of SPR oil? Please specify what assumptions about tanker or pipeline capacity availability your answer is based on.

For U.S.-flag tankers, the comments indicated a lead time of 2 to 6 weeks. For foreign-flag tankers, the comments indicated a lead time of 1 to 4 weeks. For common carrier pipelines, the comments asserted that most pipeline tariffs required notice by no later than the 25th day of the month prior to the month of delivery, but that if the pipelines were subject to prorationing, a 30 to 60-day lead time prior to the month of delivery could be required. Based on these comments and on other discussions with industry (including operators of terminals to be used in SPR drawdown), and on DOE's analysis, DOE decided that in revising the SSPs it should assume that the Notice of Sale would be issued at least 30 days prior to the start of SPR oil deliveries, and that if practicable, deliveries should commence on the 1st day of the next calendar month. In order to avoid selling more SPR petroleum for delivery by pipeline than the particular pipeline can transport, thereby throwing the pipeline into prorationing, DOE hopes to work closely with the pipelines to determine how much SPR petroleum the pipelines can accept, and will limit SPR oil deliveries via pipeline accordingly.

8. Will Forms DD–250 and DD–250–1 at Exhibit I (of proposed SSPs) provide adequate documentation of delivery?

Of the 11 comments received on this question, eight indicated that these forms provided adequate delivery documentation. The revised SSPs rely on these forms. Provision Nos. C.12 and C.13 have been amended to make clear that the purchaser has the right to have a representative present at ocean vessel loading, to conduct independent tests of quantity and quality.

9. DOE has under consideration the question of need for additional SSPs concerning ship and dock demurrage. What other SSPs, if any, may be needed?

Eight comments were received recommending that the Government reimburse the purchaser for demurrage incurred due to the fault of the Government; two other comments were received stating that demurrage should be the responsibility of the purchaser. The revised SSPs do not contain a demurrage provision. However, DOE is continuing to study possible ways of dealing with demurrage and other issues concerning vessel arrival and loading.

The only other suggestions received in response to this question were that limits be imposed on the potential universe of buyers of SPR oil. These suggestions are discussed next.

C. Comments on SPR Plan Amendment No. 4

A number of comments suggested changes in the SSPs which, if made, would contravene SPR Plan amendment No. 4. Thirteen comments recommended that SPR oil be sold only to domestic refiners. Five comments recommended that the oil be sold by a method other than competitive bidding. Three suggested that government agencies be precluded from buying SPR oil.

Section 161(c) of the Energy Policy and Conservation Act explicitly provides that drawdown and distribution must be in accordance with the SPR Plan in effect at that time. Consequently, DOE cannot adopt any SSPs that are inconsistent with SPR Plan Amendment No. 4.

SPR Plan Amendment No. 4 provides that "all interested buyers will be eligible to bid for and purchase SPR oil, including Federal agencies." (page 13) The Plan also provides that "[e]xcept where the distribution of oil is directed by the Secretary, * * * the purchase of SPR oil will be determined solely by price competitive sale." (page 14)

III. The Interim Final Standard Sales Provisions

A. Major Revisions

After consideration of the public comments received on the draft SSPs, the recommendations of the DIREX–B drawdown exercise assessment team, and other lessons learned by DOE in the DIREX–B exercise and through consultations with industry, DOE has concluded that the draft SSPs should be substantially revised. Public comments again are sought on the revised SSPs because of these substantial revisions. However, DOE is adopting the revised SSPs, as an interim final appendix to the final sales rule (48 FR 56538). These SSPs thus will be available for use in the event that a drawdown of the SPR occurs before any subsequent revision of the SSPs is published in the Federal Register. If future comments indicate the need for further revision of the interim final SSPs, DOE will republish the revised SSPs in their entirety, along with DOE's responses to those comments.

The most significant revisions in the draft SSPs published on June 15 concern the change to a much more flexible approach to selling SPR petroleum and determining logistical arrangements. This change has impacted provisions of the draft SSPs concerning line item schedules, the transportation plan, the evaluation of offers, and delivery arrangements.

The draft SSPs published on June 15 involved a highly structured oil sales system which was predicated upon the view that the SPR's drawdown rate could be maximized, within the context of a price competitive contract award system, by having the Government designate when and how specified quantities of oil that were offered for sale would be shipped. Offerors would have had to submit separate offers for all of the individual, predetermined oil shipments they wished to compete for, with no flexibility as to amount, timing or transportation mode. The winning offer prices could have differed from one lot of oil to another. Under the SSPs we

adopt today on an interim final basis, high offerors for SPR oil generally would be allowed, in the order of their price offers, to decide how much of the oil listed under a master line item they wished to buy, and to choose how and when to move it. The comments received on our draft SSPs from the DIREX–B assessment team and from the public suggest that the system proposed on June 15 was too rigid and the pattern of offered shipments too fragmented. We believe that the method reflected in the interim final SSPs is a more realistic way of selling oil, with no less prospect of achieving the desired drawdown rate.

Under the scheme established by the draft SSPs, there were 16 master line item schedules. These included, for each of the eight SPR crude oil streams in storage,* one master line item covering petroleum to be delivered to a major common carrier pipeline, and one master line item covering petroleum to be delivered by vessel or by private pipeline. Each master line item had up to 31 delivery line items corresponding to the days of the month. When DOE issued a Notice of Sale, the delivery line items included therein would have specified set quantities of petroleum to be delivered on particular dates for movement by prescribed transportation modes. Offerors were prohibited from changing the quantity of crude oil under a line item or proposing alternate dates or delivery modes. Alternate offers were not permitted. A transportation plan was required from each apparently successful offeror, in order to obtain assurance that the offeror was planning to move the petroleum in accordance with terms (quantity, date and transportation method) established by the delivery line items.

Under the interim final SSPs, there now are only eight master line items, one for each of the eight SPR crude streams. Under each master line item, instead of up to 31 delivery line items, the revised SSPs have only five delivery line items, one for petroleum to be moved by major common carrier, one for other pipeline deliveries, and three for vessel deliveries. The pipeline delivery line items cover a delivery period of a month, while each vessel delivery line item covers a delivery period of a third of a month.

The Notice of Sale will specify the total amount of a particular crude stream to be sold, but will not designate the method by which the oil must be delivered, the delivery date or the amount, except to establish a minimum required purchase quantity. Instead, the offeror must indicate the desired purchase volume and the proposed delivery method, and for vessel deliveries the offeror must choose one of the three delivery periods; however, alternate offers may be made for different delivery periods and methods. A transportation plan will not be required. Specific delivery dates are to be worked out by mutual agreement between the Government and the winning offerors, with the highest offerors, in the order of their offered prices, being given preference in the selection of delivery dates.

Use of this bid structure will enable DOE to endeavor to award the SPR's oil sale contract to the highest offerors on a master line item, regardless of a bidder's preference as to delivery method or delivery period. Thus, it will be the order of price offers which determines how the SPR oil is moved, rather than a Government choice between different transportation modes.

The only limitation on this principle will be physical: there are facility constraints which may put a ceiling on the movement of SPR petroleum by an individual transportation method. Therefore, DOE will not award contracts against a delivery method in excess of DOE's estimate as to how much oil can be moved by that transportation method during the delivery period. Before drawdown, DOE will consult with the relevant pipelines and terminals to make estimates of their maximum transportation capabilities. These estimates will be indicated in the Notices of Sale. Once a delivery method appears to be fully subscribed, all other offers on that delivery method will be rejected, even if those offers contain higher offer prices than offers on other delivery methods. High offerors affected by such limits can preserve their opportunity to win SPR contracts by indicating their willingness to accept alternatives in the event a delivery method is oversubscribed; however, they must so indicate on their offers, as DOE will not contact them to solicit a change in their offers. The SPR petroleum sales contract will specify the agreed delivery method, but DOE intends to be as flexible as possible in allowing later changes in the transportation method.

There follows a provision-by-provision discussion of other noteworthy changes in the draft SSPs published on June 15.

B. Revised Provisions

SSP No. A.2 Definitions:

1. The term "work day" was changed to "business day."

2. The term "delivery period" has been defined.

3. The term "line item" has been redefined consistent with the new offer evaluation procedures.

4. The term "notification of apparently successful offeror" has been defined to highlight it as an event in the evaluation and award process.

5. The term "petroleum" has been redefined, consistent with the definition in the final sales rule.

6. The term "vessel" has been defined to be either a tanker or a barge. This term is used except where the context clearly requires use of tanker or barge.

SSP No. A.6 Offeror's list for sales of petroleum:

Reference to a telegraphic Notice of Sale has been removed; however, an option remains open to the Government to issue the Notice of Sale by telegram.

SSP No. B.2 Requirements of the Jones Act for U.S.-flag vessels—caution to offerors:

The reference to a transportation plan has been deleted. A caution regarding construction differential subsidy tankers has been added.

SSP No. B.4 Export limitations and licensing—caution to offerors:

The reference to a transportation plan has been deleted.

SSP No. B.5 Preparation of offers:

1. This provision was retitled.

2. Reference to the telegraphic Notice of Sale has been deleted.

SSP No. B.6 Submission of offers and modification of previously submitted offers:

1. Reference to telegraphic offers has been deleted.

2. Paragraph (g) has been added stating that DOE does not anticipate having a public opening of offers, but will post an abstract of offers and the winning offers in a public place within 48 hours of the time set for receipt of offers.

SSP No. B.8 Late offers, modification of offers, and withdrawal of offers:

1. This is draft SSP No. B.9, renumbered.

2. DOE now will accept an offer modification or withdrawal of offer received after the date set for receipt of offers if it was mailed by the third calendar day prior to such receipt date. However, late offers still will be considered only if mailed by the fifth day prior to the receipt date.

SSP No. B.9 Offer guarantee:

1. This is draft SSP No. B.24, renumbered.

2. The amount of the offer guarantee has been changed from "$10 million or

*The SPR's Bryan Mound Sweet, Bryan Mound Sour, Bryan Mound Maya, West Hackberry Sweet, West Hackberry Sour, Bayou Choctaw Sweet, Bayou Choctaw Sour, and Weeks Island Sour.

30 percent of the total offer, whichever is less" to "$10 million or 5 percent of the total offer, whichever is less."

3. Offerors now may submit a standby letter of credit as an offer guarantee. It must conform without exception to Exhibit H, Offer Guarantee, Letter of Credit, and be valid for 21 days past the date set for receipt of offers.

4. Cash deposit or check offer guarantees will be returned to unsuccessful offerors 5 business days after expiration of the offeror's acceptance period or 3 business days after award of contracts on delivery line items bid by the offeror, whichever is first. Bonds and letters of credit will be returned only on written request.

SSP No. B.12 Language of offers and contracts:

This new provision, recommended by the DIREX-B assessment team, requires that all contracts and contract correspondence be in English.

SSP No. B.14 SPR petroleum streams and delivery points:

1. This is draft SSP No. B.18, renumbered and retitled.

2. Information has been added on the crude oil streams available at each delivery point.

SSP No. B.15 Notice of Sale line item schedule—petroleum quantity, quality, and delivery:

1. This is draft SSP No. B.14, renumbered.

2. This provision has been rewritten to reflect the revised line item schedule and sales process discussed above.

SSP No. B.16 Line item information to be provided in the offer:

1. This is draft SSP No. B.16, retitled.

2. This provision has been revised to conform to the new sales procedures.

SSP No. B.17 Mistake in offer:

This new provision establishes a procedure for dealing with various possible errors in an offer, including obvious clerical errors, multiplication errors, and discrepancies between the quantities indicated by the offer on master line items and delivery line items.

SSP No. B.18 Proper form for offer submission:

This new clause states that the Notice of Sale may require that, for an offer to be valid, it must be submitted only on a certain form or forms. Such forms may be:

(a) The master line items schedules 001 through 008 in Exhibit A;

(b) A sheet similar to the sample Data Entry Sheet in Exhibit A;

(c) Other forms provided with the Notice of Sale; or

(d) Any combination of the above.

If the Notice of Sale requires submission of an offer on specified forms, failure to use such forms will result in the offer being rejected as nonresponsive.

SSP No. B.19 Evaluation of offers:

A definition of "minor informality or irregularity" has been added.

SSP No. B.20 Procedure for evaluation of offers:

1. As discussed above, this provision has been rewritten in accordance with the new sales procedures.

2. Draft SSP No. B.20 had a two-phase sales process. Phase II was to be used to sell delivery line items not awarded in Phase I. This now has been eliminated.

3. Under the draft provision, if tied offers occurred, a single offer was selected for award. Under the revised procedures, the petroleum will be divided among the tied offers on a pro rata basis.

4. Reference to the transportation plan has been deleted from the determination of responsibility.

SSP No. B.21 Financial statement and other information:

1. This is draft SSP No. B.12, renumbered and retitled.

2. Language was added allowing the Government to request information from the offeror regarding the offeror's plans for use of the petroleum, the status of requests for export licenses, the offeror's plans for complying with the Jones Act, etc., to assure that the offeror intends to comply with the terms of the contract.

SSP No. B.22 Resolicitation procedures on unsold petroleum:

1. This is draft SSP No. B.21, renumbered and retitled.

2. As revised to conform to the new sales process, this provision states that if petroleum already awarded becomes available and priced offers have expired, the Contracting Officer may at his option offer the petroleum to the highest offeror on that master line item which:

(a) Had not received its maximum master line item quantity,

(b) Offered to take delivery by a delivery method which has remaining capacity, and

(c) Had indicated a willingness to accept the delivery line item quantity available for award.

The pertinent offeror may, at its option, accept or reject that petroleum at the price originally offered; and if that offeror rejects the petroleum, it will be offered to the next highest offeror, etc. If not resold in this fashion, the Contracting Officer may either resolicit offers or add the petroleum to the next sales cycle.

SSP No. B.24 Line item information to be provided in the Notice of Award:

This is draft SSP No. B.17, renumbered and retitled.

SSP No. B.25 Contract documents:

This is draft SSP No. B.8, renumbered and retitled.

SSP No. B.26 Purchaser's representative:

This new provision requires that each offeror designate an agent and an alternate agent as points of contact. Each agent must have a U.S. address and telephone number, and speak English.

SSP No. B.27 Procedures for selling to other U.S. Government agencies:

This is draft SSP No. B.25, renumbered.

SSP No. B.28 Information gathered for statistical purposes:

This is draft SSP No. C.1, renumbered.

SSP No. C.1 Certification of independent price determination:

This is draft SSP No. C.2, renumbered.

SSP No. C.2 Transportation certification:

This new provision was paragraph (a) of draft SSP No. B.22.

SSP No. C.3 Certification of compliance with the Jones Act and the U.S. export control laws:

This is draft SSP No. C.4, renumbered.

SSP No. C.4 Storage of SPR petroleum:

This new provision states that continued storage of a purchaser's oil in an SPR storage facility after the end of the delivery period established by the Notice of Sale is not permitted. Such storage for purchasers would only be allowed if specifically authorized by the Secretary of Energy and provided for in the Notice of Sale or in the sales contract.

SSP No. C.5 Environmental compliance:

This is draft SSP No. C.10, renumbered and retitled.

SSP No. C.6 Delivery and transportation scheduling:

This new provision establishes procedures discussed above for making transportation arrangements. Delivery dates shall be established by mutual agreement of the parties with the highest offerors being given preference, provided that those offerors contact the SPR Project Management Office to arrange delivery dates within 7 days of notification of apparently successful offerors. After 7 days, requests will be handled on a first-come, first-served basis.

SSP No. C.7 Delivery and acceptance of crude oil:

1. This is draft SSP No. C.8, renumbered.

2. The Notice of Sale shall establish the delivery window, but such window shall be not less than 3 days.

3. The Notice of Sale also shall establish the quantity of petroleum to be

delivered in a loading window. While it is likely that DOE will establish a minimum quantity for tanker loading of 200,000 barrels, DOE is not interconnected to dock facilities with sufficient throughput capabilities to enable it to meet its maximum drawdown rate if all the oil was loaded on tankers in 200,000 barrel quantities, and each tanker was given a 3-day window. Therefore, the Notice of Sale will provide a procedure for equitably dividing the available loading windows among all purchasers, if necessary.

4. The draft SSPs required that all vessels have a minimum load rate of 20,000 barrels per hour. This provision now permits the use of barges with load rates not less than 5,000 barrels per hour at the Sun Terminal barge docks. In addition, where feasible, and with the consent of the Government, the purchasers may use barges at Seaway Terminal to complete loading of contract quantities.

5. This provision continues to require that tankers shall have a minimum average load rate of not less than 20,000 barrels per hour, except that it has been amended to provide that, where feasible and with the consent of the Government, tankers with less than 20,000 barrels per hour may be used to complete loading of contract quantities.

6. Tankers shall be allowed 36 hours of berth time. As recommended by the DIREX–B assessment team, a discussion of the commencement of berth time and allowable berth time has been added, as well as a discussion of procedures for early and late arriving vessels.

7. This provision has been revised to permit final pipeline delivery arrangements to be provided to the SPR Project Management Office on the last day of the month preceding the month of delivery. However, the purchaser also must contact the Project Management Office at least 10 days prior to the start of the delivery period to make arrangements for delivery dates in accordance with SSP No. C.16.

SSP No. C.8 Purchaser liability for excessive berth time:

This is draft SSP No. C.11, renumbered.

SSP No. C.10 Acceptance of quality:

1. This is draft SSP No. C.6, renumbered.

2. As recommended by the DIREX–B assessment team, this language has been amended to clarify the rights of the parties. While the Government will guarantee the quality of the crude, the provision requires that the purchaser accept the crude oil delivered, regardless of its characteristics. It also provides that in the event that the API gravity falls below, or the sulfur content exceeds the standards set out in Exhibit E, the purchaser has the option of accepting the differentials specified in SSP No. C.11, or renegotiating the contract price.

SSP No. C.11 Quality differential for crude oil:

1. This is draft SSP No. C.7, renumbered.

2. The fixed dollar amounts per degree API and tenth of a percent sulfur have been deleted. Differentials for sulfur and gravity will be as specified in the Notice of Sale.

SSP No. C.12 Determination of quantity of petroleum:

In response to comments received, the revised provision has corrected the citations to the API *Manual of Petroleum Measurement Standards*, which will be followed by DOE in determining the quantity of petroleum delivered.

SSP No. C.13 Determination of quality of petroleum:

1. In response to comments received, the references cited in the provision have been corrected.

2. As recommended by the DIREX–B assessment team, the language has been changed to make clear that the purchaser may have a third party witness and verify testing simultaneously with the Government Quality Assurance Representative. Such services, however, shall be for the account of the purchaser.

SSP No. C.15 Contract amount estimated for crude oil:

1. This is draft SSP No. C.18, renumbered.

2. This provision now reads that due to conditions of loading and shipping, the quantity of oil delivered may vary by +15 percent more or less than the scheduled delivery quantity. This is a change from +15 percent.

SSP No. C.16 Contract modification—alternate delivery method:

This new provision establishes the prerequisites for granting a purchaser's request for a change in delivery method. Such a change must be made by written modification to the contract.

SSP No. C.17 Payment and performance guarantee:

1. This is draft SSP No. C.15, renumbered.

2. Apparently successful offerors must furnish an acceptable payment and performance guarantee within as short a time as 5 business days after notification by the Contracting Officer. This is an increase from 3 business days established by the draft SSPs.

3. The purchaser must maintain a satisfactory payment and performance guarantee in full force and effect to the Contracting Officer's satisfaction until final payment under the contract. Failure to do so may result in termination of the purchaser's contract for default.

4. As discussed above the amount of the required payment and performance guarantee has been changed to the following:

(a) If the purchaser elects to make advance payment on a contract which is 31 days or less, the advance payment shall be 105 percent of the contract amount in advance;

(b) If the purchaser elects to make advance payment on a contract which is longer than 31 days, the advance payment shall be equal to 31 days' deliveries plus 5 percent of the entire contract amount; or

(c) If the purchaser elects to furnish a letter of credit conforming to the requirements of Provision No. 21 and Exhibit H, the letter of credit shall be in the amount of 100 percent of the contract amount, regardless of the length of the contract period.

SSP No. C.18 Replacement of funds in the performance guarantee:

1. This is draft SSP No. C.16, renumbered.

2. Payment and performance guarantees must be maintained at the following revised minimum levels:

(a) Letter of credit at 100 percent of the contract price of the petroleum remaining to be delivered;

(b) Advance payment on a contract of 31 days or less, 105 percent of the contract price of the petroleum remaining to be delivered.

(c) Advance payment on a contract for more than 31 days, at the lesser of 100 percent times 31 days' deliveries plus 5 percent of the total contract price or 105 percent of the contract price of the petroleum remaining to be delivered.

SSP No. C.19 Payment and performance letters of credit, general requirements:

1. This is draft SSP No. C.17, renumbered and retitled.

2. The provision has been amended to clarify which banks may issue a letter of credit. It has been amended to indicate that only the bank acting as agent for a syndicate issuing the letter of credit need be a participant in FEDWIRE.

3. The provision regarding the evidence required that the bank official signing the letter of credit had authority to do so has been amended. A copy of the corporate minutes authorizing the signature is acceptable evidence, but other evidence may be acceptable as well.

4. The requirement for furnishing to various entities copies of letters of credit over $100 million, has been deleted.

5. Letters of credit shall be cancelled within thirty days after final payment under the contract.

SSP No. C.22 Method of payment—general:

Payments in amounts less than $1,000 will be by check made out to "U.S. Department of Energy." This is a change from "Treasurer of the United States."

SSP No. C.26 Termination:

Provision No. C.26(c)(1) has been changed to provide that termination shall be without liability of the Government only if such termination arises out of causes specified in C.26(a)(1) or C.26(b)(1). For any other termination for convenience, the Government shall be liable for reasonable costs incurred by the purchaser in preparing to perform the contract, but under no circumstances shall the Government be liable for consequential damages or lost profits as a result of such termination. This is a change from previous language under which the Government assumed no liability for termination for convenience.

SSP No. C.28 Liquidated damages:

1. Liquidated damages for petroleum lifted by ocean vessel will be assessed if the tanker has not arrived at the roads and the vessel's master has not presented a notice of readiness by 11:59 on the last day of the delivery window established under Provision No. C.6. Liquidated damages shall continue until the vessel presents its notice of readiness.

2. For petroleum to move by pipeline, if delivery arrangements have not been made by the last day of the month prior to the delivery month, liquidated damages shall commence on the 1st day of the delivery month until such delivery arrangements are completed; if delivery arrangements have been made, then liquidated damages shall begin on the first scheduled delivery date if delivery is not commenced.

SSP No. C.30 Government options in case of impossibility of performance:

This is draft SSP No. C.32, renumbered.

SSP No. C.36 Disputes:

Both C.36(d)(2) and C.36(e)(3) now require payment of interest at rates set by the Secretary of Treasury.

Exhibit A Schedule Line Items:

The master line items in this exhibit have been revised as discussed above, and instructions for filling out the schedules have been added. This exhibit also now includes a sample of a data entry sheet. The Notice of Sale may require offerors to fill in a similar sheet as part of their offers.

Exhibit C Sample Offer:

This is draft Exhibit E, revised and retitled.

Exhibit D SPR Crude Oil Stream Characteristics:

The information contained in this exhibit has been substantially expanded from the information provided in draft Exhibit D.

Exhibit E SPR Crude Oil Stream Minimum Quality:

This exhibit sets forth the guaranteed minimum quality for each SPR crude oil stream, formerly contained in draft Exhibit D.

Exhibit F SPR Delivery Point Data:

This information was contained in draft Exhibit D.

Exhibit G Offer Bond—Standard Form 24:

A copy of the offer bond has been added to the exhibits.

Exhibit H Offer Guarantee—Letter of Credit:

As discussed above, a letter of credit offer guarantee has been added to the exhibits. All such offer guarantees must conform exactly to the wording specified in Exhibit H.

Exhibit I Payment and Performance Guarantee—Letter of Credit:

This payment and performance guarantee letter of credit has had a number of revisions. The letter of credit uses the term "about" to establish the amount of the letter of credit which, under Uniform Code Customs and Practice for Documentary Credits, indicates that the letter of credit is valid for up to the stated amount plus 10 percent. Because of the requirements of the FEDWIRE system, DOE has added two statements to the letter of credit to accompany wire drafts. The limited and rigid format of wire messages restricts the length of such statements and precludes the use of the longer statements contained in the draft SSP letter of credit. The longer statements are retained in this letter of credit for all non-wire drafts.

IV. Procedural Matters

A. Comments procedures

You are invited to participate in this proceeding by submitting information, views, or arguments with respect to the interim final Standard Sales Provisions. Comments should be submitted no later than [insert date 60 days from date of publication] to the address indicated in the **"ADDRESSES"** section of this preamble and should be identified on the outside envelope and on the document with the designation: "Sales Provisions for Strategic Petroleum Reserve Petroleum." Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E–190, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

DOE does not intend to hold a hearing in connection with its inquiry on these matters. DOE intends to review the SSPs annually. If the comments received indicate the need for further revision of the interim final SSPs, DOE will republish the revised SSPs in their entirety, along with DOE's responses to the comments received.

B. Effective date

As of January 20, 1984, the effective date of the SPR sales rule, 10 CFR Part 625, these SSPs are adopted, on an interim basis, for use in the price competitive sale of SPR petroleum.

C. Paperwork Reduction Act

The forms used in the sale of the SPR petroleum have been cleared by the Office of Management and Budget in accordance with the Paperwork Reduction Act, until March 31, 1984, under control number 1901–0261.

List of Subjects in 10 CFR Part 625

Administrative practice and procedure, Oil and gas reserves, Strategic and critical materials, Strategic Petroleum Reserve.

(Federal Energy Administration Act of 1974, Pub. L. 93–275 (15 U.S.C. 761); Department of Energy Organization Act, Pub. L. 95–91 (42 U.S.C. 7101); Energy Policy and Conservation Act, Pub. L. 94–163 (42 U.S.C. 6201))

Issued in Washington, D.C., January 3, 1984.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

PART 625—[AMENDED]

10 CFR Part 625 is amended by adding the following Appendix A to read as follows:

Appendix A to Part 625—Standard Sales Provisions

Index

Section A—General Pre-Sale Information

A.1 List of abbreviations
A.2 Definitions
A.3 Standard Sales Provisions
A.4 Application of the Standard Sales Provisions
A.5 Periodic revisions of the Standard Sales Provisions

A.6 Offerors list for sales of petroleum
A.7 Publicizing the Notice of Sale
A.8 Issuing office for the Standard Sales Provisions and Notice of Sale
A.9 Penalty for false statements in offers to buy SPR petroleum

Section B—Sales Solicitation Provisions

B.1 Requirements for a valid offer—caution to offerors
B.2 Requirements of the "Jones Act" for U.S.-flag vessels—caution to offerors
B.3 "Superfund" tax on SPR petroleum—caution to offerors
B.4 Export limitations and licensing—caution to offerors
B.5 Issuance of the Notice of Sale
B.6 Submission of offers and modification of previously submitted offers
B.7 Acknowledgment of amendments to a Notice of Sale
B.8 Late offers, modifications of offers, and withdrawal of offers
B.9 Offer guarantee
B.10 Explanation requests from offerors
B.11 Currency for offers
B.12 Language of offers and contracts
B.13 Proprietary data
B.14 SPR crude oil streams and delivery points
B.15 Notice of Sale line item schedule—petroleum quantity, quality, and delivery
B.16 Line item information to be provided in the offer
B.17 Mistake in offer
B.18 Proper form for offer submission
B.19 Evaluation of offers
B.20 Procedures for evaluation of offers
B.21 Financial statements and other information
B.22 Resolicitation procedures on unsold petroleum
B.23 Offeror's certification of acceptance period
B.24 Line item information to be provided in the Notice of Acceptance
B.25 Contract documents
B.26 Purchaser's representative
B.27 Procedures for selling to other U.S. Government agencies
B.28 Information gathered for statistical purposes

Section C—Sales Contract Provisions

C.1 Certification of independent price determination
C.2 Transportation certification
C.3 Certification of compliance with the "Jones Act" and the U.S. export control laws
C.4 Storage of SPR petroleum
C.5 Environmental compliance
C.6 Delivery and transportation scheduling
C.7 Delivery and acceptance of petroleum
C.8 Purchaser liability for excessive berth time
C.9 Title and risk of loss
C.10 Acceptance of crude oil
C.11 Quality differentials for crude oil
C.12 Determination of quantity of petroleum
C.13 Determination of quality of petroleum
C.14 Delivery documentation
C.15 Contract amount estimated for crude oil
C.16 Contract modification—alternate delivery methods
C.17 Payment and performance guarantee
C.18 Replacement of funds in the payment and performance guarantee
C.19 Payment and performance letters of credit—general requirements
C.20 Billing and payment—with purchaser's advance payment
C.21 Billing and payment—with the purchaser's letter of credit
C.22 Method of payment—general
C.23 Currency for payment of contract
C.24 Interest
C.25 Government options if payment is not received
C.26 Termination
C.27 Other Government remedies
C.28 Liquidated damages
C.29 Failure to perform SPR contracts
C.30 Government options in case of impossibility of performance
C.31 Limitation of Government liability
C.32 Reserved
C.33 Purchaser's responsibility
C.34 Notices
C.35 SPR/Project Management Office representative for contract administration
C.36 Disputes
C.37 Assignment
C.38 Order of precedence
C.39 Gratuities
C.40 Officials not to benefit

Exhibits

A—Schedule Line Items
B—Sample Notice of Sale
C—Sample Offer
D—SPR Crude Oil Stream Characteristics
E—SPR Crude Oil Stream Minimum Quality
F—SPR Delivery Point Data
G—Offer Bond—Standard Form 24
H—Offer Guarantee—Letter of Credit
I—Payment and Performance Guarantee—Letter of Credit
J—Instruction Guide for Funds Transfer
K—DD Form 250 and DD Form 250–1
L—Information for Statistical Purposes

Section A—General Pre-Sale Information

A.1 List of abbreviations:

(a) *DLI*: Delivery Line Item.

(b) *DOE*: Department of Energy.

(c) *EPCA*: Energy Policy and Conservation Act, Pub. L. 94–163 (42 U.S.C. 6201 *et seq.*).

(d) *MLI*: Master Line Item.

(e) *NA*: Notice of Acceptance.

(f) *NS*: Notice of Sale.

(g) *SSPs*: Standard Sales Provisions.

(h) *SPR*: Strategic Petroleum Reserve.

(i) *SPR/PMO*: Strategic Petroleum Reserve/Project Management Office.

A.2 Definitions:

(a) *Business Day.* The term "business day" means any day except Saturday, Sunday or a U.S. Government holiday.

(b) *Contract.* The term "contract" means the sales contract under which the purchaser buys SPR petroleum from the Government. It is composed of the NS, the NA, the successful offer, and the SSPs which are incorporated by reference.

(c) *Contracting Officer.* The term "Contracting Officer" means the person executing sales contracts on behalf of the Government, and any other Government employee properly designated as Contracting Officer. The term includes the authorized representative of a Contracting Officer acting within the limits of his authority, except as may be otherwise provided in the contract.

(d) *Delivery Period.* The term "delivery period" means a given period of time during which a designated quantity of petroleum will be sold. For *pipeline delivery*, a delivery period is 1 month. For *vessel delivery* the delivery period may be one of two 10-day periods or a third period of 10 days (more or less) in the month, e.g., the 1st through the 10th, the 11th through the 20th, and the 21st to the end of the month.

(e) *Department of Energy.* The term "Department of Energy" means the agency established by Pub. L. 95–91, 42 U.S.C. Section 7101 *et seq.* and any component thereof including the SPR Office.

(f) *Government.* The term "Government," unless otherwise indicated in the text, means the United States Government.

(g) *Headquarters Senior Procurement Official.* The term "Headquarters Senior Procurement Official" means the Director, Headquarters Procurement and Assistance Management Directorate, DOE, or his duly authorized representative.

(h) *Line Item.* The term "line item" means a numbered listing of petroleum available for purchase by the offeror. Each *master line item* has a quantity estimate of a particular stream of crude oil to be sold. There are eight *master line items*, one for each of the eight crude oil streams that SPR has in storage. Each master line item contains five *delivery line items* each of which specifies the delivery method and the delivery period. (See Exhibit A, Schedule Line Item.)

(i) *Notice of Acceptance (NA).* The term "Notice of Acceptance" means the document which is signed by the Government to accept the purchaser's offer to create a contract.

(j) *Notification of Apparently Successful Offeror.* The term "notification of apparently successful offeror" means the communication, written or oral, by the Contracting Officer to an offeror that it will be awarded a contract under a master line item if it is determined that the offer is responsive and the offeror is responsible. The Contracting Officer shall furnish a proposed contract number to be used by the offeror for identification on the offeror's payment and performance guarantee.

(k) *Notice of Sale (NS).* The term "Notice of Sale" means the document announcing the sale of SPR petroleum, the amount, characteristics and location of the petroleum being sold, the delivery period and the procedures for submitting offers. The NS will specify what contractual provisions and financial and performance responsibility measures are applicable to that particular sale of petroleum and provide other pertinent information. (See Exhibit B, Sample Notice of Sale)

(l) *Offeror.* The term "offeror" means any person or entity (including a Government agency) which submits an offer in response to a NS.

(m) *Petroleum.* The term "petroleum" means crude oil, residual fuel oil, or any refined product (including any natural gas liquid, and any natural gas liquid product)

owned or contracted for by DOE and in storage in any permanent SPR facility, temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(n) *Price Competitive Sale.* The term "price competitive sale" used in connection with a sale of SPR petroleum means one in which contract awards are made to the highest responsible offerors which submit offers responsive to the SSPs and the NS.

(o) *Project Manager.* The term "Project Manager" means the chief operating officer of the SPR/PMO. He is the duly authorized representative of the Secretary of Energy for the sale of petroleum from the Reserve.

(p) *Project Management Office.* The term "Project Management Office" means the collective staff of the SPR Office in Louisiana and Texas.

(q) *Purchaser.* The term "purchaser" means any person or entity (including a Government agency) which enters into a contract with DOE to purchase SPR petroleum.

(r) *Secretary.* The term "Secretary" means the Secretary of Energy or his duly authorized representative.

(s) *Standard Sales Provisions (SSPs).* The term "Standard Sales Provisions" means a set of terms and conditions of sale, which may contain or describe financial and performance responsibility measures, for petroleum sold from the Strategic Petroleum Reserve. These SSPs constitute the "standard sales agreement" referenced in the Strategic Petroleum Reserve "Drawdown" (Distribution) Plan, Amendment No. 4 to the SPR Plan.

(t) *Strategic Petroleum Reserve.* The term "Strategic Petroleum Reserve" means that program of the Department of Energy established by Title I, Part B of EPCA.

(u) *Strategic Petroleum Reserve Office.* The term "Strategic Petroleum Reserve Office" means the Deputy Assistant Secretary for the SPR and the collective staff reporting to him.

(v) *Vessel.* The term "vessel" means either a tankship or a barge.

A.3 *Standard Sales Provisions:*

(a) These Standard Sales Provisions (SSPs) contain pre-sale information, sales solicitation provisions, and sales contract provisions setting forth terms and conditions of sale, including purchaser financial and performance responsibility measures, or descriptions thereof. The NS may specify which of such terms and conditions shall apply to a particular sale of such petroleum, and it may specify any revisions therein and any additional provisions which shall be applicable to that sale. (See Exhibit B, Sample Notice of Sale)

(b) *All offerors must,* as part of their offers for SPR petroleum in response to a NS, *agree without exception to all provisions of the SSPs which the NS makes applicable to the particular sale.* The Government will not award a contract to an offeror which has failed to so agree.

(c) The applicable provisions of the SSPs will be incorporated into the sales contracts by referring in the NS to the SSPs.

A.4 *Application of the Standard Sales Provisions:* These SSPs apply to all price competitive sales of petroleum from the SPR.

A.5 *Periodic Revisions of the Standard Sales Provisions:* DOE will review the SSPs periodically and republish them in the **Federal Register**, with any revisions. When a NS is issued, it will cite the **Federal Register** and the Code of Federal Regulations in which the latest version of the SSPs was published. Offerors are cautioned that it may take two years for a version of the SSPs published in the **Federal Register** to be published in the Code of Federal Regulations. Therefore, some applicable SSPs may be published only in the **Federal Register.** Interested persons may obtain a copy of the current SSPs by writing to the address set forth in Provision No. A.8.

A.6 *Offerors List for Sales of Petroleum:*

(a) The SPR/PMO will maintain a list of those potential offerors which wish to receive a NS whenever such a document is issued. Signatories to the Basic Sales Agreement (BSA) which was intended to be utilized in SPR sales, but which no longer applies to such sales, will automatically be included unless they ask, in writing, to be excluded. They should update the information required by (c) below. In order to assure that prospective offerors will receive the NS or offer form in timely fashion, all potential offerors are encouraged to submit the information in (c) as soon as possible. *A NS may be issued with as little as a week or less allowed for the receipt of offers.* While the Government will use its best efforts to supply copies of the NS to persons not on the list who request the NS at the time an SPR petroleum sale is announced, this may not always be feasible in light of the short amount of time available before offers must be received.

(b) Any firm or individual may send a written request to be on the list to the following address: U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP 5501, 900 Commerce Road East, New Orleans, Louisiana 70123. Telephone Number (504) 734–4341.

(c) The request should be in writing and should include the following information:

Name of firm
Mailing address
City, State, Zip Code
Name of authorized agent and alternate authorized agent
Telephone numbers for agent and alternate including area code
TWX number/code
Telecopier brand name and model number
Is telecopier automatic or operator controlled?
Telephone number for telecopier transmission including area code
Telephone number for verification of message receipt including area code
Dunn's Number

A.7 *Publicizing the Notice of Sale:*

(a) The NS will be sent to persons whose names are on the offerors list referenced in Provision No. A.6. Potential offerors may send a representative to the SPR/PMO to obtain a copy of the NS.

(b) The NS will be sent to firms requesting it when a sale is announced. Firms may request the NS by telephone or in writing to the telephone number or address in Provision No. A.6 above.

(c) A DOE press release, which will include the salient features of the NS, will be available to any news agency.

(d) At the option of the SPR Project Manager, advertisements may be placed in the *Commerce Business Daily* and commercial publications likely to reach interested parties. The advertisements will contain the salient features of the NS and a name and telephone number at the SPR/PMO to call for further information.

A.8 *Issuing office for the Standard Sales Provisions and Notice of Sale Copies of the SSPs:* After publication in **Federal Register**, and copies of the NS, when one is issued, may be obtained from the following address: U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP 5501, 900 Commerce Road East, New Orleans, Louisiana 70123.

A.9 *Penalty for false statements in offers to buy SPR petroleum:* A penalty for making false statements is imposed in the False Statements Act, 18 U.S.C. 1001, which provides:

Whoever, in any matter within the jurisdication of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, ficticious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, ficticious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

Section B—Sales Solicitation Provisions

B.1 *Requirements for a valid offer—caution to offerors:* A valid offer to purchase SPR petroleum must meet the following conditions:

(a) The offer guarantee in an amount adequate to guarantee the offer must be received prior to the time set for the receipt of offers (See Provision No. B.9);

(b) The offer must be on the proper forms if such forms are specified under Provision No. B.18;

(c) The offer must be received prior to the time set for receipt of offers;

(d) Any amendments to the NS which explicitly require acknowledgement of receipt must be properly acknowledged; and

(e) The offeror must agree without exception to all provisions of the SSPs which the NS makes applicable to a particular sale, as well as to all provisions in the NS.

B.2 *Requirements of the "Jones Act" for U.S.-flag vessels—caution to offerors:* The "Jones Act," 46 U.S.C. 883, prohibits the transportation of any merchandise, including SPR petroleum, by water or land and water, on penalty of forfeiture thereof, between points within the United States (excluding the Virgin Islands) in vessels other than vessels built in and documented under laws of the United States, and owned by United States citizens, unless the prohibition has been waived by the Secretary of the Treasury. Further, certain U.S.-flag vessels built with construction differential subsidies are precluded by Section 506 of the Merchant

Marine Act of 1936 (46 U.S.C. 1156) from participating in U.S. coast-wise trade, unless such prohibition has been waived by the Secretary of Commerce, the waiver being limited to a maximum of 6 months in any given year.

B.3 *"Superfund" tax on SPR petroleum—caution to offerors:* The Hazardous Substance Response Revenue Act of 1980, Pub. L. 96-510, 26 U.S.C. 4611 *et seq.* imposes a tax (the "Superfund" tax) of 0.79 cent a barrel on: (1) crude oil received at a United States refinery and (2) petroleum products (including crude oil) entered into the United States for consumption, use or warehousing unless it can be established that the tax has already been paid with respect to such petroleum. The Government already has paid the tax on some of the oil imported and stored in the SPR. However, no tax has been paid on imported oil stored in the SPR prior to the effective date of this Act, or on domestic oil stored in the SPR. Because various crude oils have been commingled in the SPR, upon drawdown of the SPR it will not be possible for DOE to provide information to purchasers of SPR crude oil as to which oil already has been taxed and which oil has not. DOE has requested that the Internal Revenue Service develop a method to designate the oil on which the taxes have been paid; until such time as procedures are developed, or the tax expires, offerors are advised that all SPR oil either received at a U.S. refinery, used or exported may be subject to the Superfund tax.

B.4 *Export limitations and licensing—caution to offerors:* Offerors for SPR petroleum are put on notice that SPR crude oils subject to different export control laws have been commingled in storage. Export of SPR crude oil is subject to U.S. export control laws, the provisions of which differ depending on the source of the crude oil proposed to be exported. For example, imported crude oil stored in the SPR may be exported pursuant to applicable Department of Commerce "Short Supply Controls," 15 CFR Part 377, if: the export is part of a transaction resulting in the importation of refined products of a quantity and quality not less than would be derived from domestic refining; the products are to be sold at prices no higher than the lowest prices at which they could have been sold by the nearest capable U.S. refinery; and for compelling economic or technological reasons beyond the exporter's control, the crude oil cannot reasonably be processed in the U.S. (15 CFR 377.6(d)(1)(vii)). However, there are somewhat more stringent, independent statutory tests to be met as preconditions to the export of certain other crude oils stored in the SPR, including Alaskan North Slope (ANS) and Naval Petroleum Reserves (NPR) oil. *See* section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. 2406(d) (ANS oil) and 10 U.S.C. 7430(e) (NPR oil); *see also* 30 U.S.C. 185(u) (oil shipped across a Mineral Lands Leasing Act Section 28(u) right-of-way) and 43 U.S.C. 1354(a) (OCS oil).

B.5 *Issuance of the Notice of Sale:* In the event petroleum is sold from the SPR, the Government will issue a NS containing all of the pertinent information necessary for the offeror to prepare a priced offer. *A NS may be issued with as little as a week or less allowed for the receipt of offers.* Offerors are expected to examine the complete NS document, and to become familiar with the SSPs cited therein. Failure to do so will be at the offeror's risk.

B.6 *Submission of offers and modification of previously submitted offers:*

(a) Unless otherwise provided in the NS, offers must be submitted to the Government by mail or hand-delivery. Direct cash deposits as offer guarantees will be sent by wire.

(b) Unless otherwise provided in the NS, offers may be modified or withdrawn by mail, telegram, or mailgram, provided that the mail, telegram, or mailgram is received at the designated office prior to the hour and date specified for receipt of offers.

(c) Envelopes containing offers and any material related to offers shall be plainly marked on the outside; "RE: SALE OF PETROLEUM FROM STRATEGIC PETROLEUM RESERVE. OFFERS ARE DUE (insert time of opening), LOCAL NEW ORLEANS, LA TIME ON (insert date of opening). MAIL ROOM MUST MARK DATE AND TIME OF RECEIPT ON FACT OF THE ENVELOPE."

(d) The envelope shall be marked with the full name and return address of the offeror.

(e) Offers being sent by mail and modifications being sent by mail, telegram, or mailgram must be received at the address specified in the NS.

(f) Handcarried offers brought to the SPR/PMO in New Orleans, Louisiana on the day set for receipt of offers, or any day prior to that day, shall be taken by the offeror to the place specified in the NS. This includes mail being delivered by a delivery service. Handcarried offers shall be placed in the bid box on Saturdays, Sundays, and U.S. Government holidays or after business hours on business days.

(g) Public opening of offers is not anticipated unless otherwise indicated in the NS. An abstract of offers will be prepared and posted along with copies of the apparently successful offers in a prominent place for public viewing no later than 48 hours after the specified time and date for the receipt of offers.

B.7 *Acknowledgment of amendments to a Notice of Sale:* When an amendment to a NS requires acknowledgment of receipt, receipt by an offeror must be acknowledged: (a) By signing and returning the amendment, or (b) by letter, mailgram, or telegram in either case to be sent to the address specified in the NS. Such acknowledgment must be received prior to the hour and date specified for receipt of offers.

B.8 *Late offers, modifications of offers, and withdrawal of offers:*

(a) Any offer received at the office designated in the NS after the exact time specified for receipt will be considered only if it is received before award is made and only under the following conditions:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of offers (e.g., an offer submitted in response to a NS requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier); or,

(2) It was sent by mail, telegram or mailgram if authorized, and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation.

(b) Any modification or withdrawal of an offer is subject to the same conditions as in (a) above, except that it shall be mailed not less than the third calendar day prior to the date specified for receipt of offers. An offer may also be withdrawn in person by an offeror or its authorized representative, provided the representative's identity is made known and the representative signs a receipt for the offer, but only if the withdrawal is made prior to the exact time set for receipt of offers.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. Postal Service postmark on either: (i) The envelope or wrapper, or (ii) the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the offer, modification or withdrawal shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter machine impression, that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye "postmark" on both the receipt and the envelope or wrapper.)

(2) The time of receipt at the Government installation is the time/date stamp of such installation on the offer's wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful offer which makes its terms more favorable to the Government will be considered at any time it is received, and may be accepted.

B.9 *Offer guarantee:*

(a) Each offeror must submit an acceptable offer guarantee. The offer guarantee must be received at the place specified for receipt of offers prior to the time and date set for receipt of offers.

(b) An offeror's failure to submit a timely, acceptable guarantee will result in rejection of its offer.

(c) The amount of the offer guarantee is 10 million dollars or 5 percent of the total offer, whichever is less. The total offer is the sum of the offer's maximum potential contract amounts for all master line items.

(d) Each offeror must submit one of the following types of offer guarantees with its offer:

(1) An offer bond executed on U.S. Government Standard Form 24 (See Exhibit G);

(2) A certified or cashier's check payable to the U.S. Department of Energy, drawn on a U.S. Bank;

(3) A wire cash deposit to a special SPR/PMO account. All wire deposit costs will be borne by the offeror; or

(4) A letter of credit from a U.S. depository institution conforming without exception to the contents required by Exhibit H, Offer Guarantee—Letter of Credit. If a letter of credit is chosen, all costs will be borne by the offeror.

(e) If the offeror, a surety company or bank forwards the offer guarantee separately from the offer, the envelope shall clearly say "OFFER GUARANTEE OF (Name of Company)" and shall be clearly marked in accordance with Provision No. B.6(c).

(f) The offeror shall be liable for any amount lost by the Government due to the difference between its offer and the resale price, and for any additional resale costs incurred by the Government in the event that the offeror:

(1) Withdraws its offer within 10 days following the date set for receipt of offers;

(2) Withdraws its offer after having agreed to extend its acceptance period; or

(3) Having received a notification of apparently successful offeror, fails to furnish an acceptable payment and performance guarantee within the time limit specified by the Contracting Officer

The offer guarantee shall be used toward offsetting such difference. Use of the offer guarantee for such recovery shall not preclude recovery by the United States of damages in excess of the amount of the offer guarantee caused by such failure of the offeror.

(g) Letters of credit and bid bonds furnished as offer guarantees must be valid for at least 21 calendar days after the date set for the receipt of offers.

(h) Offer guarantees (except offer bonds and letters of credit) will be returned to an unsuccessful offeror 5 business days after expiration of the offeror's acceptance period or 3 business days after award of contracts for delivery line items on which the offeror submitted a price, whichever is first, except as provided in (i) below, and to a successful offeror upon receipt of a satisfactory performance and payment guarantee. Offer bonds (Standard Form 24) and letters of credit will be returned only upon written request. Where the offer guarantee was a wire cash deposit, a cashier's check or a certified check, it may be applied toward advance payment.

(i) If an offeror defaults on its offer, the Government will hold the offer guarantee so that damages can be assessed against it.

B.10 *Explanation requests from offerors:* Offerors may request explanations regarding meaning or interpretation of the NS from the individual and telephone number indicated in the NS. On complex and/or significant questions, the Government reserves the right to have the offeror put the question in writing by mail, telegram or mailgram. Explanation or instructions regarding complex or significant issues will be given to prospective offerors only as an amendment to the NS.

B.11 *Currency for offers:* Prices shall be stated and amount shall be paid in U.S. dollars.

B.12 *Language of offers and contracts:* All offers in response to the NS and all modifications of offers shall be in English. All contracts awarded as a result of the NS and all modifications to such contracts shall be in English. All correspondence between offerors or purchasers and the Government shall be in English.

B.13 *Proprietary data:* If any information submitted in connection with a sale is considered proprietary, that information should be so marked, and an explanation provided as to the reason such data should be considered proprietary. Any final decision as to whether the material so marked is proprietary will be made by the Government. All DOE Freedom of Information Act regulations governing the release of proprietary data shall apply.

B.14 *SPR crude oil streams and delivery points:*

(a) The geographical locations of the terminals and docks interconnected with permanent SPR storage locations, the SPR crude oil streams available at each location and the delivery points for those streams are as follows (See also Exhibit D, SPR Crude Oil Stream Characteristics, and Exhibit F, SPR Delivery Point Data):

Geographical location	Delivery points	Crude oil streams
Freeport, Texas	Jones Creek Tank Farm, or Seaway Docks	SPR Bryan Mound Sweet, SPR Bryan Mound Sour
Freeport, Texas	Seaway Docks	SPR Bryan Mound Maya.
Nederland, Texas	Sun Terminal, or Sun Docks	SPR West Hackberry Sweet, *SPR West Hackberry Sour
St. James, Louisiana	LOCAP Terminal, or DOE St. James Docks	SPR Bayou Choctaw Sweet, SPR Bayou Choctaw Sour, SPR Weeks Island Sour

*Includes petroleum stored at the SPR's Sulphur Mines site.

(b) The NS may change delivery points and it may also include additional or alternate facilities utilized in connection with Government contracts for the purchase of petroleum to fill the SPR. These facilities may include loading terminals or transshipment terminals. Alternately, the Government or its contractor may provide the transportation to the purchaser's facility, for example, when the petroleum is in transit to the SPR at time of sale.

(c) The NS may specify facility operator, contract information for scheduling delivery of cargoes purchased, and applicable port data/restrictions (see Exhibit F, SPR Delivery Point Data, for additional information).

B.15 *Notice of Sale line item schedule—petroleum quantity, quality, and delivery:*

(a) Unless the NS provides otherwise, the master line items (MLI) and delivery line items (DLI) for sales contracts are as provided in Exhibit A, Schedule Line Items, to these SSPs. Currently, there are eight master line items in Exhibit A, one for each of the eight crude oil streams that the SPR has in storage.

(b) Each master line item contains five delivery line items, each of which specifies the delivery method and the delivery period.

(1) DLI–A covers crude to be transported by the major common carrier pipeline (Seaway, Texoma or Capline) connected to the site storing the particular SPR petroleum offered on that master line item over the period of a month.

(2) DLI–B covers petroleum to be transported by other pipelines connected to the SPR site over the period of a month.

(3) The last three cover petroleum to be transported by vessels: DLI–C, covering vessels to be loaded from the first through the tenth of the month; DLI–D, vessels to be loaded from the eleventh through the twentieth; and DLI–E, vessels to be loaded from the twenty-first through the last day of the month.

(c) The NS will state the total estimated number of barrels to be sold on each master line item. An offeror may offer to buy all or part of the petroleum offered on a master line item. In making awards, the Contracting Officer shall attempt to achieve award of the exact quantities offered by the NS, but may vary the estimated master line item quantities ±10 percent in order to match the delivery line item offers received.

(d) The NS will specify a minimum quantity for each delivery line item. To be responsive, an offer on a delivery line item must be for a quantity which is at least the Government's specified minimum.

(e) The NS will specify the maximum quantity which could be sold on each of the five delivery line items. This maximum is not an indication of the amount of petroleum that, in fact, will be sold on that delivery line item. Rather, it represents DOE's best estimate of the maximum amount of the particular SPR crude oil stream that can be moved by that transportation system over the delivery period. The total DOE estimated DLI maximums may exceed the total number of barrels to be sold on that master line item, as the NS delivery line estimates represent estimated transportation capacity, not what DOE is offering to sell. Where necessitated by facility constraints, DLI–B may be combined with either DLI–A or DLI–C, D, and E for the purpose of determining estimated transportation capacity.

(f) The NS will not specify what portion of the petroleum which the Government offers on a master line item will, in fact, be sold on any given delivery line item. Rather, the highest priced offers received on the master line item will determine the delivery line items against which the offered petroleum is sold.

(g) DOE will not sell petroleum on a delivery line item in excess of the delivery line item maximum; however, DOE reserves the right to revise its estimates up to the time of award and to award contracts in accordance with its revised estimates. Offerors are cautioned that: DOE cannot guarantee that such capacity is available; offerors should undertake their own analyses

of available transportation capacity; and each apparently successful offeror is wholly responsible for arranging all transportation other than terminal arrangements at the terminals listed in Provision No. B.14. Such terminal arrangements shall be made in accordance with Provision No. C.6. A purchaser against one delivery line item cannot change transportation modes without prior written permission from the Government, although such permission will be given wherever possible, in accordance with Provision No. C.16.

(h) Exhibit D, SPR Crude Oil Stream Characteristics, contains current available characteristics for each SPR crude oil stream. This data will change as more crude oil is stored in the SPR. Prospective offerors are cautioned that the NS will provide, to the maximum extent practicable, the actual characteristics as to each stream offered.

(i) In the preparation of offers, offerors must specify at least one delivery line item (i.e., transportation mode), but may make offers on more than one delivery line item. Unless otherwise specified in the NS, offerors also may make alternate offers on different delivery line items under a single master line item; e.g., the offer may state, either DLI–A, via major common carrier, or DLI–D, via vessel loaded from the 11th through 20th, or DLI–E, via vessel loaded from the 21st through the end of the month.

(j) Offerors may submit more than one offer on a master line item.

(k) An offeror also may specify a minimum DLI quantity that the offeror would accept on a delivery line item. The Government will award less than the offer's maximum DLI quantity, only if after consideration of all higher offers, the remaining quantity available on a delivery line item is less than the offer's maximum DLI quantity. If the offeror specifies no minimum, the Government will evaluate the offer as though the offeror had specified the Government's minimum quantity.

(l) Each offeror, if determined to be an apparently successful offeror on a delivery line item, agrees to enter into a contract for the purchase of a quantity of petroleum (the quantity to be specified in the contract and to be within the minimum and maximum quantities stated in the offer) and to take delivery of that petroleum in accordance with the terms of that contract.

(m) The NS may establish a minimum acceptable price. Offers less than such price shall be rejected as nonresponsive.

B.16 *Line item information to be provided in the offer:* The following information will be provided to the Government by the offeror in its offer on each master line item, in the exact form as that set forth on the master line item schedule in Exhibit A (See also Exhibit C, Sample Offer):

(a) Master line item number

(b) Quantity offered for that master line item. The offeror shall state the maximum quantity sought for that crude type. Offerors are cautioned that alternate offers on different master line items are not permitted; e.g., the offer may not state, either 1,000,000 barrels of SPR West Hackberry sweet or 1,000,000 barrels of SPR West Hackberry sour. DOE will award the maximum MLI quantity to the offerors with the highest unit prices until award of the maximum MLI quantity to the next lowest offeror would cause the total of the awards to exceed either the quantity offered for sale on the master line item or the maximum transportation capability specified for a particular delivery line item. In that event, where practicable DOE will award a lesser amount to the apparently successful offeror sufficient to bring the total quantity awarded up to the quantity offered by the Government on that line item. However, DOE reserves the right to vary the quantity offered by ±10 percent in order to match the offers received. (See minimum acceptable quantity discussed in (e) below.)

(c) Delivery line item quantity. The offeror shall state the number of barrels which the offeror will accept on each delivery line item, i.e., by the delivery mode and during the delivery period specified. The quantity stated on a single delivery line item shall not exceed the maximum MLI quantity. The offeror shall designate a quantity on at least one delivery line item, but may designate quantities on more than one delivery line item. If the offeror is willing to accept alternate delivery methods or delivery periods, the total of its designated delivery line item quantities would exceed its maximum MLI quantity; otherwise, the total of its designated delivery line item quantities should equal its maximum MLI quantity.

(d) Delivery line item unit price and total price. The offeror shall provide the price per barrel for each delivery line item for which the offeror has designated a desired quantity, as well as the total price (quantity times price). DOE will award on the basis of highest unit price first. For offerors that will accept alternate delivery line items, if the offeror offers a higher price for one delivery line item, that item shall be awarded first. If the offeror has the same price for two or more delivery line items, it may indicate its first choice, second choice, etc., for award of those items; if the offeror does not indicate a preference, DOE may select the delivery line items to be awarded at its discretion. Prices may be stated in hundredths of a cent ($0.0001). The Government shall drop from the offer and not consider any numbers of less than one one-hundredth of a cent.

(e) Minimum quantity acceptable. The offeror may indicate the minimum quantity the offeror will accept on a delivery line item. The offeror may indicate that the minimum acceptable quantity is the maximum quantity sought by the offeror. DOE will award less than the maximum quantity proposed by the offeror only if the offer is for greater than the amount of petroleum remaining to be sold on the line item. If the offeror does not indicate a minimum quantity, the minimum quantity shall be the minimum quantity indicated in the NS.

(f) Any other data required by the NS.

B.17 *Mistake in offer:*

(a) After opening and recording the offers, the Contracting Officer shall examine all apparently successful offers for mistakes. In case of apparent mistakes and in cases where the Contracting Officer has reason to believe a mistake may have been made, he shall request from the offeror a verification of the offer, calling attention to the suspected mistake. The Contracting Officer may telephone the offeror and confirm the request by telegram. The Contracting Officer may set a limit of as little as 6 hours for telephone response, with any required written documentation to be received within as little as 2 business days.

(b) If no response is received, the Contracting Officer may determine that no error exists and proceed with offer evaluation.

(c) If the offeror alleges a mistake, the matter will be resolved as provided in (d) and (e) below.

(d) The Contracting Officer may correct any error apparent on the face of the offer prior to award in accordance with (1) through (3) below if he has first obtained from the offeror verbal verification, to be confirmed in writing, of the offer actually intended.

(1) Price discrepancy: An offer for a delivery line item must contain the unit price per barrel being offered and the quantity to which the unit price applies. The offer for a delivery line item should contain an extension price which is the total of the quantity desired multiplied by the unit price offered. If there is a discrepancy between the unit price and the extension price, the unit price will govern and be recorded as the offer, unless it is clearly apparent on the face of the offer that there has been a clerical error, in which case the Contracting Officer can correct the offer.

(2) Quantity discrepancy: In case of conflict between the master line item quantity and the delivery line item quantity, the lesser quantity will govern.

(3) Any other type of error will be resolved in accordance with (e) below.

(e) The Head of the Procuring Activity will make administrative determinations described in (1) through (3) below in connection with mistakes in offers alleged after opening and recording of offers and before award. No such determination shall be used to make a non-responsive offer responsive. The authority for such determinations is in addition to that contained in (d) above.

(1) The Head of the Procuring Activity may determine that an offeror shall be permitted to withdraw its offer without penalty under the offer guarantee, where the offeror requests permission to do so and clear and convincing evidence establishes the existence of a mistake.

(2) The Head of the Procuring Activity may determine that an offeror may correct the offer and refuse to permit the offeror to withdraw its offer if the evidence is clear and convincing both as to the existence of a mistake and as to the offer actually intended, and if the offer, both as uncorrected and corrected, is an apparently successful offer.

(3) The Head of the Procuring Activity may determine that an offeror may correct its offer where the offeror requests permission to do so and clear and convincing evidence establishes both the existence of an error and the offer actually intended. However, if such correction would result in displacing one or more higher acceptable offers, the Head of the Procuring Activity shall not so determine

unless the existence of the mistake and the offer actually intended are ascertainable substantially from the NS and offer itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended offer, the Head of the Procuring Activity may determine to permit the offeror to withdraw its offer in whole or in part, if only part of the offer is affected, without penalty under the offer guarantee.

B.18 *Proper form for offer submission:* The NS may require that for an offer to be valid, it must be submitted only on a certain form or forms. Such forms may be:

(a) The master line item schedules 001 through 008 in Exhibit A;

(b) A sheet similar to the Sample Data Entry Sheet in Exhibit A;

(c) Other forms provided with the NS; or

(d) Any combination of the above. If the NS requires submission of an offer on specified forms, failure to use such forms will result in the offer being rejected as non-responsive.

B.19 *Evaluation of offers:*

(a) The Contracting Officer will be the determining official as to whether an offer conforms to the SSPs and the NS. The Contracting Officer will award to the highest responsible offeror which submits an offer responsive to the SSPs and the NS. The Government reserves the right to reject any or all offers and to waive minor informalities or irregularities in offers received.

(b) A minor informality or irregularity in an offer is an inconsequential defect the waiver or correction of which would not be prejudicial to other offerors. Such a defect or variation from the strict requirements of the NS is inconsequential when its significance as to price, quantity, quality or delivery is negligible.

B.20 *Procedures for evaluation of offers:* DOE will array all price offers on a master line item from highest to lowest for award evaluation regardless of delivery line item. However, DOE will award against the delivery line items and will not award a greater quantity on a delivery line item than the Government's estimate (which is subject to change up to the time of award) of the maximum quantity that can be moved by the delivery method. Selection of the apparently successful offer involves the following steps:

(a) Any offers below the minimum acceptable price, if any minimum price has been established for the sale, will be rejected as being nonresponsive.

(b) All other offers on each master line item will be arrayed, for award consideration, from highest delivery line item price to lowest delivery line item price.

(c) The highest offers will be reviewed for responsiveness to the terms of the NS.

(d) In the event the highest offer does not take all the crude available on the master line item, the next highest offer will be selected until all of the petroleum offered on the master line item is taken. In the event that acceptance of an offer against a delivery line item would result in the sale of more petroleum than the Government estimates can be delivered by the specified delivery method, the Government will not award the full amount of the offer, but rather that portion which the Government estimates can be delivered, provided such portion exceeds the offer's minimum DLI quantity. In the event that the quantity remaining is less than the offeror's minimum DLI quantity, the Contracting Officer shall proceed to the next highest offer.

(e) In the event of tied offers, the total of which exceed the remaining quantity offered on a line item, the remaining quantity shall be divided proportionately using the following formula:

$$\frac{\text{barrels remaining} \times \text{each individual offeror's maximum quantity}}{\text{total of the tied offerors' designated maximum quantities}}$$

In the event that a single tied offeror's share falls below the offeror's minimum acceptance quantity, that quantity will be awarded to the other tied offerors. If the share of more than one of the tied offers falls below their respective minimum acceptable quantity, then those tied offers shall be arrayed by a drawing of lots, conducted by the Contracting Officer. In the order of their drawing, the Contracting Officer shall then include in his division as many of those offerors as will not cause any offeror's share to fall below its minimum acceptable quantity.

(f) Determinations of responsibility of potential purchasers before each award will be made by the Contracting Officer. Compliance with required payment and performance guarantees will effectively assure a finding of responsibility of offerors, except where: (i) The offeror is on either DOE's or the Federal Government's list of debarred, ineligible and suspended bidders; or (ii) evidence, with respect to an offeror, comes to the attention of the Contracting Officer of conduct or activity which represents a violation of law or regulation (including an Executive Order having the force and effect of law); or (iii) evidence is brought to the attention of the Contracting Officer of past activity or conduct of the offeror which shows a lack of integrity (including actions inimical to the welfare of the United States) or willingness to perform, so as to substantially diminish the Contracting Officer's confidence in the offeror's performance under the proposed contract. Apparently successful offerors will be contacted by telephone and advised to provide to the Contracting Officer, within five business days or such other longer time as the Contracting Officer shall determine, a letter of credit (See Exhibit I, Payment and Performance Guarantee—Letter of Credit) or advance payment as specified in the NS or SSPs.

(g) Award on each delivery line item will be made to the highest responsible offerors which submit offers responsive to the SSPs and the NS and which have provided the required letter of credit or advance payment.

B.21 *Financial statements and other information:* (a) After receipt of offers but prior to making award, the Government reserves the right to ask for the audited financial statements for offeror's most recent fiscal year and unaudited financial statements for the most recent quarters. This statement package must contain a balance sheet and profit and loss statement for the periods covered thereby. A certification by a principal accounting officer that there have been no material changes in financial condition since the date of the audited statements, and that these present the true financial condition as of the date of the offer, shall accompany the statements. If there has been a change, the amount and nature of the change must be specified and explained in the unaudited statements and a principal accounting officer shall certify that they are accurate. The Contracting Officer must receive the data within 2 business days of a telephone request to the offeror.

(b) The Government also reserves the right to require information from the offeror regarding its plans for use of the petroleum, the status of requests for export licenses, plans for complying with the Jones Act, etc. The information must be received within 3 business days of a telephone request.

B.22 *Resolicitation procedures on unsold petroleum:*

(a) In the event that petroleum offered on a master line item remains unsold after evaluation of all offers, the Contracting Officer may issue an amendment to the NS, resoliciting offers on these delivery line items from all interested parties. Evaluation procedures for these delivery line items shall follow the procedures set forth in Provision No. B.20. The Government reserves the right to change the master line items to offer different SPR crude oil streams for the purpose of such resolicitation.

(b) In the event that for any reason petroleum which has been awarded becomes available to the Government for resale, the Contracting Officer may use the following procedures:

(1) If priced offers remain valid in accordance with Provision No. B.23, the petroleum will go to the next highest arrayed offer.

(2) If offers have expired in accordance with Provision No. B.23, the Contracting Officer at his option may offer the petroleum to the highest offeror for that master line item which: (i) had not received its maximum MLI quantity; (ii) had offered to take delivery by a delivery method which has remaining capacity; and (iii) had stated a minimum DLI quantity that was less than the quantity available for award. The pertinent offeror may, at its option, accept or reject that petroleum at the price originally offered, and if that offeror rejects the petroleum, it will be offered to the next highest offeror, etc.

(3) If the petroleum is not then resold, the Contracting Officer may at his option proceed to amend the NS to resolicit offers for that petroleum or add the petroleum to the next sales cycle.

B.23 *Offeror's certification of acceptance period:*

(a) By submission of an offer, the offeror certifies that its priced offer will remain valid for 10 calendar days after the date set for the receipt of offers.

(b) By mutual agreement of DOE and the offeror, an individual offeror's acceptance period may be extended for a longer period.

B.24 *Line item information to be provided in the Notice of Acceptance:* The following information will be provided to the purchaser by the Government on the NA for each

master line item and/or delivery line item if the offeror is awarded a contract:

(a) Identification of SPR crude oil streams awarded;

(b) Delivery line item number;

(c) Total quantity awarded on the master line item and on each delivery line item;

(d) Price in U.S. dollars per specified unit, i.e., barrels;

(e) Extended total price offer for that line item;

(f) Delivery point;

(g) Delivery period; and

(h) Any other data necessary to the sales contract.

B.25 *Contract documents:* If an offeror is successful, the Government will make award using a NA signed by the Contracting Officer. The NA will identify the items, quantities, prices and delivery method which the Government is accepting. Attached to the NA will be the NS and the successful offer. Provisions from Section C of the SSPs will be made applicable through incorporation by reference in the NS. The Contracting Officer also shall provide the purchaser with an information copy of the then-current SSPs as published in the **Federal Register**. If time constraints require it, the Government may accept the offeror's offer by an electronic notice, such as telegram or telegraph, and the contract award shall be effective upon issuance of such notice. The electronic notice will be followed by a mailing of full documentation as described above.

B.26 *Purchaser's representative:* As part of its offer, each offeror shall designate an agent and an alternate agent as a point of contact for any telephone calls or correspondence from the Contracting Officer. Any such agent shall have a U.S. address and telephone number and shall speak English.

B.27 *Procedures for selling to other U.S. Government agencies:*

(a) If a U.S. Government agency submits an offer for petroleum in a price competitive sale, that offer will be arrayed for award consideration in accordance with Provision No. B.20, Procedures for evaluation of offers. If a U.S. Government agency is an apparently successful offeror, award and payment will be made exclusively in accordance with statutory and regulatory requirements governing transactions between agencies, and the U.S. Government agency will be responsible for complying with these requirements within the time limits set by the Contracting Officer.

(b) U.S. Government agencies are exempt from all guarantee requirements, but must complete all transportation arrangements for moving the petroleum. They must also fill out and submit any required information for statistical purposes No failure by a U.S. Government agency to comply with any of the requirements of these SSPs shall provide a basis for challenging a contract award to the U.S. Government agency.

B.28 *Information gathered for statistical purposes.* The Contracting Officer, at his discretion, may in the NS require the offeror to submit the information called for in Exhibit L, Information for Statistical Purposes. That information may be used for analytical purposes, but will have no effect on contract evaluation and award.

Section C Sales Contract Provisions

C.1 *Certification of independent price determination:*

(a) By submission of an offer, the offeror certifies that in connection with the offer:

(1) The prices in the offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices, with any other offeror or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in the offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed directly or indirectly by the offeror prior to award, to any other offeror or to any competitor; and

(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.

(b) Each person signing the offer certifies that:

(1) He is the person within the offeror's organization responsible for the decision as to the prices being offered, and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2) (i) He is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered, but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) An offer will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified, the offer will not be considered for award unless the offeror furnishes with the offer a signed statement which sets forth in detail the circumstances of the disclosure and unless it is determined that such disclosure was not made for the purpose of restricting competition.

C.2 *Transportation certification:* By submission of an offer, the offeror represents that it, or another party with which it has a resale or exchange agreement, can take timely delivery of the total maximum MLI quantities for which a priced offer has been submitted.

C.3 *Certification of compliance with the "Jones Act" and the U.S. export control laws:* By submission of this offer, the offeror certifies that it will comply with the "Jones Act," 46 U.S.C. 883, regarding use of United States-flag vessels in the transportation of oil between points within the United States, and with any applicable U.S. export control laws affecting the export of SPR petroleum. Failure to comply will be considered to be a failure to comply with the terms of any contract containing these SSPs and may result in termination for default in accordance with Provision No. C.26. Purchasers who have failed to comply with the Jones Act or the export control laws in SPR sales may be found to be non-responsible in the evaluation of offers under Provision No. B.20 of the SSPs. Those purchasers may also be subject to proceedings to make them ineligible for future awards in accordance with 10 CFR Part 625.

C.4 *Storage of SPR petroleum:* Continued storage of purchasers' oil in the SPR storage facility after the end of the delivery periods specified in the contracts is not currently permitted in these SSPs. Such storage for purchaser will only be allowed if specifically authorized by the Secretary of Energy and provided for in the NS or in the sales contract. Allowing petroleum to remain in storage as the result of failure to complete delivery arrangements may result in assessment of liquidated damages under Provision Nos. C.26 through C.28 unless such failure is excused by those provisions.

C.5 *Environmental compliance:*

(a) Vessels to be used for the transportation of petroleum purchased from the SPR will comply with all applicable rules and regulations, including The Ports and Waterways Safety Act, The Federal Water Pollution Control Act of 1972, The Oil Pollution Control Act of 1961, and other applicable statutes, rules and regulations, including the following: Parts 151, 153, 157, and 159, of Title 33 and Parts 30–36 and 542 of Title 46 of the Code of Federal Regulations.

(b) The purchaser will employ in the performance of this contract only vessels whose owners are parties to the Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP) or who carry equivalent liability coverage.

(c) All crude oil transfer operations in performance of the purchase will be in accordance with the guidelines detailed in the International Oil Tanker Safety Guide, and U.S. Coast Guard Regulations, and the "Ship to Ship Transfer Guide" of the International Chamber of Shipping Oil Companies International Marine Forum.

(d) Failure to comply with all environmental requirements will be considered a failure to comply with the terms of any contract containing these SSPs, and may result in termination for default in accordance with Provision No. C.26.

C.6 *Delivery and transportation scheduling:* After notification of the apparently successful offerors, but at least 10 days prior to the start of the one-third of a month delivery period for all deliveries to be moved by vessel, or at least 10 days prior to the start of the 30-day delivery period for pipeline deliveries, each apparently successful offeror or purchaser shall contact the PMO for the purpose of determining the delivery schedule within the delivery periods during which the purchaser is to take the petroleum. Requests for firm delivery windows for vessels or delivery dates for pipelines received by the PMO within 7 business days after issuance of the notification of apparently successful offers shall be handled in descending order, highest offer first. Such requests received after that time shall be handled on a first-come, first-served basis. If successful offerors do not

make timely acceptable arrangements, delivery windows and dates will be assigned by the PMO 7 days prior to the start of the delivery period. The PMO point of contact is: Crude Oil Programming Division, Strategic Petroleum Reserve, Project Management Office, Department of Energy, 900 Commerce Road East, New Orleans, LA 70123 (504) 734–4974.

C.7 *Delivery and acceptance of petroleum:*

(a) The purchaser, at its expense, shall make all necessary arrangements to accept delivery of and transport the SPR petroleum, except for terminal arrangements which shall be coordinated with the Government. The Government will deliver and the purchaser will accept said petroleum at delivery points listed in the NS. Title and risk of loss shall pass to the purchaser at such delivery points in accordance with Provision No. C.9. The purchaser also shall be responsible for meeting any delivery requirements imposed at those points including complying with the rules, regulations, and procedures contained in applicable port/terminal manuals or other applicable documents such as pipeline tariffs on file with the Federal Energy Regulatory Commission.

(b) The following vessel loading conditions shall apply:

(1) Upon receipt of the NA, the purchaser shall furnish the SPR/PMO with an estimated schedule of planned vessel arrivals in accordance with Provision No. C.6, Delivery and transportation scheduling.

(2) The length of the loading window shall be as established in the NS, but shall not be less than a 3-day window. The minimum quantity to be lifted during a single loading window will also be established in the NS.

(3) Tankers shall have a minimum average load rate of 20,000 barrels per hour (BPH). Barges with a load rate of not less than 5,000 BPH shall be permitted at the Sun Terminal barge docks. With the consent of the Government, the purchaser may use tankers with load rates of less than 20,000 BPH, or barges at Seaway Terminal, in order to complete loading of contract quantities, if such use does not interfere with the Government's obligations to other parties.

(4) At least 10 days in advance of each scheduled arrival date, unless the NA specifies another time, the purchaser shall furnish the SPR/PMO with vessel nominations specifying: (i) name and size of vessel; (ii) estimated date of arrival, to be narrowed to a firm date not later than 3 days prior to vessel arrival; (iii) quantity to be loaded and contract number; and (iv) other relevant information requested in writing by the Contracting Officer. Once established, changes in such nomination details may be made by mutual agreement of the parties, to be confirmed by the Government in writing. The purchaser shall be entitled to substitute another vessel of similar size for any vessel so nominated, subject to the Government's approval. The Government should be given at least 4 days notice prior to the first day of the loading window of any such substitution. The Government shall make a reasonable effort to accept any nomination for which notice has not been given in strict accordance with the above provisions.

(5) The purchaser shall arrange to have its vessel notify the SPR/PMO of the expected hour of arrival 72, 48 and 24 hours in advance, and after the first notice, to advise of any variation of more than 4 hours. When the vessel is not more than 6 hours from the load port and is ready to load, a Notice of Readiness shall be tendered by the tanker's Master and promptly confirmed in writing to the SPR/PMO and the terminal responsible for coordination of crude oil loading operations. Such notice shall be effective only if given during customary terminal operating hours.

(6) The Government shall use its best efforts to berth the purchaser's vessel as soon as possible after receipt of the Notice of Readiness.

(7) Standard hose and fittings for loading shall be provided by the Government.

(8) Tankers shall be allowed berth time of 36 hours as defined below:

(i) Berth time shall commence immediately upon each vessel's arrival at berth and it shall continue until loading of the vessel is completed and the cargo hoses have been removed. In addition, allowable berth time will be increased by the amount of any delay occurring subsequent to the commencement of berth time and resulting from causes due to adverse weather conditions, strikes, labor disputes, events of force majeure and the like.

(ii) For all hours of berth time which elapse in excess of the purchaser's allowable berth time for loading provided for above, the purchaser shall be liable for dock demurrage penalties and also shall be subject to the conditions of Provision No. C.8.

(9) If the vessel is tendered for loading on a date earlier than the scheduled loading window and other vessels are loading or have already been scheduled for loading prior to the purchaser's vessel, the purchaser's vessel shall await its turn and berth time shall not commence until the vessel moors alongside. If the vessel is tendered for loading later than 2400 hours on the last day of the scheduled delivery window, the Government will use its best efforts to have the vessel loaded as soon as possible in its proper turn with other scheduled vessels, under the circumstances prevailing at the time.

(c) The following pipeline delivery conditions shall apply:

(1) Prior to the last day of the month preceding the month of delivery, the purchaser shall furnish the SPR/PMO with the following information: (i) confirmation of the pipeline's acceptance of the amount of the petroleum proposed to be delivered in the next month; (ii) an estimated schedule (consistent with the terms of the contract) for delivery of the petroleum to the pipeline; and (iii) the name and telephone number of the pipeline point of contact with whom the SPR/PMO should coordinate the petroleum delivery.

(2) Once established, the pipeline delivery schedule can only be changed with the Government's prior written consent.

C.8 *Purchaser liability for excessive berth time:* The Government reserves the right to direct a marine vessel loading SPR petroleum at a delivery point specified in the NS, to vacate its SPR berth, should such vessel, through its operational inability to receive oil at the average rates provided for in Provision No. C.7(b)(3), cause the berth to be unavailable for an already scheduled follow-on vessel. Furthermore, should a breakdown of the vessel's propulsion system prevent its getting under way on its own power, the Government may cause the vessel to be removed from the berth with all costs to the account of the purchaser.

C.9 *Title and risk of loss:* Unless otherwise provided in the NS, title to and risk of loss for petroleum purchased from the Government will pass to the purchaser at the delivery point as follows:

(a) For vessel shipment—when the petroleum passes the loading equipment connections of the dock facility to the vessel's permanent hose connection.

(b) For pipeline shipment—when the petroleum passes the permanent flange connecting the terminal to the commercially owned pipeline.

(c) For in-transit shipments—when the petroleum passes the permanent flange of the vessel manifold upon discharge into a marine terminal facility or another vessel.

(d) Terms for other SPR petroleum outside the U.S. will be given in the NS if they are applicable to the sale.

C.10 *Acceptance of crude oil:* The NS shall provide current available characteristics on each SPR crude oil stream offered for sale as shown in Exhibit D, SPR Crude Oil Stream Characteristics. Except as provided hereafter, the Government assumes no responsibility for deviations in quality and the purchaser shall accept the crude oil delivered.

(a) In the event that either the API gravity or total sulfur content (percent by weight) of the crude oil delivered does not fall within the plus or minus (±) limits specified in the NS, but is above the minimum API gravity and below the maximum sulfur level shown in Exhibit E, SPR Crude Oil Stream Minimum Quality, the price shall be adjusted in accordance with Provision No. C.11, Quality differentials for crude oil.

(b) In the event that the crude oil delivered has an API gravity below or a total sulfur content above the respective levels shown in Exhibit E, the purchaser shall accept the crude oil delivered and either pay the contract price adjusted in accordance with Provision No. C.11, or request renegotiation of the contract price. Unless the purchaser submits a written request for renegotiation of the contract price to the Contracting Officer within 10 days from the date of delivery, the purchaser shall be deemed to have accepted the adjustment of the price in accordance with Provision No. C.11. Should the purchaser request a renegotiation of the price and the parties are unable to agree as to that price, the dispute shall be settled in accordance with Provision No. C.36, Disputes.

C.11 *Quality differentials for crude oil:* The NS will specify price adjustments applicable to the crude oil streams offered for sale. The price adjustments will be made for variations in API gravity and total sulfur content (percent by weight) of the crude oil delivered from the crude oil stream characteristics as established by the NS as follows:

(a) The contract price per barrel shall be increased by the amount set forth in the NS for each whole degree API gravity that the crude oil delivered exceeds the upper limit of that crude oil stream's API gravity as established by the NS and decreased by the amount set forth in the NS for each whole degree API gravity that the crude oil delivered falls below the lower limit.

(b) The contract price per barrel shall be increased by the amount set forth in the NS for each one-tenth of 1 percent that the total sulfur content falls below the lower limit of that crude oil stream's total sulfur content as established by the NS and decreased by the amount set forth in the NS for each one-tenth of 1 percent of total sulfur content that the crude oil delivered exceeds the upper limit.

C.12 *Determination of quantity of petroleum:*

(a) Quantities will be determined from certified opening and closing Government tank gauge reports or delivery meter reports. All volumetric measurements will be converted to net dry barrels at 60°F using API *Manual of Petroleum Measurement Standards*, Chapter 11.1, *Volume Correction Factors*, (1980) (ASTM D1230) (IP 200). Table 5A—*Generalized Crude Oils, Correction of Observed API Gravity to API Gravity at 60°F*, Table 6A—*Generalized Crude Oils, Correction of Volume to 60°F Against API Gravity at 60°F*, or latest edition, and by deducting sediment and water (S&W) as determined from the composite all levels samples taken from the delivery tanks and free water.

(b) The quantity determination shall be made and certified by the Government's authorized contractor responsible for loading operations, and witnessed by the Government Quality Assurance Representative at the delivery point. The purchaser shall have the right to have representatives present at the loading and sampling. Should the purchaser arrange for additional inspection services to witness quantity determinations, such services will be for the account of the purchaser. Any disputes shall be settled in accordance with Provision No. C.36, Disputes. Should the purchaser opt not to provide such additional services, then the Government findings shall be binding on the purchaser.

C.13 *Determination of quality of petroleum:*

(a) The quality determination of the crude oil delivered to purchaser shall be made either from a composite of samples taken from all levels of the delivery tanks or from a composite of line samples. Tests to be performed by the Government or its authorized contractor are:

(1) API *Manual of Petroleum Measurement Standards*, Chapter 10.4, Pub. 2542, *Methods of Test for Water and Sediment in Crude Oils*, 1970 (ASTM D96) or latest edition; or API *Manual of Petroleum Measurement Standards*, Chapter 10.1, *Determination of Sediment in Crude Oils and Fuel Oils by the Extraction Method*, first edition, 1981 (ASTM D473) (IP53), or latest edition, and API *Manual of Petroleum Measurement Standards*, Chapter 10.2, *Determination of Water in Crude Oil by Distillation*, first edition, 1981 (ASTM D4006) (IP358), or latest edition.

(2) ASTM D1552, *Sulfur in Petroleum Products (High Temperature Method)*, latest edition, ASTM D2622, *Sulfur in Petroleum Products (X-Ray Spectographic Method)*, latest edition, or ASTM D129, *Sulfur in Petroleum Products (General Bomb Method)*, latest edition.

(3) API *Manual of Petroleum Measurement Standards*, Chapter 9.1, *Hydrometer Test Method for Density, Relative Density, (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products*, first edition, 1981 (ASTM D1298) or latest edition.

(4) ASTM D445, *Kinematic Viscosity of Transparent and Opaque Liquids*, latest edition.

(b) The purchaser may arrange for additional services to witness and verify testing simultaneously with the Government Quality Assurance Representatives. Such services, however, will be for the account of the purchaser. Any disputes will be settled in accordance with Provision No. C.36. Should the purchaser opt not to provide such additional services, then the Government findings will be binding on the purchaser.

C.14 *Delivery documentation:* The quantity and quality determination shall be documented on the appropriate Department of Defense Petroleum Shipping and Inspection Report, DD250 (Pipeline) for delivery points identified in Provision No. B.14, or DD250–1 (Tanker/Barge) (see Exhibit K for copies of the forms). Copies of the completed DD250 or DD250–1, with applicable supporting documentation (i.e., metering tickets or tank measurements) will be furnished to the purchaser and/or the purchaser's authorized representative upon completion of delivery. They will serve as the basis for invoicing and/or reconciliation invoicing for the sale of petroleum as well as for invoicing such associated services as may be provided for in the contract.

C.15 *Contract amount estimated for crude oil:* The contract amount stated in the award documents for crude oil is an estimate. The per barrel unit price is subject to adjustments based on the sulfur content and API gravity characteristics of the crude oil actually delivered. In addition, due to conditions of loading and shipping, the quantity may vary by ± 5 percent more or less than the scheduled delivery quantity.

C.16 *Contract modification—alternate delivery methods:* A purchaser may request a change in delivery method after the issuance of the NA. Such requests may be made either orally or in writing, but will require written modification of the contract by the Contracting Officer. Such modifications will be permitted by the Government if it is determined that the change in delivery method does not interfere with the delivery plans of other purchasers, and the purchaser agrees to pay all increased terminalling costs incurred by the Government because of such modification. The NS may establish a per barrel rate for such increased costs.

C.17 *Payment and performance guarantee:*

(a) The purchaser must furnish an acceptable payment and performance guarantee before the Government will execute the NA. During the notification of apparently successful offeror, the Contracting Officer will inform the offeror by telephone that the guarantee is due within a period which may be as short as 5 business days, and give the offeror a provisional contract number to use if the guarantee is a letter of credit. The Contracting Officer may, at his discretion, send a confirming telegram of the notification, but the timeliness of receipt for the guarantee is determined by the date of the telephone call.

(b) The payment and performance guarantee must be either: (1) advance payment by a cash wire deposit or (2) a letter of credit. All wire deposit and letter of credit costs will be borne by the purchaser.

(c) A purchaser electing advance payment must so indicate in its offer. Payment must be made in accordance with Provision No. C.22 as follows:

(1) If the contract period is 31 days or less, the purchaser shall pay 105 percent of the contract amount in advance.

(2) If the contract period is longer than 31 days, the purchaser shall pay in advance an amount equal to 31 days of deliveries plus 5 percent of the entire contract amount.

(d) A purchaser not electing to provide an advance payment must provide a letter of credit, conforming to the requirements of Provision No. C.19, and Exhibit I, Payment and Performance Guarantee—Letter of Credit, equal to 100 percent of the contract amount.

(e) The purchaser shall maintain such payment and performance guarantee in full force and effect to the Contracting Officer's satisfaction until final payment under the contract. Failure to do so may result in termination of the purchaser's contract for default in accordance with Provision No. C.26, Termination.

(f) The Contracting Officer or his designee may draw against this payment and performance guarantee at any time after the first delivery for any monies due under the contract for petroleum delivered and at any time for any other monies owing to the Government under the contract, no matter how the debt to the Government arose.

C.18 *Replacement of funds in the payment and performance guarantee:*

(a) If the SPR/PMO (which may act through its Finance Division), with the approval of the Contracting Officer draws against the letter of credit, or makes charges against the advance payment, for monies owed the Government for liquidated damages or other funds due the Government, the SPR/PMO or its Finance Division shall notify the purchaser within 24 hours of the fact of such withdrawal or charge and the amount thereof. The Government shall dispatch such notification by U.S. Express Mail, U.S. Mail or telegraphic means. Purchaser is deemed to have received a mailed notice on the second day after its dispatch and to have received telegraphic notice the day after its dispatch.

(b) Payment and performance guarantees must be maintained at the following minimum levels:

(1) Letter of credit at 100 percent of the contract price of the petroleum remaining to be delivered;

(2) Advance payment, on a contract for 31 days or less, at 105 percent of the contract price of the petroleum remaining to be delivered; and

(3) Advance payment, on a contract for more than 31 days, at the lesser of 100 percent times 31 days delivery plus 5 percent of the total contract price or 105 percent of the contract price of the petroleum remaining to be delivered.

(c) In the event that a draw against the payment and performance guarantee causes the amount to fall below the levels specified in (b), the purchaser shall, within 5 business days after it is deemed to have received notification in (a), replenish the amount necessary to increase the remaining payment and performance guarantee to the levels specified in (b). Such replenishment shall be made either by the wire transfer of funds in accordance with Provision No. C.22, or by the provision of a new letter of credit or amendment of the old letter of credit. If such replenishment is not made within 5 business days, the Contracting Officer may withhold deliveries under the contract on the 6th business day with no prior notice to the purchaser, and/or the Contracting Officer may terminate the contract in whole or in part on the 6th business day without prior notice to the purchaser. Such termination would be for default in accordance with Provision No. C.26, Termination.

C.19 *Payment and performance letters of credit—general requirements*

Letters of credit must meet the following criteria:

(a) If a letter of credit is from a single depository institution, including a branch or an agency of a foreign bank, (hereinafter referred to as "bank") that bank must maintain an account with any Federal Reserve Bank or Branch (Fed) and be a participant in the Fed's FEDWIRE funds transfer system. If the letter of credit is issued by a syndicate of banks, only the institution acting as agent for the syndicate and responsible for honoring the drafts drawn under the letter of credit must maintain a Fed account and be a participant in FEDWIRE.

(b) Each letter of credit must conform without exception to the standard letter of credit provided as Exhibit I, Payment and Performance Guarantee—Letter of Credit. The Government does not require information concerning the bank's agreement with its customer. Therefore, *any* language in the letter of credit in addition to that specified in Exhibit I shall cause the letter of credit to be unacceptable and shall be cause for rejection of the offeror's offer.

(c) In addition to the letter of credit, the purchaser or its bank shall provide to the Contracting Officer evidence that the bank official signing the letter of credit is authorized to do so, such as copies of the appropriate page of the bank's signature book, certified copies of the corporate minutes authorizing the signature or other appropriate evidence.

(d) As set forth in Exhibit I, a letter of credit must provide for the presentment of drafts against the letter of credit by wire and for payment to the Government by wire transfer of funds over FEDWIRE.

(e) Within 30 calendar days after final payment under the contract, the Contracting Officer shall authorize the cancellation of the letter of credit.

C.20 *Billing and payment—with purchaser's advance payment:*

(a) If the offeror has notified the Government in its offer that it elects to pay in advance, the following procedures will be applicable. If the contract delivery period is 31 days or less, and if the purchaser has fully paid in advance, delivery documentation will be provided to the purchaser in accordance with Provision No. C.14 after each delivery. No invoices will be issued until the last delivery under the contract, at which time a reconcilation billing will be made in accordance with paragraph (c) below.

(b) If the contract delivery period is more than 31 days, and the offeror has notified the Government in its offer that it elects to give an advance payment, delivery documentation will be provided in accordance with Provision No. C.14, and the purchaser will then be billed monthly for crude oil delivered. Payments on all but the last month will be in accordance with paragraph (e) below. The advance payment will be credited against the last month's deliveries, and a reconciliation billing will be made by the Government to the purchaser in accordance with paragraph (c) below.

(c) On every contract with an advance payment there will be a reconciliation billing by the Government after final delivery under the contract. If money is due from the purchaser to the Government, an invoice will be issued to the purchaser (see paragraph (e) below). If money is due the purchaser, a Treasury check will be issued in accordance with TFRM–Treasury Fiscal Requirements Manual.

(d) Invoices may be issued at any time to the purchaser for other monies due and payable under the contract. These would include, but are not limited to, interest due the Government, liquidated damages, amounts owing for any services provided for under the contract, and the difference between the sale price and resale price as defined in Provision No. C.26, Termination, and Provision No. C.27, Other Government remedies.

(e) In accordance with the delivery documentation and the contract, the Contracting Officer shall determine the amount of any invoice and shall provide invoices to the purchaser by U.S. Express Mail, U.S. Mail or telegraphic invoice. A purchaser is deemed to have received a mailed invoice on the second day after its dispatch. Telegraphic invoices are deemed to have been received on the day after dispatch. All invoices payable by the purchaser must be paid in accordance with Provision No. C.22 and received no later than close of business, 5 business days after the purchaser is deemed to have received them.

C.21 *Billing and payment—with purchaser's letter of credit:*

(a) All purchasers not electing advance payment shall provide a letter of credit in accordance with Provision No. C.19.

(b) All costs associated with the letter of credit will be borne by the purchaser. Payments of sight drafts drawn against that letter of credit shall be made by wire transfer of funds over FEDWIRE to the U.S. Treasury Department account at the Federal Reserve Bank in New York in accordance with the letter of credit.

(c) After delivery of the SPR petroleum and completion of the delivery documentation, the Contracting Officer shall determine the amount of the invoice in accordance with the contract and the delivery documentation.

(d) Upon completion of the invoice, the SPR/PMO Finance Division shall prepare a wire message requesting a wire transfer of funds in accordance with the letter of credit and deliver it to the New Orleans Branch of the Federal Reserve Bank in Atlanta for transmittal over the FEDWIRE system to the bank issuing the letter of credit. A request for wire transfer of funds is regarded as a draft under the letter of credit issued by the bank. The bank shall use the wire transfer procedures specified in the letter of credit to transfer the invoiced funds to the Government.

(e) The SPR/PMO Finance Division shall provide copies of the invoices and the draft to the purchaser and the bank by U.S. Express Mail or U.S. Mail.

(f) In the event that the bank refuses to honor the wire draft against the letter of credit, the purchaser shall be responsible for paying any interest due from the day the wire message requesting a transfer of funds is transmitted to the bank.

(g) Within 30 calendar days after final payment under the contract, the Contracting Officer shall authorize the cancellation of the letter of credit.

C.22 *Method of payments—general:*

(a) Notwithstanding any other clause of the contract, the Government may invoice the purchaser at any time for payment of monies due under the contract. If the invoice is for money, the payment of which is delinquent, interest on the money shall accrue from the date of the delinquency and not from the deemed date of receipt by purchaser of the invoice.

(b) All amounts payable by the purchaser in excess of $1,000.00 shall be by wire transfer as a deposit to the account of the U.S. Treasury through FEDWIRE. Certain information which must be included on each wire transfer is specified in Exhibit J, Instruction Guide for Funds Transfer.

(c) Payments in amounts less than $1,000.00 shall be by check made out to "U.S. Department of Energy." Such payments will be sent to the SPR/PMO Finance Division, with documentation to identify the payer and purpose of the payment.

(d) The Government may designate another place, different timing, or another method of payment after reasonable written notice to the purchaser.

(e) No payment due the Government hereunder shall be subject to reduction or set-off for any claim of any kind against the United States arising independently of the contract.

(f) If a purchaser disagrees with the amounts claimed by the Government to be due from the purchaser on any invoice, the purchaser shall pay immediately the amount billed in the invoice, and notify the Contracting Officer of the basis for its disagreement. Any request for adjustment

under this provision must be asserted within 10 days of the date the purchaser is deemed to have received the objectionable invoice; provided, however, that if the Contracting Officer decides that the facts justify such action, he may receive and act upon any such objection asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute, and purchaser shall file a claim promptly in accordance with Provision No. C.36, Disputes.

C.23 *Currency for payment of contract:* Payment for all amounts due under the contract shall be made in U.S. dollars only.

C.24 *Interest:* All amounts due from and payable by the purchaser or its bank must be paid in accordance with the provisions governing such payments. Amounts not paid in accordance with such provisions shall bear interest from the date due until the date payment is received by the Government. Interest shall be computed on a daily basis. The interest rate shall be in accordance with the Current Value of Funds rate as indicated in the Treasury notice published in the **Federal Register**, Vol. 48, No. 208, on October 26, 1983, at page 49571, or as subsequently amended quarterly by the Department of The Treasury in Bulletins to the Treasury Fiscal Requirements Manual and in the **Federal Register.**

C.25 *Government options if payment is not received:*

(a) All amounts due from and payable by the purchaser or by the bank issuing the purchaser's letter of credit must be paid by the deadlines set by the provisions governing them.

(b) If any amount owed to the Government is not paid within the time deadlines specified by the applicable provisions, the Contracting Officer may, at his discretion, take any of the actions listed in (1) through (5) below. The Contracting Officer may take these steps simultaneously or in any sequence he deems appropriate. The Contracting Officer may, with or without prior notice to the purchaser:

(1) Invoice the purchaser for the amount on which payment is delinquent or provide written notice that payment is delinquent;

(2) Draw against the letter of credit for all amounts due and delinquent;

(3) Apply any advance payment received against the amount due and delinquent;

(4) Withhold all or any part of future deliveries under the contract; and/or

(5) Terminate the contract, in whole or in part, for purchaser default, in accordance with Provision No. C.26, by sending written notice of such default termination to the purchaser.

(c) Any disputes will be settled by the Contracting Officer in accordance with Provision No. C.36, Disputes.

C.26 *Termination:*

(a) *Immediate termination.* (1) The Contracting Officer may terminate this contract in whole or in part, without liability of the Government, by written notice to the purchaser effective upon its being deposited in the U.S. Postal System addressed to the purchaser as provided in Provision No. C.34, Notices, in the event that the purchaser either notifies the Contracting Officer that it will not be able to accept, or fails to accept, any delivery line item in accordance with the terms of the contract. Such notice shall invite the purchaser to submit information to the Contracting Officer as to the reasons for the failure to accept the delivery line item in accordance with the terms of the contract.

(2) Within 10 business days after the issuance of the notice of termination, the Contracting Officer may determine that such termination was a termination for default under subparagraph (b)(1)(ii). In the absence of information which persuades the Contracting Officer that the purchaser's failure to accept the delivery line item was excusable, the fact of such failure may be the basis for the Contracting Officer determining the purchaser to be in default, without first determining under subparagraphs (b)(2) and (b)(3) whether such failure was excusable under the terms of the contract. The Contracting Officer shall promptly give the purchaser written notice of such determination.

(3) Any termination other than one determined to be a termination for default in accordance with subparagraph (a)(2) and paragraph (b) shall be a termination for the convenience of the Government without liability of the Government.

(b) *Termination for Default.* (1) Subject to the provisions of subparagraphs (b)(2) and (b)(3), the Contracting Officer may terminate the contract in whole or in part for purchaser default, without liability of the Government, by written notice to the purchaser, effective upon its being deposited in the U.S. Postal System, addressed to the purchaser as provided in Provision No. C.34, Notices in the event that:

(i) The Government does not receive payment in accordance with any payment provision of the contract;

(ii) The purchaser fails to accept delivery of petroleum in accordance with the terms of the contract; or

(iii) The purchaser fails to comply with any other term or condition of the contract within 5 business days after the purchaser is deemed to have received written notice of such failure from the Contracting Officer.

(2) Except with respect to defaults of subcontractors, the purchaser shall not be determined to be in default or be charged with any liability to the Government under circumstances which prevent the purchaser's acceptance of delivery hereunder due to causes beyond the control and without the fault or negligence of the purchaser as determined by the Contracting Officer. Such causes shall include but are not limited to:

(i) Acts of God or the public enemy;

(ii) Acts of the Government of the United States, acting in its sovereign or contractual capacity;

(iii) Fires, explosions or other catastrophes; or

(iv) Strikes.

(3) If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of the purchaser and its subcontractor, and without the fault or negligence of either of them, the purchaser shall not be determined to be in default or to be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the purchaser to meet the delivery schedule.

(4) In the event that the contract is terminated in whole or in part for default, the purchaser shall be liable to the Government for:

(i) The difference between the contract price on the contract termination date and any lesser price the Contracting Officer obtained upon sale of the petroleum; and

(ii) Liquidated damages as specified in Provision No. C.28 and paragraph (5) below.

(5) In the event that the Government exercises its right of termination for default as provided in this paragraph (b), then the purchaser shall be liable to the Government for liquidated damages in an amount as set forth in Provision No. C.28, as fixed, agreed, liquidated damages. In no event shall liquidated damages be assessed for more than 30 days.

(6) In the event that the Government exercises its right of termination for default, and it is later determined that the purchaser's failure to perform was excused in accordance with subparagraphs (2) and (3), the rights and obligations of the parties shall be the same as if such termination was a termination for convenience without liability of the Government under paragraph (c).

(c) *Termination for convenience.* (1) In addition to any other right or remedy provided for in the contract, the Government may terminate this contract at any time in whole or in part whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Such termination shall be without liability of the Government if such termination arises out of causes specified in (a)(1) or (b)(1) above, acts of the Government in its sovereign capacity, or causes beyond the control and without the fault or negligence of the Government. For any other termination for convenience, the Government shall be liable for such reasonable costs incurred by the purchaser in preparing to perform the contract, but under no circumstances shall the Government be liable for consequential damages or lost profits as the result of such termination.

(2) The purchaser will be given immediate written notice of any decrease of petroleum deliveries greater than 5 percent, or of termination, under this paragraph (c). The termination or reduction shall be effective upon its notice being deposited in the U.S. Postal System unless otherwise specified in the notice. The purchaser is deemed to have received a mailed notice on the second day after its dispatch. A telegraphic notice is deemed to be received on the day after dispatch.

(3) Termination for the convenience of the Government shall not excuse the purchaser from liquidated damages accruing prior to the effective date of the termination

(d) Nothing herein contained shall limit the Government in the enforcement of any legal or equitable remedy which it might otherwise have, and a waiver of any particular cause for termination shall not prevent termination for the same cause occurring at any other time or for any other cause.

(e) In the event that the Government exercises its right of termination, as provided in paragraphs (a), (b), or (c)(1) above, the Contracting Officer may sell, upon such terms and conditions as he deems appropriate, any undelivered petroleum.

(f) The Government's ability to deliver petroleum under another contract on the date on which the defaulted purchaser was scheduled to accept delivery, shall not excuse a purchaser that has been defaulted for failure to perform in accordance with the contract, from either liquidated damages or the difference between the contract price and any lesser price obtained on resale.

(g) Any disagreement with respect to the amount due the Government for either resale costs or liquidated damages shall be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

(h) As used in this Provision No. C.26, the term "subcontractor" or "subcontractors" includes subcontractors at any tier.

C.27 *Other Government remedies:*

(a) The Government's rights under this provision are in addition to any other right or remedy available to it in law or by virtue of this contract.

(b) The Government may, without liability on its part, withhold deliveries hereunder if payment is not made in accordance with this contract.

(c) If the purchaser fails to take delivery of a delivery line item in accordance with the terms of the contract, but the Government does not elect to terminate that item for default under Provision No. C.26, the purchaser nonetheless shall be liable to the Government for liquidated damages in the amount set forth in Provision No. C.28 as fixed, agreed and liquidated damages for each calendar day of delay or fraction thereof until such time as it accepts delivery of the petroleum, or until the contract is terminated for the convenience of the Government, whichever occurs sooner. In no event shall such damages be assessed for longer than 30 days. No purchaser that fails to perform in accordance with the terms of the contract shall be excused from liability for liquidated damages by virtue of the fact that the Government is able to deliver petroleum under another contract on the date which the non-performing purchaser was scheduled to accept delivery.

C.28 *Liquidated damages:*

(a) In case of failure on the part of the purchaser to perform within the time fixed in the contract or any extension thereof, the purchaser shall pay to the Government liquidated damages in the amount of 1 percent of the contract price of the undelivered petroleum per calendar day of delay or fraction thereof in accordance with paragraph (b) of Provision No. C.26, Termination for purchaser default, and paragraph (c) of Provision No. C.27, Other Government remedies.

(b) As provided in (a) above, liquidated damages will be assessed for each day or fraction thereof a purchaser is late in performing in accordance with the contract with respect to the delivery of petroleum sold under this contract, unless such tardiness is excused under the term of this contract. For petroleum to be lifted by vessel, damages will be assessed in the event that the vessel has not commenced loading by 11:59 p.m. on the last day of the delivery window established under Provision No. C.6, Delivery and transportation scheduling, unless the vessel has arrived at the roads and its Master has presented a notice of readiness to the Government or its agents. Liquidated damages shall continue until the vessel presents its notice of readiness. For petroleum to be moved by pipeline, if delivery arrangements have not been made by the last day of the month prior to delivery, liquidated damages shall commence on the 1st day of the month until such delivery arrangements are completed; if delivery arrangements have been made, then liquidated damages shall begin on the first scheduled delivery date if delivery is not commenced and shall continue until delivery is commenced.

(c) Any disagreement with respects to the amount of liquidated damages due the Government will be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

C.29 *Failure to perform SPR contracts:* In addition to the usual debarment procedures, 10 CFR § 625.3, provides that:

(a) In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the Headquarters Senior Procurement Official or his designee, at his discretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to respond in accordance with the requirements of this subsection:

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the Headquarters Senior Procurement Official is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the purchaser may submit in writing for consideration by the Headquarters Senior Procurement Official in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the Headquarters Senior Procurement Official, such time to be not less than 21 days.

(2) After the elapse of the time period established under subsection (1) for receipts of the purchaser's response, the Headquarters Senior Procurement Official at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future award of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the Headquarters Senior Procurement Official as appropriate under the circumstances.

(3) The purchaser shall be notified of the Headquarters Senior Procurement Official's decision.

(c) Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the Headquarters Senior Procurement Official reconsider the purchaser's ineligibility. The Headquarters Senior Procurement Official at his discretion may reinstate any such purchaser to eligibility for future competitive sales.

C.30 *Government options in case of impossibility of performance:*

(a) In the event that the Government is unable to deliver petroleum contracted for to the purchaser due either to events beyond the control of the Government, including actions of the purchaser, or to acts of the Government, its agents, its contractors or subcontractors at any tier, the Government at its option may do either of the following:

(1) Terminate for the convenience of the Government under Provision No. C.26; or

(2) Offer different SPR crude oil streams or delivery times to the purchaser in substitution for those specified in the contract.

(b) In the event that a different SPR crude oil stream than originally contracted for is offered to the purchaser, the contract price will be negotiated between the parties. In no event shall the negotiated price be less than the minimum acceptable price established for same or similar crude oil streams in the most recent NS.

(c) The Government's obligation in such circumstances is to use its best efforts, and the Government under no circumstances shall be liable to the purchaser for damages arising from its failure to offer alternate SPR petroleum or delivery times.

(d) If the parties are unable to reach agreement as to price, crude oil streams or delivery times, the Government may terminate the contract for the convenience of the Government under Provision No. 26(c).

C.31 *Limitation of Government liability:* The Government's obligation under these SSPs and any resultant contract is to use its best efforts to perform in accordance therewith. The Government under no circumstances shall be liable thereunder to the purchaser for the conduct of its contractors or subcontractors or for indirect, consequential, or special damages arising from its conduct; neither shall the Government be liable thereunder to the purchaser for any damages due in whole or in part to causes beyond the control and without the fault or negligence of the Government, including but not restricted to, acts of God or public enemy, acts of the Government acting in its sovereign capacity, fires, floods, earthquakes, explosions, or other catastrophes, or strikes.

C.32 [*Reserved*]

C.33 *Purchaser's responsibility:* For petroleum to be delivered from permanent

SPR storage sites, the Government shall provide, at no cost to the purchaser, transportation by pipeline from the SPR storage sites to the supporting terminal facility specified in the master line item and, for vessel loadings, a safe berth and loading facilities sufficient to deliver petroleum to the vessel's permanent hose connection. The purchaser agrees to assume responsibility for, to pay for, and to hold the Government harmless for any other costs associated with terminal, port, vessel and pipeline services necessary to receive and transport the petroleum, including but not limited to vessel or port demurrage, tank storage charges and port charges incurred in the transportation of SPR petroleum sold under a contract incorporating this provision. The purchaser also agrees to assume responsibility for, to pay for and to hold the Government harmless for any liability, including consequential or other damages, incurred or occasioned by the purchaser, its agent, subcontractor at any tier, assignee or any subsequent purchaser, in connection with movement of petroleum sold under a contract incorporating this provision.

C.34 *Notices:*

(a) Any notices required to be given by one party to the contract to the other *in writing* shall be forwarded to the addressee, prepaid, by U.S. registered, return receipt requested, mail, telegram, or TWX. Each party shall give the other written notice of any change of address.

(b) Notices to the purchaser shall be forwarded to the purchaser's address as it appears in the offer and in the contract.

(c) Notices to the Contracting Officer shall be forwarded to the following address: U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP–5501, 900 Commerce Road East, New Orleans, Louisiana 70123.

C.35 *SPR/Project Management Office representative for contract administration:* The SPR/PMO representative for each sale and the representative's telephone number will be provided in the NS. After award of a contract, the SPR/PMO representative for each contract and the representative's telephone number will be provided in the NA.

C.36 *Disputes:*

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. Section 601 *et seq.*). If a dispute arises relating to the contract, the purchaser may submit a claim to the Contracting Officer, who shall issue a written decision on the dispute in the manner specified in 41 CFR 1–1.318.

(b) "Claim" means:

(1) A written request submitted to the Contracting Officer;

(2) For payment of money, adjustment of contract terms, or other relief;

(3) Which is in dispute or remains unresolved after a reasonable time for its review and disposition by the Government; and

(4) For which a Contracting Officer's decision is demanded.

(c) In the case of dispute requests or amendments to such requests for payment exceeding $50,000, the purchaser shall certify at the time of submission as a claim, as follows:

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief and that the amount requested accurately reflects the contract adjustment for which the purchaser believes the Government is liable.

Purchaser's Name _____
Signature _____
Title _____

(d) The Government shall pay to the purchaser, interest:

(1) On the amount found due to the purchaser on claims submitted under this clause;

(2) At the rates fixed by the Secretary of the Treasury;

(3) From the date the amount is due until the Government makes payment.

(e) The purchaser shall pay to the Government, interest:

(1) On the amount found due to the Government and unpaid on claims submitted under this clause;

(2) At the rates fixed by the Secretary of the Treasury;

(3) From the date the amount is due until the purchaser makes payment.

(f) The decision of the Contracting Officer shall be final and conclusive and shall not be subject to review by any forum, tribunal, or Government ageny unless an appeal or action is commenced within the times specified by the Contract Disputes Act of 1978.

(g) The purchaser shall comply with any decision of the Contracting Officer and at the direction of the Contracting Officer shall proceed diligently with performance of this contract pending final resolution of any request for relief, claim, appeal, or action related to this contract.

C.37 *Assignment:* The purchaser shall not make or attempt to make any assignment of a contract which incorporates these SSPs or any interest therein contrary to the provisions of Federal law, including the Anti-Assignment Act (41 U.S.C. 15), which provides:

No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

C.38 *Order of precedence:* In the event of an inconsistency between the terms of the various parts of this contract, the inconsistency shall be resolved by giving precedence in the following order:

(a) The NA and written modifications thereto;

(b) The NS;

(c) Those provisions of the SSPs (as published in the **Federal Register**, made applicable to the contract by the NS;

(d) The instructions to Exhibit A, Schedule Line Items; and

(e) The successful offer.

C.39 *Gratuities:*

(a) The Government, by written notice to the purchaser, may terminate the right of the purchaser to proceed under this contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered by or given by the purchaser, or any agent or representative of the purchaser, to any officer or employee of the Government, with a view toward securing a contract or securing favorable treatment with respect to the awarding, amending, or making of any determinations with respect to the performing of such contract; *provided*, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event that this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled: (1) to pursue the same remedies against the purchaser as it could pursue in the event of a breach of the contract by purchaser, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall not be less than three nor more than 10 times the cost incurred by the purchaser in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

C.40 *Officials not to benefit:* No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

Exhibits

A—Schedule Line Items
B—Sample Notice of Sale
C—Sample Offer
D—SPR Crude Oil Stream Characteristics
E—SPR Crude Oil Stream Minimum Quality
F—SPR Delivery Point Data
G—Offer Bond—Standard Form 24
H—Offer Guarantee—Letter of Credit
I—Payment and Performance Guarantee—Letter of Credit
J—Instruction Guide for Funds Transfer
K—DD Form 250 and DD Form 250–1
L—Information for Statistical Purposes

Exhibit A—Schedule Line Items

Instructions for Exhibit A

(Caution to offerors: The master line items shall be completed in accordance with the SSPs. In any conflict between these instructions and the SSPs, the SSPs shall take precedence.)

1. Master Line Item: There is a separate master line item schedule for each crude oil stream offered for sale. Offerors may bid on more than one master line item, but may not make alternate bids on separate master line items (i.e., the offer may not state 1,000,000 barrels from either MLI 001, or MLI 002).

2. Maximum MLI Quantity: Offers shall state here the number of barrels which the offeror seeks to purchase on the master line item, regardless of delivery method. The maximum MLI quantity shall be not less than the Government's minimum quantity as stated in the NS.

3. Maximum DLI Quantity: Offers shall state on each delivery line item, the number of barrels which the offeror will accept by the delivery method and during the delivery period established for that delivery line item. An offer may indicate a willingness to accept alternate delivery methods or delivery periods. An offeror may fill in all, part or none of the maximum MLI quantity on any particular delivery line item. A total of all the offer's maximum DLI quantitites should total at least the maximum MLI quantity, but could exceed the maximum MLI quantity if the offeror is willing to accept alternate delivery methods or periods. For example, the offer could state:

MLI: 001
Maximum MLI Quantity: 1,000,000 barrels
Maximum DLI Quantities:
DLI 001C: 1,000,000 barrels
DLI 001D: 1,000,000 barrels
DLI 001E: 1,000,000 barrels

This would indicate that the offeror wanted one million barrels of Bryan Mound sweet to be delivered to its vessels either from the 1st through the 10th, the 11th through 20th, or 21st through the end of the month.

4. Unit Price: The offer shall state the offered price per barrel for each delivery line item for which the offer indicated a maximum DLI quantity. The offer may state different unit prices for different delivery line items. DOE will award the highest price first. Prices may be stated to one one-hundredths of a cent ($0.0001), but in no smaller fraction thereof. The offer may state the same price for one or more delivery line items.

5. Total Price: The offer shall state the total price (maximum DLI quantity times unit price) on each delivery line item for which the offer indicated a maximum DLI quantity.

6. Delivery Preference: Where the offer has the same unit price for two or more delivery line items, the offer may indicate the offeror's order of preference for delivery method and period (1st, 2nd, 3rd, etc.). If the offer does not indicate a preference, DOE will select the delivery line item to be awarded at its discretion.

7. Minimum DLI Quantity: The offer may indicate the minimum amount which the offeror is willing to accept on a delivery line item. The Government only will award less than the offer's maximum DLI quantity if an offer is otherwise successful, but the quantity which the Government has available for award is less than said maximum DLI quantity. The offer may indicate that the minimum DLI quantity is the same as the maximum DLI quantity. If the offer does not indicate a minimum DLI quantity, the offer's minimum DLI quantity shall be deemed to be the minimum offer quantity established by the NS.

Master Line Item No. 001 (Instruction 1)
Bryan Mound Sweet (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—Jones Creek Tank Farm, Freeport, TX
(b) Vessel—Seaway Terminal docks, Freeport, TX
Maximum MLI Quantity ——— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
001A		bbls delivered to Seaway pipeline over the period of sale	@$	$		
001B		bbls delivered to other pipeline(s) over the period of sale	@$	$		
001C		bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
001D		bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
001E		bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 002 (Instruction 1)
Bryan Mound Sour (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—Jones Creek Tank Farm, Freeport, TX
(b) Vessel—Seaway Terminal docks, Freeport, TX
Maximum MLI Quantity ——— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
002A		Bbls delivered to Seaway pipeline over the period of sale	@$	$		
002B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
002C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
002D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
002E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 003 (Instruction 1)
Bryan Mound Maya (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—Jones Creek Tank Farm, Freeport, TX
(b) Vessel—Seaway Terminal docks, Freeport, TX
Maximum MLI Quantity———Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
003A		Bbls delivered to Seaway pipeline over the period of sale	@$	$		
003B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
003C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
003D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
003E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 004 (Instruction 1)
West Hackberry Sweet (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—Sun Terminal, Nederland, TX
(b) Vessel—Sun Terminal docks, Nederland, TX
Maximum MLI Quantity —— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
004A		Bbls delivered to Texoma pipeline over the period of sale	@$	$		
004B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
004C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
004D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
004E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 005 (Instruction 1)
West Hackberry Sour (See Exhibit D, SPR Crude Oil Stream Characteristics) (Includes oil stored at the SPR's Sulphur Mines site)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—Sun Terminal, Nederland, TX
(b) Vessel—Sun Terminal docks, Nederland, TX
Maximum MLI Quantity —— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
005A		Bbls delivered to Texoma pipeline over the period of sale	@$	$		
005B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
005C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
005D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
005E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 006 (Instruction 1)
Weeks Island Sour (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—LOCAP Terminal, St. James, LA
(b) Vessel—St. James Terminal docks, St. James, LA
Maximum MLI Quantity —— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
006A		Bbls delivered to Capline pipeline over the period of sale	@$	$		
006B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
006C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
006D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
006E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 007 (Instruction 1)
Bayou Choctaw Sweet (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipeline—LOCAP Terminal, St. James, LA
(b) Vessel—St. James Terminal docks, St. James, LA
Maximum MLI Quantity —— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
007A		Bbls delivered to Capline pipeline over the period of sale	@$	$		
007B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantiy (Instruction 7)
007C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
007D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
007E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

Master Line Item No. 008 (Instruction 1)
Bayou Choctaw Sour (See Exhibit D, SPR Crude Oil Stream Characteristics)
Delivery Points: (See Exhibit F, SPR Delivery Point Data)
(a) Pipelines—LOCAP Terminal, St. James, LA
(b) Vessel—St. James Terminal docks, St. James, LA
Maximum MLI Quantity —— Barrels (Instruction 2)

Delivery line item No.	Maximum DLI quantity (Instruction 3)		Unit Price (Instruction 4)	Total price (Instruction 5)	Delivery preference (Instruction 6)	Minimum DLI quantity (Instruction 7)
008A		Bbls delivered to Capline pipeline over the period of sale	@$	$		
008B		Bbls delivered to other pipeline(s) over the period of sale	@$	$		
008C		Bbls delivered to vessel(s) from the 1st through the 10th day of the month.	@$	$		
008D		Bbls delivered to vessel(s) from the 11th through the 20th day of the month.	@$	$		
008E		Bbls delivered to vessel(s) from the 21st through the last day of the month.	@$	$		

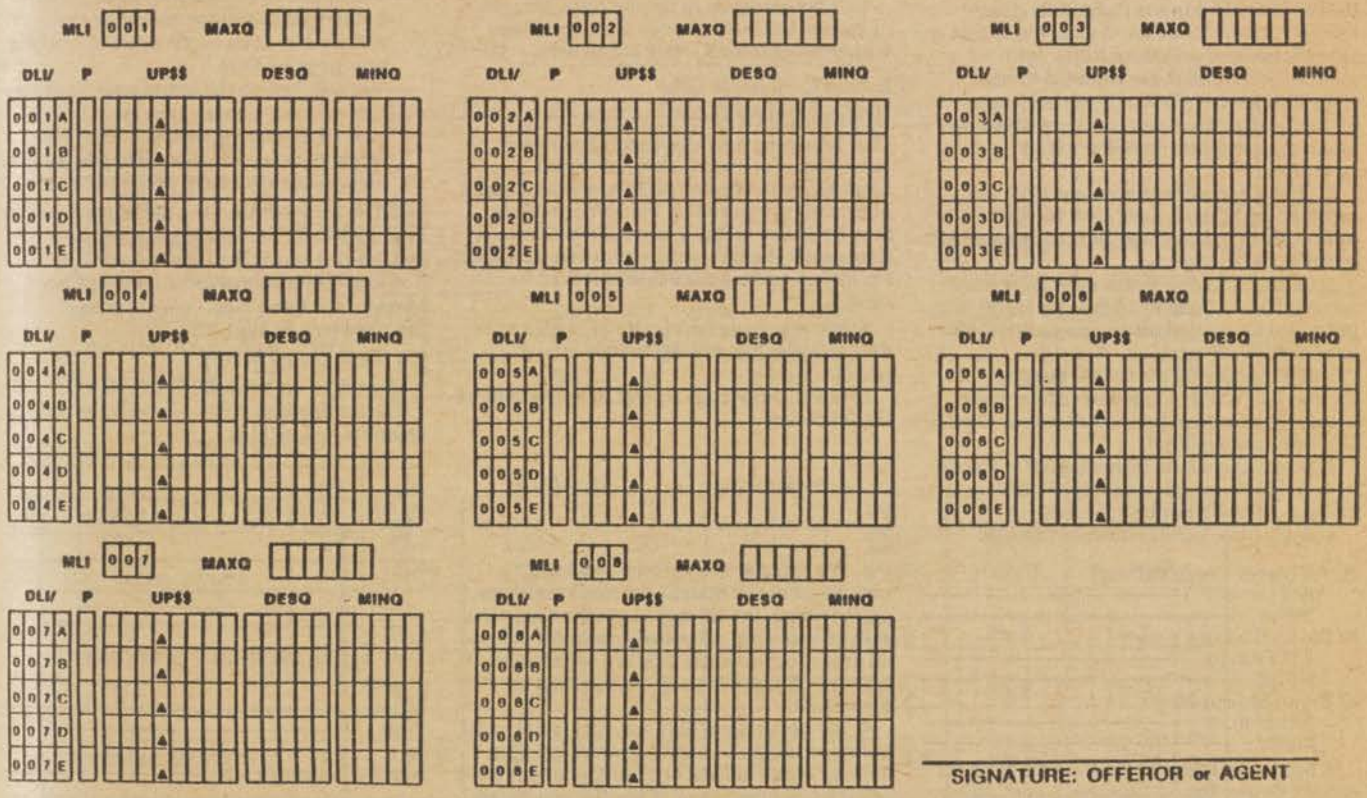
BILLING CODE 6450-01-M

Sample Data Entry Sheet (Subject to Change)

OFFER

LEGENDS: MLI = MASTER LINE ITEM NUMBER
LEGENDS: DLI/P = DELIVERY LINE ITEM/PREFERRED
LEGENDS: UP$$ = UNIT PRICE (U.S. $)/DLI
MAXQ = MAXIMUM QUANTITY BID/MLI
DESQ = DESIRED QUANTITY BID/DLI
MINQ = MINIMUM QUANTITY BID/DLI

FOR DOE USE ONLY (BBL : 1000)



SIGNATURE: OFFEROR or AGENT

FOR DOE USE ONLY

OFFEROR NAME | OFFEROR ADDRESS | OFFEROR CITY/PROVINCE

OF ST | OFFEROR ZIP CODE | OFFEROR COUNTRY | OFFEROR PHONE NUMBER | OF SZ | OFFEROR BOND

AGENT/ALTERNATE NAME | AGENT ADDRESS | AGENT CITY/PROVINCE

AG ST | AGENT ZIP CODE | AGENT COUNTRY | AGENT PHONE NUMBER

BILLING CODE 6450-01-C

DO NOT DETACH

Exhibit B—Sample Notice of Sale (NS)

(If the NS is sent by telegram, it could look substantially as shown below. If the NS is sent by mail, a Standard Form 33 will be included as a cover sheet.)

1. NS No. DE–NS–96–84P010001 is issued (date) for sale of Strategic Petroleum Reserve (SPR) crude oil. All references to "Provision No." refer to the Standard Sales Provisions (SSPS) published in the **Federal Register** (date). All provisions are applicable to this sale except that provision No(s). (give number or numbers) are changed to read: (give changes). Additional provisions are hereby added (give new numbers which do not duplicate others in SSPs) which read: (give text).

2. Offers and offer guarantees must be received by 12 noon local time on (date) at addresses for mailed and handcarried offers given in SSPS; (or)

2. Offers and offer guarantees must be received by 12 noon local time on (date) at (address) for mailed offers and (address) for handcarried offers.

3. Information for statistical purposes of Exhibit L of SSPS (is) (is not) required; (or)

3. Only item Nos. (give numbers) of Exhibit L of SSPs are required.

4. Direct Questions regarding NS to (name of individual), telephone (504) 734–4220. Collect calls will not be accepted.

5. Applicable quality differentials are:

A. All Sweet Crude Oil
API Gravity ———
Sulfur ———
B. Bayou Choctaw Sour
API Gravity ———
Sulfur ———
C. Bryan Mound Maya
API Gravity ———
Sulfur ———

6. Minimum acceptable prices for offered crude oils are: Bayou Choctaw Sweet, West Hackberry Sweet, and Bryan Mound Sweet ——— dollars per barrel ($ ——/bbl); Bayou Choctaw Sour, ——— dollars per barrel ($——/bbl); Bryan Mound Maya ——— dollars per barrel ($——/bbl).

7. Master Line Item (MLI) numbers given herein refer to those schedules attached as Exhibit A of the SSPs. Specifics of MLIs are given in Exhibit A. The quantities for each MLI offered for sale are as follows: MLI 001———bbls; MLI 002 not offered this sale; MLI 003———bbls; MLI 004———bbls; MLI 005 not offered this sale; MLI 006 not offered this sale; MLI–007———bbls; MLI 008——— bbls.

8. Offerors must give names, addresses and telephone numbers, including area codes, for authorized representative and alternate representative of the offeror with whom the government may conduct any necessary discussions.

9. Minimum quantities which will be awarded for each delivery line item are as follows:

10. Delivery line items maximums, i.e., DOE's best estimates of the maximum amount of petroleum that can be moved by each delivery line item transportation system over the delivery period, are as follows (see provision No. B.14 of the SSPs):

11. Minimum quantities to be loaded per vessel delivery window are as follows:

12. Consideration to be paid for alteration of contract delivery modes in accordance with provision No. C.16 is as follows:

Exhibit C—Sample Offer

Name of Offeror ———

(The following provides general guidance only. The offer must include all forms required by the Notice of Sale; any additional information required by the Notice of Sale may be in any suitably arranged written document. The offeror has total responsibility for the accuracy and completeness of its offer.)

1. We acknowledge receipt of Notice of Sale (NS) No. DE–NS–84P010001 issued (date).

2. We acknowledge receipt, if applicable, of the following:

Amendment No.	*Date Issued*
001	
002	
etc.	

3. We agree without exception to all provisions of the Standard Sales Provisions (SSPs) which the NS makes applicable to this sale as well as to all provisions in the NS and all amendments to the NS. We understand that our offer is not valid without this agreement.

4. We understand that our offer is not valid unless we submit an offer guarantee in the amount of $10 million or 5 percent of our total offer, whichever is less. The offer guarantee must reach you prior to the date and time set for receipt of offers.

a. The amount of our offer guarantee is (check one)

——$10 million
——5% of our total offer, not to exceed $———

b. The form of our offer guarantee is (check one)

——A cash deposit to the special SPR/PMO account
——A cashier's or certified check payable to the Treasurer of the United States
——A Standard Form (SF) 24, entitled "Bid Bond"
——An irrevocable standby letter of credit (Exhibit H to the SSPs)

c. Our offer guarantee was forwarded (check one)

——By wire transfer
——In this envelope with our offer
——By our bank under a separate cover
——By our surety company under a separate cover

d. If we submitted a cash deposit or cashier's or certified check, and, if we are an apparently successful offeror, (check one)

——We want the amount of the offer guarantee applied toward the advance payment or cash guarantee.
——We intend to furnish a letter of credit for a financial guarantee and want the cash returned as soon as the letter of credit is approved by DOE.
——We will furnish the entire amount of the advance payment or cash guarantee by a new cash wire deposit. We want the original cash offer guarantee returned as soon as the new cash deposit is received.

5. The NS —— did, —— did not require any information for statistical purposes from Exhibit L. It is attached if required.

6. Our offers on available crude oil for Master Line Items Nos. ——— are as attached (see Exhibit A).

(Or if authorized in NS)

Our offers on available crude oil are:
Master line item No. ——— Maximum MLI Quantity ——— bbls

Delivery line item No.	Maximum DLI quantity	Unit price	Total price	Delivery preference	Minimum DLI quantity

By signing the SF–33, I certify that:
I am
Name,———
Title ———
of
Name of company, etc. ———

I am the authorized agent of the offeror, in proof of which I submit a power of attorney or other enabling documents.

All offerors will supply the following information:

Name of firm
Mailing address
City, State, Zip Code
Name of authorized agent and alternate
Address of authorized agent and alternate
Telephone number for authorized agent and alternate, including area code
TWX number (if any)
Telecopier brand name and model number (if any)
Telephone number, including area code, for telecopier transmission
Is telecopier automatic or operator control?
Telephone number, including area code, for telecopier verification of message receipt
Dunn's number (if any)

BILLING CODE 6450–01–M

Exhibit D—SPR Crude Oil Stream Characteristics

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Bryan Mound Sweet

TERMINAL Seaway Terminal, Freeport, Texas

WHOLE CRUDE:

Specific Gravity	0.844			RVP, psi	7.8 max.
API Gravity	36.2 ± 1.0			Neutralization No.	<0.14
Sulfur, Wt. %	0.32 ± 0.05	UOP "K" Factor	11.65	Mercaptans, ppm	8.4
Nitrogen, Wt. %	0.099	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	2.6	O.D. Color	9100	77 °F	53 (8.28)
Pour Point, °F	35	H_2S, ppm	<1.0	100 °F	42 (4.88)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	6.2	8.8	13.2*	14.8	14.0	26.2	14.3
Wt. %	4.9	7.8	12.4	14.8	14.5	28.8	16.9
Specific Gravity	0.662	0.733	0.789	0.826	0.856	0.908	0.979
API Gravity	82.4	61.5	47.9	39.3	33.8	24.3	13.1
Sulfur, Wt. %				0.06	0.23	0.45	1.07
Mercaptans, ppm	7.4	14	26	33			
Cetane Index				45.8	52.1		
Aniline Point, °F				143.0	165.8	192.6	
SUS Visc., °F: 77				36	-	-	
100				34	42	-	
130				-	38	130	
180				-	-	62	
Cloud Point, °F					30	100	
Freeze Point, °F				-35.0			
Nitrogen, Wt. %					0.008	0.093	0.461
Carbon Residue, Wt. %						-	16.56

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Bryan Mound Sour

TERMINAL Seaway Terminal, Freeport, Texas

WHOLE CRUDE:

Specific Gravity	0.859			RVP, psi	5.0 max.
API Gravity	33.2 ± 1.0			Neutralization No.	<0.15
Sulfur, Wt. %	1.71 ± 0.10	UOP "K" Factor	11.85	Mercaptans, ppm	43
Nitrogen, Wt. %	0.103	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	4.74	O.D. Color	13,900	77 °F	51 (7.68)
Pour Point, °F	<5	H_2S, ppm	<1.0	100 °F	44 (5.51)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	5.2	8.0	15.8	13.5	13.0	26.1	18.3
Wt. %	4.0	6.7	14.1	12.8	12.9	28.0	21.4
Specific Gravity	0.656	0.718	0.771	0.818	0.855	0.920	1.003
API Gravity	84.2	65.6	52.0	41.5	34.0	22.3	9.6
Sulfur, Wt. %				0.29	1.01	2.23	3.88
Mercaptans, ppm	20	33	126	56			
Cetane Index				49.8	52.4		
Aniline Point, °F				147.0	158.0	175.5	
SUS Visc., °F: 77				34	-	-	
100				32	39	-	
130				-	35	88	
180				-	-	50	
Cloud Point, °F					18	94	
Freeze Point, °F				-31			
Nitrogen, Wt. %					0.004	0.090	0.399
Carbon Residue, Wt. %						0.52	22.20

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Bryan Mound Maya

TERMINAL Seaway Terminal, Freeport, Texas

WHOLE CRUDE:

Specific Gravity	0.921			RVP, psi	3.8
API Gravity	22.1 + 0.5			Neutralization No.	0.21
Sulfur, Wt. %	3.25 + 0.22	UOP "K" Factor	11.71	Mercaptans, ppm	53
Nitrogen, Wt. %	0.357	Org. Cl, ppm	3.6	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	10.5	O.D. Color	51,200	100 °F 340	(73.4)
Pour Point, °F	<5	H_2S, ppm	<1.0	130 °F 171	(36.55)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	4.7	4.2	10.7	9.7	11.7	22.1	35.8
Wt. %	3.4	3.2	9.0	8.7	11.1	22.4	41.1
Specific Gravity	0.666	0.718	0.769	0.823	0.869	0.935	1.057
API Gravity	81.0	65.6	52.5	40.4	31.3	19.8	2.4
Sulfur, Wt. %				1.11	2.26	3.01	5.12
Mercaptans, ppm	15	203	352	3			
Cetane Index				47.8	48.1		
Aniline Point, °F				144.7	152.6	174.2	
SUS Visc., °F: 77				34	-	-	
100				32	42	-	
130				-	37	126	
180				-	-	60	
Cloud Point, °F					26	100	
Freeze Point, °F				-29.2			
Nitrogen, Wt. %					0.052	0.201	0.789
Carbon Residue, Wt. %						0.17	25.6

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983, but subject to change

STREAM SPR West Hackberry Sweet

TERMINAL Sun Terminal, Nederland, Texas

WHOLE CRUDE:

Specific Gravity	0.840			RVP, psi	6.2
API Gravity	37.0 ± 0.5			Neutralization No.	0.14
Sulfur, Wt. %	0.34 ± 0.05	UOP "K" Factor	11.90	Mercaptans, ppm	7.4
Nitrogen, Wt. %	0.105	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	2.19	O.D. Color	8100	77 °F	45 (5.82)
Pour Point, °F	25	H_2S, ppm	<1.0	100 °F	39 (3.94)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	6.9	9.2	14.6	15.2	17.0	23.5	11.5
Wt. %	5.5	8.1	13.8	15.3	17.7	25.9	13.7
Specific Gravity	0.663	0.733	0.779	0.829	0.859	0.913	0.985
API Gravity	82.1	61.5	50.2	39.1	33.3	23.5	12.2
Sulfur, Wt. %	#########	#########	#########	0.09	0.26	0.46	1.13
Mercaptans, ppm	15	32	92	26	#########	#########	#########
Cetane Index	#########	#########	#########	45.6	51.3	#########	#########
Aniline Point, °F	#########	#########	#########	146.9	167.1	192.2	#########
SUS Visc., °F: 77	#########	#########	#########	34	-	-	#########
100	#########	#########	#########	33	43	-	#########
130	#########	#########	#########	-	38	117	#########
180	#########	#########	#########	-	-	58	#########
Cloud Point, °F	#########	#########	#########	#########	34	115	#########
Freeze Point, °F	#########	#########	#########	-31.3	#########	#########	#########
Nitrogen, Wt. %	#########	#########	#########	#########	0.010	0.109	0.548
Carbon Residue, Wt. %	#########	#########	#########	#########	#########	-	16.27

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR West Hackberry Sour

TERMINAL Sun Terminal, Nederland, Texas

WHOLE CRUDE:

Specific Gravity	0.860			RVP, psi	5.3 max.
API Gravity	33.1 ± 1.0			Neutralization No.	<0.12
Sulfur, Wt. %	1.71 ± 0.10	UOP "K" Factor	12.02	Mercaptans, ppm	19
Nitrogen, Wt. %	0.105	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	4.04	O.D. Color	TBD	77 °F	59 (10.05)
Pour Point, °F	<30	H_2S, ppm	<1.0	100 °F	53 (8.28)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	5.6	7.6	16.2*	14.3	12.9	24.1	17.7
Wt. %	4.4	6.5	14.8	13.9	13.1	26.3	21.0
Specific Gravity	0.661	0.721	0.773	0.822	0.863	0.924	1.011
API Gravity	82.6	64.8	51.6	40.7	32.5	21.6	8.5
Sulfur, Wt. %	#########	#########	#########	0.36	1.12	2.26	3.84
Mercaptans, ppm	20	45	83	65	#########	#########	#########
Cetane Index	#########	#########	#########	48.3	50.0	#########	#########
Aniline Point, °F	#########	#########	#########	143.2	157.6	180.0	#########
SUS Visc., °F: 77	#########	#########	#########	34	-	-	#########
100	#########	#########	#########	33	42	-	#########
130	#########	#########	#########	-	37	124	#########
180	#########	#########	#########	-	-	60	#########
Cloud Point, °F	#########	#########	#########	#########	21	86	#########
Freeze Point, °F	#########	#########	#########	-22.4	#########	#########	#########
Nitrogen, Wt. %	#########	#########	#########	#########	0.015	0.104	0.362
Carbon Residue, Wt. %	#########	#########	#########	#########	#########	TBD	20.29

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Bayou Choctaw Sweet

TERMINAL SPR St. James Terminal, St. James, Lousiana

WHOLE CRUDE:

Specific Gravity	0.844			RVP, psi	5.6
API Gravity	36.2 ± 1.0			Neutralization No.	0.09
Sulfur, Wt. %	0.35 ± 0.05	UOP "K" Factor	12.19	Mercaptans, ppm	27
Nitrogen, Wt. %	0.098	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	2.8	O.D. Color	TBD	77 °F	55 (8.91)
Pour Point, °F	35	H_2S, ppm	<1	100 °F	49 (7.06)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	5.6	9.0	13.6	13.5	14.1	24.6	16.7
Wt. %	4.8	8.0	12.8	13.5	14.5	27.0	19.6
Specific Gravity	0.661	0.734	0.781	0.825	0.851	0.903	0.976
API Gravity	82.5	61.4	49.8	40.0	34.8	25.2	13.5
Sulfur, Wt. %				0.08	0.22	0.46	1.05
Mercaptans, ppm	14.5	22	40	53			
Cetane Index				47.1	53.7		
Aniline Point, °F				146.5	167.5	190.3	
SIS Visc., °F: 77				42	-	-	
100				39	41	-	
130				-	37	102	
180				-	-	55	
Cloud Point, °F					26	99	
Freeze Point, °F				-35			
Nitrogen, Wt. %					0.006	0.091	0.492
Carbon Residue, Wt. %						-	15.2

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Bayou Choctaw Sour

TERMINAL SPR St. James Terminal, St. James, Lousiana

WHOLE CRUDE:

Specific Gravity	0.871			RVP, psi	5.30 max.
API Gravity	31.0 ± 1.0			Neutralization No.	<0.12
Sulfur, Wt. %	1.76 ± 0.10	UOP "K" Factor	11.84	Mercaptans, ppm	18
Nitrogen, Wt. %	0.138	Org. Cl, ppm	TBD*	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	4.50	O.D. Color	TBD	77 °F	67 (12.28)
Pour Point, °F	5	H_2S, ppm	<1.0	100 °F	52 (8.10)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	6.0	6.9	15.8	15.4	12.2	24.9	17.7
Wt. %	4.6	5.8	14.3	14.9	12.4	27.0	20.9
Specific Gravity	0.664	0.724	0.773	0.824	0.867	0.929	1.017
API Gravity	81.5	63.9	51.5	40.3	31.7	20.9	7.7
Sulfur, Wt. %				0.44	1.26	2.19	3.85
Mercaptans, ppm	TBD	TBD	TBD	TBD			
Cetane Index				47.6	48.8		
Aniline Point, °F				TBD	TBD	TBD	
SUS Visc., °F: 77				34	-	-	
100				32	43	-	
130				-	38	137	
180				-	-	63	
Cloud Point, °F					24	85	
Freeze Point, °F				TBD			
Nitrogen, Wt. %					0.025	0.133	0.478
Carbon Residue, Wt. %						0.15	21.5

* TO BE DETERMINED

U. S. DEPARTMENT OF ENERGY
STRATEGIC PETROLEUM RESERVE
CRUDE OIL ANALYSIS

Data current as of December 1, 1983,
but subject to change

STREAM SPR Weeks Island Sour

TERMINAL SPR St. James Terminal, St. James, Louisiana

WHOLE CRUDE:

Specific Gravity	0.878			RVP, psi	4.9
API Gravity	29.7°± 0.5°			Neutralization No.	0.09
Sulfur, Wt. %	1.39 ± 0.10	UOP "K" Factor	11.78	Mercaptans, ppm	16
Nitrogen, Wt. %	0.173	Org. Cl, ppm	<1	SUS Viscosity (cSt)	
Carbon Residue, Wt. %	5.17	O.D. Color	28,840	77 °F	76 (14.65)
Pour Point, °F	<5	H_2S, ppm	<1.0	100 °F	58 (9.76)

DISTILLATION TO 1000°F:

Fraction	1	2	3	4	5	6	7
Cut Temperature	C5-175°F	175°-250°F	250°-375°F	375°-530°F	530°-650°F	650°-1000°F	Residuum
Vol. %	4.3	6.6	12.5	12.6	15.8	25.4	21.7
Wt. %	3.3	5.5	11.2	12.0	15.8	27.0	25.3
Specific Gravity	0.659	0.729	0.778	0.829	0.868	0.927	1.014
API Gravity	83.1	62.7	50.5	39.3	31.5	21.2	8.0
Sulfur, Wt. %				0.31	1.02	1.70	3.14
Mercaptans, ppm	18	23	50	8.1			
Cetane Index				45.9	48.5		
Aniline Point, °F				141.6	156.1	173.1	
SUS Visc., °F: 77				34	-	-	
100				32	44	-	
130				-	38	131	
180				-	-	61	
Cloud Point, °F					29	105	
Freeze Point, °F				-33.6			
Nitrogen, Wt. %					0.015	0.126	0.541
Carbon Residue, Wt. %						0.18	20.65

BILLING CODE 6450-01-C

Exhibit E—SPR Crude Oil Stream Minimum Quality

[Data as of Dec. 1, 1983, and subject to change]

	Minimum API gravity	Maximum total sulfur (percent by weight)
Bryan Mound Sweet	33.0	0.50
Bryan Mound Sour	30.0	2.00
Bryan Mound Maya	21.0	3.50
West Hackberry Sweet	33.0	0.50
West Hackberry Sour	30.0	2.00
Bayou Choctaw Sweet	33.0	0.50
Bayou Choctaw Sour	30.0	2.00
Weeks Island Sour	26.0	1.90

Crude oil delivered by the SPR to the purchaser that does not meet either the above API gravity minimum or the above total sulfur content maximum will be accepted by the purchaser with the price adjusted in accordance with Provision Nos. C.10 and C.11.

Exhibit F—SPR Delivery Point Data

Terminal:	Seaway Terminal Freeport, Texas	Sun Terminal, Inc., Nederland, Texas	DOE St. James Terminal, St. James, Louisiana
Delivery Points:	(1) Seaway Terminal Marine Dock Facility [1] (2) Jones Creek Tank Farm (Seaway or other pipeline)	(1) Sun Terminal Marine Dock Facility [5] (2) Sun Terminal (Texoma or other pipelines)	(1) St. James Terminal Marine Dock Facility [8] (2) Locap Terminal (Capline or other pipelines)
Marine Dock Facility Data (as of Oct. 12, 1983) (A)			
Number of Berths.	3	5	2
Maximum LOA.	[2] 750 foot	1,000 foot	750
Maximum Beam.	107 foot	145 foot	None
Maximum Draft (B).	37 foot	40 foot fresh water	[9] 39 foot
Maximum Air Draft.	NA	136	153 foot
Maximum Deadweight tons (C).	[3] 80,000 deadweight tons	[6] 147,000 deadweight tons	[10] 123,000 deadweight tons
Barging capability.	[4] Yes	[7] [8] Yes	No

[1] No deballasting facilities are available.
[2] Maximum LOA 615 foot during hours of darkness.
[3] Deadweight tons can be larger if draft, LOA and beam restrictions are met. Maximum at dock 1 is 50,000 deadweight tons. Terminal permission is required for less than 32,000 deadweight tons.
[4] Only dock No. 1 has barge loading capability.
[5] No deballasting facilities are available.
[6] 85,000 deadweight tons or larger are limited to daylight transit. Maximum deadweight tons may be larger if draft, LOA and beam restrictions are met and the pilots agree to bring vessel in.
[7] There are 2 crude barge docks; Docks A and B with maximum draft of 15 foot Ship dock No. 1 available if scheduling permits.
[8] No deballasting facilities are available.
[9] St. James Terminal draft is 42 foot at the dock. Draft at the bar at the mouth of the Mississippi is 39 foot for 100,000 deadweight tons or over; 40 foot for under 100,000 deadweight tons.
[10] Larger deadweight tons can be accommodated with terminal approval.

A. Contractor shall be responsible for confirming that proposed vessels can be accommodated by terminals, harbors and channels involved.
B. Maximum draft is subject to varying limitations at river and harbor entrances due to tidal variances.
C. Maximum DWT is theoretical berth handling capability; however, contractors must be aware that harbor and channel physical constraints are the controlling factor as to ship size, and are varying.

BILLING CODE 6450-01-M

EXHIBIT G - OFFER BOND

STANDARD FORM 24 JUNE 1964 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.801	**BID BOND** *(See Instructions on reverse)*	24-103	DATE BOND EXECUTED *(Must not be later than bid opening date)*
PRINCIPAL *(Legal name and business address)*			TYPE OF ORGANIZATION *("X" one)* ☐ INDIVIDUAL ☐ PARTNERSHIP ☐ JOINT VENTURE ☐ CORPORATION STATE OF INCORPORATION
SURETY(IES) *(Name and business address)*			

PENAL SUM OF BOND					BID IDENTIFICATION	
PERCENT OF BID PRICE	AMOUNT NOT TO EXCEED				BID DATE	INVITATION NO.
	MILLION(S)	THOUSAND(S)	HUNDRED(S)	CENTS	FOR *(Construction, Supplies or Services)*	

KNOW ALL MEN BY THESE PRESENTS, That we, the Principal and Surety(ies) hereto, are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally: *Provided*, That, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal has submitted the bid identified above.

NOW, THEREFORE, if the Principal, upon acceptance by the Government of his bid identified above, within the period specified therein for acceptance (sixty (60) days if no period is specified), shall execute such further contractual documents, if any, and give such bond(s) as may be required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms by him, or in the event of failure so to execute such further contractual documents and give such bonds, if the Principal shall pay the Government for any cost of procuring the work which exceeds the amount of his bid, then the above obligation shall be void and of no effect.

Each Surety executing this instrument hereby agrees that its obligation shall not be impaired by any extension(s) of the time for acceptance of the bid that the Principal may grant to the Government, notice of which extension(s) to the Surety(ies) being hereby waived; provided that such waiver of notice shall apply only with respect to extensions aggregating not more than sixty (60) calendar days in addition to the period originally allowed for acceptance of the bid.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this bid bond and have affixed their seals on the date set forth above.

PRINCIPAL			
Signature(s)	1. *(Seal)*	2. *(Seal)*	*Corporate Seal*
Name(s) & Title(s) *(Typed)*	1.	2.	

INDIVIDUAL SURETIES		
Signature(s)	1. *(Seal)*	2. *(Seal)*
Name(s) *(Typed)*	1.	2.

CORPORATE SURETY(IES)					
SURETY A	Name & Address		STATE OF INC.	LIABILITY LIMIT	
	Signature(s)	1.	2.		*Corporate Seal*
	Name(s) & Title(s) *(Typed)*	1.	2.		

CORPORATE SURETY(IES) (Continued)					
SURETY B	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		
SURETY C	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		
SURETY D	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		
SURETY E	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		
SURETY F	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		
SURETY G	Name & Address		STATE OF INC.	LIABILITY LIMIT	Corporate Seal
	Signature(s)	1	2		
	Name(s) & Title(s) (Typed)	1	2		

INSTRUCTIONS

1. This form is authorized for use whenever a bid guaranty is required in connection with construction work or the furnishing of supplies or services. There shall be no deviation from this form without approval by the Administrator of General Services.

2. The full legal name and business address of the Principal shall be inserted in the space designated "Principal" on the face of this form. The bond shall be signed by an authorized person. Where such person is signing in a representative capacity (e.g., an attorney-in-fact), but is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved, evidence of his authority must be furnished.

3. The penal sum of the bond may be expressed as a percentage of the bid price if desired. In such cases, a maximum dollar limitation may be stipulated (e.g., 20% of the bid price but the amount not to exceed _____ dollars).

4. (a) Corporations executing the bond as sureties must be among those appearing on the Treasury Department's list of approved sureties and must be acting within the limitations set forth therein. Where more than a single corporate surety is involved, their names and addresses (city and State) shall be inserted in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)", and in the space designated "SURETY(IES)" on the face of this form only the letter identification of the Sureties shall be inserted.

(b) Where individual sureties execute the bond, they shall be two or more responsible persons. A completed Affidavit of Individual Surety (Standard Form 28), for each individual surety, shall accompany the bond. Such sureties may be required to furnish additional substantiating information concerning their assets and financial capability as the Government may require.

5. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Seal"; and, if executed in Maine or New Hampshire, shall also affix an adhesive seal.

6. The name of each person signing this bid bond should be typed in the space provided.

BILLING CODE 6450-01-C

Exhibit H—Offer Guarantee—Letter of Credit

Procurement Division
Mail Stop EP–5501
Project Management Office
Strategic Petroleum Reserve
U.S. Department of Energy
900 Commerce Road East
New Orleans, Louisiana 70123

To the Strategic Petroleum Reserve Drawdown Sales Coordinator:

By order of our customer (name and address of offeror) we hereby establish in the U.S. Department of Energy's favor an irrevocable Letter of Credit, Numbered ——, for an amount not to exceed U.S. $———, effective immediately as an offer guarantee for the offer of our customer dated ——— in response to the U.S. Department of Energy's Notice of Sale dated ——— for the sale of Strategic Petroleum Reserve petroleum. Liability under this Letter of Credit shall commence upon the date set by the Notice of Sale, including any amendments thereto, for receipt of offers and expires on the twenty-first day therefter. We agree that our obligation shall not be impaired by any extensions of the date set for receipt of offers, notice of such extension being hereby waived; provided, that such waiver of notice shall not apply to extensions extending more than thirty (30) calendar days beyond the period originally established for receipt of offers.

Funds under this Letter of Credit are available to the U.S. Department of Energy by its draft or drafts drawn on ourselves and accompanied by a manually signed statement of a duly authorized official of the U.S. Department of Energy stating the following:

This drawing of U.S. $——— — (U.S. dollar amount expressed in word form) against your Letter of Credit numbered ——, dated ——— is due the U.S. Government because of the failure of (name of offeror) to honor its offer to enter into a contract for the purchase of petroleum from the Strategic Petroleum Reserve, in accordance with the U.S. Government's Notice of Sale dated ——— and the applicable Standard Sales Provisions (10 CFR Part 625, Appendix A).

Upon receipt of the U.S. Department of Energy's draft and accompanying statement, either by hand or registered mail, return receipt requested at our office located at ———, we will honor the draft and make payment by 3 p.m. Eastern Standard Time of the next business day following receipt of the draft by wire transfer to the account of the U.S. Treasury through the Federal Reserve Communications System. Each wire transfer shall be formatted in accordance with prescribed Treasury requirements as shown in Exhibit J of the Standard Sales Provisions, 10 CFR Part 626, Appendix A.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision, International Chamber of Commerce Publication No. 290) and except as may be inconsistent therewith, to the Uniform Commercial Code in effect on the date of issuance of this Letter of Credit in the State in which the issuer's head office within the United States is located.

Address all communications regarding this Letter of Credit to (address and any applicable reference) .

Yours Truly,

Authorized Signature ———

Exhibit I—Payment and Performance Guarantee—Letter of Credit

Procurement Division
Mail Stop EP–5501
Project Management Office
Strategic Petroleum Reserve
U.S. Department of Energy
900 Commerce Road East
New Orleans, Louisiana 70123

To the Strategic Petroleum Reserve Drawdown Sales Coordinator:

By order of our customer (name and address) we hereby establish in the U.S. Department of Energy's favor an irrevocable Letter of Credit, Numbered ——, for about U.S. $——— — (the U.S. dollar amount expressed in word form) effective immediately and expiring at our office located at (address) three hundred and sixty-five (365) days from the date of issuance of this Letter of Credit, relative to an offer by our customer dated (date) , to purchase Strategic Petroleum Reserve petroleum. Liability under this Letter of Credit shall commence upon acceptance by the U.S. Government of our customer's offer and the award to our customer of a contract for the delivery of Strategic Petroleum Reserve petroleum.

Funds under this Letter of Credit are available to the U.S. Department of Energy by its draft or drafts drawn on ourselves. Except in the case of a draft presented by wire, such draft or drafts shall be accompanied by either a written statement of a duly authorized official of the U.S. Department of Energy stating that:

This drawing is due the U.S. Department of Energy under your Letter of Credit number ——— in payment for —— barrels of petroleum sold to (customer's name) under contract number ——— at a price of $——— per barrel (plus or minus) a sulfur differential price adjustment of —— tenths of one percent at $——— per one tenth of one percent per barrel and (plus or minus) a gravity differential of —— degrees at $——— per degree API per barrel, for a total amount due of $——— — (U.S. dollar amount expressed in word form) . The U.S. Government's invoice and supporting standard form DD250 is attached,

or a written statement of a duly authorized official of the U.S. Department of Energy that:

This drawing is due the U.S. Department of Energy under your Letter of Credit number ——— because of the failure of (customer's name) to accept delivery of petroleum under contract number ——— at the time specified in the contract, resulting in damage due under the contract of $——— — (U.S. dollar amount expressed in word form) ,

or both.

We will honor drafts presented by wire provided that each such draft contains either a statement that:

$——— is now due the U.S. DOE under your Letter of Credit ——— for (customer's name) , including $——— due for —— bls of oil sold at $——— per bl, with adjustments of ±—— tenths @ $0.——— sulfur and ±——— degrees @ $0.——— gravity, and $——— due for delivery damages,

or a statement that:

This drawing is now due the U.S. Department of Energy under your Letter of Credit ——— because of the failure of (customer's name) to accept delivery of petroleum at the time specified under the contract, resulting in damages due of $———,

or other wire message containing the relevant information.

The wire draft should include our FEDWIRE number and other information pertinent to a request for a wire transfer of funds over FEDWIRE, as follows: ———. The U.S. Government's invoice (including supporting documents) shall be forwarded to us by regular mail.

The U.S. Department of Energy may make multiple drawings totalling up to the amount of funds indicated in the first paragraph as available under this Letter of Credit.

Upon receipt of the U.S. Department of Energy's draft and accompanying statement, we will honor the draft and make payment by 3 p.m. Eastern Standard Time of the next business day following receipt of the draft, by wire transfer of funds over FEDWIRE to account number 021030004 of the U.S. Treasury through the Federal Reserve Communications System. Each wire transfer of funds shall be formatted in accordance with prescribed U.S. Treasury requirements as shown in Exhibit J of the Standard Sales Provisions, 10 CFR Part 626, Appendix A.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision, International Chamber of Commerce Publication No. 290) and except as may be inconsistent therewith, to the Uniform Commercial Code in effect on the date of issuance of this Letter of Credit in the state in which the issuer's head office within the United States is located.

Address all communications regarding this Letter of Credit to (address and any applicable reference) .

Yours Truly,

Authorized Signature ———

Exhibit J—Instruction Guide for Funds Transfer—Messages to Treasury

The following instructions provide specific information which is required so that a funds (wire) transfer message can be transmitted to the Department of Treasury. The funds transfer message format is shown in Attachment 1. A narrative description of each item on the funds transfer message follows:

Line 1

Item 1—*Priority Code*—The priority code will be provided by the sending bank. (Note: Some Federal Reserve district banks may not require this item.)

Line 2

Item 2—*Treasury Department Code*—The 9-digit identifier "021030004" is the routing symbol of the Treasury. This item is a

constant and is required for all funds transfer messages sent to Treasury.

Item 3—*Type Code*—The type code will be provided by the sending bank (will be a 10 or 12).

Line 3

Item 4—*Sending Bank Code*—This 9-digit identifier will be provided by the sending bank.

Item 5—*Class*—The class field may be used at the option of the sending bank. (Note: Some Federal Reserve Districts prohibit use of this field.)

Item 6—*Reference Number*—The reference member will be inserted by the sending bank to identify the transaction.

Item 7—*Amount*—The amount must include the dollar sign and the appropriate punctuation including cents digits. This item will be inserted by the sending bank.

Line 4

Item 8—*Sending Bank Name*—The telegraphic abbreviation which corresponds to Item 4 will be provided by the sending bank.

Line 5

Items 9, 10, and 11—*Treasury Department Name, Agency Location Code, Agency Number*—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of funds transfer message to Treasury for credit to the Department of Energy. This item is comprised of a rigidly formatted, left justified, nonvariable sequence of characters as follows:

Treas NYC/(89000201) DEPT. OF ENERGY (SPRO)

Item 12—*Payment Identification*—The payment identification should be furnished by the remitter in the following manner:

Lines 6 and 7

The constant "Payment for the Sale of Crude Oil Under Contract # ———. DD 250 # ——— will be inserted.

Line 8

The constant "Deposit Account 89X0233" will be inserted.

Important Note: Line Nos. 2 and 5 are edited by the Federal Reserve Bank. If the wire transfer message is not formatted as prescribed above, the message will be rejected by the FED Bank and returned to the sending bank.

Sample of Funds Transfer Message Format for SPR Oil Sales

02			
To 021030004	Type 10		
From 011000390	Class	Ref 0650	Amount $500,000.00
Ordering Bank and Related Data			
FIRST BOS			
TREAS NYC/(89000201) DEPT OF ENERGY (SPRO)			
PAYMENT FOR THE SALE OF CRUDE OIL UNDER			
CONTRACT # DD 250 #			
DEPOSIT ACCOUNT 89X0233			

Attachment 1 to Exhibit J

BILLING CODE 6450-01-M

MATERIAL INSPECTION AND RECEIVING REPORT	1. PROC. INSTRUMENT IDEN(CONTRACT) EXHIBIT K	(ORDER) NO.	6. INVOICE NO. / DATE	7. PAGE / OF / 8. ACCEPTANCE POINT
2. SHIPMENT NO.	3. DATE SHIPPED	4. B/L / TCN	5. DISCOUNT TERMS	
9. PRIME CONTRACTOR CODE		10. ADMINISTERED BY CODE		
11. SHIPPED FROM (If other than 9) CODE	FOB:	12. PAYMENT WILL BE MADE BY CODE		
13. SHIPPED TO CODE		14. MARKED FOR CODE		

15. ITEM NO.	16. STOCK/PART NO. DESCRIPTION (Indicate number of shipping containers - type of container - container number.)	17. QUANTITY SHIP/REC'D *	18. UNIT	19. UNIT PRICE	20. AMOUNT

21. PROCUREMENT QUALITY ASSURANCE

A. ORIGIN

☐ PQA ☐ ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents.

DATE | SIGNATURE OF AUTH GOVT REP

TYPED NAME AND OFFICE

B. DESTINATION

☐ PQA ☐ ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents.

DATE | SIGNATURE OF AUTH GOVT REP

TYPED NAME AND TITLE

22. RECEIVER'S USE

Quantities shown in column 17 were received in apparent good condition except as noted.

DATE RECEIVED | SIGNATURE OF AUTH GOVT REP

TYPED NAME AND OFFICE

* If quantity received by the Government is the same as quantity shipped, indicate by (✔) mark, if different, enter actual quantity received below quantity shipped and encircle.

23. CONTRACTOR USE ONLY

DD FORM 250 1 NOV 68 REPLACES EDITION OF 1 AUG 67 WHICH MAY BE USED

TANKER/BARGE MATERIAL INSPECTION AND RECEIVING REPORT	1. TANKER/BARGE ☐ LOADING REPORT ☐ DISCHARGE REPORT	2. INSPECTION OFFICE	3. REPORT NUMBER
4. AGENCY PLACING ORDER ON SHIPPER, CITY, STATE AND/OR LOCAL ADDRESS *(Loading)*		5. DEPARTMENT	6. PRIME CONTRACT OR P.O. NUMBER
7. NAME OF PRIME CONTRACTOR, CITY, STATE AND/OR LOCAL ADDRESS *(Loading)*			8. STORAGE CONTRACT
9. TERMINAL OR REFINERY SHIPPED FROM, CITY, STATE AND/OR LOCAL ADDRESS			10. ORDER NUMBER ON SUPPLIER
11. SHIPPED TO: *(Receiving Activity, City, State and/or Local Address)*			12. B/L NUMBER
			13. REQN. OR REQUEST NUMBER / 14. CARGO NUMBER
15. VESSEL		16. DRAFT ARRIVAL FORE AFT	17. DRAFT SAILING FORE AFT
18. PREVIOUS TWO CARGOES FIRST LAST		19. PRIOR INSPECTION	
20. CONDITION OF SHORE PIPELINE		21. APPROPRIATION *(Loading)*	22. CONTRACT ITEM NUMBER
23. PRODUCT		24. SPECIFICATIONS	

25. STATEMENT OF QUANTITY	LOADED	DISCHARGED	LOSS/GAIN	PER CENT
BARRELS *(42 Gals) (Net)*				
GALLONS *(Net)*				
TONS *(Long)*				

26. STATEMENT OF QUALITY

TESTS	SPECIFICATION LIMITS	TEST RESULTS

27. TIME STATEMENT	DATE	TIME
NOTICE OF READINESS TO LOAD DISCHARGE		
VESSEL ARRIVED IN ROADS		
MOORED ALONGSIDE		
STARTED BALLAST DISCHARGE		
FINISHED BALLAST DISCHARGE		
INSPECTED AND READY TO LOAD DISCHARGE		
CARGO HOSES CONNECTED		
COMMENCED LOADING DISCHARGE		
STOPPED LOADING DISCHARGING		
RESUMED LOADING DISCHARGING		
FINISHED LOADING DISCHARGING		
CARGO HOSES REMOVED		
VESSEL RELEASED BY INSPECTOR		
COMMENCED BUNKERING		
FINISHED BUNKERING		
VESSEL LEFT BERTH *(Actual/Estimated)*		

28. REMARKS *(Note in detail cause of delays such as repairs, breakdown, slow operation, stoppages, etc.)*

29. COMPANY OR RECEIVING TERMINAL

(Signature)

30. I CERTIFY THAT THE CARGO WAS INSPECTED, ACCEPTED AND LOADED/DISCHARGED AS INDICATED HEREON.

(Date) *(Signature of Authorized Government Representative)*

31. I HEREBY CERTIFY THAT THIS TIME STATEMENT IS CORRECT.

(Master or Agent)

DD FORM 1 MAR 88 250-1

REPLACES DD FORM 250-1, 1 JUL 65, WHICH MAY BE USED.

BILLING CODE 6450-01-C

U.S. Department of Energy

Exhibit L—Information for Statistical Purposes

[Check *one* for each statement.]

1. The offeror certifies that it is a small business concern as defined in accordance with Section 3 of the Small Business Act (15 U.S.C. 632). 1. — Yes or — No
2. The offeror certifies that it is a small business concern (as set forth in 1. above) and is owned and controlled by socially and economically disadvantaged individuals. Such a firm is defined as one— 2. — Yes or — No
   a. which is at least 51 percent owned by one or more such individuals or, in the case of publicly-owned business, at least 51 percent of the stock is owned by such individuals;
   b. whose management and daily business operations are controlled by one or more such individuals; and
   c. which certifies concerning ownership and control in accordance with Section 3 below.
3. The offeror certifies that he or she is a minority individual in accordance with 3a below or that he or she is socially and economically disadvantaged in accordance with Section 3b or 3c. Socially and economically disadvantaged individuals are defined as: 3. — Yes or — No
   a. United States citizens who are Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other specified minorities;
   b. any other individual found to be disadvantaged pursuant to Section 8(a) of the Small Business Act (15 U.S.C. 637); or
   c. any other individual defined by the Small Business Administration as socially and economically disadvantaged for purposes relating to other sections of the Small Business Act.
4. The offeror certifies that it is a woman-owned business. A woman-owned business is a business which is at least 51 percent owned, controlled, and operated by a woman or women. "Controlled" is defined as exercising the power to make policy decisions. "Operated" is defined as actively involved in the day-to-day management. 4. — Yes or — No
   (Businesses which are publicly-owned, joint stock associations or business trusts are exempted from answering this question. Exempted businesses may voluntarily represent whether they are, or are not, woman-owned if this information is available.)
5. The offeror certifies that it is a labor surplus area concern. (For definition of "labor surplus area concern," see 41 CFR Section 1–1.801). 5. — Yes or — No
6. The offeror states that it operates as:
   (Check one or more as applicable)
   ——An individual
   ——A partnership
   ——A joint venture
   ——A nonprofit or not-for-profit organization
   ——Corporation
   ——An educational institution
   ——A hospital
   ——A State or local Government agency
   ——A U.S. Government agency
   ——A foreign government or foreign government agency
7. The offeror is incorporated in *(U.S. State or foreign country)* or, if not incorporated, is a resident of *(U.S. State or foreign country)*, and has its principal place of business in *(city and U.S. State or foreign country)*.
8. The offeror is owned or controlled by a parent entity. 8. — Yes or — No

   A parent entity for the purposes of this clause is an entity which either owns the offeror or controls the activities and basic business policies of the offeror. To own another company means the parent entity must own at least a majority (more than 50 percent) of the voting rights in the company. To control another entity, such ownership is not required; if another entity is able to formulate, determine, or veto basic business policy decisions of the offeror, such other entity is considered the parent entity of the offeror. This control may be exercised through the use of dominant minority voting rights, proxy voting, contractual arrangements or otherwise.
9. If the answer to 8. above is "yes," the offeror will fill in below the name of the controlling entity, the main business address of that entity, and the telephone number thereof.

_____

_____

Failure to execute all parts of the representations/certifications given above at the time an offer is submitted shall be regarded as a minor informality and the offeror shall be permitted to satisfy the requirement prior to award.

(OMB control number 1901–0261)

[FR Doc. 84–738 Filed 1–19–84; 8:45 am]

BILLING CODE 6450–01–M

federal register

Friday
January 20, 1984

Part IX

Department of Labor

Office of the Secretary

29 CFR Part 18

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges; Technical Amendments; Final Rule

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges; Technical Amendments

AGENCY: Office of the Secretary, Labor.

ACTION: Final rule; Technical Amendments.

SUMMARY: This document makes technical amendments to the final text of Regulation 29 CFR Part 18, implementing the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, which was published on July 15, 1983 (48 FR 32538). This action is necessary in order to delete a sentence in § 18.22(d) and in order to correct typographical errors in § 18.28 and § 18.37. This document also revises language in § 18.34(g)(3).

FOR FURTHER INFORMATION CONTACT: E. Earl Thomas, Deputy Chief Administrative Law Judge, Office of Administrative Law Judges, 1111 20th Street, N.W., Washington, D.C. 20036, Phone 202–653–5057.

SUPPLEMENTARY INFORMATION:

PART 18—[AMENDED]

The following corrections are made in FR Doc. 83–19186 appearing on page 32538 in the issue of July 15, 1983:

§ 18.22 [Corrected]

1. On page 32544, column one, the tenth through thirteenth lines in § 18.22(d) are corrected by removing the sentence "Thereafter, such officer shall seal the deposition in an envelope and mail the same by certified mail to the administrative law judge."

§ 18.28 [Corrected]

2. On page 32545, column two, the third line in §18.28(c) is corrected by changing 3' x 3½' to read "3" x 3½"."

§ 18.34 [Revised]

3. On page 32546, column two, the first through twelfth lines in § 18.34(g)(3) are revised to read as follows:

§ 18.34 Representation.

* * * * *

(g) * * *

(3) *Denial of authority to appear.* The administrative law judge may deny the privilege of appearing to any person, within applicable statutory constraints, e.g. 5 U.S.C. 555, who he or she finds after notice of and opportunity for hearing in the matter does not possess the requisite qualifications to represent others; or is lacking in character or integrity; has engaged in unethical or improper professional conduct; or has engaged in an act involving moral turpitude. * * *

§ 18.37 [Corrected]

4. On page 32546, column three, the second line in § 18.37 is corrected by changing the spelling of "consumpton" so as to read "consumption."

Signed at Washington, D.C. this 13th day of January, 1984.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 84–1692 Filed 1–19–84; 8:45 am]

BILLING CODE 4510–20–M

Reader Aids

Federal Register

Vol. 49, No. 14

Friday, January 20, 1984

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-2867
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-340.....3
341-556.....4
557-860.....5
861-1044.....6
1045-1170.....9
1171-1320.....10
1321-1466.....11
1467-1666.....12
1667-1866.....13
1867-1974.....16
1975-2088.....17
2089-2222.....18
2223-2462.....19
2463-2740.....20

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
326.....1450

3 CFR

Executive Orders:
February 26, 1885, (Revoked by PLO 6501).....2114
May 14, 1915 (Revoked in part by PLO 6500).....1986
11888 (Amended by EO 12459).....2089
12163 (Amended by EO 12458).....1977
12369 (Continued by EO 12455).....345
12382 (Continued by EO 12454).....343
12387 (Superseded by EO 12456).....347
12428 (Amended by EO 12457).....865
12454.....343
12455.....345
12456.....347
12457.....865
12458.....1977
12459.....2089

Proclamations:
4707 (Amended by EO 12459).....2089
5133 (Amended by Proc. 5142).....341
5142.....341
5143.....557
5144.....861
5145.....863
5146.....1816
5147.....1975

5 CFR

339.....1321
432.....1321
731.....1869
752.....1321
754.....1869
831.....1321
890.....1045
1001.....1332

Proposed Rules:
532.....602
1411.....1450
1701.....1450

7 CFR

2.....1047
6.....361
52.....1333
56.....2223
59.....2223
70.....2223
201.....1171
225.....2463
301.....1871
319.....1872
354.....1173
404.....1876
413.....867
415.....1881
421.....871
432.....876
442.....2225
701.....1174
770.....2225
905.....1467, 2229
906.....1979
907.....848, 1048, 1468, 1980
910.....876, 1667, 2093, 2465
915.....1048
928.....1667
932.....1
944.....1979
959.....2230
979.....2230
989.....1668
993.....1469
1033.....1980
1207.....2093
1430.....2, 361
1464.....2466
1951.....1885

Proposed Rules:
51.....603, 1909
770.....409
810.....1730
984.....1909
989.....413
991.....1379,1380
1540.....414
1736.....1910, 2115

8 CFR

238.....2093, 2094

9 CFR

81.....368
94.....1886
97.....1175
301.....2230
307.....1469
317.....2230
320.....2230
350.....1469
351.....1469
354.....1469
355.....1469
362.....1469
381.....1469, 2230

Proposed Rules:
381.....2473

10 CFR

463.....5

625.....2692
Proposed Rules:
2.....414
20.....1205
72.....414
1040.....1450
1535.....1450

11 CFR

Proposed Rules:
100.....1995
101.....1995

12 CFR

Ch. VII.....559
5.....52
29.....2236
212.....1334
225.....794
265.....2094
349.....1176
544.....53
552.....53
572a.....1334
720.....559
722.....559
735.....559
750.....559
790.....559
791.....559
792.....559
793.....559
Proposed Rules:
5.....893
205.....2204
220.....1996
226.....2210, 2211
410.....1450
563b.....415

13 CFR

Proposed Rules
125.....2257

14 CFR

11.....53
21.....53
39.....369, 370, 1049, 1669, 1887, 2239, 2240, 2467
43.....53
45.....53
71.....371, 1050, 1051, 1176, 2241
75.....2241
91.....53
95.....1470, 1888
97.....1052
241.....1982
385.....1671
Proposed Rules:
39.....415–417
71.....419, 895, 1211, 2263

15 CFR

904.....1036, 1037, 1464
924.....1037
929.....1037
935.....1037
936.....1037
937.....1037
938.....1037
Proposed Rules:
17.....420
303.....605
373.....2264
376.....2264
1033.....1450

16 CFR

453.....559, 564
Proposed Rules:
455.....1911

17 CFR

21.....1335
211.....53
231.....2468
241.....2468
251.....2468
270.....1476, 1477
271.....55, 2468
Proposed Rules:
230.....614
239.....614
240.....421
270.....614, 1735–1737
274.....614

18 CFR

35.....1177
154.....565
271.....56, 565, 566
274.....566
282.....568
301.....1177
1312.....1016
Proposed Rules:
2.....70
3.....643
11.....1067
13.....1067
154.....70
157.....1525
201.....70
270.....70
271.....70, 644, 1525, 2116
282.....1525
284.....1525

19 CFR

10.....852, 1480, 1482
134.....1672
148.....1672
162.....1672
171.....1672
172.....1672
177.....1484
Proposed Rules:
Ch. I.....1740
101.....1380, 1530
151.....1531
201.....1450

20 CFR

341.....569
416.....1177, 1340

21 CFR

5.....571
73.....372
74.....61
81.....61
82.....61
136.....1982
312.....2095
436.....2241
448.....2241
449.....2241
452.....373
510.....62
520.....572, 1983
546.....1340
558.....62, 374
610.....1683
640.....1685, 2243
660.....1683
876.....573, 1053
890.....1053
895.....1177
1316.....1178

22 CFR

Proposed Rules:
219.....1450
607.....1450
1103.....1450
1304.....1450

23 CFR

626.....1895
650.....1178, 1485
655.....1895
752.....1895
Proposed Rules:
625.....1213
645.....1219
655.....1213

24 CFR

51.....877
200.....375–377
841.....2608
3282.....1966

25 CFR

26.....2097
27.....2100
163.....1686
Proposed Rules:
16.....1381
20.....1381, 2267
23.....1381

26 CFR

1.....1182, 1692, 2104, 2469, 2470
35a.....62
55.....2104
Proposed Rules:
1.....645, 646, 1075, 1225–1244, 1384, 1742
25.....896, 2117
51.....1748

27 CFR

Proposed Rules:
4.....1752

28 CFR

524.....190, 192
Proposed Rules:
2.....1532
511.....195
548.....194
551.....195

29 CFR

18.....2739
1601.....1054
1910.....881
2610.....63
2619.....1054, 1896
2621.....1055
2622.....63
Proposed Rules:
1910.....844, 996
1917.....996

30 CFR

250.....1897
917.....65
926.....66
936.....1488
938.....379
948.....1489
Proposed Rules:
870.....1752
901.....1532, 2268
925.....2268
938.....2478
942.....2117

32 CFR

229.....1016
257.....1490
885.....881
Proposed Rules:
199.....2118

33 CFR

1.....574
117.....575, 577
153.....574, 576
161.....577
165.....583, 2244
Proposed Rules:
110.....649
117.....1535
140.....1083
142.....1083
230.....1387

34 CFR

Proposed Rules:
241.....2458

35 CFR

111.....1184

36 CFR

254.....1184
296.....1016, 1900
Proposed Rules:
406.....1450

37 CFR

1.....548

38 CFR

21.....2109, 2110
Proposed Rules:
21.....1400, 2118

39 CFR

10.....583, 1340, 1983
Proposed Rules:
233.....897

40 CFR

7.....1656
12.....1656
51.....1984
52.....67, 583, 1187, 1341, 1342, 1491, 1903
60.....1905, 2470

66.....1188
67.....1188
81.....2471
86.....68
162.....380
180.....388-390,882
271.....585, 1695
439.....1190
469.....1056
716.....1696
761.....1697

Proposed Rules:
52.....78, 79, 2119-2122, 2269
60.....1997, 2058, 2448, 2636, 2656
87.....421
145.....2123
162.....423
180.....426
228.....1911
261.....427
712.....1536
721.....82, 99, 1753
799.....108, 430-456, 899, 1760, 2478

41 CFR

Ch. 1.....1343
Ch. 101.....2246
101-29.....2246
101-42.....2246
105-60.....2248
1-6.....1906
101-11.....1344
101-47.....1347
105-61.....1348

Proposed Rules:
105-61.....1403

42 CFR

405.....234, 408
409.....234
489.....234

43 CFR

Subtitle A.....1190
7.....1016
3000.....2110
3040.....2110
3100.....2110
3110.....2110
3120.....2110

Public Land Orders:
6388 (Corrected by PLO 6499).....1986
6397 (Corrected by PLO 6500).....1986
6468 (Corrected by PLO 6498).....1986
6498.....1986
6499.....1986
6500.....1986
6501.....2114

44 CFR

64.....1699, 1907
65.....1701, 1702
67.....1492, 1496

Proposed Rules:
67.....1710

45 CFR

84.....1622
96.....1703
1627.....1703

Proposed Rules:
1175.....1450
1181.....1450
1609.....1087
1620.....1088
1626.....1090
1706.....1450

46 CFR

Proposed Rules:
7.....908
508.....1537

47 CFR

Ch. I.....882, 1190
2.....1520, 2358
15.....1512
43.....896
51.....896
52.....896
64.....1352
68.....1352
73.....391-396, 1252-1254, 1367, 1704
87.....1519
90.....1056, 1520, 1728
97.....1374

Proposed Rules:
Ch. I.....1090, 1538, 2124
2.....1997
31.....1245
64.....1248
73.....465-467, 908, 1091, 1252-1254, 2000, 2478
74.....908
90.....1997
97.....1097

48 CFR

Proposed Rules:
Ch. 5.....2000

49 CFR

1.....1521
71.....887
172.....2250
173.....2250
179.....2250
210.....1521
213.....1987
232.....1988
571.....1522
1033.....586
1043.....1988
1152.....396
1201.....2253
1309.....2471
1310.....2471

Proposed Rules:
394.....1912
807.....1450

50 CFR

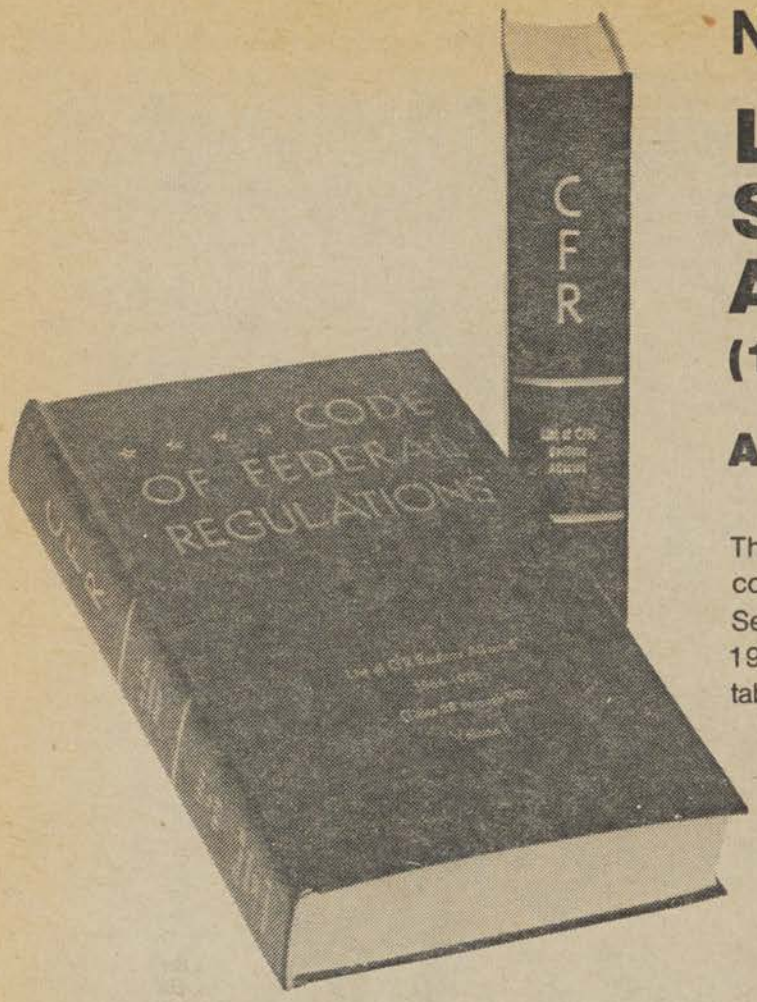
17.....1057, 1992
22.....887
23.....590, 1058
215.....1037
216.....1037
220.....1037
222.....1037
285.....1037
351.....1522
611.....396, 595, 1037, 2472
620.....1036
621.....1037
649.....1037
650.....1037
651.....1037
652.....1037
655.....402, 1037
663.....597, 1060
671.....1375
672.....1037, 1061
674.....1037
675.....396, 1037, 1063, 2472
680.....1037
681.....407, 1037

Proposed Rules:
17.....1166, 1919, 2485
23.....2128
216.....1778
550.....1450
662.....1255, 1919

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing: December 19, 1983.



New Publication

List of CFR Sections Affected

(1964 through 1972)

A Research Guide

These two volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1964 through 1972. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 through 27) $15.00
Volume II (Titles 28 through 50) $14.00

ORDER FORM Mail to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Enclosed is $_____ ☐ check,
☐ money order, or charge to my
Deposit Account No.
☐☐☐☐☐☐☐–☐

Order No._____

VISA* MasterCard

Credit Card Orders Only

Total charges $_____ Fill in the boxes below

Credit Card No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date Month/Year ☐☐☐☐

Please send me___copies of the CODE OF FEDERAL REGULATIONS
Volume I $15.00 Stock No. 022-003-94233-5
Volume II $14.00 Stock No. 022-003-94234-3

Name—First, Last

Street address

Company name or additional address line.

City State ZIP Code

(or Country)

PLEASE PRINT OR TYPE

For Office Use Only

Quantity		Charges
_____	Enclosed	
_____	To be mailed	
	Subscriptions	
	Postage	
	Foreign handling	
	MMOB	
	OPNR	
_____	UPNS	
_____	Discount	
_____	Refund	