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Friday
May 11, 1984

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Presidential Documents

Title 3—

The President

Executive Order 12475 of May 9, 1984

Textile Import Program Implementation

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 204 of the Agricultural Act of 1956, as amended (76 Stat. 104, 7 U.S.C. 1854), and Section 301 of Title 3 of the United States Code, and in order to prevent circumvention or frustration of multilateral and bilateral agreements to which the United States is a party and to facilitate efficient and equitable administration of the United States Textile Import Program, it is hereby ordered as follows:

Section 1. (a) In accordance with policy guidance provided by the Committee for the Implementation of Textile Agreements (CITA), through its Chairman, in accordance with the provisions of Executive Order No. 11651, as amended, the Secretary of the Treasury shall issue regulations governing the entry or withdrawal from warehouse for consumption of textiles and textile products subject to Section 204 of the Act.

(b) Initial regulations promulgated under this section shall be promulgated no later than 120 days after the effective date of this order.

(c) To the extent necessary to implement more effectively the United States textile program under Section 204, such regulations shall include:

(i) clarifications in, or revisions to, the country of origin rules for textiles and textile products subject to Section 204 in order to avoid circumvention of multilateral and bilateral textile agreements;

(ii) provisions governing withdrawals from a customs bonded warehouse of articles subject to this Order transformed, changed or manipulated in a warehouse after importation but prior to withdrawal for consumption; and

(iii) any other provisions determined to be necessary for the effective and equitable administration of the Textile Import Program.

(d) Any such regulations may also include provisions requiring importers to provide additional information and/or documentation on articles subject to this order which are determined to be necessary for the effective and equitable administration of the Textile Import Program.

Sec. 2. (a) The Commissioner of Customs shall establish Textile and Apparel Task Force (the Task Force) within the United States Customs Service to coordinate enforcement of regulations concerning importation under the Textile Import Program.

(b) CITA, through its Chairman, shall, in accordance with the provisions of Executive Order No. 11651, as amended, provide information and recommendations to the Task Force, through the Department of the Treasury, on implementation and administration of the Textile Import Program.

(c) The Department of Treasury shall, to the extent practicable, inform the Chairman of CITA of the progress of all investigations concerning textile imports; provide notice to CITA of all requests for rulings on matters that could reasonably be expected to affect the implementation of the Textile Import Program; and take into consideration any comments on such requests that CITA, through its Chairman, timely submits.

Sec. 3. This order supplements, but does not supersede or amend, Executive Order No. 11651 of March 3, 1972, as amended.

Sec. 4. This order shall be effective upon its publication in the Federal Register.

Ronald Reagan

THE WHITE HOUSE,
May 9, 1984.

[FR Doc. 84-12969
Filed 5-10-84; 11:50 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-301]

Gypsy Moth Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of gypsy moth regulated areas under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by (1) redesignating areas in Maryland, Michigan, New York, Pennsylvania, Virginia, and West Virginia from gypsy moth low-risk areas to gypsy moth high-risk areas; (2) designating a previously nonregulated area in Maryland as a gypsy moth high-risk area; (3) designating previously nonregulated areas in California, Maryland, Washington, and West Virginia as gypsy moth low-risk areas; (4) deleting areas in California, North Carolina, Virginia, and Washington from the list of gypsy moth regulated areas; (5) removing all areas in Arkansas and Nebraska from the list of gypsy moth regulated areas; and, (6) removing Arkansas and Nebraska from the list of States quarantined because of gypsy moth. The guarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk areas and gypsy moth low-risk areas. This amendment is necessary as an emergency measure in order to prevent the artificial spread interstate of gypsy moth and to delete unnecessary restrictions on the interstate movement of certain articles.

DATES: Effective date of this interim rule is May 11, 1984.

Written comments concerning this interim rule must be received on or before July 10, 1984.

ADDRESSES: Written comments should be submitted to Thomas O. Gesel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an annual effect on the economy of approximately $25,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action. Due to the possibility that gypsy moths could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where gypsy moth no longer occurs, or when there is reason to believe that the density of egg masses per acre has decreased sufficiently to remove the area from a gypsy moth high-risk area classification, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register**. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

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

Certification under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in the States of Arkansas, California, Maryland, Michigan, Nebraska, New York, North Carolina, Pennsylvania, Virginia, Washington, and West Virginia. Based on information compiled by the U.S. Department of Agriculture it has been determined that there are many hundreds of small entities that move regulated articles interstate from such States and many thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 175 small entities move regulated articles interstate from the specified areas affected by this action. Further, the annual overall economic impact from this action is estimated to be less than $25,000.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and

Regulations (7 CFR 301.45 *et seq.*) quarantine certain States because of the gypsy moth, and restrict the interstate movement from regulated areas of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into high-risk areas and low-risk areas. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Paragraphs (a), (b), and (c) of section 301.45–3 of the "Domestic Quarantine" regulations (7 CFR 301.45–3 (a), (b), and (c)) impose the following conditions on the movement of regulated articles:

(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7.

(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or browntail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45–4 and 301.45–7.

(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or browntail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area.

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

Designation of Areas as High-Risk Areas

As an emergency measure, the following area in Maryland, which was previously a nonregulated area, is designated as a gypsy moth high-risk area:

Maryland

Garrett County. That portion of the county where State Highway 669 intersects with the Maryland-Pennsylvania State line; then south along said highway to its intersection with U.S. Highway 40; then east along said highway to its intersection with State Highway 495; then southerly along said highway to its intersection with State Highway 135; then east along said highway to its intersection with the Garret County-Allegany County line; then north along said line to its intersection with the Maryland-Pennsylvania State line; then west along the Maryland-Pennsylvania State line to the point of beginning.

Also, as an emergency measure, the following areas in Maryland, Michigan, New York, Pennsylvania, Virginia, and West Virginia which were previously designated as gypsy moth low-risk areas are redesignated as gypsy moth high-risk areas:

Allegany County. The entire county.

Caroline County. That portion of the county bounded by a line beginning at a point where State Highway 404 intersects the Caroline County-Queen Annes County line; then northerly along said line to its intersection with the Maryland-Delaware State line; then southerly along said line to its intersection with State Highway 404; then northwesterly along said highway to the point of beginning.

Howard County. The entire county.

Kent County. That portion of the county bounded by a line beginning at a point where State Highway 290 intersects the Kent County-Queen Annes County line; then north along said highway to its intersection with the Maryland-Delaware State line; then north along said line to its intersection with Kent County-Cecil County line; then westward, southward, and eastward along the Kent County line to the point of beginning.

Queen Annes County. The entire county.

Michigan

Isabella County. Sec. 11, 12, 13, and 14, T. 14 N., R. 3 W.

Midland County. Sec. 5 and 6, T. 14 N., R. 2 W.

Oakland County. Sec. 18, T. 3 N., R. 7 E.

New York

Allegany County. The entire county.

Cattaraugus County. The towns of Allegany, Carrolton, Cold Spring, Elko, Farmersville, Franklinville, Freedom, Great Valley, Hinsdale, Humphrey, Ischua, Little Valley, Lyndon, Machias, Napoli, Olean, Portville, Red House, Salamanca, and Yorkshire.

Hamilton County. The entire county.

Herkimer County. The towns of

Jefferson County. The towns of Alexandria, Antwerp, and Theresa.

Livingston County. The towns of Conesus, Lima, and Springwater.

Ontario County. The town of Naples and South Bristol.

St. Lawrence County. The towns of Hammond, Macomb, and Rossie.

Steuben County. The towns of Avoca, Canisteo, Conocton, Fremont, Greenwood, Hartsville, Hornellsville, Howard, Jasper, Troupsburg, and West Union.

Yates County. The towns of Benton, Italy, Middlesex, and Potter.

Pennsylvania

Forest County. The entire county.

McKean County. The entire county.

Warren County. The entire county.

Westmoreland County. The entire county.

Virginia

Loudoun County. That portion of the county bounded by a line beginning at the junction of the Potomac River and the Virginia-West Virginia State line; then southwesterly along said line to its intersection with State Highway 7; then easterly along said highway to its intersection with State Highway 287; then northerly along said highway to its intersection with the Potomac River; then westerly along said river to the point of beginning.

West Virginia

Berkeley County. The entire county.

Jefferson County. The entire county.

Morgan County. The entire county.

Based on recent surveys, inspectors have determined with respect to all of the areas added to the list of gypsy moth high-risk areas, that defoliation has occurred in these areas because of the gypsy moth or that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present in

these areas. Also, regulated articles exist within or adjacent to these areas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles. Therefore, as an emergency measure, it is necessary to designate such areas as gypsy moth high-risk areas and impose restrictions on the interstate movement of regulated articles from these areas in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

Designation of Areas as Low-Risk Areas

As an emergency measure, the following areas in California, Maryland, Washington, and West Virginia, which were previously nonregulated areas, are designated as gypsy moth low-risk areas:

California

Alameda County. That portion of the county bounded by a line beginning at a point where 82nd Avenue intersects 14th Street; then northwesterly on said street to its intersection with 55th Avenue; then northeasterly on said avenue to its intersection with Fairfax Avenue; then northerly on said avenue to its intersection with High Street; then northeasterly on said street to its intersection with Brookdale Avenue; then northwesterly on said avenue to its intersection with 38th Avenue; then northeasterly on said avenue to its intersection with MacArthur Boulevard; then southerly on said boulevard to its intersection with 39th Avenue; then northeasterly on said avenue to its intersection with Aliso Avenue; then northwesterly on said avenue to its intersection with Redwood Road; then easterly on said road to its intersection with Skyline Boulevard; then southeasterly on said boulevard to its intersection with Lexford Place; then southerly along an imaginary line to its intersection with the intersection of Partridge Avenue and 82nd Avenue; then southwesterly on 82nd Avenue to the point of beginning.

Contra Costa County. That portion of the county bounded by a line beginning at a point where Greenbrook Drive intersects Interstate 680; then southeasterly on Interstate 680 to its intersection with Bollinger Canyon Road; then northeasterly on said road to its intersection with Alcosta Boulevard; then northeasterly from said intersection along an imaginary line to its intersection with Doughery Road and Camino Tassajara Road; then northwesterly from said intersection along an imaginary line to its intersection with Sycamore Freitas Valley Road and Greenbrook Drive; then southerly on Greenbrook Drive to the point of beginning.

Santa Clara County. That portion of the county beginning at a point where Blossom Hill Road intersects Cahalan Avenue; then southerly on Cahalan Avenue to its end; then southerly from the end of said avenue along an imaginary line to its intersection with Camden Avenue and Almaden Expressway; then southeasterly on Almaden Expressway to Almaden Road; then southeasterly on Almaden Road to its intersection with McKean Road; then northeasterly on said road to its intersection with Harry Road; then northeasterly on Harry Road to its intersection with Henwood Road; then northeasterly from said intersection along an imaginary line to its intersection with the intersection of Curie Drive and Cottle Road; then north on Cottle Road to its intersection with Santa Teresa Boulevard; then west on said boulevard to its intersection with Lean Avenue; then northerly on Lean Avenue to its intersection with Blossom Hill Road; then westerly on said road to the point of beginning.

San Diego County. That portion of the county bounded by a line beginning at a point where Interstate 805 crosses Friars Road; then southerly on Interstate 805 to its intersection with Adams Avenue; then east on Adams Avenue to its intersection with Aldine Drive; then northerly and easterly on Aldine Drive to its intersection with Fairmount Avenue; then north on said avenue to its intersection with Montezuma Road; then easterly on said road to its intersection with Yerba Santa Drive; then northwesterly on said drive to its intersection with Mesquite Road; then northeasterly on said road to its intersection with Yerba Anita Drive; then northerly on said drive to its end; then northerly along an imaginary line from the end of Yerba Anita Drive to its intersection with the intersection of Elsa Road and Fenmore Way; then westerly on Elsa Road to its intersection with Crawford Street; then north on Crawford Street to its intersection with Zion Avenue; then west on Zion Avenue to its intersection with Mission Gorge Road; then northwesterly from said intersection along an imaginary line to its intersection with the intersection of Taussig Street and Patriot Street; then westerly from said intersection along an imaginary line to its intersection with the intersection of Melbourne Drive and Irvington Avenue; then southerly on Melbourne Drive to its intersection with Ronda Avenue; then west and north on said avenue to its intersection with Bartel Place; then southerly from said intersection along an imaginary line to its intersection with the point of beginning.

Maryland

Garrett County. That portion of the county bounded by a line beginning at a point where State Highway 669 intersects with the Maryland-Pennsylvania State line; then west along said line to its intersection with the Maryland-West Virginia State line; then south and northeasterly along said line to its intersection with the Garrett County-Allegany County line; then north along said line to its intersection with State Highway 135; then westerly along said highway to its intersection with State Highway 495; then northerly along said highway to its intersection with U.S. Highway 40; then west along said highway to its intersection with State Highway 669; then north on said highway to the point of beginning.

Washington

Snohomish County. That portion of the county lying west of State Highway 9.

Whatcom County. That portion of the county bounded by a line beginning at a point where the Skagit-Whatcom County line intersects the Bellingham-Samish Bays; then easterly along said line to its intersection with State Highway 9; then northerly along said highway to its intersection with State Highway 542; then westerly from said intersection along an imaginary line to its intersection with the easterly most point of Gushen Road; then westerly along Gushen Road to its intersection with Axton Road; then westerly along Axton Road to its intersection with the Nooksack River; then southerly along the Nooksack River to Bellingham Bay; then southerly along Bellingham Bay to the point of the beginning.

West Virginia

Grant County. That portion of the county lying north of State Highway 93 and west of State Highway 42 and U.S. Highway 50.

Hampshire County. The entire county.

Mineral County. The entire county.

Based on recent surveys, inspectors have determined that infestations of gypsy moth occur in these areas designated as gypsy moth low-risk areas, but that the number of egg masses per acre is not high enough to meet the criteria referred to above for gyspy moth high-risk areas.

As noted above, restrictions concerning the gypsy moth are imposed on movements of regulated articles from gypsy moth low-risk areas only if it is

determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7 of the regulations. In this connection, it is necessary as an emergency measure to designate such areas as gypsy moth low-risk areas in order to advise persons of the likelihood that inspectors would conduct inspections in such areas and that based on their findings of life stages of gypsy moth, restrictions could apply to the movement of regulated articles from such areas.

Deletion of Areas From List of Regulated Areas

Prior to the effective date of this document the following areas in Arkansas, California, Nebraska, North Carolina, Virginia, and Washington were designated as gypsy moth regulated areas. These areas are now deleted from the list of gypsy moth regulated areas.

Arkansas

Fulton County. "Secs. 25, 26, 35, and 36, T. 20 N., R. 5 W."

California

Orange County. "That area within San Juan Capistrano bounded on the north by Ortega Highway, on the south by Calle Arroyo, on the east by Aveneda Siega, and on the west by Calle Del Campo."

Santa Barbara County. "That portion of the county beginning at a point where U.S. Highway 101 and Lambert Road intersect; then north on Lambert Road to its end; then northerly along an imaginary line from the end of Lambert Road to the intersection of State Highway 192 and Ladera Lane; then north on said lane to its intersection with Bella Vista Drive; then due north along an imaginary line from said intersection to an imaginary point ½ mile north of and within the boundary line of the Los Padres National Forest; then westerly along an imaginary line which is ½ mile within the Los Padres National Forest boundary line to an imaginary point on Parma Creek ½ mile north of the intersection of Parma Creek and the Los Padres National Forest boundary line; then southerly along Parma Creek to its intersection with State Highway 192; then southeasterly along said highway to its intersection with State Highway 144; then southerly along said highway to its intersection with Salinas Street; then southeast on said street to U.S. Highway 101; then easterly on said highway to the point of beginning."

Nebraska

Lancaster County. "SE ¼ sec. 1, E ½ sec. 12, NE ¼ sec. 13, T. 10 N., R. 5 E., and S ½ sec. 6, sec. 7, N ½ sec. 18, T. 10 N., R. 6 E."

North Carolina

Johnston County. "That property known as the Lakeview KOA Campground on the southeast side of Interstate Highway 95 and located 0.5 mile from the junction of Interstate Highway 95 and U.S. Highway 70A.

Wake County. "That area bounded by a line beginning at a point where Millbrook Road intersects Windy Hill Drive; then north on said drive to its intersection with Quail Ridge Road; then northeasterly on said road to its intersection with the powerline right-of-way; then southeasterly along said right-of-way to its intersection with Departure Drive; then south on said drive to its intersection with Millbrook Road; then northwesterly on said road to its intersection with Lacy Avenue, then southwesterly on said avenue to its intersection with 2nd Street; then northwesterly on said street to its intersection with Millbook Road and Old Wake Forest Road; then westerly on Millbrook Road to the point of beginning."

Virginia

Floyd County. "That area bounded by a line beginning at the junction of State Highways 8 and 750; thence southwesterly along State Highway 750 to its westernmost junction with State Highway 738; thence northwesterly along State Highway 738 to its junction with State Highway 737; thence southwesterly along State Highway 737 to its junction with State Highway 739; thence southeasterly along State Highway 739 to its junction with State Highway 730; thence easterly along State Highway 730 to its junction with State Highway 705; thence northeasterly along State Highway 705 to its junction with State Highway 8; thence northwesterly along State Highway 8 to the point of origin."

Lunenburg County. "That portion of the county bounded by a line beginning at a point where State Highway 712 and Gills Creek intersect; then southeast along an imaginary line to its intersection with State Highway 687 and State 628; then southwest along State Highway 628–687 to its intersection with State Highway 688; then southwest on State Highway 687 to an imaginary point 0.6 mile southwest of the intersection of State Highway 628–687 and State Highway 688; then west along an imaginary line from said imaginary point to the end of State Highway 698; then northwest along said highway to its intersection with State Highway 628; then northwest from said intersection along an imaginary line to the intersection of State Highway 712 and the Charlotte County-Lunenburg County line; then northeast along State Highway 712 to the point of beginning."

Washington

Clark County. "That portion of the county bounded by a line beginning at a point where Interstate 5 intersects NW. 179th Street, then southerly along Interstate 5 to its intersection with NW. 78th Street, then west on said street to its end, then due west along an imaginary line from the end of NW. 78th Street to the Columbia River, then northerly along said river to an imaginary point which is due west from the intersection of NW. 179th Street and NW. 41st Avenue, and then due east from said imaginary point along an imaginary line to the intersection of NW. 179th Street and NW. 41st Avenue, then west along NW. 179th Street to the point of beginning.

"That portion of the county bounded by a line beginning at a point where the Columbia River shoreline intersects NW. 179th Street; then easterly along said street to its intersection with Interstate 5; then southerly along Interstate 5 to its intersection with NE. 78th Street; then due west from said intersection along an imaginary line to its intersection with the Columbia River shoreline; then north along the Columbia River Shoreline to the point of beginning."

Based on treatments with insecticides and subsequent negative surveys in accordance with the quarantine and regulations, it has been determined that the gypsy moth no longer occurs in the above-described areas. Accordingly, there is no basis to continue listing such areas as regulated areas for the purpose of preventing the artificial spread of gypsy moth. Therefore, as an emergency measure, it is necessary to delete these areas from the list of regulated areas in order to delete unnecessary restrictions on the movement of gypsy moth regulated articles.

Further, the effect of deleting the above-described areas in Arkansas and Nebraska from the list of gypsy moth regulated areas is to remove all areas in Arkansas and Nebraska from the list of regulated areas. As a result, there is no longer a basis for quarantining Arkansas and Nebraska for gypsy moth. Therefore, this amendment also deletes

the States of Arkansas and Nebraska from the list of States quarantined because of gypsy moth in section 301.45(a).

In addition, this document amends the regulations by making several nonsubstantive editorial changes.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Quarantine, Transportation, Gypsy Moth.

PART 301—[AMENDED]

Under the circumstances referred to above, the Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 through 301.45–10) are amended as follows:

§301.45 [Amended]

1. In § 301.45(a) the list of quarantined States is amended by removing all references to "Arkansas" and "Nebraska".

2. Section 301.45–2a is revised to read as follows:

§ 301.45–2a Regulated areas; high-risk and low-risk areas.

(a) The areas described below are designated as gypsy moth regulated areas, and such regulated areas are divided into high-risk areas or low-risk areas as follows:

California

(1) *High-risk area.* None.

(2) *Low-risk area.*

Alameda County. That portion of the county bounded by a line beginning at a point where Interstate Highway 680 and Bernal Avenue intersect; then northwesterly on Interstate Highway 680 to its intersection with Stoneridge Drive; then easterly along Stoneridge Drive to its intersection with Hopyard Road; then easterly along an imaginary line from said intersection to the intersection of West Las Positas Boulevard and Santa Rita Road; then southerly along said road to its intersection with Mohr Avenue; then easterly along said avenue to its intersection with Kolln Street; then southerly along said street to its intersection with Valley Avenue; then southerly from said intersection along an imaginary line to the end of Kolln Street; then southerly along Kolln Street to its intersection with Jensen Street; then westerly along Jensen Street to its intersection with Main Street; then southerly along Main Street to its intersection with Bernal Avenue; then westerly along said avenue to the point of beginning.

That portion of the county bounded by a line beginning at a point where 82nd Avenue intersects 14th Street; then northwesterly on said street to its intersection with 55th Avenue; then northeasterly on said avenue to its intersection with Fairfax Avenue; then northerly on said avenue to its intersection with High Street; then northeasterly on said street to its intersection with Brookdale Avenue; then northwesterly on said avenue to its intersection with 38th Avenue; then northeasterly on said avenue to its intersection with MacArthur Boulevard; then southerly on said boulevard to its intersection with 39th Avenue; then northeasterly on said avenue to its intersection with Aliso Avenue; then northwesterly on said avenue to its intersection with Redwood Road; then easterly on said road to its intersection with Skyline Boulevard; then southeasterly on said boulevard to its intersection with Lexford Place; then southerly along an imaginary line to its intersection with the intersection of Partridge Avenue and 82nd Avenue; then southwesterly on 82nd Avenue to the point of beginning.

Contra Costa County. That portion of the county bounded by a line beginning at a point where Pine Hollow Road and Mitchell Canyon Road intersect; then southerly on Mitchell Canyon Road to its intersection with Mitchell Creek; then southerly from said intersection along an imaginary line to the peak of Mitchell Rock; then easterly from said rock along an imaginary line to the intersection of Trail Ride Road and East Trail; then due north from said intersection along an imaginary line to an unimproved and unnamed road through Irish Canyon; then northwesterly along said road to its intersection with Black Diamond Way; then westerly along Black Diamond Way to its junction with Main Street in the town of Clayton; then westerly on Main Street to its end; then westerly from the end of said street along an imaginary line to the east end of Pine Hollow Road; then westerly on Pine Hollow Road to the point of beginning.

That portion of the county bounded by a line beginning at a point where Greenbrook Drive intersects Interstate 680; then southeasterly on Interstate 680 to its intersection with Bollinger Canyon Road; then northeasterly on said road to its intersection with Alcosta Boulevard; then northeasterly from said intersection along an imaginary line to its intersection with Doughery Road and Camino Tassajara Road; then northwesterly from said intersection along an imaginary line to its intersection with Sycamore Freitas Valley Road and Greenbrook Drive; then southerly on Greenbrook Drive to the point of beginning.

Marin County. That portion of the county bounded by a line beginning at a point where San Marin Drive intersects Business U.S. Highway 101; then easterly on San Marin Drive to its junction with Atherton Avenue; then easterly on Atherton Avenue to its intersection with Binford Road; then northerly on Binford Road to Rush Creek; then northeasterly along the southern boundary of Rush Creek to the northern most corner of Marin Memorial Gardens (cemetery); then southeasterly along the eastern boundary of Marin Memorial Gardens to Bahia Drive; then easterly along an imaginary line to the west end of Laguna Vista Drive; then southeasterly from the west end of said drive along an imaginary line to the intersection of School Road and Atherton Avenue; then southeasterly on Atherton Avenue to State Highway 37; then southwesterly on State Highway 37 to its intersection with Novato Creek; then northwesterly along Novato Creek to its intersection with an unnamed tributary; then southwesterly and northwesterly along said tributary to its intersection with U.S. Highway 101; then northerly on U.S. Highway 101 to Rowland Boulevard; then westerly on Rowland Boulevard to Business U.S. 101; then northerly on Business U.S. Highway 101 to the point of beginning.

San Mateo County. That portion of the county bounded by a line beginning at a point where 27th Avenue and Alameda De Las Pulgas intersect; then northeasterly along 27th Avenue to its intersection with South El Camino Real; then northeasterly along an imaginary line from said intersection to the intersection of East Hillsdale Boulevard and South Norfolk Street; then southeasterly along South Norfolk Street to its intersection with Los Prados; then southeasterly along Los Prados to its intersection with Bahia; then southeasterly along an imaginary line from said intersection to the intersection of Winchester Court and Galveston Street; then southeasterly along Galveston Street to its intersection with Bodega Street; then southerly along said street to its intersection with Chesapeake Avenue; then easterly along said avenue to its intersection with Biscayne Avenue; then southerly along an imaginary line from said intersection to the intersection of U.S. Highway 101 and Ralston Avenue; then southwesterly along Ralston Avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to its intersection with Sharon Avenue; then westerly along said avenue to its intersection with Coronet Boulevard; then southerly along said boulevard to its Intersection with Casa Bona Avenue; then westerly along said avenue to its intersection with Semeria Avenue; then northwesterly along said avenue to its intersection with Cipriani Boulevard; then westerly along said boulevard to its intersection with Wooster Avenue; then westerly along said avenue to its intersection with Thurm Avenue; then northerly along said avenue to its intersection with Bettina Avenue; then northerly along said avenue to its intersection with 42nd Avenue; then easterly along said avenue to its intersection with Kingridge Drive; then northwesterly along said drive to its merger with 36th Avenue; then northeasterly along said avenue to its intersection with Alameda De Las Pulgas; then northerly along Alameda De Las Pulgas to the point of beginning.

That portion of the county beginning at a point where El Camino Real (State Highway 82) intersects Encinal Avenue; then northwesterly along El Camino Real to its intersection with Charter; then northeasterly along Charter to its end; then northeasterly along an imaginary line from the end of Charter to the intersection of Middlefield and Charter Street; then northeasterly along Charter Street to its intersection with Broadway; then northwesterly along an imaginary line from said intersection to the intersection of Woodside Road (State Highway 84) and U.S. Highway 101; then easterly along an imaginary line from said intersection to the end of Marsh Road; then southerly along Marsh Road to its intersection with U.S. Highway 101; then

southerly along an imaginary line from said intersection to the intersection of Acorn Way and Greenoaks Drive; then westerly along Acorn Way to its intersection with Catalpa Drive; then southerly along said drive to its intersection with Linden Avenue; then southerly along said avenue to its intersection with Middlefield; then westerly along Middlefield to its intersection with Encinal Avenue; then southerly along said avenue to the point of beginning.

Santa Clara County. That portion of the county bounded by a line beginning at a point where East Charleston Road intersects Independence Avenue; then southerly along said avenue to its intersection with West Middlefield Road; then easterly along said road to its intersection with Thompson Avenue ; then southwesterly along said avenue to its intersection with Central Expressway; then southwest from said intersection along an imaginary line to its intersection with the intersection of Gabriel Avenue and Showers Drive; then southerly along Showers Drive to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with San Antonio Road; then southerly along said road to its intersection with Loucks Avenue; then westerly along said avenue to its intersection with Los Altos Avenue; then northwesterly along an imaginary line from said intersection to the end of Laguna Avenue; then northwesterly along said avenue to its intersection with Matadero Avenue; then northwesterly along said avenue to its intersection with El Camino Real; then northwesterly along El Camino Real to its intersection with Lambert Avenue; then northeasterly along said avenue to its intersection with Park Boulevard; then northwesterly along an imaginary line from said intersection to the intersection of Alma Street and El Dorado Avenue; then northeasterly along said avenue to its intersection with Cowper Street; then northwesterly along said street to its intersection with Colorado Avenue; then northeasterly along said avenue to its intersection with Middlefield Road; then southeasterly along said road to its intersection with Loma Verde Avenue; then northeasterly along said avenue to its intersection with Louis Road; then southeasterly along said road to to its intersection with East Meadow Drive; then northeasterly along said drive to its intersection with Fabian Way; then southerly along said way to its intersection with East Charleston Road; then easterly along said road to the point of beginning.

That portion of the county beginning at a point where Blossom Hill Road intersects Cahalan Avenue; then southerly on Cahalan Avenue to its end; then southerly from the end of said avenue along an imaginary line to its intersection with Camden Avenue and Almaden Expressway; then southeasterly on Almaden Expressway to Almaden Road; then southeasterly on Almaden Road to its intersection with McKean Road; then northeasterly on said road to its intersection with Harry Road; then northeasterly on Harry Road to its intersection with Henwood Road; then northeasterly from said intersection along an imaginary line to its intersection with the intersection of Curie Drive and Cottle Road; then north on Cottle Road to its intersection with Santa Teresa Boulevard; then west on said boulevard to its intersection with Lean Avenue; then northerly on Lean Avenue to its intersection with Blossom Hill Road; then westerly on said road to the point of beginning.

San Diego County. That portion of the county bounded by a line beginning at a point where Interstate 805 crosses Friars Road; then southerly on Interstate 805 to its intersection with Adams Avenue; then east on Adams Avenue to its intersection with Aldine Drive; then northerly and easterly on Aldine Drive to its intersection with Fairmount Avenue; then north on said avenue to its intersection with Montezuma Road; then easterly on said road to its intersection with Yerba Santa Drive; then northwesterly on said drive to its intersection with Mesquite Road; then northeasterly on said road to its intersection with Yerba Anita Drive; then northerly on said drive to its end; then northerly along an imaginary line from the end of Yerba Anita Drive to its intersection with the intersection of Elsa Road and Fenmore Way; then westerly on Elsa Road to its intersection with Crawford Street; then north on Crawford Street to its intersection with Zion Avenue; then west on Zion Avenue to its intersection with Mission Gorge Road; then northwesterly from said intersection along an imaginary line to its intersection with the intersection of Taussig Street and Patriot Street; then westerly from said intersection along an imaginary line to its intersection with the intersection of Melbourne Drive and Irvington Avenue; then southerly on Melbourne Drive to its intersection with Ronda Avenue; then west and north on said avenue to its intersection with Bartel Place; then southerly from said intersection along an imaginary line to its intersection with the point of beginning.

Connecticut

(1) *High-risk area*. The entire State.
(2) *Low-risk area*. None.

Delaware

(1) *High-risk area*.
Kent County. The entire county.
New Castle County. The entire county.
(2) *Low-risk area*.
Sussex County. The entire county.

Illinois

(1) *High-risk area*. None.
(2) *Low-risk area*.
DuPage County. SE¼ sec. 2, sec. 11, W½ sec. 12, NW¼ sec. 13, and N½ sec. 14, T. 38 N., R. 9 E.; secs. 8, 9, 10, 11, 16, 17, 18, 19, 20, 29, and 30, T. 39 N., R. 10 E.; SW¼ sec. 5, S½ sec. 6, sec. 7, W½ sec. 8, NW¼ sec. 17 and N½ sec. 18, T. 38 N., R. 11 E.; and secs. 10, 11, 13, 14, 15, 16, 21, 22, and 23, T. 40 N., R. 11 E.
Kane County. SW¼ sec. 21, T. 40 N., R. 8 E.
Lake County. SE¼ sec. 28, T. 43 N., R. 10 E.; NE¼ sec. 24, T. 45 N., R. 11 E.; and SW¼ sec. 6, T. 45 N., R. 11 E.

Maine

(1) *High-risk area*.
Androscoggin County. The entire county.
Cumberland County. The entire county.
Franklin County. The townships of Avon, Carthage, Chesterville, Farmington, Industry, Jay, New Sharon, New Vineyard, Perkins, Strong, Temple, Washington, Weld, and Wilton.
Hancock County. The entire county.
Kennebec County. The entire county.
Knox County. The entire county.
Lincoln County. The entire county.
Oxford County. The townships of Albany, Batchelders Grant, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hanover, Hartford, Hebron, Hiram, Lovell, Mason Plantation, Mexico, Milton Plantation, Norway, Oxford, Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock.
Penobscot County. The townships of Alton, Argyle, Bangor City, Bradford, Bradley, Brewer City, Carmel, Charleston, Clifton, Corinna, Cornith, Dexter, Dixmont, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Old Town City, Orono, Orrington, Pasadumkeag, Plymouth, Stetson, Summit, Veazie-Eddington, and 1 ND.
Piscataquis County. The townships of Atkinson, Medford, Milo, and Orneville.
Sagadahoc County. The entire county.
Somerset County. The townships of Anson, Athens, Cambridge Canaan, Cornville, Detroit, Embden, Fairfield, Harmony, Hartland, Madison, Mercer, New Portland, Norridgewock, Palmyra, Pittsfield, Ripley, Skowhegan, Smithfield, Solon, St. Albans, and Starks.
Waldo County. The entire county.
Washington County. The townships of Addison, Beals, Beddington, Centerville, Cherryfield, Columbia, Columbia Falls, Crawford, Deblois, East-Machias, Harrington, Jonesborro, Jonesport, Machias, Machiasport, Marshfield, Milbridge, Northfield, Rogue Bluffs, Steuben, Wesley, Whitneyville, 5 ND, 18 ED, 18 MD, 19 ED, 19 MD, 24 MD, 25 MD, 26 ED, 27 ED, 29 MD, 30 MD, 31 MD, 36 MD, 37 MD, 42 MD, and 43 MD.
York County. The entire county.
(2) *Low-risk area*.
Aroostook County. Township of Molunkus.
Franklin County. The townships of Crockertown, Dallas Plantation, Freeman, Jerusalem, Kingfield, Madrid, Mount Abraham, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, 6, E, and D.
Oxford County. The townships of Andover, Andover North, Andover West, Byron, Gilead, Grafton, Magalloway Plantation, Newry, Richardsontown, Riley, Roxbury, Upton, C, and C Surplus.
Penobsoct County. The townships of Burlington, Chester, E. Millinocket, Hopkins Academy Grant, Indian Purchase, Lee, Long A, Mattawamkeag, Medway, Millinocket, Winn, Woodville, Veazie Gore, AR 7, AR 8 & 9, and 3 R 1.
Piscataquis County. The townships of Abbott, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangeville, Sebec, Wellington, and 1 R 9.

Somerset County. The townships of Bingham, Bringhton Plantation, Caratunk, Concord Plantation, Highland Plantation, Lexington Plantation, Mayfield, Moscow, and Pleasant Ridge Plantation.

Washington County. The townships of Alexander, Baileyville, Baring, Calais, Cooper, Charlotte, Cutler, Dennysville, East port, Edmonds, Lubec, Marion, Meddybemps, Pembroke, Perry, Princeton, Robbinston, Trescott, Whiting, Plantation 14, and Plantation 21.

Maryland

(1) *High-risk area.*

Allegany County. The entire county.

Baltimore City. The entire city.

Baltimore County. The entire county.

Caroline County. That portion of the county bounded by a line beginning at a point where State Highway 404 intersects the Caroline County-Queen Annes County line; then northerly along said line to its intersection with the Maryland-Delaware State line; then southerly along said line to its intersection with State Highway 404; then northwesterly along said highway to the point of beginning.

Carroll County. The entire county.

Cecil County. The entire county.

Frederick County. The entire county.

Garrett County. That portion of the county where State Highway 669 intersects with the Maryland-Pennsylvania State line; then south along said highway to its intersection with U.S. Highway 40; then east along said highway to its intersection with State Highway 495; then southerly along said highway to its intersection with State Highway 135; then east along said highway to its intersection with the Garrett County-Allegany County line; then north along said line to its intersection with the Maryland-Pennsylvania State line; then west along the Maryland-Pennsylvania State line to the point of beginning.

Harford County. The entire county.

Howard County. The entire county.

Kent County. The entire county.

Queen Annes County. The entire county.

Washington County. The entire county.

(2) *Low-risk area.*

Anne Arundel County. The entire county.

Caroline County. That portion of the county bounded by a line beginning at a point where State Highway 404 intersects the Caroline County-Queen Annes County line; then southerly along said line to its intersection with the Caroline County-Talbot County line; then southerly along the Caroline County-Talbot County line to its intersection with the Caroline County-Dorchester County line; then easterly along the Caroline County-Dorchester County line to the Maryland- Delaware State line; then north along the Maryland-Delaware State line to its intersection with State Highway 404; then northwesterly along said highway to the point of beginning.

Dorchester County. The entire county.

Garrett County. That portion of the county bounded by a line beginning at a point where State Highway 669 intersects with the Maryland-Pennsylvania State line; then west along said line to its intersection with the Maryland-West Virginia State line; then south and northeasterly along said line to its intersection with the Garrett County-Allegany County line; then north along said line to its intersection with State Highway 135; then westerly along said highway to its intersection with State Highway 495; then northerly along said highway to its intersection with U.S. Highway 40; then west along said highway to its intersection with State Highway 669; then north on said highway to the point of beginning.

Montgomery County. The entire county.

Prince Georges County. The entire county.

Talbot County. The entire county.

Wicomico County. The entire county.

Worcester County. The entire county.

Massachusetts

(1) *High-risk area.* The entire State.

(2) *Low-risk area.* None.

Michigan

(1) *High-risk area.*

Isabella County. Sec. 11, 12, 13, and 14, T. 14 N., R. 3 W., sec. 33, T. 13 N., R. 4 W.; and sec 35, T. 14 N., R. 6 W.

Midland County. Sec. 5 and 6, T. 14 N., R. 2 W.

Oakland County. Sec. 18, T. 3 N., R. 7 E.

(2) *Low-risk area.*

Arenac County. The entire county.

Bay County. The entire county.

Berrien County. Sec. 1 and 2, T. 3 S., R. 18 W.

Clare County. The entire county.

Genesee County. The entire county.

Gladwin County. The entire county.

Grand Traverse County. Sec. 36, T. 28 N., R. 11 W.

Gratiot County. The entire county.

Isabella County. The entire county *except* sec. 11, 12, 13, and 14, T. 14 N., R. 3 W.; sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W.

Kalamazoo County. Sec. 1 and 2, T. 1 S., R. 11 W., and sec. 16 and 17, T. 3 S., R. 11 W.

Kent County. Sec. 27, T. 5 N., R. 10 W.

Livingston County. Sec. 10, 11, 14, and 15, T. 1 N., R. 5 E., and sec. 13 and 14, T. 3 N., R. 6 E.

Mecosta County. The entire county.

Midland County. The entire county *except* sec. 5, 6, T. 14 N., R. 2 W.

Montcalm County. The entire county.

Muskegon County. Sec. 6 and 7, R. 16 W., T. 9 N., and sec. 1 and 2, R. 17 W., T. 9 N.

Oakland County. The entire county *except* sec. 18, T. 3 N., R. 7 E..

Osceola County. The entire county.

Ottawa County. Secs. 23, 24, 25, and 26, T. 7 N., R. 16 W.

Saginaw County. The entire county.

Van Buren County. Sec. 15, 16, 21, and 22, T. 3 S., R. 13 W.

New Hampshire

(1) *High-risk area.*

Belknap County. The entire county.

Carroll County. The entire county.

Cheshire County. The entire county.

Grafton County. The entire county.

Hillsboro County. The entire county.

Merrimack County. The entire county.

Rockingham County. The entire county.

Strafford County. The entire county.

Sullivan County. The entire county.

(2) *Low-risk area.*

Coos County. The entire county.

New Jersey

(1) *High-risk area. The entire State.*

(2) *Low-risk area.* None.

New York

(1) *High-risk area.*

Albany County. The entire county.

Allegany County. The entire county.

Bronx County. The entire county.

Broome County. The entire county.

Cattaraugus County. The towns of Allegany, Carrolton, Cold Spring, Elko, Farmersville, Franklinville, Freedom, Great Valley, Hinsdale, Humphrey, Ischua, Little Valley, Lyndon, Machias, Napoli, Olean, Portville, Red House, Salamanca, and Yorkshire.

Cayuga County. The towns of Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Sempronius, Springport, Sterling, Summer Hill, and Venice.

Chemung County. The entire county.

Chenango County. The towns of Afton, Bainbridge, Coventry, German, Greene, Guilford, McDonough, New Berlin, North Norwich, Norwich, Oxford, Pharsalia, Pitcher, Plymouth, Preston, Smithville, and the city of Norwich.

Clinton County. The entire county.

Columbia County. The entire county.

Cortland County. The towns of Cincinnatus, Cortlandville, Freetown, Hartford, Lapeer, Marathon, Solon, Taylor, Virgil, Willet, and the city of Cortland.

Delaware County. The entire county.

Dutchess County. The entire county.

Essex County. The entire county.

Franklin County. The entire county.

Fulton County. The entire county.

Greene County. The entire county.

Hamilton County. The entire county.

Herkimer County. The entire county.

Jefferson County. The towns of Alexandria, Antwerp, Cape Vincent, and Theresa.

Kings County. The entire county.

Livingston County. The towns of Conesus, Lima, Ossian, and Springwater.

Madison County. The town of Sullivan.

Monroe County. The entire county.

Montgomery County. The entire county.

Nassau County. The entire county.

New York County. The entire county.

Oneida County. The towns of Annsville, Camden, Deerfield, Lee, Marcy, New Hartford, Rome City, Utica City, Verona, Vienna, Western, Westmoreland, and Whitestown.

Onondaga County. The towns of Clay, Lafayette, and Otisco.

Ontario County. The towns of Naples and South Bristol.

Orange County. The entire county.

Otsego County. The entire county.

Oswego County. The towns of Constantia, Hastings, Palermo, Schroeppel, Volney and West Monroe.

Putnam County. The entire county.

Queens County. The entire county.

Rensselaer County. The entire county.

Richmond County. The entire county.

Rockland County. The entire county.

Saratoga County. The entire county.

Schenectady County. The entire county.

Schoharie County. The entire county.

Schuyler County. The entire county.
Seneca County. The towns of Covert, Lodi, Ovid, Romulus, and Varick.
St. Lawrence County. The towns of Brasher, Hammond, Hopkinson, Lawrence, Louisville, Macomb, Massena, Norfolk, Rossie, and Stockholm.
Steuben County. The entire county.
Suffolk County. The entire county.
Sullivan County. The entire county.
Tioga County. The entire county.
Tompkins County. The entire county.
Ulster County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Westchester County. The entire county.
Yates County. The entire county.
(2) *Low-risk area.*
Cattaraugus County. The towns of Ashford, Conewango, Dayton, East Otto, Ellicottville, Leon, Mansfield, New Albion, Otto, Perrysburg, Persia, Randolph, and South Valley.
Cayuga County. The towns of Aurelius, Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Throop, and Victory.
Chautauqua County. The entire county.
Chenango County. The towns of Columbus, Lincklaen, Otselie, Smyrna, and Sherburne.
Cortland County. The towns of Cuyler, Homer, Preble, Scott, and Truxton.
Erie County. The entire county.
Genesee County. The entire county.
Jefferson County. The entire county *except* the towns of Alexandria, Antwerp, Cape Vincent, and Theresa.
Lewis County. The entire county.
Livingston County. The entire county *except* the towns of Conesus, Lima, Ossian, and Springwater.
Madison County. The entire county *except* the town of Sullivan.
Niagara County. The entire county.
Oneida County. The towns of Augusta, Ava, Boonville, Bridgewater, Florence, Floyd, Forestport, Kirkland, Marshall, Paris, Remsen, Sangerfield, Steuben, Trenton, and Vernon.
Onondaga County. The entire county *except* the towns of Clay, Lafayette, and Otisco.
Ontario County. The entire county *except* the towns of Naples and South Bristol.
Orleans County. The entire county.
Oswego County. The entire county *except* the towns of Constantia, Hastings, Palermo, Schroeppel, Volney, and West Monroe.
Seneca County. The towns of Fayette, Junus, Seneca Falls, Tyre, and Waterloo.
St. Lawrence County. The entire county *except* the towns of Brasher, Hammond, Hopkinson, Lawrence, Louisville, Macomb, Massena, Norfolk, Rossie, and Stockholm.
Wayne County. The entire county.
Wyoming County. The entire county.

North Carolina

(1) *High-risk area.* None.
(2) *Low-risk area.*
Carteret County. That area bounded by a line beginning at a point on the northern shoreline of Taylors Creek and running north on an imaginary course to the intersection of State Secondary Road 1310 and State Secondary Road 1311; then northerly along State Secondary Road 1311 to its ending; then northerly along an imaginary line to its intersection with North River; then southwesterly along North River shoreline to its junction with Taylors Creek; then westerly along Taylors Creek to the point of beginning.

Ohio

(1) *High-risk area.* None.
(2) *Low-risk area.*
Columbiana County. That portion of the city of Salem and Perry Townships bounded by a line beginning at a point where Painter Road and Brooklyn Avenue intersect, then south along Brooklyn Avenue to its intersection with 3rd Avenue, then west along 3rd Avenue to its intersection with Highland Avenue, then north along Highland Avenue to its intersection with Painter Road, then east along Painter Road to the point of beginning.
Franklin County. That portion of the village of Blacklick bounded by a line beginning at a point where Blacklick Creek and Columbus-Newark Road intersect; then west along said road to its intersection with Taylor Station Road; then northerly along said road to its intersection with Taylor Road; then easterly along said road to its intersection with Reynoldburg-New Albany Road; then due east from said intersection along an imaginary line to its intersection with Blacklick Creek; then southerly along said creek to the point of beginning.
That portion of the city of Gahanna bounded by a line beginning at a point where Morse Road and Shull Road intersect, then southerly along said road to its intersection with Headley Road; then east along Headley Road to its intersection with Clark State Road; then southwesterly along said road, to its intersection with Clofts Road; then northerly along said road to its intersection with Columbus-Millersburg Road; then northeasterly along said road to its intersection with Morse Road; then east along said road to the point of beginning.
Hamilton County. That portion of the city of Cincinnati bounded by a line beginning at a point where Wasson Road intersects with Paxton Avenue; then south along said avenue to its intersection with Erie Avenue; then west along said avenue to its intersection with Edwards Road; then north along said road to its intersection with Wasson Road; then east along said road to the point of beginning.
That portion of Anderson Township bounded by a line beginning at a point where Lawyer Road intersects with Hunley Road; then northwest along said road to its intersection with Wolfangle Road; then southerly along said road to its intersection with Clough Pike; then southwest, southwesterly, and northwest along said pike to its intersection with Newtown Road; then northwest along said road to its intersection with Lawyer Road; then southeast along said road to the point of beginning.
Knox County. That portion of Clinton and Morris Townships bounded by a line beginning at a point where McKensie Road and the eastern boundary line of Morris Township intersect; then south along said township line to is its intersection with the northern boundary line of the city limit line of the city of Mt. Vernon; then westerly, northerly, and westerly along said city limit line to its intersection with Mansfield Road; then northerly along said road to its intersection with McKensie Road; then easterly along said road to the point of beginning.
Lucas County. That portion of the city of Sylvania bounded by a line beginning at a point where Monroe Street and Whiteford Road intersect; then south along said road to its intersection with Cory Road; then northwest along said road to its intersection with Monroe Street; then southeast along said street to the point of beginning.

Oregon

(1) *High-risk area.* None.
(2) *Low-risk area.*
Marion County. That portion of the city of Salem beginning at a point where Liberty Road S.E. intersects Salem Heights Avenue; then east along said avenue to Ratcliff Drive; then easterly along said drive to its intersection with Bluff Avenue; then due east from said intersection along an imaginary line to the Southern Pacific Railroad; then southeast along said railroad to its intersection with Madrona Avenue; then southwest along said avenue to its intersection with Strong Road; then southeast along road to its intersection with Reed Road; then southwest along said road to its intersection with Battle Creek Road; then southeast along said road to its intersection with Boone Road; than east along said road to its intersection with Interstate Highway 5; then southerly along said highway to its intersection with Delaney Road; then westerly along said road to its intersection with Sunnyside Road; then north along said road to its intersection with Hylo Road; then west along said road to its intersection with Liberty Road; then north along said road to its intersection with Cole Road; then westerly along said road to its intersection with Moore Road; then northwesterly along said road to its intersection with Skyline Road; then northeast along said road to its intersection with Liberty Road; then northeast along said road to the point of the beginnning.
Sec. 23, T. 7 S., R. 3 W.
Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, and 35, T. 8 S., R. 3 W.
Secs. 6, 7, 17, 18, 19, 20, 28, 29, 30, and S½ of 21, T. 8 S., R. 2 W.

Pennsylvania

(1) *High-risk area.*
Adams County. The entire county.
Bedford County; The entire county.
Berks County. The entire county.
Blair County. The entire county.
Bradford County. The entire county.
Bucks County. The entire county.
Cambria County. The entire county.
Cameron County. The entire county.
Carbon County. The entire county.
Centre County. The entire county.
Chester County. The entire county.
Clearfield County. The entire county.
Clinton County. The entire county.
Columbia County. The entire county.
Cumberland County. The entire county.
Dauphin County. The entire county.
Delaware County. The entire county.
Elk County. The entire county.

Forest County. The entire county.
Franklin County. The entire county.
Fulton County. The entire county.
Huntingdon County. The entire county.
Indiana County. The entire county.
Jefferson County. The entire county.
Juniata County. The entire county.
Lackawanna County. The entire county.
Lancaster County. The entire county.
Lebanon County. The entire county.
Lehigh County. The entire county.
Luzerne County. The entire county.
Lycoming County. The entire county.
McKean County. The entire county.
Mifflin County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Montour County. The entire county.
Northampton County. The entire county.
Northumberland County. The entire county.
Perry County. The entire county.
Philadelphia County. The entire county.
Pike County. The entire county.
Potter County. The entire county.
Schuylkill County. The entire county.
Somerset County. The entire county.
Snyder County. The entire county.
Sullivan County. The entire county.
Susquehanna County. The entire county.
Tioga County. The entire county.
Union County. The entire county.
Warren County. The entire county.
Wayne County. The entire county.
Westmoreland County. The entire county.
Wyoming County. The entire county.
York County. The entire county.
(2) *Low-risk area.* Counties not designated as high-risk area.

Rhode Island

(1) *High-risk area.* The entire State.
(2) *Low-risk area.* None.

Vermont

(1) *High-risk area.*
Addison County. The entire county.
Bennington County. The entire county.
Chittenden County. The entire county.
Franklin County. The entire county.
Grand Isle County. The entire county.
Rutland County. The entire county.
Windham County. The entire county.
Windsor County. The entire county.
(2) *Low-risk area.*
Caledonia County. The entire county.
Essex County. The entire county.
Lamoille County. The entire county.
Orange County. The entire county.
Orleans County. The entire county.
Washington County. The entire county.

Virginia

(1) *High-risk area.*
Loudoun County. That portion of the county bounded by a line beginning at the junction of the Potomac River and the Virginia-West Virginia State line; then southwesterly along said line to its intersection with State Highway 7; then easterly along said highway to its intersection with State Highway 287; then northerly along said highway to its intersection with the Potomac River; then westerly along said river to the point of beginning.
(2) *Low-risk area.*
Arlington County. The entire county.
City of Alexandria. The entire city.
City of Fairfax. The entire city.
City of Falls Church. The entire city.
City of Manassas. The entire city.
City of Winchester. The entire city.
Clarke County. The entire county.
Culpeper County. That portion of the county beginning at a point where Fauquier, Rappahannock, and Culpeper Counties intersect with the Rappahannock River; then southwest along the Culpeper-Rappahannock County line to its intersection with State Road 729; then southerly along State Road 729 to its intersection with State Road 685; then easterly along State Road 685 to its intersection with State Road 625; then northeasterly along State Road 625 to its intersection with Muddy Run; then east along Muddy Run to its intersection with the Hazel River; then easterly along the Hazel River to its intersection with the Rappahannock River; then northerly and westerly along the Rappahannock River to the point of beginning.
Fairfax County. The entire county.
Fauquier County. The entire county.
Frederick County. The entire county.
Loudoun County. That portion of the county beginning at a point where State Highway 7 intersects the Clarke and Loudoun County line; then southwesterly along said line to its intersection with the Loudoun-Fauquier County line; then southeasterly along said line to its intersection with the Loudoun-Prince William County line; then southeasterly along said line to its intersection with the Loudoun-Fairfax County line; then northeast along said line to its intersection with the Potomac River; then northwesterly along said river to its intersection with State Highway 287; then southerly along said highway to its intersection with State Highway 7; then westerly along said highway to the point of beginning.
Prince William County. The entire county.
Shenandoah County. That portion of the county which lies north and east of State Road 675.
Stafford County. The entire county.
Warren County. The entire county.

Washington

(1) *High-risk area.* None.
(2) *Low-risk area.*
King County. The entire county.
Kitsap County. The entire county.
Pierce County. The entire county.
Snohomish County. That portion of the county lying west of State Highway 9.
Whatcom County. That portion of the county bounded by a line beginning at a point where the Skagit-Whatcom County line intersects the Bellingham-Samish Bays; then easterly along said line to its intersection with State Highway 9; then northerly along said highway to its intersection with State Highway 542; then westerly from said intersection along an imaginary line to its intersection with the easterly most point of Gushen Road; then westerly along Gushen Road to its intersection with Axton Road; then westerly along Axton Road to its intersection with the Nooksack River; then southerly along the Nooksack River to Bellingham Bay; then southerly along Bellingham Bay to the point of beginning.

West Virginia

(1) *High-risk area.*
Berkeley County. The entire county.
Jefferson County. The entire county.
Morgan County. The entire county.
(2) *Low-risk area.*
Grant County. That portion of the county lying north of State Highway 93 and west of State Highway 42 and U.S. Highway 50.
Hampshire County. The entire county.
Mineral County. The entire county.

Wisconsin

(1) *High-risk area.* None.
(2) *Low-risk area.*
Dane County. That portion of the city of Monona beginning at a point where Lake Monona shoreline and Winnequah Road intersect; then easterly on said road to its intersection with Schluter Road; then northeasterly on said road to its intersection with Maywood Road; then northeasterly along said road to its intersection with Greenway Road; then east on said road to its intersection with Midmoor Road; then northerly on said road to its intersection with Outlook Street; then northwesterly on said street to its intersection with Lake Monona shoreline; then southeasterly along said shoreline to the point of beginning.
Waukesha County. N½ sec. 2, and NE¼ sec. 3, T. 7 N., R. 17 E.; SE¼ sec. 34, and S½ sec. 35, T. 8 N., R. 17 E.
That portion of the city of Elm Grove bounded by a line beginning at a point where Juneau Boulevard and Highland Drive intersect; then north on Highland Drive to its intersection with North Avenue; then east on North Avenue to its intersection with CM ST P&P railroad tracks; then southeasterly along said tracks to their intersection with Juneau Boulevard; then west on Juneau Boulevard to the point of beginning.

Authority: Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 State. 32, 33; (7 U.S.C. 161, 162, 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141.

Done at Washington, D.C., this 8th day of May 1984.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 84-12773 Filed 5-10-84; 8:45 am]
BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 24043; Amdt. No. 317]

Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

EFFECTIVE DATE: May 10, 1984.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 95

Aircraft, Airspace.

Adoption of the Amendment

PART 95—[AMENDED]

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 GMT May 10, 1984.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C., on April 20, 1984.

Kenneth S. Hunt,

Director of Flight Operations.

BILLING CODE 4910-13-M

REVISIONS TO MINIMUM ENROUTE IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 317 EFFECTIVE DATE, MAY 10, 1984

FROM	TO	MEA
§95.1001 DIRECT ROUTES-U.S.		
IS ADDED TO READ		
MONTOUR, PA VORTAC	DU BOIS, PA LOM COP 65 MMJ	5000
IS AMENDED TO DELETE		
JOCKO, NM FIX	CORONA, NM VORTAC	14000
JOCKO, NM FIX	ROSWELL, NM VORTAC	14000
KESSEL, WV VORTAC	MONTEBELLO, VA VOR/DME	6000
MUFLA, NJ FIX	YARDLEY, PA VORTAC	5000
BAHAMA ROUTES		
10 LIMA IS AMENDED TO READ IN PART		
PLANTATION, FL NDB *1400 - MOCA	BODIE, FL FIX	*2000
BODIE, FL FIX *1200 - MOCA	MUNRO, BF FIX	*2000
64V		
BISCAYNE BAY, FL VORTAC *1600 - MOCA	HONOE, FL FIX	*2000
IS AMENDED TO DELETE		
LONNI, FL FIX *1200 - MOCA	HONOE, FL FIX	*2000
ATLANTIC ROUTES		
AR 7 IS AMENDED TO READ IN PART		
ADOOR, FL FIX	MILOE, SC FIX	25000 MAA-45000
MILOE, SC FIX	DIXON, NC NDB/DME	2500 MAA-45000
§95.6003 VOR FEDERAL AIRWAY 3		
IS AMENDED TO READ IN PART		
FORT LAUDERDALE, FL VOR/DME *1500 - MOCA	PALM BEACH, FL VORTAC	*2000
MODENA, PA VORTAC	HARRS, PA FIX	2500
REVER, MA FIX *5000 - MRA *5000 - MCA WAXEN FIX, N BND **1500 - MOCA	*WAXEN, MA FIX	**2000
WAXEN, MA FIX *5000 - MCA WITCH FIX, S BND **1500 - MOCA	*WITCH, MA FIX	**5000
WITCH, MA FIX	PEASE, NH VOR	2000
IS AMENDED TO DELETE		
PALM BEACH, FL VORTAC VIA E ALTER	VERO BEACH, FL VORTAC VIA E ALTER	2000
§95.6010 VOR FEDERAL AIRWAY 10		
IS AMENDED TO READ IN PART		
LITCHFIELD, MI VORTAC	MILAN, MI FIX	3000
§95.6016 VOR FEDERAL AIRWAY 16		
IS AMENDED TO READ IN PART		
REDER, TX FIX *1800 - MOCA	TEXARKANA, AR VORTAC	*2300
NASHVILLE, TN VORTAC	SAVIL, TN FIX	3000
DEER PARK, NY VORTAC	CALVERTON, NY VORTAC	1900
§95.6027 VOR FEDERAL AIRWAY 27		
IS AMENDED TO READ IN PART		
FORTUNA, CA VORTAC *1700 - MOCA	CRESCENT CITY, CA VORTAC	*3000
§95.6029 VOR FEDERAL AIRWAY 29		
IS AMENDED TO READ IN PART		
SCOFF, PA FIX	BINGHAMTON, NY VORTAC	3600
§95.6030 VOR FEDERAL AIRWAY 30		
IS AMENDED TO READ IN PART		
SQUIB, MI FIX	PULLMAN, MI VORTAC	3500
PETTY, WI FIX VIA S ALTER.	RAINE, MI FIX VIA S ALTER.	4000
§95.6046 VOR FEDERAL AIRWAY 46		
IS AMENDED TO READ IN PART		
DEER PARK, NY VORTAC	CALVERTON, NY VORTAC	1900
§95.6054 VOR FEDERAL AIRWAY 54		
IS AMENDED TO READ IN PART		
REDER, TX FIX *1800 - MOCA	TEXARKANA, AR VORTAC	*2300
§95.6056 VOR FEDERAL AIRWAY 56		
IS AMENDED TO READ IN PART		
FLORENCE, SC VORTAC	FAYETTEVILLE, NC VOR/DME	2000
§95.6059 VOR FEDERAL AIRWAY 59		
IS AMENDED TO READ IN PART		
ESTEM, WV FIX	BECKLEY, WV VORTAC	5000
ITALY, WV FIX *4300 - MOCA	WARDO, WV FIX	*5000
§95.6066 VOR FEDERAL AIRWAY 66		
IS AMENDED TO READ IN PART		
REDER, TX FIX VIA S ALTER. *1800 - MOCA	TEXARKANA, AR VORTAC VIA S ALTER.	*2300
§95.6097 VOR FEDERAL AIRWAY 97		
IS AMENDED TO READ IN PART		
JANESVILLE, WI VORTAC VIA W ALTER.	GLARS, WI FIX VIA W ALTER.	2800
§95.6128 VOR FEDERAL AIRWAY 128		
IS AMENDED TO READ IN PART		
BITES, WV FIX *8000 - MRA **5200 - MOCA	*HAWKI, WV FIX	**10000
HAWKI, WV FIX *6400 - MOCA	LURAY, VA FIX	*10000
§95.6170 VOR FEDERAL AIRWAY 170		
IS AMENDED TO READ IN PART		
SQUIB, MI FIX	PULLMAN, MI VORTAC	3500
§95.6210 VOR FEDERAL AIRWAY 210		
IS AMENDED TO READ IN PART		
LANCASTER, PA VORTAC	BUCKS, PA FIX	2800
§95.6213 VOR FEDERAL AIRWAY 213		
IS AMENDED TO READ IN PART		
HOPEWELL, VA VORTAC	TAPPA, VA FIX	2000
§95.6295 VOR FEDERAL AIRWAY 295		
IS AMENDED TO READ IN PART		
BISCAYNE BAY, FL VORTAC	HONOE, FL FIX	2000
IS AMENDED TO DELETE		
LONNI, FL FIX *1200 - MOCA	HONOE, FL FIX	*2000
§95.6419 VOR FEDERAL AIRWAY 419		
IS AMENDED TO READ IN PART		
MODENA, PA VORTAC	HARRS, PA FIX	2500
§95.6426 VOR FEDERAL AIRWAY 426		
IS AMENDED TO READ IN PART		
SAINT LOUIS, MO VORTAC	GIFTS, IL FIX	2500
§95.6492 VOR FEDERAL AIRWAY 492		
IS AMENDED BY ADDING		
PALM BEACH, FL VORTAC	VERO BEACH, FL VORTAC	2000
IS AMENDED TO READ IN PART		
PAHOKEE, FL VORTAC *1500 - MOCA	PALM BEACH, FL VORTAC	*2000

§95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
V-27			
IS AMENDED TO READ IN PART			
FORTUNA, CA VORTAC	CRESCENT CITY, CA VORTAC	30	FORTUNA

§95.6413 HAWAII VOR FEDERAL AIRWAY 13

IS AMENDED TO READ IN PART

FROM	TO	MEA
LIHUE, HI VORTAC	KOKO HEAD, HI VORTAC	4000

§95.6415 HAWAII VOR FEDERAL AIRWAY 15

IS AMENDED TO READ IN PART

FROM	TO	MEA
SOUTH KAUAI, HI VORTAC	HONOLULU, HI VORTAC	5000

§95.6531 VOR FEDERAL AIRWAY 531

IS AMENDED TO READ IN PART

FROM	TO	MEA
PALM BEACH, FL VORTAC	SHEDS, FL FIX	2500

§95.6402 HAWAII VOR FEDERAL AIRWAY 2

IS AMENDED TO READ IN PART

FROM	TO	MEA
SOUTH KAUAI, HI VORTAC	LIHUE, HI VORTAC	5000
LIHUE, HI VORTAC	MOREY, HI FIX	
	SE BND	3000
	NW BND	4000
MOREY, HI FIX	BROMS, HI FIX	*3000

*1200 - MOCA

[FR Doc. 84-12809 Filed 5-10-84; 8:45 am]
BILLING CODE 4910-13-C

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Application and Closing Out of Offsetting Long and Short Positions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has amended Rule 1.46 to provide an additional exception to the general rule pertaining to the application, and closing out, by a futures commission merchant ("FCM") of offsetting long and short commodity futures or commodity option positions in a customer account or in an option customer account. The additional exception relates to transactions made for separate trading accounts of a commodity pool which are carried by the same FCM. If the trading for such separate accounts is directed by different commodity trading advisors which are unaffiliated and which act independently of each other, the general requirement set forth in Rule 1.46 requiring an FCM to close out offsetting long and short positions in separate accounts of the same customer or option customer will not apply. Such offsetting long and short positions may be held open in the separate trading accounts of the commodity pool, and such positions must be closed out by open and competitive means on or subject to the rules of a contract market and not by transferring an open position from one trading account to another trading account of the commodity pool. This amendment will facilitate the use of multiple commodity trading advisors to direct the trading for commodity pools, particularly in the case of large pools, and commodity pool participants will receive the advantages of diversified trading strategies and competition to achieve the best performance.

EFFECTIVE DATE: June 1, 1984.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commisson, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Background

A petition for rulemaking was received on November 17, 1980 which requested that the Commission amend Rule 1.46 [1] to provide an additional exception to the general rule pertaining to the application, and closing out, by an FCM of offsetting long and short commodity futures or commodity option positions in a customer account or an option customer account. The additional exception requested by the petitioner would apply to purchases or sales of commodity futures or commodity option contracts made for separate accounts of the same commodity pool [2] carried by an FCM provided that, among other things, the trading for such separate pool accounts is directed by different commodity trading advisors ("CTAs")[3] acting independently of each other.

Section 1.46(a) of the Commission's regulations generally requires that an FCM close out a customer's or option customer's previously-held short or long commodity futures or commodity option position if an offsetting purchase or sale is made for such customer's or option customer's account, and that an FCM furnish promptly to such customer or option customer a purchase and sale statement showing the financial result of the transactions involved. Section 1.46(b) generally provides that if the short or long position in the account of such customer or option customer immediately prior to the offsetting purchase or sale is greater than the quantity purchased or sold, the FCM must apply the offsetting purchase or sale to the oldest portion of the previously-held short or long position, unless the customer or option customer specifically instructs otherwise. There are currently four exceptions to Rule 1.46.[4]

The Commission determined to request comment on the rule amendment suggested by the petitioner, with certain modifications. 46 FR 61140 (December 15, 1981). The Commission received eight comment letters on its proposal. The commentors included three FCMs, two of which have affiliated entities that are registered as commodity pool operators ("CPOs"), two commodity industry trade associations, two law firms (one of which was the petitioner), and one firm which is registered as an FCM, CPO and CTA. All of the commentors expressed support for the proposed amendment, and certain commentors suggested further amendments to Rule 1.46. The Commission has carefully reviewed each of those comments and, based upon that review and its careful reconsideration of its proposal, is now adopting the amendment to Rule 1.46 essentially as proposed.[5]

The commentors generally supported the petitioner's argument that the proposed amendment to Rule 1.46 would be in the best interest of the commodity pool participants,[6] because it would facilitate the use of multiple CTAs to direct the commodity pool's trading. The commodity pool participants would receive the advantage of diversified trading strategies developed by the separate CTAs acting independently, and the competition between the CTAs to achieve the best performance for the commodity pool would rebound to the benefit of commodity pool participants.[7]

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[1] 17 CFR 1.46 (1983), *as amended by* 48 FR 35248, 2589-90 (August 3, 1983).

[2] A commodity pool is any investment trust, syndicate or similar form of enterprise operated for the purpose of trading commodity interests, which include any contract for the purchase or sale of a commodity for future delivery and any contract, agreement or transaction subject to Commission regulation under Sections 4c or 19 of the Commodity Exchange Act, as amended ("Act") (7 U.S.C. 6c or 23 (1982)). 17 CFR 4.10 (a) and (d) (1983).

[3] A commodity trading advisor, with certain exceptions not relevant here, is any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings or electronic media, as to the value of or the advisability of trading in any commodity for future delivery made or to be made on or subject to the rules of a contract market, any commodity option authorized under Section 4c of the Act, or any leverage transaction authorized under Section 19 of the act, or who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing. Section 2(a)(1) of the Act (7 U.S.C. 2 (1982)).

[4] Purchases or sales closed out during the same day (commonly known as "in-and-out-trades" or "day trades") are exempt from the requirement of § 1.46(b) concerning application of an offsetting purchase or sale to the oldest portion of the previously-held short or long position (§ 1.46(c)). Three other types of transactions are exempt from the requirements of paragraphs (a) and (b) of § 1046: (1) Purchases or sales of commodity options held by commercial interests in the underlying commodity, where such purchases or sales are determined by a contract market to be economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise pursuant to Commission-approved rules of the contract market (§ 1.46(d)(1)); (2) purchases or sales constituting "bona fide hedging transactions" as defined in Commission Rule 1.3(z) (17 CFR 1.3(z) (1983)) (§ 1.46(d)(2)); and (3) Sales during the delivery period of a futures contract for the purpose of making delivery on the contract during such delivery period, if such sales are accompanied by appropriate documentation (§ 1.46(d)(3)).

[5] The only change made to the proposal is the addition of the word "unaffiliated" to § 1.46(d)(4)(i) to make clear that, in order to take advantage of the new exemption being adopted, not only must the CTAs advising separate commodity pool accounts act independently, but they must be unaffiliated as well. To qualify as unaffiliated CTAs, neither CTA can control the other directly or indirectly, nor can both CTAs be under the common control, either direct or indirect, of another entity. *See, e.g.*, 17 CFR 1.3(y)(2) (vii) and (viii) (1983).

[6] A commodity pool participant is any person that has any direct financial interest in a commodity pool (*e.g.*, a limited partner). 17 CFR 4.10(c) (1983).

[7] This can be accomplished currently if the separate pool accounts are traded through different

Continued

In addition, the use of multiple CTAs to direct trading for a commodity pool can be a form of risk management. If the trades initiated by one CTA result in losses to the commodity pool, the pool's overall loss could be minimized or eliminated because any one CTA will manage only a portion of the pool's total assets, and the trades initiated by other CTAs on behalf of the pool could be profitable. The Commission also notes, however, that potential additional risks to commodity pool participants as a result of the use of this new exemption must be disclosed as material information, as discussed more fully below.[8]

II. Modifications to Petitioner's Suggested Amendment

The Commission proposed slight modifications to subparagraphs (i)–(iii) as presented by the petitioner, to make clear that the exception to § 1.46 discussed herein would apply only with respect to offsetting trades in separate accounts of a commodity pool which result from the trading decisions of different and unaffiliated CTAs directing trading for the commodity pool. The FCM would still be required to apply the general provisions of § 1.46 regarding application and close out of offsetting positions held for or on behalf of any one pool account, so that one or more CTAs acting together to direct trading for any one pool account could not maintain in that particular account both a long and short position in the same future of the same commodity on the same market, or in the same option contract.[9]

The Commission made two other modifications to the amendments set forth in the petition for rulemaking. The Commission proposed that, in order for offsetting trades in separate trading accounts of the same commodity pool carrier by an FCM to be exempt from the general close-out requirement of Rule 1.46, the trades would have to be directed by different CTAs acting independently and executed by open and competitive means on or subject to the rules of a contract market, and no position held for or on behalf of such separate trading accounts could be closed out by transferring such an open position from one of the accounts to another account of the commodity pool.[10] The purpose of those proposed additions to the petitioner's suggested amendment was to make certain that the trades in question are offset in an open and competitive manner on or subject to the rules of a contract market, and not by means of a "transfer trade," i.e., by means of an entry on the books of an FCM for the purpose of transferring existing trades from one account to another carried by an FCM where no change in ownership is involved. The Commission believed that allowing such transfer trades would cast doubt upon the "independence" of the CTAs involved.

Certain commentors addressed the issues of the reporting of open interest and the open and competitive execution of trades with respect to the proposed amendments to Rule 1.46. One commentor stated that it recognized the importance of accurate open interest figures, and, therefore, did not object to the Commission's addition of subparagraphs (iv) and (v) to the amendment as proposed by the petitioner. Another commentor also expressed concern over the possible impact any exemptions to Rule 1.46 could have upon open interest information. That commentor concluded that there would be no adverse impact on the trading public's ability to evaluate open interest information from the proposed amendment to Rule 1.46 "because all open positions carried by a futures commission merchant resulting from the trading decisions of separate advisors are initiated competitively and by open outcry trading on the floor of the appropriate board of trade, *as will be the case when they are sought to be liquidated.*" (Emphasis added.) Another commentor stated that, if the proposed amendment were adopted, "Open interest will undoubtedly increase; therefore, to avoid any inaccuracy in the reporting of open interest, there should be a requirement that the opposite position cannot be liquidated by transfer, but only by actual trading." That commentor also raised a point regarding open and competitive trade execution. It stated that if the CTAS for the separate accounts of the same commodity pool which are being traded independently establish or liquidate positions in the same future of the same commodity on the same market at about the same time, one account may be the buyer or seller to the other account. The commentor recommended that the Commission acknowledge specifically that such a transaction might occur in rare instances, and that, although such a transaction would not appear to have any real economic purpose, the Commission also acknowledge that such a transation would not be a prima facie violation of the regulations. The Commission believes that such a transaction should occur only in very rare circumstances and that although such a transaction may be subject to stricter scrutiny than other types of transactions, an isolated occurrence which involves separate floor brokers on either side of the trade probably would not be viewed as a prima facie violation of the regulations. The Commission may, however, view a pattern of such transactions, or any such transaction which involves the same floor broker, as a prima facie violation of the regulations. The Commission also wishes to note that it will monitor carefully those taking advantage of the new exemption to the general requirements of Rule 1.46 to make sure that they do not engage in wash sales, prearranged trading, or other abusive practices.

The petitioner also commented on the issue of open and competitive trade execution, and it expressed a view somewhat at variance with the other commentors. The petitioner stated that proposed subparagraph (iv) was too broad in that it would not allow certain non-competitive transactions even if such transactions were made in accordance with contract market rules approved by the Commission, and in the petitioner's view, this was an attempt to repeal Sections 4b and 4c(a) of the Act, as well as Commission Rules 1.38 and 1.39. The Commission disagrees, and believes that, for the reasons which are stated above and which were stated when the Commission proposed these amendments to Rule 1.46, and in accordance with the view of the majority of the commentors on this issue, it is necessary to condition the granting of an additional exemption to Rule 1.46 for separate trading accounts of a commodity pool for which the trading is directed by different CTAs acting independently by prohibiting the closing out of positions in such accounts by means of a transfer trade.[11]

FCMs, but there are obvious business and administrative reasons for having all pool accounts carried by the same FCM.

[8] 17 CFR 4.21(h) (1983).

[9] Although the example given by the petitioner and cited in the release proposing amendments to Rule 1.46 is that of a commodity pool in the form of a limited partnership, with the pool participants being limited partners and the general partner, which is also the commodity pool operator, being a corporation, the rationale for amending § 1.46 does not depend on the structure or organization of the commodity pool.

[10] Proposed § 1.46(d)(4) (iv) and (v), 46 FR 61140, 61142 (December 15, 1981).

[11] The Commission wishes to note, however, that if the FCM carrying the commodity pool's accounts filed in bankruptcy, the Commission might, in appropriate cases and upon application by the trustee or the affected clearing organization, permit offsetting open commodity contracts to be liquidated, or settlement on such contracts to be made, by book entry. 17 CFR 190.04(d) (1983), *as amended by* 48 FR 28977 (June 24, 1983). This rule

Continued

III. Customer Protection and Disclosure to Prospective Pool Participants

The Commission does not believe that the amendment it is adopting will adversely affect customer protection. One of the principal purposes of § 1.46 is to require that an FCM promptly furnish a customer or an option customer with a purchase and sale statement showing the financial result of offsetting transactions made for the customer's or option customer's account. In the case of a commodity pool, the purchase and sale statement required by § 1.46 must be furnished to the CTA who directed the trades and to the pool's CPO, but not to the pool participants individually.[12] A CPO must, however, periodically distribute to a pool participant accurate information as to the status of the pool's accounts. Each CPO which is registered or required to be registered under the Act must distribute to a pool participant an Account Statement that shows clearly, *inter alia*, unrealized net gain or loss on open positions.[13] Therefore, notwithstanding the fact that offsetting positions remain open in the several pool accounts, a pool participant will be informed regarding the overall net equity or net deficit of the pool. Each CPO which is not registered under the Act, pursuant to an exemption contained in the Commission's regulations, must promptly furnish to each pool participant a copy of the monthly statement for the pool that such a CPO receives from an FCM under § 1.33 of the Commission's regulation.[14] In that circumstance, the pool participant would also be informed regarding the overall net equity or net deficit of the pool.

Commission Rule 4.21 [15] sets forth the types of information which a commodity pool operator must disclose to a propspective pool participant. There are several references in that rule to a commodity pool's commodity trading advisory and to various disclosures required to be made about the commodity trading advisor and its principals. The Commission wishes to remind any commodity pool operator that uses the services of more than one CTA to direct trading for the commodity pool that the disclosures required by Rule 4.21 must be made for each CTA of the pool.[16] Such a commodity pool operator must also disclose to a prospective pool participant that using the services of more than one CTA acting independently to direct trading for separate accounts of the commodity pool may result in an FCM holding open for the pool offsetting long and short positions in the same future of the same commodity on the same market, and that, as a consequence thereof, additional transaction costs to the pool will be created.[17]

One commentor addressed the issues of margin treatment and segregation in the context of several trading accounts of the same commodity pool. As to margin, the commentor stated that the accounts which would be affected by Rule 1.46(d)(4) would be margined separately by most FCMs, and stated that this is the proper way to treat such accounts. The Commission agrees, and notes that this would result in the pool being required to margin separately offsetting positions held open in separate trading accounts, which must be disclosed to pool participants.[18] The Commission also notes that all customer funds used to margin offsetting positions held open in separate trading accounts must be segregated by the FCM pursuant to Section 4d(2) of the Act (7 U.S.C. 6d(2) (1982)) and regulations promulgated thereunder, and that this may affect the FCM's minimum adjusted net capital requirement.

IV. Aggregation of Positions

Certain commentors on the proposed amendment to Rule 1.46 referred to the issue of aggregation of positions, for purposes of the Commission's reporting requirements and speculative limit rules, where a CTA directs the trading for one account of a commodity pool and a different CTA, acting independently in accordance with the provisions of § 1.46(d)(4), directs the trading for another account of the same commodity pool. The Commission wishes to note and to remind FCMs that the commodity pool is an entity, and the positions in the several accounts of a commodity pool, all of which are owned by the pool as an entity, would have to be combined for both reporting and speculative limit purposes regardless of whether they are held in independently managed accounts. Reports on such accounts should be filed by FCMs in accordance with the provisions of Commission Rule 17.00(b),[19] which provides in pertinent part that:

Interest in or control of several accounts. If any person holds or has a financial interest in or controls more than one account, all such accounts shall be considered by the futures commission merchant, clearing member of foreign broker as a single account for the purpose of determining Special Account status and for reporting purposes, *Provided that*: if combining accounts for purposes of this paragraph would result in reporting the same position more than once, such accounts shall be combined and reported as instructed by the Commission.

The proviso cited above would be applicable where, for example, one of the CTAs directing trading for the commodity pool also directs trading for accounts of individual traders carried by the FCM. If such is the case, the FCM should contact the regional office of the Market Surveillance Unit of the Commission's Division of Economics and education for instructions as to how to report such positions.[20]

V. Suggested Additional Exemptions to Rule 1.46

Certain commentors stated that the proposed amendment to Rule 1.46 should be expanded so as to encompass any situation where trading in separate accounts is directed by different persons acting independently even if there is a single beneficial owner of the separate accounts. The commentors referred to such situations as an individual trader using the services of multiple CTAs, and an individual trader with two accounts, one discretionary and one non-discretionary, carried by the same FCM. One of those commentors stated that an exemption to Rule 1.46 should be allowed "if the customer demonstrates to the FCM, and the FCM maintains a record of such demonstration, that the trading in each

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was adopted originally after the Commission proposed the amendment to Rule 1.46. 48 FR 8716, 8729, 8744 (March 1, 1983).

[12] Commission Rule 1.33(d)(3) (17 CFR 1.33(d)(3) (1983)).

[13] Commission Rule 4.22(a)(1)(ii) (17 CFR 4.22(a)(1)(ii)(1983)). The Account statement must be distributed at least monthly in the case of pools with net assets of more than $500,000 at the beginning of the pool's fiscal year, and otherwise at least quarterly. Commission Rule 4.22(b) (17 CFR 4.22(b) (1983)).

[14] Commission Rule 4.13(b)(2)(i)(A) (17 CFR 4.13(b)(2)(i)(A) (1983)). The Commission believes that, from its own knowledge of non-registered CPOs and from the information presented in the petition, such CPOs are unlikely to employ the services of multiple CTAs for purposes of making trading decisions for their pools.

[15] 17 CFR 4.21 (1983), *as amended by* 48 FR 35248, 35298–35299 (August 3, 1983).

[16] *See also* Commission Rule 1.1 (17 CFR 1.1 (1983)), which states that words used in the singular form in the rules and regulations shall be deemed to import the plural, and vise versa, as the case may require.

[17] *See* 17 CFR 4.21(h) (1983).

[18] *See* 17 CFR 4.21(a)(9) (1983) and note 17, *supra*.

[19] 19 CFR 17.00(b) (1983). *See also* 17 CFR 18.01(a) (1983).

[20] With respect to the positions to be attributed to an individual CTA for reporting and speculative limit purposes, the Commission believes that positions initiated by another CTA should not be attributed provided the CTAs are acting independently of, and are not affiliated or trading in concert with, each other. *See* 17 CFR 18.01 (b) and (c) (1983).

account is for the purpose of a different investment strategy." As examples of some of the reasons a trader might wish to use such different strategies, the commentor referred to tax planning or the testing by an individual trader of different trading systems.

On the basis of the comments received, and upon its own reconsideration of the matter, the Commission is not prepared to make any further exemptions to Rule 1.46 at this time. As stated above, the Commission will monitor carefully those taking advantage of the new exemption to the general requirements of Rule 1.46. If the Commission believes that any adjustments to the new exemption are necessary, or if it believes that additional exemptions may be appropriate, further rulemaking proceedings will be initiated.[21]

VI. Regulatory Flexibility Act

When the Commission proposed the additional exemption to Rule 1.46, the Chairman, on behalf of the Commission, certified pursuant to Section 3(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 1168 (5 U.S.C. 605(b)), that the adoption of the rule amendment as proposed would not have a significant economic impact on a substantial number of small entities. The Commission based this determination upon several factors. Although the rule amendment will directly affect the obligations of FCMS, the Commission has determined that an FCM not be considered a "small entity" within the meaning of the Regulatory Flexibility Act, 94 Stat. 1164, 1165, 1166 (5 U.S.C. 601 (3) and (6)).[22] Commodity pools may also be affeted by the rule amendment, and although the Commission has not adopted a definition of a small commodity pool, it has adopted a definition of a small commodity pool operator.[23] The Commission believes that, from its own knowledge of such commodity pool operators and from the information presented in the petition, such commodity pool operators are unlikely to employ the services of multiple CTAs for purposes of making trading decisions for their pools. Further, the Commission is adopting, in response to a petition for rulemaking, a relief provision which will provide an exemption to existing regulatory requirements in the defined circumstances.

VII. List of Subjects in 17 CFR Part 1

Offsetting positions, Close-out requirements, Futures commission merchants, Commodity trading advisors, Commodity pools, Commodity futures.

PART 1—[AMENDED]

In consideration of the foregoing, the Commission, pursuant to the authority contained in Sections 4g, 5 and 8a of the Act, 7 U.S.C. 6g, 7 and 12a (1982), hereby amends 17 CFR Part 1 by adding a new § 1.46(d)(4) to read as follows:

§ 1.46 Application and closing out of offsetting long and short positions.

* * * * *

(d) *Exceptions.* The provisions of this section shall not apply to:

* * * * *

(4) Purchases or sales made in separate accounts of a commodity pool, *Provided that:*

(i) The trading for such pool is directed by two or more unaffiliated commodity trading advisors acting independently, each of which is directing the trading of a separate account;

(ii) The commodity pool operator maintains only such minimum control over the trading for such pool as is necessary to fulfill its duty to supervise diligently the trading for such pool;

(iii) Each trading decision made by a commodity trading advisor for such pool is determined independently of all trading decisions made by any other commodity trading advisor for such pool;

(iv) The purchases and sales for such pool directed by different commodity trading advisors acting independently are executed by open and competitive means on or subject to the rules of a contract market; and

(v) No position held for or on behalf of separate pool accounts traded in accordance with paragraphs (d)(4)(i), (d)(4)(ii), (d)(4)(iii) and (d)(4)(iv) of this section may be closed out by transferring such an open position from one of the separate accounts to another account of the pool.

* * * * *

Issued in Washington, D.C. on May 3, 1984, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 84–12387 Filed 5–10–84; 8:45 am]

BILLING CODE 6351–01–M

[21] The Commission notes that any trader who wishes to avoid the general requirements of Rule 1.46 may do so by opening separate accounts at different FCMs, and that any individual trader who wishes to track the performance of different trading systems should be able to compute such records even if offsetting positions in separate accounts are closed out in accordance with the requirements of Rule 1.46.

[22] 46 FR 23940, 23941 (April 29, 1981).

[23] 47 FR 18618, 18619 (April 30, 1982).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Enforcement Authority

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revising a regulation that describes the official credentials for FDA's investigators.

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: Section 5.35(c) (21 CFR 5.35(c)) of FDA's regulations on delegations of authority describes the official credentials for FDA's investigators.

FDA has decided to eliminate one special category of official credentials, the 200C credentials, now described in 21 CFR 5.35(c)(3).

This decision is based on the recommendation of an internal FDA task force, the 200C Credentials Study Committee, that was formed in 1983 to review the current policy for 200C credentials (Form FDA–200C, Specification of General and Special Authority). The Committee concluded that it is unnecessary for FDA to maintain 200A credentials as a special category.

The Committee found that the agency can meet all statutory and regulatory requirements and commitments with the general 200C and 200B credentials described in 5 CFR 5.35(c) (1) and (2).

As an alternative to special credentials, the Committee recommended that for inspections that require special expertise, FDA's district office management should select only those investigators that are scientifically qualified by training and experience, including on-the-job training, to conduct those inspections. This already has been FDA's approach in other highly complex investigative activities.

On February 21, 1984, the Associate Commissioner for Regulatory Affairs, who also is the Acting Executive Director of Regional Operations, approved the Committee's recommendations.

Therefore, § 5.35 (21 CFR 5.35) is being amended to delete the requirement for special credentials to conduct certain

operations. FDA also is making conforming and editorial changes in the regulation. FDA is eliminating as unnecessary paragraph (b)(2) of § 5.35. Paragraph (a)(1) as revised refers adequately to FDA's records inspection authority. With these changes, the general 200A and 200B credentials previously described in paragraph (c) (1) and (2) are now described in paragraph (b) (1) and (2).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such positions in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 5 is amended by revising § 5.35 to read as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

§ 5.35 Enforcement activities.

(a) Designated officers and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of Form FDA–200A, Identification Record, and Form FDA–200B, Specification of General Authority, are authorized:

(1) To conduct examinations, inspections, and investigations; to collect and obtain samples; to have access to and to copy and verify records as authorized by law; and to supervise compliance operations for the enforcement of the Federal Food, Drug and Cosmetic Act, the Fair Packaging and Labeling Act, the Federal Caustic Poison Act, the Import Milk Act, the Filled Milk Act,the Tea Importation Act, and sections 351 and 354 through 361 of the Public Health Service Act.

(2) To administer oaths and affirmations under section 1 of the act of January 31, 1925 (Ch. 124, 43 Stat. 803); sections 12 to 15 of Reorganization Plan No. IV, effective June 30, 1940; and Reorganization Plan No. 1 of 1953, effective April 11, 1953.

(b) The Food and Drug Administration's official credentials referred to in paragraph (a) of this section are described as follows:

(1) Form FDA–200A entitled "Identification Record" bears a color photograph, a description, and the signature of the holder, an identification number, an expiration date, the Department of Health nd Human Services' seal with blue imprint, on the left of the photograph, and the Food and Drug Administration's symbol, on the right of the photograph.

(2) Form FDA–200B entitled "Specification of General Authority" bears the holder's name, his or her general authority, an identification number, an expiration date, the Commissioner's signature, the names of the Department of Health and Human Services, the Public Health Service, and the Food and Drug Administration. The form is superimposed with the Department's seal with blue imprint.

Effective Date. This regulation shall become effective May 11, 1984.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371 (a)))

Dated: May 7, 1984.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 84–12715 Filed 5–10–84; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject To Certification; Prochlorperazine, Isopropamide, With Neomycin Sustained-Release Capsules

Correction

In FR Doc. 84–9474 appearing on page 14103 in the issue of Tuesday, April 10, 1984, make the following correction: In column one, **SUPPLEMENTARY INFORMATION,** line five, "Spanule®" should read "Spansule®".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 11, 20 and 25

[T.D. 7955]

Income, Estate, and Gift Taxes; Revision of Actuarial Tables and Interest Factors

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to tables for valuing annuities, life estates, terms for years, remainders, and reversions for purposes of Federal income, estate, and gift taxation. Changes to the applicable regulations are necessary because the interest rate used in constructing the tables no longer reflects prevailing interest rates. These regulations provide guidance to Internal Revenue Service personnel who administer the Code and members of the public who are subject to and must comply with these tables.

DATES: The regulations are generally effective for transfers occurring after November 30, 1983.

FOR FURTHER INFORMATION CONTACT: Neil W. Zyskind of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 1983, the **Federal Register** (48 FR 50087) published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 52, 101, 170, 642, and 664; the Temporary Income Tax Regulations under the Employee Retirement Security Act of 1974 (26 CFR Part 11) under section 414; the Estate Tax Regulations (26 CFR Part 20) under sections 2031, 2032, and 2055; and the Gift Tax Regulations (26 CFR Part 25) under sections 2512, 2522, and 2523 of the Internal Revenue Code of 1954 (Code). The proposed regulations contained tables based on a 10 percent income and discount factor. In addition, the proposed tables eliminated the distinction between male and female mortality and provided for tables which are gender neutral.

A public hearing was held on January 12, 1984. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury Decision.

This Treasury decision is issued under the authority contained in sections 170(f)(4), 642(c)(5), and 7805 of the Code (83 Stat. 544, 26 U.S.C. 170(f)(4); 83 Stat. 560, 26 U.S.C. 642(c)(5); 68A Stat. 917; 26 U.S.C. 7805).

Pooled Income Funds

The Service received many comments objecting to the proposed adoption of an assumed 10 percent rate of return for transfers to pooled income funds which have been in existence for less than 3 taxable years preceding the taxable year in which the transfer is made. Although most of these comments did not take issue with the proposal to increase the existing 6 percent rate, they indicated that a 10 percent rate of return is not generally a true reflection of the

earnings of pooled income funds currently in existence.

As a result of these comments, the Service has solicited and compiled data from various pooled income funds to determine a more accurate picture of the rates of return earned during the last 3 years. Based on the information gathered, the Service has concluded that, on the average, the rate of return earned by pooled income funds in the past three years is approximately 9 percent. Hence, tables based on this 9 percent rate will be used for valuing contributions to pooled income funds in existence for less than 3 years. This rate will be effective as of December 1, 1983.

The Service is limiting this change to the pooled income fund area since the statutory scheme of section 642(c)(5) implies that deductions for transfers to such funds are to be based on the fund's yearly rate of return. With respect to transfers made to charitable remainder trusts and other types of charitable and non-charitable transfers, the primary focus is on an income and discount factor and not the yearly rate of return. Thus, the Service is adopting a 10 percent rate for these types of transfers.

Testamentary Tranfers; Effective Dates

The Service also received a number of comments objecting to the short period of time between the filing of the proposed regulations (October 25, 1983) and the proposed effective date of the regulations (December 1, 1983). Because of this short time period, many people were unable to change their wills before the proposed effective date. Consequently, for decedents dying after November 30, 1983, but before having amended their wills, the new tables may result in significant distortions of estate plans. Moreover, some people who are unable to change their wills because of incompetency will be at a severe disadvantage.

As a result of these comments, the Service has decided to provide a transition period for testamentary transfers in the final regulations. For purposes of testamentary transfers, if the decedent dies after November 30, 1983, and before August 9, 1984, the 6 percent or 10 percent rate may be used, whichever is most beneficial to the taxpayer. Additionally, the final regulations allow the use of the 6 or 10 percent rate to a decedent who on December 1, 1983 was under a mental disability such that the disposition of that person's property could not be changed, and such person never regains competency before death, or dies within 90 days of the date on which such person first regains competency. For decedents dying on or after August 9, 1984, and not covered by the incompetency exception, the 10 percent rate applies.

Charitable Remainder Trusts

The proposed regulations under §§ 1.664–1(a)(5)(i) (*a*) and (*b*) would have required that if payment of an amount to a beneficiary of a charitable remainder trust is overpaid or underpaid until the end of the taxable year in which the complete funding of the trust occurs, interest must be paid on the repayment or the deferred payment computed at 10 percent, effective December 1, 1983. As a result of the rate change, many difficulties were being encountered in amending existing trust governing instruments containing the 6 percent interest corrective payment provision which, under Revenue Rulings 72–395 (1972–2 C.B. 340), 80–123 (1980–1 C.B. 205), and 82–165 (1982–2 C.B. 117) was a mandatory provision of charitable remainder trusts. Thus, the Internal Revenue Service announced on December 22, 1983 (IR–83–158) that the 6 percent rate will apply to trust instruments executed before October 25, 1983, and not subsequently amended and that either the 6 percent or 10 percent rate may be used for instruments executed or amended after October 24, 1983, and before the end of the 30 day period after publication of the Treasury decision. The 10 percent rate applies to instruments executed or amended after the 30 day period after publication of the Treasury decision.

The final regulations extend the 30 day period announced in the news release to 90 days. Thus, under the final regulations, the 10 percent make-up rate will not apply to charitable remainder trusts created under instruments executed before October 25, 1983, and which are not later amended. For charitable remainder trust instruments executed or amended after October 24, 1983, but before August 9, 1984, either the 6 percent or 10 percent interest rate may be used. For instruments executed or amended on or after August 9, 1984, the 10 percent interest rate takes effect.

To avoid the need for further amendments to governing instruments upon future changes in the applicable interest rate, the Service intends to issue a Revenue Ruling modifying Revenue Rulings 72–395, 80–123, and 82–165 permitting taxpayers to insert in their trust governing instruments executed or amended after October 24, 1983, a reference to "the rate of interest prescribed under the section 644 regulations" rather than "6 percent a year compounded annually." The ruling will contain sample language which will satisfy these requirements.

Joint Life Tables

Many commentators were concerned with the lack of joint life tables. The Internal Revenue Service has recently issued Publication 723E which contain some of those tables. The remaining tables will be issued shortly in Publications 723C and 723D.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although a notice of proposed rulemaking which solicited public comments was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 533 do not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Paperwork Reduction Act

The collection of information requirements contained in this regulation have been submitted to the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB.

Drafting Information

The principal author of these regulations is Neil W. Zyskind of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects

26 CFR 1.01–1.58–8

Income taxes, Tax liability, Tax rates, Credits.

26 CFR 1.61–1–1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

26 CFR 1.641–1–1.692–1

Income taxes, Estates, Trusts and trustees, Beneficiaries.

26 CFR Part 11

Income taxes, Pensions, Employee Retirement Income Security Act of 1974.

26 CFR Part 20

Estate taxes.

26 CFR Part 25

Gift taxes.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1, 11, 20, and 25 are amended as follows:

§ 1.52-1 [Amended]

Paragraph 1. The second sentence of paragraph (f) of § 1.52-1 is amended by removing "§ 20.2031-10" and inserting in lieu thereof "§ 20.2031-7 or 20.2031-10, whichever is appropriate,".

§ 1.101-2 [Amended]

Par. 2. Section 1.101-2 is amended as follows:

a. Paragraph (e)(1)(iii)(*b*)(3) is amended by removing "as supplemented by "Actuarial Values for Estate and Gift Tax" (Internal Revenue Service Publication No. 11, Rev. 5-59)".

b. Example (1)(i) of paragraph (e)(2) is amended by inserting in the beginning of the example the sentence "A died on January 1, 1969."

§ 1.170A-6 [Amended]

Par. 3. Section 1.170A-6 is amended as follows:

a. Paragraph (c)(3)(i) is amended by removing § 20.2031-10" and inserting in lieu thereof "§ 20.2031-7 or 20.2031-10, whichever is appropriate,".

b. The second sentence of paragraph (c)(4) is amended by removing "§ 20.2031-10" and inserting in lieu thereof "§ 20.2031-7 or 20.2031-10, whichever is appropriate,".

§ 1.170A-7 [Amended]

Par. 4. The third sentence of paragraph (c) of § 1.170A-7 is amended by removing "§ 20.2031-10" and inserting in lieu thereof "§ 20.2031-7 or 20.2031-10, whichever is appropriate,".

§ 1.170A-12 [Amended]

Par. 5. Section 1.170A-12 is amended as follows:

a. The fourth sentence of paragraph (a)(3) is amended by removing "§ 25.2512-9" and inserting in lieu thereof "§ 25.2512-5 or 25.2512-9, whichever is appropriate,".

b. The first sentence of paragraph (b)(1) is amended by removing "§ 25.2512-9 of this chapter (Gift Tax Regulations), using Table A(1) or A(2) (whichever is appropriate) contained in paragraph (f) of such section" and inserting in lieu thereof "§ 25.2512-5 or 25.2512-9 of this chapter (Gift Tax Regulations), using Table A, A(1), or A(2) (whichever is appropriate)".

c. The second sentence of paragraph (b)(1) is amended by removing "Table A(1) or A(2) in paragraph (f) of § 25.2512-9 of this chapter (Gift Tax Regulations) before such figure is used in paragraph (d) of such section" and inserting in lieu thereof "Table A in paragraph (f) of § 25.2512-5 or Table (A)(1) or A(2) in paragraph (f) of § 25.2512-9 (whichever is appropriate) of this chapter (Gift Tax Regulations) before such figure is used in paragraph (d) of such sections".

d. Paragraph (b)(2) is revised to read as set forth below.

e. Paragraph (c) is amended by removing "§ 25.2512-9" wherever it appears and inserting in lieu thereof "§ 25.2512-5 or 25.2512-9, whichever is appropriate," and by removing the term "section" in the first sentence and inserting in lieu thereof "sections".

f. The second sentence of paragraph (e)(1) is revised to read as set forth below.

g. Paragraph (e)(2) is amended by removing "§ 20.2031-10(f)" and inserting in lieu thereof "§ 20.2031-7(f) or 20.2031-10(f), whichever is appropriate,".

h. Paragraph (f) is amended by inserting a new Table C immediately before Table C (1) to read as set forth below.

§ 1.170A-12 Valuation of a remainder interest in real property for contributions made after July 31, 1969.

* * * * *

(b) *Valuation of a remainder interest following only one life*—* * *

(2) *Computation of depreciation adjustment factor.* Computations under this paragraph (b)(2) are based upon Table C (Tables C(1) and C(2) for contributions made before December 1, 1983) contained in paragraph (f) of this section, which reflect interest at the rate of 10 percent (6 percent for contributions made before December 1, 1983) a year compounded annually, life contingencies determined from the values of lx that are set forth in Table LN of paragraph (f) of § 20.2031-7 (§ 20.2031-10 for contributions made before December 1, 1983) of this chapter (Estate Tax Regulations), and depreciation on a straight line basis. The factor determined under this paragraph (b)(2) is the amount determined by dividing—

(i) The difference between—

(A) The R-factor in column 2 of Table C opposite the initial age of the life tenant in column 1, and

(B) The R-factor in column 2 of such Table opposite the terminal age in column 1; by

(ii) The product of—

(A) The estimated useful life of the depreciable property, and

(B) The D-factor in column 3 of the Table opposite the initial age of the life tenant in column 1.

For purposes of this paragraph (b)(2), the term "initial age of the life tenant" means the age of the life tenant at the life tenant's birthday nearest the date of the contribution of the remainder interest, and the term "terminal age" is 110 or the sum of the initial age of the life tenant and the estimated useful life of the depreciable property, if that sum is less than 110. The factor determined under this paragraph (b)(2) is carried to the fifth decimal place.

* * * * *

(e) *Valuation of a remainder interest following more than one life or a term certain concurrent with one or more lives*—(1) * * * The special factor is to be computed on the basis of (1) interest at the rate of 10 percent (6 percent for contributions made before December 1, 1983) a year, compounded annually, (ii) life contingencies determined from the values of lx that are set forth in Table LN of paragraph (f) of § 20.2031-7 (§ 20.2031-10 for contributions made before December 1, 1983) of this chapter (Estate Tax Regulations), and (iii) if depreciation is involved, the assumption that the property depreciates on a straight line basis over its estimates useful life. * * *

* * * * *

(f) *Tables for computation of depreciation adjustment factor.* * * *

TABLE C.—SINGLE LIFE, UNISIX, 10 PERCENT SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCES

Age	R-Factors (Rx-0.5Mx)	D-Factors (Dx)
(1)	(2)	(3)
0	20,601.8820	100,000.0000
1	18,745.1078	89,089.0909
2	17,896.7675	80,889.2562
3	17,134.4941	73,472.5770
4	16,429.7372	66,746.8069
5	15,767.6190	60,644.1438
6	15,138.2770	55,103.3806
7	14,536.8488	50,070.3771
8	13,956.0999	45,498.9313
9	13,394.8755	41,346.9732
10	12,848.7712	37,575.0490
11	12,315.0692	34,148.6206
12	11,791.7385	31,034.9603
13	11,278.4296	28,203.7517
14	10,776.5123	25,627.9243
15	10,288.4828	23,283.5101
16	9,817.2602	21,149.4170
17	9,365.3572	19,207.3540
18	8,934.3033	17,440.9069
19	8,524.5640	15,835.0949
20	8,135.6140	14,376.2171
21	7,766.4572	13,050.9105
22	7,416.1070	11,847.0200
23	7,083.4750	10,753.7132
24	6,767.2384	9,761.1786
25	6,465.8630	8,860.4158
26	6,177.7248	8,043.0928
27	5,901.3240	7,301.3762
28	5,635.3643	6,628.2534
29	5,378.8864	6,016.9855
30	5,131.2180	5,461.9063

TABLE C.—SINGLE LIFE, UNISIX, 10 PERCENT SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCES—Continued

Age	R-Factors (Rx-0.5Mx)	D-Factors (Dx)
(1)	(2)	(3)
31	4,891.8674	4,957.6067
32	4,660.4462	4,499.5740
33	4,436.5638	4,083.5035
34	4,219.9416	3,705.4651
35	4,010.3324	3,362.0572
36	3,807.5065	3,050.0428
37	3,611.2994	2,766.5317
38	3,421.5937	2,508.8798
39	3,238.3061	2,274.7237
40	3,061.3521	2,061.9429
41	2,890.6420	1,868.5882
42	2,726.0615	1,692.9463
43	2,567.5085	1,533.3316
44	2,414.9066	1,388.3088
45	2,268.2027	1,256.5015
46	2,127.3361	1,136.7490
47	1,992.2392	1,027.9431
48	1,862.8255	929.1339
49	1,738.9953	839.3916
50	1,620.6495	757.9125
51	1,507.6894	683.9235
52	1,400.0247	616.7502
53	1,297.5614	555.7731
54	1,200.2136	500.4133
55	1,107.8950	450.1766
56	1,020.5111	404.5968
57	937.9552	363.2734
58	860.1101	325.8176
59	786.8483	291.8987
60	718.0316	261.1947
61	653.515988	233.425032
62	593.151050	208.323164
63	536.786458	185.646400
64	484.274647	165.169118
65	435.470923	146.691057
66	390.231191	130.029637
67	348.412484	115.018393
68	309.871028	101.510160
69	274.458723	89.373690
70	242.023790	78.485899
71	212.410624	68.738934
72	185.462525	60.025503
73	161.030414	52.240720
74	138.978279	45.286194
75	119.181106	39.079472
76	101.516377	33.554790
77	85.857470	28.655743
78	72.071223	24.332315
79	60.017955	20.537735
80	49.554168	17.225638
81	40.539161	14.345119
82	32.838728	11.851619
83	26.322309	9.708333
84	20.861049	7.881796
85	16.329823	6.337738
86	12.612963	5.037938
87	9.606528	3.950395
88	7.213017	3.053341
89	5.337461	2.327112
90	3.88944207	1.74985139
91	2.78792754	1.29647139
92	1.96398998	.94419491
93	1.35941017	.67495018
94	.92475286	.47333801
95	.61870301	.32559372
96	.40767627	.21971148
97	.26494185	.14593989
98	.16999658	.09544351
99	.10779721	.06162281
100	.06756075	.03933062
101	.04187043	.02473831
102	.02567917	.01541272
103	.01555022	.00954095
104	.00927755	.00579891
105	.00543664	.00351449
106	.00307741	.00213000
107	.001629198	.001266081
108	.000746153	.000744754
109	.000205633	.000430849

* * * * *

§ 1.642 [Amended]

Par. 6. Section 1.642(c)–6 is amended as follows:

a. Paragraph (a)(2) is amended by removing the sixth and seventh sentences and inserting in lieu thereof "A copy of the publication containing many such special factors, may be purchased from the Superintendant of Documents, United States Government Printing Office, Washington, D.C. 20402."

b. Paragraph (b)(1) is amended by removing "as to each male and female life involved, from the values of lx that are set forth in columns (2) and (3), respectively, of Table LN of paragraph (f) of § 20.2031–10" and inserting in lieu thereof "from the values of lx that are set forth in Table LN of paragraph (f) of § 20.2031–7 or 20.2031–10, whichever is appropriate,".

c. Paragraph (b)(2) is amended by removing "6 percent" wherever it appears and inserting in lieu thereof "9 percent (6 percent for transfers of property to pooled income funds made before December 1, 1983)".

d. Paragraphs (d) (1) through (3) are redesignated as paragraphs (e) (1) through (3), respectively, and new paragraphs (d) (1) through (3) are inserted immediately following paragraph (c) (5) to read as set forth below.

e. The heading of redesignated paragraph (e) and the first sentence of redesignated paragraph (e)(1) are revised to read as set forth below.

f. A new sentence is added at the end of redesignated paragraph (e)(1) to read as set forth below.

§ 1.642(c)–6 Valuation of a remainder interest in property transferred to a pooled income fund.

* * * * *

(d) *Present value of remainder interest dependent on the termination of one life; for transfers to pooled income funds made after November 30, 1983*— (1) *In general.* For transfers to pooled income funds made after November 30, 1983, the present value under this section of a remainder interest which is dependent on the termination of the life of one individual shall be determined under paragraphs (d) (1) through (3) of this section. The present value of such a remainder interest shall be computed by the use of Table G in paragraph (d)(3) of this section. For purposes of the computations under this section, the age of an individual is to be taken as the age of the individual at the individual's nearest birthday. For transfers to pooled income funds made before December 1, 1983, see paragraphs (e) (1) through (3) of this section.

(2) *Computation of value of remainder interest.* The factor which is used in determining the present value of the remainder interest is the factor under the appropriate yearly rate of return in column (2) of Table G opposite the number in column (1) which corresponds to the age of the individual upon whose life the value of the remainder interest is based. If the yearly rate of return is a percentage which is between yearly rates of return for which factors are provided in Table G, a linear interpolation must be made. The present value of the remainder interest is determined by multiplying, by the factor determined under this paragraph (d)(2), the fair market value on the appropriate valuation date. If the yearly rate of return is below 2.2 percent or above 14 percent, see paragraph (a)(2) of this section. This paragraph (d)(2) may be illustrated by the following example:

Example. A, who will be 50 years old on April 15, 1985, transfers $100,000 to a pooled income fund on January 1, 1985, and retains a life income interest in such property. The highest yearly rate of return earned by the fund for its 3 preceding taxable years is 9.9 percent. In Table G the figure in column (2) opposite 50 years under 9.8 percent is .15653 and under 10 percent is .15257. The present value of the remainder interest is $15,455, computed as follows:

Factor at 9.8 percent for person aged 50	.15653
Factor at 10 percent for person aged 50	.15257
Difference	.00396

Interpolation adjustment:

$$\frac{9.9\% - 9.8\%}{.2\%} = \frac{x}{.00396}$$

$$x = .00198$$

Factor at 9.8 percent for person aged 50	0.15653
Less:	
Interpolation adjustment	.00198
Interpolated factor	.15455
Present value of remainder interest ($100,000 × .15455	$15,455

(3) *Actuarial tables.* The following tables shall be used in the application of the provisions of this section.

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN

(1) Age	(2) Yearly rate of return (percent)				
	2.2	2.4	2.6	2.8	3.0
0	.23930	.21334	.19077	.17113	.15401
1	.22891	.20224	.17903	.15880	.14114
2	.23297	.20610	.18265	.16218	.14429
3	.23744	.21035	.18669	.16600	.14787
4	.24212	.21485	.19098	.17006	.15171
5	.24701	.21955	.19547	.17434	.15577
6	.25207	.22442	.20015	.17880	.16001
7	.25726	.22944	.20497	.18342	.16441
8	.26259	.23461	.20995	.18820	.16898

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	2.2	2.4	2.6	2.8	3.0
9	.26809	.23995	.21511	.19315	.17373
10	.27373	.24544	.22043	.19828	.17865
11	.27953	.25110	.22592	.20358	.18375
12	.28546	.25690	.23156	.20904	.18902
13	.29149	.26280	.23731	.21462	.19440
14	.29757	.26877	.24312	.22026	.19986
15	.30368	.27476	.24896	.22593	.20535
16	.30978	.28075	.25481	.23161	.21085
17	.31589	.28676	.26068	.23732	.21637
18	.32204	.29280	.26659	.24306	.22193
19	.32825	.29892	.27257	.24889	.22759
20	.33457	.30514	.27867	.25484	.23336
21	.34099	.31148	.28489	.26092	.23927
22	.34751	.31794	.29124	.26712	.24532
23	.35416	.32452	.29773	.27348	.25152
24	.36096	.33127	.30439	.28002	.25791
25	.36793	.33821	.31124	.28676	.26452
26	.37509	.34535	.31832	.29374	.27136
27	.38244	.35269	.32560	.30093	.27844
28	.38998	.36023	.33311	.30836	.28577
29	.39767	.36795	.34080	.31599	.29330
30	.40553	.37584	.34868	.32382	.30104
31	.41352	.38388	.35672	.33182	.30897
32	.42165	.39208	.36494	.34001	.31710
33	.42993	.40044	.37333	.34839	.32543
34	.43834	.40894	.38188	.35694	.33395
35	.44689	.41760	.39060	.36567	.34266
36	.45556	.42640	.39947	.37458	.35156
37	.46435	.43534	.40850	.38365	.36063
38	.47325	.44440	.41767	.39288	.36987
39	.48226	.45358	.42696	.40225	.37927
40	.49136	.46288	.43640	.41177	.38884
41	.50056	.47228	.44596	.42143	.39856
42	.50988	.48182	.45566	.43125	.40846
43	.51927	.49145	.46547	.44120	.41850
44	.52874	.50118	.47540	.45128	.42869
45	.53828	.51099	.48543	.46148	.43899
46	.54788	.52088	.49554	.47176	.44943
47	.55754	.53083	.50574	.48216	.45998
48	.56726	.54087	.51604	.49267	.47065
49	.57703	.55097	.52642	.50327	.48144
50	.58685	.56114	.53688	.51398	.49234
51	.59670	.57136	.54740	.52476	.50333
52	.60658	.58161	.55798	.53560	.51441
53	.61647	.59189	.56859	.54651	.52556
54	.62635	.60217	.57923	.55744	.53675
55	.63622	.61246	.58987	.56840	.54798
56	.64606	.62273	.60052	.57937	.55923
57	.65589	.63299	.61117	.59037	.57052
58	.66569	.64324	.62181	.60136	.58183
59	.67546	.65347	.63246	.61237	.59316
60	.68521	.66368	.64309	.62338	.60450
61	.69492	.67388	.65372	.63440	.61587
62	.70461	.68406	.66434	.64542	.62726
63	.71425	.69420	.67494	.65643	.63865
64	.72384	.70430	.68550	.66742	.65002
65	.73336	.71434	.69602	.67837	.66137
66	.74281	.72431	.70647	.68926	.67267
67	.75216	.73419	.71684	.70009	.68391
68	.76143	.74399	.72714	.71085	.69509
69	.77060	.75370	.73735	.72153	.70622
70	.77969	.76334	.74750	.73215	.71728
71	.78870	.77290	.75758	.74272	.72830
72	.79764	.78240	.76760	.75323	.73928
73	.80646	.79178	.77751	.76364	.75016
74	.81511	.80099	.78725	.77387	.76086
75	.82353	.80995	.79674	.78386	.77132
76	.83169	.81866	.80596	.79357	.78149
77	.83960	.82710	.81491	.80301	.79139
78	.84727	.83530	.82360	.81218	.80101
79	.85473	.84328	.83207	.82112	.81041
80	.86201	.85106	.84034	.82986	.81960
81	.86905	.85861	.84837	.83835	.82853
82	.87585	.86589	.85612	.84655	.83717
83	.88239	.87291	.86360	.85447	.84552
84	.88873	.87971	.87085	.86216	.85362
85	.89487	.88630	.87789	.86963	.86150
86	.90070	.89258	.88459	.87674	.86901
87	.90609	.89838	.89079	.88332	.87597
88	.91106	.90372	.89650	.88939	.88239
89	.91570	.90872	.90184	.89507	.88839
90	.92014	.91350	.90696	.90051	.89416
91	.92435	.91804	.91182	.90569	.89964

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	2.2	2.4	2.6	2.8	3.0
92	.92822	.92222	.91630	.91045	.90469
93	.93170	.92597	.92032	.91474	.90923
94	.93477	.92929	.92387	.91853	.91325
95	.93743	.93216	.92695	.92181	.91673
96	.93967	.93458	.92955	.92458	.91966
97	.94167	.93674	.93186	.92704	.92228
98	.94342	.93863	.93389	.92921	.92457
99	.94508	.94041	.93580	.93124	.92673
100	.94672	.94218	.93770	.93326	.92887
101	.94819	.94377	.93940	.93508	.93080
102	.94979	.94550	.94125	.93704	.93288
103	.95180	.94766	.94357	.93952	.93550
104	.95377	.94979	.94585	.94194	.93806
105	.95663	.95288	.94916	.94547	.94181
106	.96101	.95762	.95425	.95091	.94760
107	.96688	.96398	.96110	.95824	.95539
108	.97569	.97354	.97141	.96928	.96717
109	.98924	.98828	.98733	.98638	.98544

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	3.2	3.4	3.6	3.8	4.0
0	.13908	.12603	.11461	.10461	.09583
1	.12570	.11220	.10036	.08998	.08086
2	.12862	.11489	.10284	.09225	.08293
3	.13198	.11802	.10576	.09496	.08544
4	.13559	.12141	.10893	.09793	.08821
5	.13943	.12503	.11234	.10112	.09121
6	.14345	.12884	.11593	.10451	.09439
7	.14763	.13280	.11968	.10805	.09773
8	.15198	.13694	.12360	.11176	.10125
9	.15652	.14126	.12771	.11567	.10495
10	.16123	.14576	.13200	.11975	.10883
11	.16613	.15045	.13648	.12402	.11290
12	.17119	.15531	.14113	.12847	.11715
13	.17638	.16029	.14591	.13304	.12152
14	.18164	.16535	.15076	.13769	.12597
15	.18693	.17044	.15565	.14238	.13045
16	.19224	.17554	.16055	.14707	.13494
17	.19756	.18066	.16547	.15178	.13945
18	.20294	.18584	.17044	.15655	.14401
19	.20840	.19110	.17550	.16140	.14866
20	.21399	.19650	.18069	.16639	.15344
21	.21972	.20203	.18602	.17152	.15836
22	.22559	.20771	.19151	.17680	.16344
23	.23162	.21356	.19716	.18225	.16869
24	.23784	.21960	.20301	.18791	.17414
25	.24429	.22588	.20910	.19380	.17984
26	.25098	.23240	.21545	.19996	.18581
27	.25792	.23918	.22206	.20639	.19205
28	.26512	.24623	.22894	.21310	.19858
29	.27253	.25350	.23605	.22004	.20534
30	.28016	.26100	.24341	.22724	.21236
31	.28799	.26871	.25097	.23464	.21961
32	.29603	.27664	.25877	.24230	.22710
33	.30428	.28478	.26679	.25018	.23484
34	.31273	.29314	.27504	.25830	.24280
35	.32139	.30172	.28351	.26665	.25102
36	.33024	.31050	.29220	.27523	.25948
37	.33929	.31949	.30111	.28404	.26816
38	.34851	.32867	.31022	.29305	.27707
39	.35791	.33804	.31953	.30228	.28620
40	.36749	.34759	.32904	.31172	.29555
41	.37724	.35733	.33874	.32137	.30512
42	.38717	.36727	.34866	.33124	.31493
43	.39727	.37739	.35877	.34132	.32495
44	.40752	.38768	.36906	.35159	.33518
45	.41791	.39811	.37952	.36204	.34560
46	.42844	.40871	.39014	.37267	.35621
47	.43910	.41944	.40092	.38347	.36701

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	3.2	3.4	3.6	3.8	4.0
48	.44990	.43034	.41188	.39446	.37801
49	.46083	.44137	.42299	.40562	.38919
50	.47189	.45256	.43427	.41695	.40056
51	.48306	.46386	.44567	.42844	.41209
52	.49432	.47528	.45721	.44006	.42378
53	.50567	.48679	.46886	.45182	.43562
54	.51708	.49838	.48060	.46367	.44756
55	.52854	.51004	.49242	.47563	.45962
56	.54004	.52175	.50430	.48766	.47177
57	.55159	.53352	.51626	.49978	.48402
58	.56316	.54533	.52827	.51196	.49636
59	.57478	.55719	.54036	.52424	.50879
60	.58643	.56910	.55250	.53658	.52131
61	.59811	.58107	.56471	.54901	.53393
62	.60982	.59307	.57697	.56150	.54662
63	.62155	.60510	.58928	.57405	.55940
64	.63327	.61714	.60161	.58664	.57222
65	.64498	.62918	.61395	.59926	.58508
66	.65666	.64120	.62628	.61188	.59796
67	.66829	.65319	.63859	.62448	.61083
68	.67986	.66512	.65086	.63706	.62370
69	.69139	.67702	.66311	.64963	.63656
70	.70286	.68888	.67533	.66218	.64942
71	.71431	.70073	.68754	.67474	.66231
72	.72572	.71255	.69974	.68730	.67520
73	.73704	.72429	.71188	.69980	.68805
74	.74819	.73586	.72384	.71214	.70075
75	.75909	.74718	.73557	.72424	.71320
76	.76971	.75822	.74700	.73606	.72538
77	.78004	.76897	.75815	.74758	.73726
78	.79010	.77944	.76902	.75883	.74886
79	.79993	.78968	.77965	.76984	.76023
80	.80955	.79971	.79008	.78064	.77140
81	.81891	.80948	.80024	.79118	.78230
82	.82796	.81894	.81009	.80140	.79288
83	.83672	.82810	.81962	.81131	.80314
84	.84525	.83700	.82891	.82096	.81314
85	.85352	.84567	.83795	.83037	.82291
86	.86141	.85394	.84659	.83936	.83224
87	.86874	.86162	.85461	.84771	.84092
88	.87549	.86870	.86201	.85542	.84893
89	.88182	.87534	.86895	.86266	.85645
90	.88789	.88171	.87562	.86961	.86369
91	.89367	.88779	.88198	.87625	.87059
92	.89900	.89338	.88784	.88237	.87697
93	.90379	.89842	.89312	.88788	.88271
94	.90803	.90288	.89780	.89277	.88781
95	.91171	.90675	.90185	.89701	.89223
96	.91481	.91001	.90527	.90058	.89594
97	.91757	.91291	.90831	.90376	.89926
98	.91999	.91546	.91098	.90655	.90217
99	.92227	.91786	.91349	.90917	.90490
100	.92453	.92023	.91598	.91177	.90761
101	.92656	.92236	.91821	.91410	.91003
102	.92875	.92467	.92063	.91662	.91266
103	.93152	.92758	.92367	.91980	.91597
104	.93423	.93042	.92665	.92291	.91920
105	.93818	.93458	.93101	.92747	.92395
106	.94430	.94104	.93779	.93457	.93127
107	.95256	.94975	.94696	.94418	.94143
108	.96507	.96298	.96090	.95883	.95676
109	.98450	.98356	.98263	.98170	.98077

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	4.2	4.4	4.6	4.8	5.0
0	.08811	.08132	.07534	.07006	.06536
1	.07283	.06576	.05952	.05400	.04912
2	.07471	.06746	.06106	.05539	.05037
3	.07704	.06962	.06304	.05722	.05205

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	4.2	4.4	4.6	4.8	5.0
4	.07962	.07202	.06528	.05930	.05398
5	.08243	.07464	.06773	.06159	.05612
6	.08542	.07745	.07037	.06406	.05844
7	.08857	.08042	.07316	.06669	.06091
8	.09189	.08355	.07612	.06948	.06354
9	.09540	.08687	.07926	.07245	.06635
10	.09908	.09037	.08258	.07560	.06934
11	.10296	.09406	.08609	.07894	.07251
12	.10701	.09793	.08977	.08245	.07586
13	.11119	.10191	.09358	.08608	.07932
14	.11544	.10597	.09745	.08978	.08285
15	.11972	.11007	.10136	.09350	.08640
16	.12402	.11416	.10527	.09723	.08995
17	.12832	.11827	.10919	.10096	.09351
18	.13268	.12243	.11315	.10474	.09711
19	.13712	.12667	.11720	.10860	.10078
20	.14170	.13105	.12138	.11259	.10459
21	.14642	.13557	.12570	.11671	.10853
22	.15129	.14024	.13017	.12099	.11261
23	.15634	.14508	.13481	.12544	.11687
24	.16159	.15013	.13967	.13009	.12133
25	.16709	.15543	.14477	.13500	.12604
26	.17286	.16101	.15014	.14018	.13103
27	.17891	.16686	.15580	.14564	.13630
28	.18525	.17301	.16175	.15140	.14187
29	.19183	.17940	.16796	.15742	.14770
30	.19867	.18606	.17443	.16370	.15380
31	.20574	.19295	.18114	.17023	.16013
32	.21307	.20010	.18811	.17702	.16674
33	.22064	.20751	.19535	.18407	.17362
34	.22846	.21516	.20283	.19138	.18075
35	.23653	.22307	.21058	.19896	.18816
36	.24484	.23124	.21859	.20681	.19584
37	.25340	.23966	.22685	.21492	.20379
38	.26219	.24831	.23536	.22328	.21199
39	.27120	.25720	.24411	.23188	.22044
40	.28045	.26633	.25311	.24075	.22916
41	.28992	.27569	.26236	.24986	.23814
42	.29965	.28532	.27188	.25926	.24741
43	.30960	.29518	.28163	.26890	.25693
44	.31977	.30527	.29164	.27880	.26671
45	.33013	.31557	.30185	.28892	.27673
46	.34071	.32609	.31230	.29929	.28700
47	.35148	.33681	.32296	.30988	.29750
48	.36246	.34777	.33387	.32072	.30826
49	.37364	.35893	.34499	.33179	.31927
50	.38503	.37030	.35634	.34310	.33053
51	.39659	.38187	.36790	.35462	.34201
52	.40832	.39362	.37965	.36636	.35371
53	.42021	.40554	.39158	.37829	.36562
54	.43222	.41760	.40367	.39039	.37771
55	.44436	.42980	.41591	.40264	.38997
56	.45660	.44212	.42828	.41504	.40239
57	.46897	.45456	.44079	.42760	.41498
58	.48142	.46712	.45342	.44030	.42771
59	.49399	.47980	.46620	.45314	.44062
60	.50666	.49260	.47910	.46613	.45367
61	.51944	.50552	.49214	.47927	.46690
62	.53232	.51856	.50531	.49256	.48028
63	.54529	.53169	.51860	.50598	.49381
64	.55832	.54491	.53198	.51950	.50746
65	.57140	.55819	.54544	.53312	.52121
66	.58451	.57152	.55895	.54681	.53506
67	.59763	.58486	.57251	.56054	.54896
68	.61076	.59823	.58609	.57432	.56292
69	.62390	.61162	.59971	.58816	.57695
70	.63705	.62503	.61337	.60204	.59104
71	.65023	.63849	.62709	.61600	.60522
72	.66344	.65199	.64086	.63003	.61949
73	.67661	.66547	.65463	.64407	.63378
74	.68964	.67882	.66827	.65798	.64796
75	.70243	.69193	.68168	.67168	.66192
76	.71495	.70477	.69482	.68511	.67563
77	.72717	.71731	.70768	.69826	.68905
78	.73912	.72959	.72026	.71114	.70221
79	.75083	.74163	.73262	.72379	.71515
80	.76235	.75348	.74479	.73627	.72792
81	.77360	.76506	.75669	.74848	.74043
82	.78452	.77632	.76827	.76036	.75260

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	4.2	4.4	4.6	4.8	5.0
83	.79513	.78725	.77952	.77192	.76446
84	.80547	.79792	.79051	.78322	.77606
85	.81557	.80836	.80126	.79429	.78742
86	.82524	.81835	.81157	.80489	.79832
87	.83423	.82764	.82115	.81477	.80847
88	.84253	.83623	.83002	.82390	.81787
89	.85033	.84430	.83836	.83250	.82672
90	.85784	.85208	.84639	.84079	.83525
91	.86502	.85951	.85408	.84871	.84342
92	.87164	.86638	.86118	.85605	.85098
93	.87761	.87257	.86759	.86267	.85781
94	.88290	.87806	.87327	.86854	.86386
95	.88750	.88282	.87820	.87364	.86913
96	.89136	.88683	.88236	.87793	.87355
97	.89481	.89041	.88606	.88176	.87750
98	.89783	.89354	.88930	.88511	.88096
99	.90067	.89649	.89235	.88826	.88420
100	.90349	.89941	.89538	.89138	.88743
101	.90600	.90202	.89807	.89416	.89029
102	.90873	.90484	.90099	.89717	.89339
103	.91217	.90841	.90468	.90099	.99733
104	.91553	.91188	.90827	.90469	.90114
105	.92047	.91701	.91358	.91018	.90680
106	.92819	.92504	.92191	.91880	.91571
107	.93868	.93596	.93325	.93056	.92788
108	.95471	.95267	.95064	.94862	.94661
109	.97985	.97893	.97801	.97710	.97619

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	5.2	5.4	5.6	5.8	6.0
0	.06126	.05759	.05433	.05143	.04884
1	.04480	.04096	.03754	.03450	.03179
2	.04591	.04194	.03841	.03527	.03246
3	.04745	.04336	.03972	.03646	.03355
4	.04924	.04502	.04125	.03789	.03487
5	.05124	.04689	.04300	.03952	.03639
6	.05342	.04893	.04492	.04131	.03808
7	.05574	.05112	.04697	.04324	.03990
8	.05822	.05346	.04918	.04533	.04186
9	.06089	.05598	.05156	.04759	.04400
10	.06372	.05866	.05411	.05000	.04630
11	.06673	.06153	.05684	.05260	.04877
12	.06992	.06457	.05973	.05536	.05141
13	.07322	.06772	.06274	.05824	.05415
14	.07659	.07093	.06581	.06117	.05695
15	.07998	.07417	.06890	.06411	.05976
16	.08337	.07739	.07197	.06704	.06255
17	.08675	.08062	.07504	.06996	.06533
18	.09018	.08387	.07813	.07290	.06813
19	.09367	.08720	.08130	.07591	.07099
20	.09730	.09065	.08458	.07904	.07397
21	.10106	.09423	.08800	.08229	.07707
22	.10496	.09796	.09155	.08568	.08030
23	.10903	.10185	.09526	.08923	.08366
24	.11330	.10594	.09918	.09297	.08726
25	.11782	.11028	.10334	.09696	.09108
26	.12262	.11489	.10778	.10122	.09518
27	.12771	.11979	.11249	.10576	.09955
28	.13309	.12499	.11751	.11060	.10421
29	.13873	.13044	.12278	.11570	.10914
30	.14464	.13617	.12833	.12107	.11433
31	.15079	.14214	.13412	.12668	.11977
32	.15722	.14838	.14018	.13256	.12548
33	.16391	.15490	.14652	.13873	.13147
34	.17087	.16168	.15312	.14515	.13772

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	5.2	5.4	5.6	5.8	6.0
35	.17811	.16874	.16001	.15186	.14426
36	.18562	.17608	.16717	.15886	.15108
37	.19340	.18369	.17462	.16613	.15819
38	.20144	.19157	.18233	.17368	.16557
39	.20974	.19971	.19031	.18149	.17322
40	.21830	.20812	.19856	.18959	.18115
41	.22714	.21681	.20710	.19797	.18936
42	.23627	.22579	.21594	.20665	.19791
43	.24566	.23505	.22505	.21562	.20673
44	.25532	.24458	.23445	.22488	.21585
45	.26522	.25436	.24410	.23440	.22523
46	.27538	.26441	.25402	.24420	.23490
47	.28579	.27471	.26421	.25427	.24484
48	.29647	.28529	.27469	.26463	.25508
49	.30739	.29613	.28543	.27527	.26562
50	.31859	.30724	.29646	.28620	.27645
51	.33001	.31860	.30774	.29740	.28755
52	.34167	.33020	.31928	.30886	.29893
53	.35355	.34204	.33105	.32057	.31056
54	.36562	.35407	.34304	.33250	.32243
55	.37787	.36630	.35523	.34465	.33452
56	.39029	.37870	.36761	.35699	.34682
57	.40289	.39130	.38020	.36956	.35935
58	.41565	.40408	.39297	.38231	.37208
59	.42859	.41704	.40595	.39529	.38504
60	.44170	.43019	.41912	.40847	.39822
61	.45499	.44353	.43250	.42187	.41164
62	.46845	.45706	.44607	.43548	.42527
63	.48208	.47076	.45984	.44930	.43913
64	.49583	.48461	.47377	.46329	.45317
65	.50971	.49859	.48784	.47744	.46738
66	.52369	.51269	.50204	.49173	.48175
67	.53774	.52688	.51635	.50614	.49625
68	.55187	.54115	.53075	.52066	.51088
69	.56607	.55551	.54526	.53530	.52563
70	.58035	.56997	.55987	.55006	.54053
71	.59474	.58455	.57463	.56498	.55559
72	.60923	.59924	.58952	.58004	.57082
73	.62375	.61398	.60446	.59518	.58613
74	.63818	.62864	.61933	.61026	.60140
75	.65240	.64310	.63402	.62515	.61649
76	.66636	.65731	.64846	.63981	.63135
77	.68005	.67124	.66263	.65420	.64598
78	.69347	.68492	.67655	.66836	.66039
79	.70669	.69840	.69028	.68232	.67452
80	.71973	.71171	.70384	.69613	.68856
81	.73252	.72477	.71717	.70970	.70237
82	.74499	.73751	.73016	.72295	.71587
83	.75713	.74992	.74284	.73589	.72905
84	.76901	.76208	.75527	.74857	.74198
85	.78067	.77402	.76748	.76104	.75471
86	.79185	.78548	.77921	.77304	.76695
87	.80228	.79617	.79015	.78423	.77838
88	.81193	.80607	.80029	.79460	.78899
89	.82102	.81540	.80985	.80438	.79899
90	.82979	.82441	.81909	.81384	.80867
91	.83820	.83304	.82795	.82292	.81796
92	.84598	.84104	.83616	.83134	.82657
93	.85300	.84826	.84357	.83894	.83437
94	.85924	.85468	.85017	.84570	.84130
95	.86466	.86025	.85589	.85158	.84732
96	.86922	.86494	.86071	.85652	.85238
97	.87329	.86913	.86501	.86093	.85690
98	.87685	.87279	.86877	.86479	.86085
99	.88019	.87622	.87230	.86841	.86456
100	.88351	.87964	.87580	.87200	.86824
101	.88646	.88267	.87891	.87519	.87150
102	.88965	.88594	.88227	.87863	.87503
103	.89370	.89011	.88654	.88301	.87952
104	.89763	.89414	.89068	.88725	.88385
105	.90345	.90013	.89683	.89356	.89032
106	.91265	.90961	.90658	.90358	.90060
107	.92522	.92258	.91995	.91734	.91474
108	.94461	.94262	.94063	.93866	.93670
109	.97529	.97438	.97348	.97259	.97170

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	6.2	6.4	6.6	6.8	7.0
0	.04653	.04447	.04262	.04095	.03946
1	.02937	.02720	.02525	.02351	.02194
2	.02994	.02769	.02567	.02385	.02221
3	.03094	.02860	.02650	.02460	.02290
4	.03216	.02973	.02755	.02558	.92380
5	.03359	.03106	.02879	.02674	.02488
6	.03517	.03255	.03019	.02805	.02612
7	.03688	.03416	.03171	.02949	.02747
8	.03874	.03592	.03337	.03106	.02896
9	.04077	.03784	.03519	.03279	.03061
10	.04295	.03992	.03717	.03467	.03240
11	.04531	.04217	.03931	.03672	.03436
12	.04782	.04457	.04161	.03892	.02647
13	.05045	.04708	.04402	.04122	.03868
14	.05312	.04964	.04646	.04357	.04093
15	.05581	.05220	.04891	.04591	.04317
16	.05847	.05474	.05134	.04822	.04538
17	.06111	.05726	.05374	.05051	.04756
18	.06378	.05979	.05615	.05280	.04974
19	.06650	.06238	.05861	.05514	.05196
20	.06933	.06507	.06117	.05758	.05429
21	.07228	.06788	.06384	.06013	.05671
22	.07535	.07081	.06664	.06279	.05925
23	.07858	.07389	.06958	.06559	.06192
24	.08201	.07717	.07270	.06858	.06477
25	.08567	.08067	.07606	.07179	.06785
26	.08960	.08444	.07968	.07527	.07118
27	.09380	.08849	.08357	.07901	.07478
28	.09830	.09283	.08775	.08304	.07867
29	.10306	.09742	.09218	.08732	.08280
30	.10808	.10228	.09688	.09187	.08720
31	.11335	.10738	.10182	.09665	.09182
32	.11889	.11275	.10704	.10170	.09672
33	.12471	.11840	.11252	.10703	.10189
34	.13079	.12432	.11827	.11261	.10732
35	.13716	.13052	.12431	.11849	.11305
36	.14381	.13701	.13063	.12465	.11905
37	.15075	.14378	.13724	.13110	.12534
38	.15796	.15083	.14412	.13782	.13190
39	.16545	.15815	.15129	.14483	.13875
40	.17322	.16576	.15874	.15212	.14589
41	.18129	.17367	.16649	.15971	.15332
42	.18967	.18190	.17456	.16763	.16108
43	.19834	.19041	.18293	.17585	.16915
44	.20731	.19924	.19160	.18437	.17753
45	.21655	.20834	.20055	.19318	.18619
46	.22608	.21773	.20981	.20229	.19516
47	.23590	.22741	.21935	.21170	.20443
48	.24602	.23741	.22922	.22144	.21403
49	.25644	.24770	.23939	.23148	.22394
50	.26716	.25831	.24989	.24185	.23419
51	.27816	.26921	.26068	.25253	.24475
52	.28945	.28040	.27176	.26351	.25562
53	.30100	.29187	.28313	.27478	.26679
54	.31279	.30357	.29475	.28631	.27822
55	.32482	.31553	.30663	.29810	.28992
56	.33707	.32771	.31875	.31014	.30188
57	.34955	.34015	.33112	.32244	.31411
58	.36225	.35280	.34372	.33499	.32659
59	.37519	.36571	.35659	.34781	.33936
60	.38836	.37886	.36971	.36089	.35239
61	.40177	.39226	.38309	.37425	.36572
62	.41542	.40591	.39674	.38788	.37932
63	.42930	.41981	.41064	.40178	.39321
64	.44338	.43392	.42477	.41591	.40734
65	.45765	.44823	.43910	.43027	.42171
66	.47208	.46271	.45364	.44483	.43630
67	.48666	.47736	.46834	.45958	.45108
68	.50138	.49215	.48320	.47450	.46605
69	.51624	.50711	.49824	.48961	.48122
70	.53125	.52223	.51345	.50491	.49660
71	.54645	.53755	.52889	.52045	.51223
72	.56183	.55307	.54453	.53621	.52809
73	.57731	.56870	.56030	.55211	.54412
74	.59275	.58431	.57606	.56801	.56015
75	.60803	.59976	.59168	.58379	.57607
76	.62308	.61500	.60709	.59936	.59179
77	.63789	.63000	.62227	.61470	.60730
78	.65247	.64477	.63723	.62984	.62261
79	.66687	.65938	.65203	.64483	.63777

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	6.2	6.4	6.6	6.8	7.0
80	.68114	.67386	.66672	.65971	.65284
81	.69518	.68812	.68119	.67438	.66770
82	.70891	.70207	.69535	.68875	.68227
83	.72232	.71572	.70922	.70283	.69655
84	.73550	.72913	.72285	.71668	.71061
85	.74847	.74234	.73630	.73035	.72449
86	.76096	.75506	.74925	.74353	.73789
87	.77263	.76696	.76137	.75585	.75042
88	.78345	.77799	.77261	.76730	.76207
89	.79367	.78842	.78323	.77812	.77308
90	.80356	.79851	.79353	.78862	.78376
91	.81306	.80821	.80344	.79871	.79405
92	.82187	.81722	.81263	.80810	.80361
93	.82984	.82538	.82096	.81659	.81228
94	.83694	.83263	.82837	.82416	.81999
95	.84310	.83893	.83481	.83073	.82670
96	.84829	.84424	.84023	.83626	.83234
97	.85291	.84897	.84506	.84120	.83738
98	.85698	.85310	.84929	.84551	.84177
99	.86075	.85698	.85325	.84956	.84590
100	.86452	.86084	.85719	.85357	.85000
101	.86785	.86424	.86066	.85711	.85360
102	.87146	.86792	.86442	.86094	.85750
103	.87605	.87261	.86921	.86583	.86248
104	.88047	.87713	.87382	.87053	.86727
105	.88710	.88390	.88073	.87758	.87446
106	.89764	.89471	.89179	.88889	.88601
107	.91216	.90960	.90705	.90451	.90199
108	.93474	.93280	.93086	.92894	.92702
109	.97081	.96992	.96904	.96816	.96729

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	7.2	7.4	7.6	7.8	8.0
0	.03811	.03689	.03579	.03479	.03388
1	.02052	.01924	.01809	.01704	.01609
2	.02074	.01940	.01819	.01710	.01611
3	.02136	.01996	.01870	.01756	.01652
4	.02219	.02074	.01942	.01822	.01713
5	.02321	.02169	.02031	.01905	.01791
6	.02437	.02278	.02134	.02003	.01883
7	.02565	.02399	.02248	.02111	.01986
8	.02706	.02533	.02376	.02232	.02101
9	.02863	.02682	.02518	.02367	.02230
10	.03034	.02846	.02674	.02517	.02373
11	.03221	.03025	.02846	.02682	.02532
12	.03424	.03219	.03032	.02881	.02704
13	.03635	.03422	.03228	.03049	.02885
14	.03851	.03630	.03427	.03240	.03069
15	.04066	.03836	.03624	.03430	.03252
16	.04277	.04037	.03817	.03615	.03429
17	.04485	.04236	.04007	.03796	.03602
18	.04693	.04434	.04196	.03976	.03773
19	.04904	.04635	.04387	.04159	.03947
20	.05125	.04845	.04588	.04349	.04129
21	.05356	.05065	.04797	.04549	.04319
22	.05597	.05295	.05016	.04758	.04519
23	.05853	.05539	.05248	.04979	.04730
24	.06124	.05799	.05497	.05217	.04957
25	.06420	.06081	.05767	.05475	.05205
26	.06739	.06388	.06062	.05758	.05476
27	.07086	.06721	.06382	.06067	.05773
28	.07460	.07082	.06730	.06402	.06097
29	.07859	.07467	.07102	.06762	.06444
30	.08284	.07879	.07500	.07146	.06815
31	.08733	.08312	.07920	.07553	.07209
32	.09207	.08773	.08366	.07986	.07629
33	.09709	.09260	.08839	.08445	.08075

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	7.2	7.4	7.6	7.8	8.0
34	.10237	.09773	.09338	.08929	.08546
35	.10794	.10315	.09865	.09442	.09045
36	.11379	.10884	.10420	.09983	.09572
37	.11992	.11483	.11003	.10552	.10126
38	.12633	.12108	.11614	.11148	.10708
39	.13302	.12762	.12253	.11772	.11318
40	.14000	.13445	.12921	.12425	.11957
41	.14728	.14158	.13619	.13109	.12626
42	.15490	.14904	.14350	.13825	.13328
43	.16260	.15680	.15111	.145072	.14060
44	17104	.16488	.15905	.15351	.14825
45	.17955	.17326	.16727	.16159	.15619
46	.18838	.18194	.17582	.16999	.16445
47	.19751	.19093	.18467	.17870	.17302
48	.20698	.20026	.19386	.18776	.18194
49	.21676	.20991	.20338	.19715	.19119
50	.22689	.21991	.21325	.20689	.20080
51	.23732	.23023	.22344	.21695	.21074
52	.24808	.24086	.23396	.22735	.22102
53	.25914	.25181	.24479	.23807	.24252
54	.27047	.26304	.25591	.24908	.25372
55	.28208	.27455	.26733	.26039	.25372
56	.29395	.28633	.37901	.27197	.26521
57	.30610	.29840	.29099	.28386	.27700
58	.31851	.31074	.30325	.29604	.28909
59	.33122	.32337	.31581	.30853	.30150
60	.34420	.33630	.32867	.32132	.31422
61	.35748	.34953	.34185	.33444	.32727
62	.37106	.36307	.35535	.34788	.34066
63	.38492	.37691	.36915	.36165	.35438
64	.39905	.39102	.38324	.37571	.36841
65	.41342	.40539	.39760	.39005	.38272
66	.42803	.42000	.41221	.40465	.39731
67	.44283	.43483	.42705	.41949	.41215
68	.45784	.44987	.44211	.43457	.42724
69	.47307	.46513	.45741	.44990	.44254
70	.48851	.48063	.47296	.46549	.45821
71	.50422	.49641	.48880	.48139	.47416
72	.52018	.51246	.50493	.49758	.49042
73	.53631	.52870	.52126	.51400	.50691
74	.55247	.54497	.53764	.53048	.52347
75	.56852	.56115	.55393	.54687	.53997
76	.58439	.57714	.57005	.56311	.55632
77	.60005	.59294	.58599	.57917	.57249
78	.61551	.60856	.60174	.59506	.58851
79	.63084	.62405	.61739	.61085	.60443
80	.64609	.63946	.63296	.62657	.62030
81	.66114	.65469	.64835	.64213	.63602
82	.67589	.66963	.66347	.65742	.65146
83	.60937	.68429	.67831	.67243	.66664
84	.70463	.69875	.69296	.68726	.68165
85	.71872	.71304	.70745	.70194	.69651
86	.73233	.72685	.72146	.71614	.71089
87	.74507	.73978	.73458	.72944	.72438
88	.75691	.75181	.74679	.74183	.73694
89	.76810	.76319	.75834	.75355	.74883
90	.77897	.77424	.76957	.76496	.76040
91	.78945	.78490	.78040	.77596	.77158
92	.79919	.79481	.79048	.78621	.78198
93	.80801	.80380	.79963	.79550	.79143
94	.81587	.81180	.80777	.80379	.79985
95	.82271	.81877	.81487	.81100	.80719
96	.82846	.82462	.82083	.81707	.81335
97	.83360	.82985	.82615	.82248	.81885
98	.33808	.83441	.83079	.82720	.82365
99	.84228	.83869	.83514	.83163	.82815
100	.84645	.84294	.83947	.83603	.83262
101	.85012	.84668	.84327	.83988	.83653
102	.85409	.85072	.84737	.84405	.84077
103	.85917	.85588	.85262	.84939	.84619
104	.86403	.86083	.85765	.85449	.85136
105	.87136	.86829	.86524	.86221	.85921
106	.88315	.88032	.87750	.87470	.87192
107	.89949	.89700	.89452	.89206	.88961
108	.92511	.92321	.92132	.91944	.91757
109	.96642	.96555	.96468	.96382	.96296

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEAR RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	8.2	8.4	8.6	8.8	9.0
0	.03305	.03230	.03161	.03098	.03040
1	.01523	.01444	.01372	.01307	.01247
2	.01520	.01438	.01362	.01294	.01230
3	.01557	.01470	.01391	.01319	.01253
4	.01613	.01522	.01439	.01363	.01294
5	.01687	.01591	.01504	.01424	.01351
6	.01774	.01674	.01582	.01498	.01421
7	.01871	.01766	.01670	.01581	.01500
8	.01980	.01870	.01769	.01676	.01591
9	.02104	.01989	.01883	.01785	.01695
10	.02241	.02120	.02009	.01906	.01812
11	.02394	.02267	.02150	.02042	.01943
12	.02560	.02427	.02305	.02192	.02088
13	.02734	.02595	.02467	.02349	.02240
14	.02912	.02766	.02632	.02509	.02394
15	.03087	.02935	.02795	.02666	.02546
16	.03257	.03099	.02952	.02817	.02691
17	.03423	.03257	.03104	.02962	.02831
18	.03586	.03414	.03253	.03105	.02967
19	.03752	.03572	.03404	.03249	.03105
20	.03925	.03737	.03562	.03399	.03248
21	.04107	.03910	.03727	.03557	.03398
22	.04297	.04091	.03899	.03722	.03556
23	.04498	.04283	.04083	.03897	.03723
24	.04715	.04491	.04282	.04087	.03905
25	.04953	.04718	.04499	.04295	.04105
26	.05213	.04968	.04740	.04527	.04327
27	.05499	.05243	.05005	.04782	.04573
28	.05811	.05545	.05295	.05062	.04844
29	.06146	.05868	.05608	.05365	.05136
30	.06506	.06217	.05945	.05691	.05452
31	.06888	.06586	.06303	.06038	.05789
32	.07295	.06981	.06687	.06410	.06149
33	.07728	.07401	.07095	.06806	.06535
34	.08185	.07846	.07527	.07227	.06944
35	.08671	.08319	.07988	.07675	.07380
36	.09184	.08819	.08475	.08150	.07843
37	.09725	.09347	.08989	.08652	.08332
38	.10293	.09901	.09531	.09180	.08848
39	.10889	.10483	.10099	.09736	.09391
40	.11514	.11094	.10697	.10320	.09963
41	.12168	.11735	.11324	.10934	.10564
42	.12856	.12409	.11984	.11581	.11197
43	.13574	.13113	.12675	.12258	.11862
44	.14325	.13850	.13398	.12967	.12558
45	.15105	.14616	.14150	.13706	.13283
46	.15917	.15414	.14935	.14478	.14041
47	.16760	.16244	.15751	.15280	.14831
48	.17639	.17109	.16602	.16119	.15656
49	.18551	.18007	.17488	.16991	.16516
50	.19499	.18942	.18410	.17900	.17412
51	.20480	.19911	.19366	.18844	.18343
52	.21495	.20914	.20357	.19822	.19309
53	.22544	.21951	.21381	.20835	.20309
54	.23622	.23018	.22437	.21878	.21341
55	.24732	.24116	.23524	.22954	.22406
56	.25870	.25244	.24641	.24060	.23501
57	.27040	.26404	.25791	.25200	.24630
58	.28239	.27594	.26971	.26370	.25791
59	.29472	.28817	.28186	.27576	.26987
60	.30736	.30074	.29434	.28816	.28218
61	.32035	.31365	.30718	.30092	.29486
62	.33368	.32692	.32038	.31405	.30791
63	.34735	.34054	.33394	.32754	.32134
64	.36133	.35448	.34783	.34138	.33512
65	.37562	.36873	.36204	.35554	.34924
66	.39019	.38327	.37655	.37002	.36367
67	.40502	.39809	.39134	.38479	.37841
68	.42011	.41317	.40642	.39985	.39345
69	.43547	.42854	.42179	.41522	.40882
70	.45112	.44421	.43748	.43091	.42451
71	.46711	.46023	.45352	.44698	.44059
72	.48342	.47659	.46992	.46341	.45705
73	.49998	.49321	.48660	.48014	.47382
74	.51663	.50994	.50339	.49699	.49073
75	.53322	.52661	.52014	.51381	.50762
76	.54967	.54315	.53678	.53053	.52440
77	.56595	.55954	.55326	.54710	.54106
78	.58209	.57579	.56961	.56355	.55761
79	.59814	.59196	.58590	.57995	.57410
80	.61415	.60810	.60217	.59633	.59060

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEAR RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	8.2	8.4	8.6	8.8	9.0
81	.63001	.62410	.61830	.61260	.60699
82	.64561	.63985	.63419	.62862	.62314
83	.66095	.65535	.64983	.64441	.63907
84	.67612	.67068	.66533	.66005	.65486
85	.69116	.68589	.68070	.67559	.67055
86	.70573	.70063	.69561	.69066	.68578
87	.71939	.71446	.70961	.70481	.70009
88	.73211	.72735	.72265	.71801	.71343
89	.74417	.73956	.73501	.73053	.72609
90	.75590	.75146	.74707	.74273	.73845
91	.76724	.76296	.75873	.75454	.75041
92	.77781	.77368	.76960	.76556	.76158
93	.78740	.78342	.77948	.77558	.77173
94	.79596	.79210	.78829	.78452	.78079
95	.80341	.79967	.79597	.79231	.78869
96	.80967	.80603	.80242	.79885	.79532
97	.81526	.81170	.80818	.80470	.80125
98	.82013	.81665	.81320	.80979	.80641
99	.82470	.82129	.81791	.81456	.81125
100	.82924	.82590	.82258	.81930	.81605
101	.83322	.82993	.82667	.82344	.82024
102	.83751	.83428	.83108	.82791	.82477
103	.84301	.83986	.83674	.83365	.83058
104	.84826	.84518	.84213	.83910	.83610
105	.85623	.85327	.85033	.84741	.84452
106	.86915	.86641	.86369	.86098	.85829
107	.88718	.88476	.88236	.87997	.87759
108	.91571	.91385	.91201	.91017	.90834
109	.96211	.96125	.96041	.95956	.95872

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	9.2	9.4	9.6	9.8	10.0
0	.02987	.02938	.02893	.02851	.02812
1	.01192	.01141	.01094	.01051	.01012
2	.01173	.01119	.01070	.01025	.00983
3	.01192	.01136	.01084	.01036	.00992
4	.01229	.01170	.01116	.01066	.01019
5	.01283	.01221	.01164	.01111	.01062
6	.01350	.01284	.01224	.01168	.01116
7	.01425	.01356	.01292	.01233	.01178
8	.01512	.01439	.01372	.01309	.01252
9	.01612	.01535	.01464	.01398	.01337
10	.01724	.01644	.01569	.01499	.01435
11	.01851	.01766	.01688	.01615	.01547
12	.01991	.01902	.01819	.01742	.01671
13	.02139	.02045	.01958	.01877	.01802
14	.02288	.02190	.02098	.02013	.01934
15	.02435	.02331	.02235	.02146	.02063
16	.02575	.02466	.02366	.02272	.02185
17	.02709	.02595	.02490	.02391	.02300
18	.02839	.02721	.02610	.02507	.02410
19	.02971	.02846	.02730	.02621	.02520
20	.03108	.02977	.02855	.02741	.02635
21	.03251	.03114	.02986	.02866	.02755
22	.03402	.03258	.03123	.02998	.02880
23	.03562	.03410	.03269	.03137	.03014
24	.03735	.03577	.03428	.03290	.03159
25	.03927	.03761	.03605	.03459	.03322
26	.04141	.03966	.03803	.03649	.03505
27	.04377	.04194	.04023	.03861	.03710
28	.04639	.04447	.04267	.04098	.03938
29	.04922	.04721	.04532	.04354	.04187
30	.05228	.05017	.04819	.04633	.04457
31	.05554	.05334	.05126	.04930	.04746
32	.05904	.05674	.05456	.05251	.05058
33	.06279	.06038	.05810	.05595	.05392

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	9.2	9.4	9.6	9.8	10.0
34	.06677	.06435	.06187	.05962	.05750
35	.07102	.06839	.06590	.06355	.06132
36	.07553	.07278	.07019	.06773	.06540
37	.08030	.07745	.07474	.07217	.06974
38	.08534	.08237	.07955	.07687	.07433
39	.09065	.08755	.08462	.08182	.07917
40	.09624	.09302	.08996	.08706	.08429
41	.10212	.09878	.09560	.09258	.08970
42	.10833	.10486	.10156	.09842	.09543
43	.11484	.11125	.10783	.10456	.10145
44	.12167	.11795	.11441	.11102	.10779
45	.12880	.12495	.12128	.11777	.11442
46	.13625	.13227	.12847	.12484	.12137
47	.14402	.13991	.13599	.13223	.12863
48	.15214	.14791	.14385	.13997	.13626
49	.16060	.15625	.15207	.14806	.14422
50	.16944	.16496	.16065	.15653	.15257
51	.17862	.17401	.16959	.16534	.16126
52	.18816	.18343	.17888	.17451	.17031
53	.19805	.19320	.18853	.18404	.17972
54	.20825	.20328	.19850	.19390	.18946
55	.21878	.21370	.20881	.20409	.19954
56	.22963	.22443	.21943	.21460	.20994
57	.24081	.23551	.23040	.22546	.22069
58	.25231	.24691	.24170	.23665	.23178
59	.26418	.25868	.25336	.24822	.24325
60	.27640	.27081	.26540	.26016	.25509
61	.28899	.28332	.27782	.27249	.26733
62	.30197	.29622	.29064	.28523	.27998
63	.31533	.30950	.30385	.29836	.29304
64	.32905	.32316	.31743	.31188	.30648
65	.34311	.33716	.33138	.32576	.32030
66	.35751	.35151	.34568	.34001	.33449
67	.37221	.36618	.36030	.35459	.34902
68	.38723	.38116	.37526	.36950	.36390
69	.40257	.39649	.39056	.38478	.37914
70	.41826	.41217	.40623	.40043	.39478
71	.43435	.42827	.42233	.41652	.41086
72	.45084	.44478	.43885	.43305	.42739
73	.46765	.46161	.45571	.44994	.44429
74	.48460	.47861	.47274	.46700	.46138
75	.50155	.49561	.48979	.48409	.47851
76	.51841	.51253	.50677	.50112	.49559
77	.53514	.52934	.52364	.51806	.51258
78	.55177	.54605	.54043	.53492	.52951
79	.56837	.56273	.55720	.55177	.54643
80	.58497	.57944	.57401	.56866	.56341
81	.60148	.59606	.59073	.58548	.58033
82	.61775	.61245	.60723	.60210	.59705
83	.63381	.62863	.62354	.61852	.61358
84	.64974	.64470	.63973	.63484	.63002
85	.66558	.66068	.65586	.65110	.64641
86	.68096	.67622	.67154	.66692	.66236
87	.69542	.69082	.68628	.68180	.67738
88	.70891	.70445	.70005	.69570	.69141
89	.72172	.71739	.71312	.70891	.70474
90	.73422	.73004	.72591	.72182	.71779
91	.74632	.74229	.73829	.73435	.73045
92	.75763	.75373	.74988	.74606	.74229
93	.76791	.76414	.76042	.75673	.75308
94	.77710	.77345	.76983	.76626	.76272
95	.78510	.78155	.77804	.77457	.77113
96	.79183	.78837	.78494	.78155	.77819
97	.79783	.79445	.79110	.78779	.78450
98	.80306	.79975	.79647	.79322	.79000
99	.80797	.80471	.80149	.79830	.79514
100	.81283	.80964	.80648	.80335	.80025
101	.81708	.81394	.81082	.80774	.80468
102	.82165	.81856	.81550	.81247	.80946
103	.82754	.82452	.82153	.81857	.81563
104	.83312	.83017	.82723	.82433	.82144
105	.84165	.83880	.83597	.83316	.83038
106	.85562	.85297	.85034	.84772	.84512
107	.87523	.87288	.87054	.86822	.86591
108	.90652	.90471	.90291	.90111	.89932
109	.95788	.95704	.95620	.95537	.95455

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	10.2	10.4	10.6	10.8	11.0
0	.02776	.02743	.02712	.02682	.02655
1	.00975	.00941	.00909	.00880	.00852
2	.00945	.00909	.00875	.00844	.00816
3	.00952	.00914	.00879	.00846	.00815
4	.00976	.00936	.00899	.00865	.00832
5	.01016	.00974	.00935	.00898	.00864
6	.01068	.01023	.00981	.00943	.00907
7	.01128	.01080	.01036	.00995	.00957
8	.01198	.01148	.01101	.01058	.01017
9	.01281	.01228	.01179	.01133	.01090
10	.01375	.01319	.01267	.01219	.01173
11	.01483	.01425	.01370	.01318	.01270
12	.01604	.01542	.01484	.01430	.01379
13	.01732	.01666	.01605	.01548	.01494
14	.01860	.01792	.01727	.01667	.01610
15	.01986	.01913	.01845	.01782	.01723
16	.02103	.02027	.01956	.01889	.01827
17	.02214	.02134	.02059	.01989	.01923
18	.02320	.02236	.02157	.02084	.02014
19	.02426	.02337	.02254	.02177	.02104
20	.02536	.02442	.02355	.02273	.02197
21	.02650	.02552	.02460	.02374	.02293
22	.02770	.02667	.02570	.02479	.02394
23	.02898	.02789	.02687	.02591	.02501
24	.03037	.02923	.02815	.02714	.02619
25	.03194	.03073	.02960	.02853	.02752
26	.03370	.03243	.03123	.03010	.02904
27	.03568	.03434	.03307	.03188	.03076
28	.03789	.03647	.03514	.03389	.03271
29	.04029	.03880	.03740	.03608	.03483
30	.04291	.04135	.03987	.03848	.03716
31	.04572	.04407	.04252	.04105	.03966
32	.04875	.04702	.04538	.04384	.04237
33	.05200	.05019	.04847	.04684	.04530
34	.05548	.05358	.05177	.05006	.04843
35	.05921	.05722	.05532	.05352	.05181
36	.06319	.06110	.05911	.05722	.05543
37	.06743	.06524	.06315	.06117	.05929
38	.07191	.06962	.06744	.06536	.06338
39	.07665	.074425	.07197	.06980	.06773
40	.08166	.07916	.07677	.07450	.07233
41	.08696	.08434	.08185	.07947	.07721
42	.09257	.08985	.08725	.08477	.08239
43	.09848	.09564	.09293	.09034	.08787
44	.10470	.10175	.09893	.09623	.09365
45	.11121	.10815	.10522	.10241	.09972
46	.11805	.11486	.11182	.10890	.10610
47	.12519	.12189	.11873	.11569	.11279
48	.13269	.12927	.12600	.12285	.11983
49	.14054	.13600	.13361	.13035	.12721
50	.14876	.14511	.14160	.13822	.13497
51	.15734	.15356	.14994	.14645	.14309
52	.16627	.16238	.15864	.15504	.15156
53	.17557	.17156	.16770	.16399	.16040
54	.18519	.18107	.17710	.17327	.16957
55	.19515	.19092	.18684	.18290	.17909
56	.20544	.20110	.19691	.19286	.18894
57	.21609	.21164	.20734	.20318	.19916
58	.22707	.22252	.21811	.21385	.20972
59	.23844	.23378	.22928	.22491	.22068
60	.25018	.24543	.24082	.23636	.23203
61	.26233	.25749	.25279	.24823	.24381
62	.27490	.26996	.26517	.26052	.25601
63	.28787	.28286	.27798	.27325	.26865
64	.30124	.29615	.29120	.28639	.28171
65	.31500	.30983	.30481	.29993	.29517
66	.32912	.32390	.31881	.31386	.30904
67	.34360	.33832	.33318	.32817	.32328
68	.35843	.35311	.34791	.34285	.33791
69	.37365	.36828	.36305	.35794	.35296
70	.38925	.38386	.37860	.37346	.36844
71	.40532	.39991	.39463	.38946	.38442
72	.42185	.41644	.41115	.40597	.40091
73	.43876	.43336	.42807	.42289	.41782
74	.45588	.45050	.44522	.44005	.43499
75	.47304	.46769	.46244	.45729	.45225
76	.49016	.48485	.47963	.47451	.46949
77	.50721	.50193	.49676	.49168	.48670
78	.52419	.51898	.51385	.50882	.50388
79	.54119	.53604	.53097	.52600	.52111
80	.55825	.55318	.54819	.54328	.53846
81	.57526	.57027	.56536	.56053	.55578

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	10.2	10.4	10.6	10.8	11.0
82	.59208	.58718	.58236	.57762	.57295
83	.60871	.60392	.59920	.59455	.58997
84	.62527	.62059	.61597	.61143	.60695
85	.64179	.63723	.63273	.62830	.62393
86	.65787	.65344	.64907	.64475	.64050
87	.67302	.66871	.66446	.66026	.65612
88	.68717	.68298	.67885	.67477	.67074
89	.70063	.69656	.69255	.68858	.68466
90	.71380	.70986	.70597	.70212	.69831
91	.72659	.72278	.71901	.71528	.71160
92	.73856	.73488	.73123	.72762	.72405
93	.74947	.74590	.74236	.73887	.73541
94	.75922	.75575	.75233	.74893	.74557
95	.76773	.76436	.76102	.75772	.75445
96	.77487	.77158	.76832	.76510	.76190
97	.78125	.77803	.77485	.77169	.76856
98	.78681	.78365	.78052	.77742	.77435
99	.79201	.78891	.78583	.78279	.77977
100	.79717	.79412	.79111	.78811	.78515
101	.80165	.79865	.79568	.79273	.78981
102	.80648	.80353	.80060	.79769	.79481
103	.81271	.80982	.80695	.80411	.80129
104	.81858	.81574	.81292	.81013	.80736
105	.83761	.82487	.82214	.81943	.81675
106	.84254	.83998	.83743	.83490	.83238
107	.86362	.86133	.85906	.85681	.85456
108	.89755	.89577	.89401	.89226	.89051
109	.95372	.95290	.95208	.95126	.95045

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	11.2	11.4	11.6	11.8	12.0
0	.02630	.02606	.02583	.02562	.02542
1	.00827	.00803	.00780	.00759	.00739
2	.00789	.00763	.00740	.00718	.00697
3	.00787	.00760	.00736	.00712	.00690
4	.00802	.00774	.00748	.00723	.00700
5	.00832	.00802	.00774	.00748	.00724
6	.00873	.00841	.00812	.00784	.00758
7	.00921	.00888	.00856	.00827	.00799
8	.00979	.00944	.00910	.00879	.00850
9	.01049	.01012	.00976	.00943	.00912
10	.01131	.01091	.01053	.01018	.00985
11	.01225	.01183	.01143	.01106	.01070
12	.01331	.01286	.01244	.01205	.01168
13	.01444	.01397	.01352	.01311	.01271
14	.01558	.01508	.01461	.01417	.01375
15	.01667	.01614	.01565	.01519	.01475
16	.01768	.01713	.01661	.01612	.01566
17	.01862	.01803	.01749	.01697	.01649
18	.01949	.01888	.01831	.01776	.01725
19	.02035	.01971	.01910	.01853	.01799
20	.02124	.02056	.01992	.01932	.01875
21	.02217	.02145	.02078	.02014	.01954
22	.02313	.02238	.02166	.02099	.02035
23	.02416	.02336	.02261	.02190	.02122
24	.02529	.02445	.02365	.02290	.02218
25	.02657	.02568	.02484	.02404	.02328
26	.02804	.02710	.02620	.02536	.02456
27	.02970	.02870	.02776	.02686	.02601
28	.03159	.03053	.02953	.02858	.02768
29	.03365	.03253	.03147	.03047	.02951
30	.03591	.03473	.03361	.03255	.03154
31	.03834	.03709	.03591	.03478	.03372
32	.04096	.03966	.03841	.03722	.03610
33	.04383	.04244	.04112	.03987	.03867

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	11.2	11.4	11.6	11.8	12.0
34	.04689	.04543	.04403	.04271	.04145
35	.05019	.04865	.04718	.04578	.04445
36	.05372	.05210	.05055	.04907	.04767
37	.05749	.05578	.05416	.05260	.05112
38	.06150	.05970	.05799	.05636	.05480
39	.06575	.06387	.06207	.06035	.05871
40	.07026	.06828	.06639	.06459	.06286
41	.07504	.07297	.07099	.06909	.06728
42	.08013	.07796	.07589	.07390	.07200
43	.08550	.08323	.08106	.07898	.07699
44	.09118	.08881	.08654	.08437	.08228
45	.09714	.09467	.09230	.09003	.08784
46	.10341	.10084	.09837	.09599	.09371
47	.10999	.10731	.10473	.10226	.09988
48	.11693	.11414	.11145	.10888	.10639
49	.12420	.12130	.11852	.11583	.11325
50	.13185	.12884	.12595	.12316	.12047
51	.13985	.13674	.13373	.13084	.12805
52	.14822	.14499	.14188	.13888	.13598
53	.15695	.15361	.15039	.14729	.14428
54	.16601	.16256	.15924	.15602	.15292
55	.17542	.17186	.16843	.16511	.16190
56	.18516	.18150	.17796	.17454	.17122
57	.19527	.19150	.18786	.18433	.18091
58	.20573	.20186	.19811	.19448	.19096
59	.21659	.21262	.20877	.20504	.20142
60	.22784	.22377	.21982	.21599	.21227
61	.23952	.23535	.23131	.22738	.22357
62	.25163	.24737	.24324	.23922	.23531
63	.26418	.25984	.25561	.25151	.24751
64	.27716	.27273	.26842	.26423	.26015
65	.29054	.28604	.28165	.27738	.27322
66	.30434	.29976	.29530	.29096	.28672
67	.31852	.31388	.30935	.30494	.30063
68	.33310	.32840	.32381	.31933	.31496
69	.34809	.34334	.33870	.33417	.32975
70	.36353	.35874	.35405	.34948	.34500
71	.37948	.37466	.36994	.36532	.36081
72	.39595	.39111	.38636	.38172	.37718
73	.41286	.40801	.40325	.39859	.39403
74	.43004	.42518	.42042	.41575	.41118
75	.44730	.44245	.43770	.43304	.42846
76	.46457	.45974	.45500	.45035	.44579
77	.48181	.47700	.47229	.46766	.46311
78	.49903	.49426	.48958	.48497	.48045
79	.51631	.51159	.50694	.50238	.49789
80	.53371	.52905	.52446	.51994	.51550
81	.55110	.54650	.54197	.53752	.53313
82	.56835	.56382	.55937	.55497	.55065
83	.58546	.58101	.57663	.57231	.56806
84	.60253	.59817	.59388	.58965	.58547
85	.61961	.61536	.61116	.60703	.60294
86	.63630	.63215	.62806	.62402	.62004
87	.65203	.64800	.64401	.64007	.63619
88	.66676	.66282	.65894	.65510	.65131
89	.68079	.67696	.67318	.66944	.66574
90	.69455	.69084	.68716	.68353	.67993
91	.70795	.70435	.70078	.69726	.69377
92	.72052	.71703	.71357	.71015	.70677
93	.73198	.72860	.72524	.72192	.71864
94	.74225	.73896	.73570	.73248	.72928
95	.75121	.74801	.74483	.74169	.73858
96	.75874	.75561	.75250	.74943	.74639
97	.76546	.76240	.75936	.75635	.75336
98	.77131	.76830	.76531	.76235	.75942
99	.77678	.77382	.77088	.76798	.76509
100	.78221	.77930	.77642	.77356	.77072
101	.78691	.78404	.78119	.77837	.77557
102	.79196	.78912	.78632	.78353	.78077
103	.79649	.79572	.79297	.79024	.78753
104	.80460	.80188	.79917	.79648	.79381
105	.81408	.81143	.80881	.80620	.80361
106	.82989	.82740	.82494	.82249	.82006
107	.85233	.85012	.84791	.84572	.84353
108	.88877	.88704	.88532	.88361	.88190
109	.94964	.94883	.94803	.94723	.94643

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	12.2	12.4	12.6	12.8	13.0
0	.02523	.02505	.02488	.02472	.02456
1	.00721	.00703	.00687	.00671	.00657
2	.00678	.00659	.00642	.00626	.00610
3	.00670	.00650	.00632	.00615	.00599
4	.00678	.00658	.00638	.00620	.00603
5	.00701	.00679	.00658	.00639	.00620
6	.00733	.00710	.00688	.00668	.00648
7	.00733	.00748	.00725	.00703	.00682
8	.00822	.00796	.00771	.00748	.00726
9	.00882	.00854	.00828	.00803	.00780
10	.00953	.00924	.00896	.00869	.00844
11	.01037	.01006	.00976	.00948	.00922
12	.01132	.01099	.01068	.01036	.01010
13	.01234	.01199	.01166	.01134	.01104
14	.01336	.01299	.01264	.01231	.01199
15	.01434	.01395	.01358	.01323	.01289
16	.01522	.01481	.01442	.01405	.01371
17	.01603	.01559	.01518	.01480	.01443
18	.01677	.01631	.01588	.01547	.01508
19	.01748	.01700	.01654	.01611	.01570
20	.01821	.01770	.01722	.01677	.01633
21	.01897	.01843	.01792	.01744	.01698
22	.01975	.01918	.01864	.01813	.01765
23	.02059	.01998	.01941	.01887	.01836
24	.02151	.02087	.02027	.01970	.01915
25	.02257	.02189	.02125	.02064	.02006
26	.02380	.02308	.02240	.02175	.02114
27	.02521	.02445	.02373	.02304	.02239
28	.02683	.02602	.02525	.02452	.02383
29	.02861	.02775	.02694	.02616	.02543
30	.03058	.02967	.02881	.02798	.02720
31	.03270	.03174	.03082	.02995	.02911
32	.03502	.03400	.03303	.03210	.03122
33	.03754	.03646	.03543	.03444	.03350
34	.04025	.03910	.03801	.03697	.03597
35	.04318	.04197	.04081	.03971	.03865
36	.04633	.04505	.04383	.04266	.04154
37	.04971	.04836	.04707	.04583	.04465
38	.05331	.05188	.05052	.04922	.04797
39	.05714	.05564	.05420	.05282	.05150
40	.06121	.05963	.05812	.05667	.05528
41	.06554	.06388	.06229	.06076	.05929
42	.07018	.06843	.06675	.06514	.06360
43	.07508	.07324	.07148	.06979	.06817
44	.08028	.07325	.07651	.07473	.07303
45	.08575	.08373	.08180	.07993	.07814
46	.09152	.08941	.08738	.08543	.08355
47	.09759	.09539	.09326	.09122	.08926
48	.10401	.10171	.09949	.09735	.09530
49	.11076	.10836	.10605	.10382	.10167
50	.11788	.11538	.11297	.11065	.10840
51	.12535	.12276	.12025	.11782	.11548
52	.13319	.13049	.12788	.12536	.12292
53	.14139	.13858	.13588	.13326	.13072
54	.14992	.14701	.14420	.14149	.13885
55	.15880	.15579	.15288	.15006	.14733
56	.16801	.16491	.16190	.15898	.15615
57	.17760	.17439	.17128	.16827	.16534
58	.18755	.18424	.18103	.17792	.17489
59	.19790	.19450	.19119	.18798	.18486
60	.20866	.20516	.20175	.19844	.19523
61	.21986	.21626	.21276	.20936	.20605
62	.23151	.22782	.22423	.22073	.21733
63	.24362	.23984	.23616	.23257	.22908
64	.25617	.25231	.24854	.24487	.24129
65	.26917	.26522	.26137	.25761	.25395
66	.28259	.27857	.27464	.27081	.26707
67	.29643	.29233	.28833	.28443	.38061
68	.31070	.30653	.30246	.29849	.29461
69	.32542	.32120	.31707	.31303	.30908
70	.34063	.33635	.33217	.32807	.32407
71	.35639	.35207	.34784	.34370	.33965
72	.37273	.36837	.36410	.35993	.35583
73	.38955	.38517	.38088	.37667	.37255
74	.40670	.40230	.39799	.39377	.38962
75	.42398	.41958	.41526	.41102	.40686
76	.44131	.43691	.43259	.42825	.42419
77	.45864	.45425	.44994	.44571	.44155
78	.47601	.47164	.46734	.46312	.45897
79	.49348	.48914	.48487	.48067	.47654
80	.51112	.50682	.50259	.49842	.49432
81	.52881	.52455	.52036	.51624	.51218
82	.54639	.54219	.53805	.53398	.52996

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	12.2	12.4	12.6	12.8	13.0
83	.56386	.55973	.55566	.55164	.54768
84	.58136	.57730	.57329	.56934	.56545
85	.59891	.59494	.59102	.58715	.58333
86	.61610	.61222	.60839	.60460	.60086
87	.62335	.62856	.62481	.62111	.61746
88	.64757	.64386	.64021	.63659	.63302
89	.66209	.65848	.65491	.65139	.64790
90	.67638	.67287	.66939	.66596	.66256
91	.69032	.68691	.68353	.68019	.67689
92	.70342	.70011	.69683	.69359	.69038
93	.71539	.71217	.70899	.70584	.70271
94	.72612	.72299	.71989	.71683	.71379
95	.73550	.43245	.72943	.72643	.72347
96	.74337	.74039	.73743	.73450	.73160
97	.75041	.74748	.74458	.74171	.73886
98	.74652	.75364	.75079	.74797	.74517
99	.76224	.75941	.75660	.75382	.75106
100	.76791	.76513	.76237	.75963	.75692
101	.77280	.77005	.76732	.67462	.76194
102	.77804	.77532	.77263	.76996	.76732
103	.78485	.78218	.77954	.77692	.77432
104	.79117	.78854	.78594	.78335	.78078
105	.80103	.79848	.78595	.79343	.79093
106	.81764	.81524	.81285	.81048	.80813
107	.84137	.93921	.83706	.83493	.83281
108	.88020	.87851	.87682	.87515	.87348
109	.94563	.94484	.94405	.94326	.94248

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued

(1) Age	(2) Yearly rate of return (percent)				
	13.2	13.4	13.6	13.8	14.0
0	.02442	.02428	.02414	.02402	.02389
1	.00643	.00629	.00617	.00605	.00594
2	.00596	.00582	.00569	.00556	.00544
3	.00583	.00569	.00555	.00542	.00529
4	.00586	.00571	.00556	.00542	.00529
5	.00603	.00587	.00571	.00556	.00542
6	.00630	.00612	.00595	.00580	.00565
7	.00663	.00644	.00626	.00610	.00594
8	.00705	.00685	.00666	.00648	.00631
9	.00757	.00736	.00716	.00697	.00679
10	.00821	.00798	.00777	.00756	.00737
11	.00896	.00872	.00850	.00828	.00807
12	.00983	.00958	.00934	.00911	.00889
13	.01076	.01049	.01024	.00999	.00976
14	.01170	.01141	.01114	.01088	.01064
15	.01258	.01228	.01200	.01172	.01147
16	.01337	.01306	.01276	.01247	.01223
17	.01408	.01375	.01343	.01313	.01284
18	.01471	.01436	.01403	.01371	.01341
19	.01531	.01494	.01459	.01426	.01394
20	.01592	.01553	.01516	.01481	.01447
21	.01655	.01614	.01574	.01537	.01502
22	.01719	.01675	.01634	.01594	.01557
23	.01787	.01741	.01697	.01655	.01615
24	.01863	.01814	.01768	.01723	.01681
25	.01952	.01899	.01850	.01802	.01757
26	.02056	.02000	.01947	.01897	.01849
27	.02177	.02118	.02061	.02008	.01956
28	.02317	.02254	.02194	.02137	.02082
29	.02472	.02405	.02342	.02281	.02223
30	.02645	.02574	.02506	.02441	.02379
31	.02832	.02756	.02684	.02615	.02549
32	.03037	.02957	.02880	.02806	.02736
33	.03261	.03175	.03093	.03015	.02940
34	.03502	.03411	.03324	.03241	.03162
35	.03764	.03668	.03576	.03488	.03403
36	.04048	.03945	.03847	.03754	.03664
37	.04352	.04244	.04140	.04040	.03945
38	.04677	.04563	.04453	.04347	.04246

TABLE G.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A POOLED INCOME FUND HAVING THE YEARLY RATE OF RETURN SHOWN—Continued—Continued

(1) Age	(2) Yearly rate of return (percent)				
	13.2	13.4	13.6	13.8	14.0
39	.05024	.04903	.04787	.04675	.04568
40	.05394	.05266	.05143	.05025	.04912
41	.05789	.05653	.05524	.05399	.05279
42	.06212	.06069	.05932	.05800	.05674
43	.06661	.06511	.06366	.06227	.06093
44	.07138	.06980	.06828	.06682	.06541
45	.07642	.07476	.07316	.07162	.07013
46	.08174	.08000	.07832	.07670	.07514
47	.08736	.08553	.08377	.08207	.08042
48	.09331	.09140	.08955	.08776	.08604
49	.09959	.09759	.09565	.09378	.09198
50	.10624	.10414	.10212	.10016	.09827
51	.11322	.11104	.10892	.10688	.10490
52	.12057	.11829	.11608	.11395	.11188
53	.12827	.12590	.12360	.12138	.11922
54	.13631	.13384	.13145	.12913	.12689
55	.14469	.14213	.13964	.13724	.13490
56	.15341	.15075	.14817	.14567	.14324
57	.16250	.15975	.15708	.15448	.15196
58	.17196	.16911	.16634	.16365	.16104
59	.18183	.17888	.17602	.17324	.17053
60	.19210	.18906	.18611	.18323	.18043
61	.20283	.19970	.19665	.19368	.19079
62	.21402	.21079	.20766	.20460	.20162
63	.22568	.22237	.21914	.21600	.21293
64	.23780	.23440	.23109	.22786	.22471
65	.25039	.24690	.24350	.24019	.23695
66	.26342	.25986	.25638	.25298	.24967
67	.27689	.27325	.26970	.26623	.26284
68	.29081	.28711	.28248	.27994	.27647
69	.30523	.30145	.29776	.29415	.29062
70	.32015	.31632	.31257	.30890	.30530
71	.33568	.33179	.32799	.32426	.32061
72	.35182	.34789	.34404	.34027	.33657
73	.36851	.36455	.36066	.35685	.35311
74	.38555	.38156	.37765	.37381	.37004
75	.40278	.39877	.39484	.39098	.38710
76	.42010	.41608	.41213	.40826	.40445
77	.43746	.43344	.42949	.42561	.42179
78	.45489	.45088	.44693	.44305	.43923
79	.47248	.46848	.46454	.46067	.45686
80	.49028	.48631	.48240	.47854	.47475
82	.50818	.50423	.50035	.49653	.59276
82	.52600	.52210	.51826	.51447	.51074
83	.54377	.53992	.53613	.53238	.52869
84	.56160	.55781	.55407	.55038	.54674
85	.57956	.57584	.57216	.56854	.56496
86	.59717	.59353	.58993	.58638	.58287
87	.61385	.61028	.60676	.60328	.59984
88	.62950	.62601	.62256	.61915	.61578
89	.64445	.64104	.63767	.63434	.63105
90	.65920	.65588	.65259	.64934	.64612
91	.67362	.67039	.66719	.66402	.66089
92	.68720	.68405	.68094	.67786	.67481
93	.69962	.69657	.69354	.69054	.68757
94	.71078	.70780	.70485	.70193	.69903
95	.72053	.71763	.71475	.71189	.70906
96	.72872	.72587	.72305	.72026	.71748
97	.73604	.73325	.73048	.72773	.72501
98	.74239	.73964	.73692	.73422	.73154
99	.74833	.74562	.74294	.74028	.73764
100	.75423	.75156	.74892	.74630	.74370
101	.75928	.75664	.75403	.75144	.74887
102	.76469	.76209	.75950	.75694	.75440
103	.77174	.76918	.76664	.76413	.76163
104	.77824	.77571	.77320	.77071	.76824
105	.78845	.78599	.78354	.78111	.77870
106	.80579	.80346	.80115	.79885	.79657
107	.83070	.82860	.82652	.82444	.82238
108	.87182	.87016	.86852	.86688	.86525
109	.94170	.94092	.94014	.93937	.93860

(e) *Present value of remainder interest dependent on the termination of one life; for transfers to pooled income funds made before December 1, 1983*—(1) *In general.* For transfers to pooled income funds made before December 1, 1983, the present value under this

section of a remainder interest which is dependent on the termination of the life of one individual shall be determined under paragraphs (e) (1) through (3) of this section. * * * For transfers to pooled income funds made after November 30, 1983, see paragraphs (d) (1) through (3) of this section.

* * * * *

§ 1.664-1 [Amended]

Par. 7. Section 1.664-1 is amended as follows:

a. Paragraphs (a)(5)(i) (*a*) and (*b*) are amended by removing "6 percent a year," and inserting in lieu thereof "the rate of interest specified in paragraph (a)(5)(iv) of this section,".

b. Paragraph (a)(5)(ii)(*a*) (3) is amended by removing "6 percent a year," and inserting in lieu thereof "the rate of interest specified in paragraph (a)(5)(iv) of this section,".

c. A new paragraph (a)(5)(iv) is added immediately following paragraph (a)(5)(iii) to read as set forth below.

§ 1.664-1 Charitable remainder trusts.

(a) *In general.* * * *

(5) *Rules applicable to testamentary transfers.* * * *

(iv) *Rate of interest.* The following rates of interest shall apply for purposes of paragraphs (a)(5) (i) through (iii) of this section:

(*a*) 10 percent for instruments executed or amended on or after August 9, 1984;

(*b*) 6 percent or 10 percent for instruments executed or amended after October 24, 1983, and before August 9, 1984; and

(*c*) 6 percent for instruments executed before October 25, 1983, and not subsequently amended.

§ 1.664-2 [Amended]

Par. 8. The last sentence of paragraph (c) of § 1.664-2 is amended by removing "§ 20.2031-10" and inserting in lieu thereof "§ 20.2031-7 or 20.2031-10, whichever is appropriate,".

§ 1.664-4 [Amended]

Par. 9. Section 1.664-4 is amended as follows:

a. Paragraph (a)(1) is revised to read as set forth below.

b. Paragraphs (a) (2) through (4) are redesignated as paragraphs (a) (3) through (5) and a new paragraph (a)(2) is inserted immediately following paragraph (a)(1) to read as set forth below.

c. Redesignated paragraph (a)(4) is amended by removing the second and third to last sentences and inserting in lieu thereof "A copy of the publication containing many such special factors, may be purchased from the Superintendant of Documents, United States Government Printing Office, Washington, D.C. 20402."

d. Paragraphs (b) (1) through (5) are redesignated as paragraphs (d) (1) through (5), respectively, and new paragraphs (b) (1) through (5) and (c) are inserted immediately following redesignated paragraph (a)(5) to read as set forth below.

e. The heading of redesignated paragraph (d) and the first sentence of redesignated paragraph (d)(1) are revised to read as set forth below.

f. A new sentence is added at the end of redesignated paragraph (d)(1) to read as set forth below.

g. The second sentence of redesignated paragraph (d)(2) is amended by removing "paragraph (a)(3)" and inserting in lieu thereof "paragraph (a)(4)".

h. The fifth sentence of redesignated paragraph (d)(3) is amended by removing "paragraph (a)(3)" and inserting in lieu thereof "paragraph (a)(4)".

i. The sixth sentence of redesignated paragraph (d)(4) is amended by removing "paragraph (a)(3)" and inserting in lieu thereof "paragraph (a)(4)".

§ 1.664-4 Calculation of the fair market value of the remainder interest in a charitable remainder unitrust.

(a) *General rule*—(1) *Rules for determining present value.* Except as otherwise provided in paragraph (a)(2) of this section, for purposes of section 170, 2055, 2106, or 2522, the fair market value of a remainder interest in a charitable remainder unitrust (as described in § 1.664-3) is its present value determined under this section. The present value determined under this section shall be computed on the basis of—

(i) Life contingencies determined as to each life involved, from the values of lx set forth in column 2 of Table LN, paragraph (f) of § 20.2031-7 (columns 2 and 3, respectively, of Table LN of paragraph (f) of § 20.2031-10 for transfers made before December 1, 1983);

(ii) Interest at the rate of 10 percent (6 percent for transfers to charitable remainder unitrusts made before December 1, 1983); and

(iii) The assumption that the amount described in paragraph (a)(1)(i)(*a*) of § 1.664-3 shall be distributed in accordance with the payout sequence described in the governing instrument.

If the governing instrument does not prescribe when the distribution shall be made during the period for which the payment is made, for purposes of this section, the distribution shall be considered payable on the first day of the period for which the payment is made.

(2) *Rules for determining present value for testamentary transfers where the decedent dies after November 30, 1983, and before August 9, 1984.* For purposes of section 2055 or 2106, if—

(i) the decedent dies after November 30, 1983, and before August 9, 1984, or

(ii) on December 1, 1983, the decedent is under a mental disability such that the disposition of the property cannot be changed, and such decedent dies any time on or after December 1, 1983 without ever regaining competency to dispose of such decedent's property, or dies within 90 days of the date on which such decedent first regains competency,

paragraph (a)(1)(ii) of this section shall be applied by substituting the phrase "6 percent or 10 percent, whichever is most beneficial to the taxpayer" for "10 percent." However, if the taxpayer uses 6 percent, the life contingencies under Table LN of § 20.2031-10(f) must be used.

(b) *Valuation of charitable remainder unitrusts having certain payout sequences; for transfers made after November 30, 1983*—(1) *In general.* Except as otherwise provided in paragraph (c) of this section, for transfers made after November 30, 1983, the present value determined under this section of a remainder interest which is dependent on a term of years or the termination of the life of one individual shall be determined under paragraphs (b) (1) through (5) of this section provided that the amount of the payout as of any payout date during any taxable year of the trust is not larger than the amount which the trust could distribute on such date under paragraph (a)(1)(v) of § 1.664-3 if the taxable year of the trust were to end on such date. The present value of the remainder interest in such trust shall be determined by computing the adjusted payout rate (as defined in paragraph (b)(2) of this section) and following the procedure outlined in paragraph (b)(3) or (b)(4) of this section, whichever is applicable. The present value of a remainder interest which is dependent on a term of years is computed under paragraph (b)(3) of this section. The present value of a remainder interest which is dependent on the termination of the life of one individual is computed under paragraph (b)(4) of this section. See paragraph (c) of this section for testamentary transfers occurring after November 30, 1983, and before August 9, 1984. For transfers made before

December 1, 1983, see paragraphs (d) (1) through (5) of this section.

(2) *Adjusted payout rate.* The adjusted payout rate is determined by multiplying the fixed percentage described in paragraph (a)(1)(i)(*a*) of § 1.664–3 by the figure in column (2) of Table F(1) which describes the payout sequence of the trust opposite the number in column (1) of Table F(1) which corresponds to the number of months by which the valuation date for the first full taxable year of the trust precedes the first payout date for such taxable year. If the governing instrument does not prescribe when the distribution shall be made during the taxable year of the trust, see paragraph (a)(4) of this section. In the case of a trust having a payout sequence for which no figures have been provided by Table F (1) and in the case of a trust which determines the fair market value of the trust assets by taking the average of valuations on more than one date during the taxable year, see paragraph (a) (3) of this section.

(3) *Period is a term of years.* If the period described in paragraph (a)(5) of § 1.664–3 is a term of years, the factor which is used in determining the present value of the remainder interest is the factor under the appropriate adjusted payout rate in column (2) of Table D in paragraph (b)(5) of this section opposite the number in column (1) of Table D which corresponds to the number of years in the term. If the adjusted payout rate is an amount which is between adjusted payout rates for which factors are provided in Table D, a linear interpolation must be made. The present value of the remainder interest is determined by multiplying the net fair market value (as of the appropriate valuation date) of the property placed in trust by the factor determined under this paragraph (b)(3). For purposes of this section, the term "appropriate valuation date" means the date on which the property is transferred to the trust by the donor except that, for purposes of section 2055 or 2106, it means the date of death unless the alternate valuation date is elected in accordance with section 2032 and the regulations thereunder in which event it means the alternate valuation date. If the adjusted payout rate is greater than 15 percent, see paragraph (a)(4) of this section. The application of this paragraph (b)(3) may be illustrated by the following example:

Example. D transfers $100,000 to a charitable remainder unitrust on January 1, 1985. The trust instrument requires that the trust pay to D semiannually (on June 30 and December 31) 10 percent of the fair market value of the trust assets as of June 30th for a term of 15 years. The adjusted payout rate is 9.767 percent (10% x 0.976731). The present value of the remainder interest is $21,404.90, computed as follows:

Factor at 9.6 percent for 15 years	0.220053
Factor at 9.8 percent for 15 years	.212862
Difference	.007191

$$\frac{9.767\% - 9.6\%}{0.2\%} = \frac{X}{.007191}$$

$$x = .006004$$

Factor at 9.6 percent for 15 years	0.220053
Less: X	.006004
Interpolated factor	.214049

Present value of remainder interest = $100,000 × 0.214049 = $21,404.90

(4) *Period is the life of one individual.* If the period described in paragraph (a)(5) of § 1.664–3 is the life of one individual, the factor which is used in determining the present value of the remainder interest is the factor under the appropriate adjusted payout rate in column (2) of Table E in paragraph (b)(5) of this section opposite the number in column (1) which corresponds to the age of the individual whose life measures the period. For purposes of the computations described in this paragraph (b)(4), the age of an individual is to be taken as the age of that individual at the individual's nearest birthday. If the adjusted payout rate is an amount which is between adjusted payout rates for which factors are provided for in Table E, a linear interpolation must be made. The present value of the remainder interest is determined by multiplying the net fair market value (as of the appropriate valuation date) of the property placed in trust by the factor determined under this paragraph (b)(4). If the adjusted payout rate is greater than 14 percent, see paragraph (a)(4) of this section. The application of this paragraph may be illustrated by the following example:

Example. A, who will be 50 years old on April 15, 1985, transfers $100,000 to a charitable remainder unitrust on January 1, 1985. The trust instrument requires that the trust pay to A at the end of each taxable year of the trust 10 percent of the fair market value of the trust assets as of the beginning of each taxable year of the trust. The adjusted payout rate is 9.091 percent (10 percent × .909091). The present value of the remainder interest is $15,259.00 computed as follows:

Factor at 9 percent at age 50	0.15472
Factor at 9.2 percent at age 50	.15003
Difference	.00469

9.091% − 9% ÷ 0.2% = X ÷ 0.00469

x = 0.00213

Factor at 9 percent at age 50	.15472
Less: X	.00213
Interpolated factor	.15259

Present value of remainder interest = $100,000 × 0.15259 = $15,259.00

(5) *Actuarial Tables.* The following tables shall be used in the application of the provisions of this section:

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN

(1) Years	(2) Adjusted payout rate				
	2.2%	2.4%	2.6%	2.8%	3.0%
1	.978000	.976000	.974000	.972000	.970000
2	.956484	.952576	.948676	.944784	.940900
3	.935441	.929714	.924010	.918330	.912673
4	.914862	.907401	.899986	.892617	.885293
5	.894735	.885623	.876587	.867624	.858734
6	.875051	.864368	.853795	.843330	.832972
7	.855799	.843624	.831597	.819717	.807983
8	.836972	.823377	.809975	.796765	.783743
9	.818558	.803616	.788916	.774455	.760231
10	.800550	.784329	.768404	.752771	.737424
11	.782938	.765505	.748425	.731693	.715301
12	.765713	.747133	.728966	.711206	.693842
13	.748868	.729202	.710013	.691292	.673027
14	.732393	.711701	.691553	.671936	.652836
15	.716280	.694620	.673573	.653121	.633251
16	.700522	.677949	.656060	.634834	.614254
17	.685110	.661678	.639002	.617059	.595826
18	.670038	.645798	.622388	.599781	.577951
19	.655297	.630299	.606206	.582987	.560613
20	.640881	.615172	.590445	.566664	.543794

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	3.2%	3.4%	3.6%	3.8%	4.0%
1	.968000	.966000	.964000	.962000	.960000
2	.937024	.933156	.929296	.925444	.921600
3	.907039	.901429	.895841	.890277	.884736
4	.878014	.870780	.863591	.856447	.849347
5	.849918	.841174	.832502	.823902	.815373
6	.822720	.812574	.802532	.792593	.782758
7	.796393	.784946	.773641	.762475	.751447
8	.770909	.758258	.745790	.733501	.721390
9	.746239	.732477	.718941	.705628	.692534
10	.722360	.707573	.693059	.678814	.664833
11	.699244	.683516	.668109	.653019	.638239
12	.676868	.660276	.644057	.628204	.612710
13	.655209	.637827	.620871	.604332	.588201
14	.634242	.616141	.598520	.581368	.564673
15	.613946	.595192	.576973	.559276	.542086
16	.594300	.574955	.556202	.538023	.520403
17	.575282	.555407	.536179	.517578	.499587
18	.556873	.536523	.516876	.497911	.479603
19	.539053	.518281	.498269	.478990	.460419
20	.521804	.500660	.480331	.460788	.442002

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	4.2%	4.4%	4.6%	4.8%	5.0%
1	.958000	.956000	.954000	.952000	.950000
2	.917764	.913936	.910116	.906304	.902500
3	.879218	.873723	.868251	.862801	.857375
4	.842291	.835279	.828311	.821387	.814506
5	.806915	.798527	.790209	.781960	.773781
6	.773024	.763392	.753859	.744426	.735092
7	.740557	.729802	.719182	.708694	.698337
8	.709454	.697691	.686099	.674677	.663420
9	.679657	.666993	.654539	.642292	.630249
10	.651111	.637645	.624430	.611462	.598737
11	.623764	.609589	.595706	.582112	.568800
12	.597566	.582767	.568304	.554170	.540360
13	.572469	.557125	.542162	.527570	.513342
14	.548425	.532611	.517222	.502247	.487675
15	.525391	.509177	.493430	.478139	.463291
16	.503325	.486773	.470732	.455188	.440127
17	.482185	.465355	.449079	.433339	.418120
18	.461933	.444879	.428421	.412539	.397214
19	.442532	.425304	.408714	.392737	.377354
20	.423946	.406591	.389913	.373886	.358486

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	5.2%	5.4%	5.6%	5.8%	6.0%
1	.948000	.946000	.944000	.942000	.940000
2	.898704	.894916	.891136	.887364	.883600
3	.851971	.846591	.841232	.835897	.830584
4	.807669	.800875	.794123	.787415	.780749
5	.765670	.757627	.749652	.741745	.733904
6	.725855	.716716	.707672	.689724	.689870
7	.688111	.678013	.668042	.658198	.648478
8	.652329	.641400	.630632	.620022	.609569
9	.618406	.606765	.595317	.584061	.572995
10	.586251	.573999	.561979	.550185	.538615
11	.555766	.543003	.530508	.518275	.506298
12	.526866	.513681	.500800	.488215	.475920
13	.499469	.485942	.472755	.459898	.447365
14	.473496	.459701	.446281	.433224	.420523
15	.448875	.434878	.421289	.408097	.395292
16	.425533	.411394	.397697	.384427	.371574
17	.403405	.389179	.375426	.362131	.349280
18	.382428	.368163	.354402	.341127	.328323
19	.362542	.348282	.334555	.321342	.308624
20	.343690	.329475	.315820	.302704	.290106

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	6.2%	6.4%	6.6%	6.8%	7.0%
1	.938000	.936000	.934000	.932000	.930000
2	.879844	.876096	.872356	.868624	.864900
3	.825294	.820026	.814781	.809558	.804357
4	.774125	.767544	.761005	.754508	.748052
5	.726130	.718421	.710779	.703201	.695688
6	.681110	.672442	.663867	.655383	.646990
7	.638881	.629406	.620052	.610817	.601701
8	.599270	.589124	.579129	.569282	.559582
9	.562115	.551420	.540906	.530571	.520411
10	.527264	.516129	.505206	.494492	.483982
11	.494574	.483097	.471863	.460866	.450104
12	.463910	.452179	.440720	.429527	.418596
13	.435148	.423239	.411632	.400320	.389295

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Years	(2) Adjusted payout rate				
	6.2%	6.4%	6.6%	6.8%	7.0%
14	.408169	.396152	.384465	.373098	.362044
15	.382862	.370798	.359090	.347727	.336701
16	.359125	.347067	.335390	.324082	.313132
17	.336859	.324855	.313254	.302044	.291213
18	.315974	.304064	.292579	.281505	.270828
19	.296383	.284604	.273269	.262363	.251870
20	.278008	.266389	.255233	.244522	.234239

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	7.2%	7.4%	7.6%	7.8%	8.0%
1	.928000	.926000	.924000	.922000	.920000
2	.861184	.857476	.853776	.850084	.846400
3	.799179	.794023	.788889	.783777	.778688
4	.741638	.735265	.728933	.722643	.716393
5	.688240	.680855	.673535	.666277	.659082
6	.638687	.630472	.622346	.614307	.606355
7	.592701	.583817	.575048	.566391	.557847
8	.550027	.540615	.531344	.522213	.513219
9	.510425	.500609	.490962	.481480	.472161
10	.473674	.463564	.453649	.443925	.434388
11	.439570	.429260	.419171	.409298	.399637
12	.407921	.397495	.387314	.377373	.367666
13	.378550	.368081	.357879	.347938	.338253
14	.351295	.340843	.330680	.320799	.311193
15	.326002	.315620	.305548	.295777	.286297
16	.302529	.292264	.282326	.272706	.263394
17	.280747	.270637	.260870	.251435	.242322
18	.260533	.250610	.241044	.231823	.222936
19	.241775	.232065	.222724	.213741	.205101
20	.224367	.214892	.205797	.197069	.188693

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	8.2%	8.4%	8.6%	8.8%	9.0%
1	.918000	.916000	.914000	.912000	.910000
2	.842724	.839056	.835396	.831744	.828100
3	.773621	.768575	.763552	.758551	.753571
4	.710184	.704015	.697886	.691798	.685750
5	.651949	.644878	.637868	.630920	.624032
6	.598439	.590708	.583012	.575399	.567869
7	.549413	.541089	.532873	.524764	.516761
8	.504361	.495637	.487046	.478585	.470253
9	.463003	.454004	.445160	.436469	.427930
10	.425037	.415867	.406876	.398060	.389416
11	.390184	.380934	.371885	.363031	.354369
12	.358189	.348936	.339902	.331084	.322475
13	.328817	.319625	.310671	.301949	.293453
14	.301854	.292777	.283953	.275377	.267042
15	.277102	.268184	.259533	.251144	.243008
16	.254380	.245656	.237213	.229043	.221137
17	.233521	.225021	.216813	.208887	.201235
18	.214372	.206119	.198167	.190505	.183124
19	.196794	.188805	.181125	.173741	.166643
20	.180657	.172946	.165548	.158452	.151645

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	9.2%	9.4%	9.6%	9.8$	10.0%
1	.908000	.906000	.904000	.902000	.900000
2	.824464	.820836	.817216	.813604	.810000
3	.748613	.743677	.738763	.733871	.729000
4	.679741	.673772	.667842	.661951	.656100
5	.617205	.610437	.603729	.597080	.590490
6	.560422	.553056	.545771	.538566	.531441
7	.508863	.501069	.493377	.485787	.478297
8	.462048	.453968	.446013	.438180	.430467
9	.419539	.411295	.403196	.395238	.387420
10	.380942	.372634	.364489	.356505	.348678
11	.345895	.337606	.329498	.321567	.313811
12	.314073	.305871	.297866	.290054	.282430
13	.285178	.277119	.269271	.261628	.254187
14	.258942	.251070	.243421	.235989	.228768
15	.235119	.227469	.220053	.212862	.205891
16	.213488	.206087	.198928	.192001	.185302
17	.193847	.186715	.179830	.173185	.166772
18	.176013	.169164	.162567	.156213	.150095
19	.159820	.153262	.146960	.140904	.135085
20	.145117	.138856	.132852	.127096	.121577

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	Adjusted payout rate				
	10.2%	10.4%	10.6%	10.8%	11.0%
1	.898000	.896000	.894000	.892000	.890000
2	.806404	.802816	.799236	.795664	.792100
3	.724151	.719323	.714517	.709732	.704969
4	.650287	.644514	.638778	.633081	.627422
5	.583958	.577484	.571068	.564708	.558406
6	.524394	.517426	.510535	.503720	.496981
7	.470906	.463613	.456418	.448318	.442313
8	.422874	.415398	.408038	.400792	.393659
9	.379741	.372196	.364786	.357506	.350356
10	.341007	.333488	.326118	.318896	.311817
11	.306224	.298805	.291550	.284455	.277517
12	.274969	.267729	.260645	.253734	.246990
13	.246941	.239886	.233017	.226331	.219821
14	.221753	.214937	.208317	.201887	.195641
15	.199134	.192584	.186236	.180083	.174121
16	.178822	.172555	.166495	.160634	.154967
17	.160582	.154609	.148846	.143286	.137921
18	.144203	.138530	.133069	.127811	.122750
19	.129494	.124123	.118963	.114007	.109247
20	.116296	.111214	.106353	.101694	.097230

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate				
	11.2%	11.4%	11.6%	11.8%	12.0%
1	.888000	.886000	.884000	.882000	.880000
2	.788544	.784996	.781456	.777924	.774400
3	.700227	.695506	.690807	.686129	.681472
4	.621802	.616219	.610673	.605166	.599695
5	.552160	.545970	.539835	.533756	.527732
6	.490318	.483729	.477214	.470773	.464404
7	.435402	.428584	.421858	.415222	.408676
8	.386637	.379726	.372922	.366226	.359635
9	.343334	.336437	.329663	.323011	.316478
10	.304881	.298083	.291422	.284896	.278501
11	.270734	.264102	.257617	.251278	.245081
12	.240412	.233994	.227734	.221627	.215671
13	.213486	.207319	.201317	.195475	.189791
14	.189575	.183684	.177964	.172409	.167016

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Years	(2) Adjusted payout rate				
	11.2%	11.4%	11.6%	11.8%	12.0%
15	.168343	.162744	.157320	.152065	.146974
16	.149488	.144191	.139071	.134121	.129337
17	.132746	.127754	.122939	.118295	.113817
18	.117878	.113190	.108678	.104336	.100159
19	.104676	.100286	.096071	.092024	.088140
20	.092952	.088853	.084927	.081166	.077563

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate (percent)				
	12.2	12.4	12.6	12.8	13.0
1	.878000	.876000	.874000	.872000	.870000
2	.770884	.767376	.763876	.760384	.756900
3	.676836	.672221	.667628	.663055	.658503
4	.594262	.588866	.583507	.578184	.572898
5	.521762	.515847	.509985	.504176	.498421
6	.458107	.451882	.445727	.439642	.433626
7	.402218	.395848	.389565	.383368	.377255
8	.353147	.346763	.340480	.334297	.328212
9	.310063	.303764	.297579	.291507	.285544
10	.272236	.266098	.260084	.254194	.248423
11	.239023	.233102	.227314	.221657	.216128
12	.209862	.204197	.198672	.193285	.188032
13	.184259	.178877	.173640	.168544	.163588
14	.161779	.156696	.151761	.146971	.142321
15	.142042	.137266	.132639	.128158	.123819
16	.124713	.120245	.115927	.111754	.107723
17	.109498	.105334	.101320	.097450	.093719
18	.096139	.092273	.088554	.084976	.081535
19	.084410	.080831	.077396	.074099	.070936
20	.074112	.070808	.067644	.064614	.061714

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(2) Adjusted payout rate (percent)	(1) Years				
	13.2	13.4	13.6	13.8	14.0
1	.868000	.866000	.864000	.862000	.860000
2	.753424	.749956	.746496	.743044	.739600
3	.653972	.649462	.644973	.640504	.636056
4	.567648	.562434	.557256	.552114	.547008
5	.492718	.487068	.481469	.475923	.470427
6	.427679	.421801	.415990	.410245	.404567
7	.371226	.365279	.359415	.353631	.347928
8	.322224	.316332	.310535	.304830	.299218
9	.279690	.274944	.268302	.262764	.257327
10	.242771	.237235	.231813	.226502	.221302
11	.210725	.205446	.200286	.195245	.190319
12	.182910	.177916	.173047	.168301	.163675
13	.158766	.154075	.149513	.145076	.140760
14	.137809	.133429	.129179	.125055	.121054
15	.119618	.115550	.111611	.107798	.104106
16	.103828	.100066	.096432	.092922	.089531
17	.090123	.086657	.083317	.080098	.076997
18	.078227	.075045	.071986	.069045	.066217
19	.067901	.064989	.062196	.059517	.056947
20	.058938	.056280	.053737	.051303	.048974

TABLE D.—TABLE SHOWING THE PRESENT WORTH OF A REMAINDER INTEREST POSTPONED FOR A TERM OF YEARS IN A CHARITABLE REMAINDER UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(2) Adjusted payout rate (percent)	(1) Years				
	14.2	14.4	14.6	14.8	15.0
1	.858000	.856000	.854000	.852000	.850000
2	.736164	.732736	.729316	.725904	.722500
3	.631629	.627222	.622836	.618470	.614125
4	.541937	.536902	.531902	.526937	.522006
5	.464982	.459588	.454244	.448950	.443705
6	.398955	.393407	.387925	.382505	.377150
7	.342303	.336757	.331288	.325895	.320577
8	.293696	.288264	.282920	.277662	.274291
9	.251991	.246754	.241613	.236568	.231617
10	.216209	.211221	.206338	.201556	.196874
11	.185507	.180805	.176212	.171726	.167343
12	.159165	.154769	.150485	.146310	.142242
13	.136564	.132483	.128515	.124656	.120905
14	.117172	.113405	.109751	.106207	.102770
15	.100533	.097075	.093728	.090489	.087354
16	.086257	.083096	.080043	.077096	.074251
17	.074009	.071130	.068357	.065686	.063113
18	.063500	.060887	.058377	.055965	.053646
19	.054483	.052120	.049854	.047682	.045599
20	.046748	.044614	.042575	.040625	.038760

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN

(1) Age	(2) Adjusted payout rate (percent)				
	2.2	2.4	2.6	2.8	3.0
0	.23253	.20635	.18364	.16394	.14683
1	.22196	.19506	.17170	.15139	.13372
2	.22597	.19884	.17523	.15468	.13676
3	.23039	.20304	.17920	.15840	.14024
4	.23503	.20747	.18340	.16237	.14397
5	.23988	.21211	.18783	.16656	.14793
6	.24489	.21693	.19243	.17094	.15207
7	.25004	.22189	.19718	.17546	.15637
8	.25534	.22701	.20209	.18016	.16084
9	.26080	.23230	.20716	.18503	.16549
10	.26640	.23774	.21243	.19008	.17031
11	.27217	.24335	.21786	.19530	.17532
12	.27807	.24911	.22344	.20068	.18049
13	.28407	.25497	.22913	.20618	.18579
14	.29013	.26089	.23489	.21175	.19115
15	.29621	.26684	.24067	.21735	.19655
16	.30229	.27279	.24647	.22296	.20196
17	.30838	.27876	.25228	.22859	.20739
18	.31451	.28477	.25813	.23427	.21287
19	.32070	.29085	.26407	.24003	.21844
20	.32699	.29704	.27012	.24591	.22413
21	.33339	.30335	.27629	.25192	.22996
22	.33991	.30977	.28259	.25807	.23592
23	.34655	.31634	.28904	.26437	.24205
24	.35334	.32306	.29566	.27085	.24836
25	.36031	.32998	.30248	.27754	.25490
26	.36746	.33710	.30952	.28446	.26167
27	.37481	.34443	.31678	.29161	.26869
28	.38236	.35197	.32427	.29901	.27596
29	.39006	.35968	.33194	.30660	.28344
30	.39793	.36757	.33980	.31439	.29113
31	.40594	.37561	.34783	.32237	.29902
32	.41410	.38383	.35605	.33054	.30711
33	.42240	.39220	.36444	.33890	.31541
34	.43084	.40072	.37299	.34744	.32389
35	.43942	.40941	.38172	.35617	.33258
36	.44813	.41824	.39061	.36508	.34146
37	.45696	.42720	.39966	.37416	.35053
38	.46591	.43630	.40885	.38339	.35977
39	.47496	.44552	.41818	.39278	.36917

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	2.2	2.4	2.6	2.8	3.0
40	.48412	.45486	.42765	.40232	.37875
41	.49338	.46432	.43725	.41201	.38849
42	.50275	.47391	.44700	.42187	.39840
43	.51221	.48360	.45686	.43186	.40847
44	.52175	.49340	.46685	.44199	.41870
45	.53136	.50327	.47693	.45223	.42905
46	.54104	.51323	.48712	.46259	.43953
47	.55077	.52327	.49739	.47305	.45013
48	.56058	.53339	.50777	.48363	.46087
49	.57043	.54358	.51823	.49432	.47173
50	.58035	.55384	.52879	.50510	.48271
51	.59029	.56415	.53940	.51597	.49379
52	.60027	.57450	.55008	.52692	.50496
53	.61026	.58488	.56080	.53793	.51620
54	.62025	.59528	.57154	.54897	.52750
55	.63022	.60567	.58230	.56004	.53884
56	.64018	.61606	.59306	.57113	.55021
57	.65012	.62644	.60384	.58225	.56163
58	.66004	.63681	.61461	.59337	.57306
59	.66993	.64717	.62538	.60452	.58453
60	.67979	.65751	.63615	.61567	.59602
61	.68963	.66784	.64692	.62683	.60754
62	.69944	.67815	.65769	.63801	.61908
63	.70922	.68844	.66843	.64918	.63063
64	.71893	.69868	.67915	.66032	.64217
65	.72859	.70886	.68982	.67144	.65369
66	.73817	.71897	.70043	.68250	.66517
67	.74766	.72901	.71096	.69350	.67660
68	.75706	.73896	.72142	.70443	.68796
69	.76637	.74882	.73181	.71530	.69928
70	.77559	.75861	.74212	.72610	.71053
71	.78475	.76833	.75237	1.73685	1.72176
72	.79383	.77799	.76257	.74756	.73294
73	.80279	.78753	.77266	.75816	.74403

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	2.2	2.4	2.6	2.8	3.0
74	.81158	.79689	.78256	.76858	.75494
75	.82013	.80602	.79223	.77876	.76561
76	.82844	.81488	.80163	.78867	.77599
77	.83648	.82347	.81075	.79829	.78609
78	.84428	.83182	.81961	.80764	.79592
79	.85187	.83994	.82824	.81677	.80552
80	.85927	.84787	.83668	.82569	.81491
81	.86645	.85556	.84487	.83437	.82404
82	.87336	.86299	.85278	.84275	.83288
83	.88003	.87014	.86042	.85084	.84142
84	.88648	.87708	.86782	.85870	.84971
85	.89273	.88381	.87501	.86633	.85778
86	.89868	.89021	.88185	.87360	.86547
87	.90417	.89613	.88818	.88034	.87260
88	.90923	.90158	.89402	.88655	.87917
89	.91396	.90668	.89948	.89237	.88533
90	.91849	.91156	.90471	.89794	.89124
91	.92278	.91620	.90968	.90324	.89686
92	.92673	.92046	.91426	.90812	.90204
93	.93027	.92429	.91837	.91251	.90670
94	.93341	.92768	.92201	.91639	.91082
95	.93612	.93062	.92516	.91976	.91440
96	.93841	.93309	.92782	.92259	.91740
97	.94044	.93529	.93018	.92512	.92009
98	.94223	.93723	.93226	.92733	.92244
99	.94392	.93905	.93421	.92942	.92466
100	.94559	.94086	.93615	.93149	.92685
101	.94709	.94248	.93790	.93334	.92882
102	.94873	.94424	.93979	.93536	.93096
103	.95077	.94645	.94216	.93789	.93365
104	.95278	.94862	.94449	.94037	.93626
105	.95570	.95178	.94787	.94399	.94012

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	2.2	2.4	2.6	2.8	3.0
106	.96017	.95662	.95309	.94957	.94607
107	.96616	.96313	.96010	.95709	.95408
108	.97515	.97291	.97067	.96843	.96620
109	.98900	.98800	.98700	.98600	.98500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Years	(2) Adjusted payout rate (percent)				
	3.2	3.4	3.6	3.8	4.0
0	.13196	.11901	.10774	.09791	.08933
1	.11834	.10493	.09324	.08303	.07410
2	.12113	.10749	.09557	.08514	.07601
3	.12437	.11050	.09835	.08770	.07837
4	.12787	.11376	.10138	.09052	.08098
5	.13159	.11725	.10465	.09357	.08382
6	.13549	.12092	.10810	.09680	.08684
7	.13956	.12476	.11171	.10019	.09002
8	.14380	.12877	.11549	.10376	.09337
9	.14822	.13296	.11946	.10751	.09691
10	.15282	.13734	.12361	.11144	.10063
11	.15761	.14190	.12795	.11556	.10454
12	.16257	.14663	.13247	.11986	.10863
13	.16764	.15149	.13711	.12428	.12283
14	.17279	.15643	.14182	.12878	.11712
15	.17798	.16140	.14657	.13331	.12143
16	.18318	.16638	.15133	.13785	.12576
17	.18840	.17138	.15611	.14241	.13010
18	.19367	.17643	.16094	.14702	.13449
19	.19903	.18157	.16586	.15172	.13897
20	.20452	.18685	.17092	.15655	.14358
21	.21014	.19226	.17612	.16153	.14833
22	.21591	.19783	.18146	.16665	.15324
23	.22185	.20356	.18698	.17195	.15832
24	.22798	.20949	.19270	.17746	.16361
25	.23434	.21565	.19866	.18321	.16914
26	.24094	.22207	.20489	.18922	.17494
27	.24780	.22875	.21138	.19551	.18102
28	.25492	.23570	.21814	.20208	.18739
29	.26226	.24288	.22514	.20889	.19400
30	.26982	.25029	.23239	.21596	.20088
31	.27759	.25792	.23985	.22324	.20798
32	.28557	.26577	.24755	.23078	.21533
33	.29377	.27385	.25548	.23855	.22293
34	.30217	.28214	.26364	.24656	.23077
35	.31079	.29065	.27203	.25481	.23887
36	.31961	.29939	.28065	.26330	.24721
37	.32863	.30833	.28950	.27202	.25579
38	.33784	.31747	.29855	.28096	.26460
39	.34722	.32680	.30780	.29011	.27363
40	.35679	.33633	.31727	.29948	.28290
41	.36654	.34606	.32693	.30908	.29239
42	.37648	.35599	.33683	.31890	.30213
43	.38659	.36610	.34691	.32894	.31209
44	.39687	.37640	.35720	.33918	.32227
45	.40728	.38685	.36765	.34961	.33265
46	.41785	.39746	.37828	.36023	.34323
47	.42856	.40823	.38908	.37103	.35400
48	.43941	.41917	.40006	.38202	.36499
49	.45040	.43025	.41121	.39320	.37617
50	.46153	.44149	.42252	.40457	.38756
51	.47277	.45286	.43396	.41609	.39911
52	.48412	.46435	.44558	.42776	.41084
53	.49556	.47595	.45731	.43958	.42272
54	.50707	.48763	.46913	.45151	.43473
55	.51864	.49939	.48104	.46354	.44685
56	.53026	.51121	.49303	.47567	.45908
57	.54192	.52310	.50510	.48789	.47143
58	.55363	.53503	.51723	.50019	.48387
59	.56538	.54703	.52945	.51258	.49642
60	.57717	.55909	.54173	.52506	.50906
61	.58901	.57120	.55408	.53763	.52181
62	.60087	.58336	.56650	.55028	.53466
63	.61277	.59556	.57898	.56300	.54760
64	.62467	.60778	.59149	.57577	.56060

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Years	(2) Adjusted payout rate (percent)				
	3.2	3.4	3.6	3.8	4.0
65	.63655	.62000	.60402	.58857	.57365
66	.64842	.63221	.61654	.60139	.58672
67	.66023	.64439	.62905	.61420	.59980
68	.67200	.65653	.64154	.62699	.61289
69	.68373	.66865	.65400	.63978	.62598
70	.69541	.68072	.66645	.65257	.63908
71	.70708	.69279	.67890	.66538	.65222
72	.71870	.70484	.69134	.67819	.66538
73	.73025	.71682	.70372	.69095	.67850
74	.74163	.72863	.71595	.70356	.69147
75	.75275	.74019	.72792	.71593	.70421
76	.76360	.75147	.73962	.72802	.71667
77	.77415	.76246	.75102	.73981	.72883
78	.78443	.77318	.76214	.75133	.74073
79	.79448	.78365	.77303	.76261	.75238
80	.80432	.79392	.78371	.77369	.76384
81	.81390	.80393	.79413	.78450	.77504
82	.82317	.81362	.80423	.79499	.78590
83	.83214	.82301	.81402	.80517	.79645
84	.84086	.83214	.82355	.81508	.80674
85	.84935	.84104	.83284	.82476	.81679
86	.85745	.84953	.84172	.83401	.82640
87	.86496	.85741	.84996	.84260	.83533
88	.87189	.86468	.85757	.85054	.84359
89	.87838	.87150	.86471	.85799	.85135
90	.88461	.87806	.87157	.86516	.85881
91	.89055	.88430	.87812	.87200	.86594
92	.89602	.89006	.88416	.87831	.87252
93	.90094	.89524	.88959	.88400	.87846
94	.90530	.89983	.89441	.88904	.88372
95	.90908	.90381	.89359	.89341	.88828
96	.91226	.90716	.90211	.89709	.89212
97	.91510	.91015	.90525	.90038	.89555
98	.91759	.91277	.90800	.90326	.89855
99	.91993	.91524	.91058	.90596	.90137
100	.92225	.91768	.91315	.90865	.90417
101	.92433	.91987	.91544	.91104	.90667
102	.92659	.92225	.91793	.91364	.90938
103	.92943	.92524	.92107	.91692	.91280
104	.93221	.92816	.92413	.92012	.91614
105	.93627	.93244	.92863	.92483	.92105
106	.94257	.93909	.93562	.93217	.92872
107	.95107	.94808	.94509	.94211	.93914
108	.96396	.96173	.95950	.95728	.95505
109	.98400	.98300	.98200	.98100	.98000

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN

(1) Age	(2) Adjusted payout rate (percent)				
	4.2	4.4	4.6	4.8	5.0
0	.08183	.07527	.06952	.06448	.06005
1	.06629	.05945	.05344	.04817	.04354
2	.06801	.06098	.05481	.04939	.04460
3	.07017	.06297	.05663	.05104	.04611
4	.07259	.06520	.05868	.05294	.04786
5	.07523	.06765	.06096	.05505	.04982
6	.07805	.07029	.06342	.05734	.05195
7	.08103	.07307	.06603	.05978	.05423
8	.08418	.07603	.06880	.06238	.05666
9	.08752	.07917	.07175	.06516	.05928
10	.09103	.08249	.07488	.06811	.06206
11	.09473	.08600	.07820	.07125	.06503
12	.09861	.08968	.08169	.07456	.06817
13	.10261	.09348	.08530	.07799	.07142
14	.10669	.09735	.08899	.08148	.07474
15	.11080	.10126	.09269	.08500	.07808
16	.11491	.10516	.09640	.08852	.08142
17	.11903	.10908	.10012	.09204	.08475
18	.12321	.11304	.10387	.09560	.08812
19	.12747	.11709	.10771	.09923	.09156
20	.13188	.12126	.11168	.10300	.09513
21	.13639	.12558	.11578	.10690	.09883
22	.14108	.13005	.12004	.11094	.10268
23	.14594	.13469	.12446	.11516	.10669

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	4.2	4.4	4.6	4.8	5.0
24	.15101	.13954	.12910	.11958	.11091
25	.15632	.14464	.13398	.12426	.11537
26	.16191	.15001	.13914	.12920	.12011
27	.16778	.15567	.14459	.13444	.12514
28	.17394	.16162	.15032	.13997	.13046
29	.18035	.16782	.15632	.14575	.13604
30	.18702	.17429	.16259	.15181	.14189
31	.19393	.18100	.16909	.15811	.14799
32	.20109	.18797	.17586	.16468	.15436
33	.20851	.19520	.18290	.17152	.16100
34	.21618	.20268	.19018	.17861	.16789
35	.22411	.21043	.19775	.18599	.17508
36	.23228	.21844	.20558	.19363	.18253
37	.24071	.22670	.21367	.20154	.19026
38	.24938	.23521	.22201	.20971	.19825
39	.25827	.24396	.23060	.21814	.20650
40	.26741	.25295	.23945	.22682	.21502
41	.27679	.26220	.24855	.23577	.22381
42	.28642	.27172	.25793	.24501	.23289
43	.29629	.28147	.26756	.25450	.24224
44	.30639	.29147	.27745	.26426	.25186
45	.31669	.30169	.28756	.27426	.26173
46	.32722	.31213	.29791	.28450	.27185
47	.33795	.32280	.30849	.29498	.28222
48	.34890	.33370	.31932	.30573	.29287
49	.36007	.34482	.33039	.31672	.30377
50	.37144	.35617	.34170	.32797	.31494
51	.38301	.36773	.35322	.33944	.32635
52	.39476	.37948	.36495	.35113	.33799
53	.40668	.39141	.37688	.36304	.34986
54	.41874	.40350	.38897	.37512	.36191
55	.43093	.41574	.40123	.38739	.37416
56	.44324	.42811	.41364	.39980	.38657
57	.45568	.44062	.42620	.41240	.39918
58	.46823	.45325	.43890	.42514	.41194
59	.48091	.46603	.45175	.43805	.42489
60	.49370	.47893	.46475	.45112	.43802
61	.50661	.49198	.47790	.46436	.45133
62	.51963	.50515	.49120	.47776	.46481
63	.53275	.51844	.50463	.49131	.47846
64	.54596	.53182	.51817	.50498	.49225
65	.55922	.54528	.53180	.51877	.50616
66	.57253	.55880	.54551	.53264	.52018
67	.58586	.57235	.55926	.54657	.53427
68	.59921	.58594	.57306	.56057	.54845
69	.61258	.59956	.58692	.57463	.56270
70	.62597	.61322	.60082	.58877	.57704
71	.63941	.62695	.61481	.60300	.59149
72	.65289	.64073	.62887	.61731	.60605
73	.66635	.65449	.64293	.63165	.62064
74	.67976	.66814	.65688	.64588	.63514
75	.69275	.68156	.67061	.65990	.64944
76	.70557	.69470	.68407	.67366	.66348
77	.71809	.70756	.69724	.68714	.67724
78	.73033	.72014	.71015	.70036	.69075
79	.74235	.73251	.72284	.71336	.70405
80	.75417	.74468	.73535	.72619	.71718
81	.76573	.75659	.74759	.73875	.73006
82	.77696	.76816	.75951	.75099	.74261
83	.78787	.77942	.77110	.76291	.75484
84	.79852	.79042	.78243	.77457	.76681
85	.80893	.80118	.79353	.78599	.77856
86	.81889	.81148	.80417	.79695	.78983
87	.82816	.82107	.81408	.80716	.80034
88	.83673	.82994	.82324	.81662	.81007
89	.84478	.83828	.83186	.82551	.81923
90	.85253	.84632	.84018	.83410	.82808
91	.85994	.85401	.84813	.84232	.83656
92	.86679	.86111	.85549	.84993	.84441
93	.87296	.86752	.86213	.85679	.85150
94	.87844	.87321	.86803	.86299	.85780
95	.88319	.87815	.87314	.86818	.86327
96	.88719	.88230	.87745	.87264	.86787
97	.89076	.88601	.88129	.87661	.87197
98	.89388	.88925	.88465	.88009	.87556
99	.89682	.89230	.88781	.88336	.87894
100	.89973	.89533	.89095	.88660	.88228
101	.90233	.89802	.89374	.88948	.88526
102	.90515	.90094	.89676	.89260	.88848
103	.90871	.90464	.90059	.89656	.89256
104	.91217	.90823	.90431	.90040	.89652
105	.91729	.91354	.90981	.90610	.90240
106	.92529	.92187	.91846	.91507	.91169
107	.93617	.93322	.93027	.92732	.92439

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	4.2	4.4	4.6	4.8	5.0
108	.95283	.95062	.94840	.94619	.94398
109	.97900	.97800	.97700	.97600	.97500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	5.2	5.4	5.6	5.8	6.0
0	.05615	.05272	.04969	.04701	.04464
1	.03945	.03585	.03268	.02986	.02737
2	.04039	.03667	.03337	.03046	.02787
3	.04176	.03791	.03450	.03147	.02879
4	.04336	.03938	.03585	.03272	.02993
5	.04518	.04107	.03741	.03416	.03127
6	.04717	.04292	.03914	.03577	.03276
7	.04929	.04490	.04099	.03750	.03438
8	.05158	.04704	.04300	.03938	.03615
9	.05404	.04936	.04518	.04143	.03808
10	.05666	.05183	.04751	.04364	.04016
11	.05947	.05449	.05003	.04602	.04242
12	.06245	.05731	.05271	.04856	.04484
13	.06554	.06025	.05549	.05121	.04735
14	.06869	.06324	.05834	.05391	.04992
15	.07186	.06625	.06119	.05662	.05250
16	.07502	.06924	.06403	.05931	.05504
17	.07817	.07223	.06685	.06199	.05757
18	.08136	.07524	.06970	.06468	.06012
19	.08462	.07832	.07261	.06743	.06272
20	.08800	.08152	.07564	.07029	.06542
21	.09151	.08485	.07879	.07327	.06824
22	.09516	.08831	.08207	.07638	.07119
23	.09897	.09193	.08551	.07964	.07428
24	.10299	.09576	.08915	.08310	.07756
25	.10725	.09982	.09302	.08679	.08108
26	.11179	.10416	.09717	.09075	.08486
27	.11661	.10878	.10160	.09500	.08892
28	.12173	.11370	.10632	.09953	.09328
29	.12710	.11888	.11130	.10432	.09788
30	.13276	.12433	.11656	.10938	.10276
31	.13865	.13002	.12205	.11469	.10787
32	.14482	.13599	.12783	.12026	.11326
33	.15126	.14223	.13387	.12612	.11892
34	.15796	.14874	.14018	.13223	.12485
35	.16494	.15553	.14678	.13864	.13107
36	.17221	.16260	.15366	.14533	.13757
37	.17975	.16996	.16082	.15231	.14435
38	.18756	.17758	.16826	.15955	.15142
39	.19563	.18547	.17597	.16708	.15875
40	.20397	.19364	.18395	.17488	.16638
41	.21259	.20209	.19223	.18298	.17430
42	.22152	.21084	.20082	.19140	.18254
43	.23071	.21988	.20969	.20010	.19107
44	.24019	.22920	.21885	.20910	.19991
45	.24992	.23878	.22828	.21837	.20902
46	.25991	.24864	.23799	.22793	.21842
47	.27016	.25876	.24798	.23777	.22812
48	.28070	.26918	.25826	.24792	.23812
49	.29150	.27987	.26883	.25837	.24843
50	.30258	.29084	.27970	.26911	.25905
51	.31391	.30208	.29084	.28014	.26996
52	.32548	.31358	.30224	.29144	.28115
53	.33729	.32532	.31390	.30302	.29263
54	.34931	.33728	.32579	.31482	.30434
55	.36152	.34945	.33790	.32686	.31631
56	.37392	.36181	.35022	.33912	.32850
57	.38652	.37438	.36276	.35162	.34093
58	.39929	.38715	.37550	.36432	.35359
59	.41226	.40013	.38847	.37727	.36650
60	.42542	.41331	.40165	.39044	.37965
61	.43878	.42670	.41506	.40386	.39306
62	.45233	.44029	.42869	.41750	.40671
63	.46606	.45409	.44253	.43138	.42060
64	.47994	.46805	.45656	.44545	.43471
65	.49397	.48217	.47076	.45971	.44902
66	.50811	.49642	.48510	.47413	.46350

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	5.2	5.4	5.6	5.8	6.0
67	.52235	.51079	.49957	.48869	.47814
68	.53668	.52525	.51416	.50339	.49293
69	.55110	.53983	.52888	.51823	.50788
70	.56563	.55453	.54373	.53322	.52299
71	.58029	.56938	.55875	.54839	.53830
72	.59507	.58436	.57392	.56374	.55380
73	.60990	.59941	.58917	.57918	.56942
74	.62465	.61439	.60437	.59458	.58502
75	.63920	.62919	.61940	.60983	.60046
76	.65351	.64375	.63419	.62484	.61568
77	.66755	.65804	.64873	.63961	.63066
78	.68133	.67209	.66303	.65414	.64542
79	.69492	.68595	.67714	.66850	.66001
80	.70834	.69965	.69111	.68272	.67448
81	.72151	.71311	.70484	.69671	.68872
82	.73436	.72624	.71825	.71039	.70265
83	.74689	.73906	.73135	.72376	.71627
84	.75917	.75163	.74421	.73688	.72967
85	.77122	.76398	.75685	.74960	.74286
86	.78280	.77586	.76901	.76224	.75556
87	.79359	.78693	.78036	.77386	.76744
88	.80360	.79720	.79088	.78463	.77846
89	.81302	.80688	.80081	.79480	.78886
90	.82213	.81624	.81041	.80465	.79894
91	.83086	.82522	.81963	.81410	.80862
92	.83895	.83354	.82818	.82287	.81762
93	.84626	.84106	.83591	.83081	.82575
94	.85275	.84774	.84278	.83787	.83299
95	.85839	.85355	.84876	.84400	.83929
96	.86313	.85844	.85378	.84916	.84458
97	.86737	.86280	.85826	.85377	.84930
98	.87107	.86661	.86218	.85779	.85343
99	.87455	.87019	.86586	.86157	.85730
100	.87800	.87374	.86951	.86532	.86115
101	.88106	.87689	.87275	.86863	.86455
102	.88437	.88030	.87625	.87222	.86822
103	.88658	.88463	.88070	.87679	.87290
104	.89266	.88882	.88500	.88120	.87741
105	.89872	.89506	.89141	.88778	.88417
106	.90832	.90496	.90161	.89828	.89496
107	.92146	.91854	.91562	.91271	.90981
108	.94177	.93956	.93736	.93516	.93296
109	.97400	.97300	.97200	.97100	.97000

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted Payout Rate (percent)				
	6.2	6.4	6.6	6.8	7.0
0	.04253	.04066	.03899	.03751	.03618
1	.02516	.02320	.02145	.01989	.01850
2	.02557	.02353	.02171	.02008	.01862
3	.02640	.02427	.02237	.02067	.01915
4	.02744	.02523	.02325	.02147	.01988
5	.02868	.02638	.02431	.02246	.02080
6	.03006	.02767	.02552	.02359	.02185
7	.03159	.02909	.02685	.02483	.02302
8	.03325	.03065	.02831	.02621	.02432
9	.03507	.03236	.02993	.02774	.02576
10	.03704	.03423	.03170	.02941	.02735
11	.03918	.03626	.03363	.03125	.02910
12	.04148	.03845	.03571	.03323	.03099
13	.04387	.04073	.03788	.03531	.03297
14	.04632	.04305	.04010	.03742	.03499
15	.04876	.04538	.04231	.03953	.03699
16	.05118	.04767	.04449	.04159	.03896
17	.05357	.04994	.04663	.04362	.04088
18	.05598	.05221	.04878	.04565	.04280
19	.05843	.05453	.05097	.04772	.04476
20	.06099	.05694	.05325	.04988	.04679
21	.06365	.05946	.05564	.05213	.04893
22	.06644	.06210	.05813	.05449	.05116
23	.06937	.06488	.06076	.05699	.05352
24	.07249	.06784	.06357	.05965	.05605
25	.07584	.07103	.06660	.06254	.05879

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted Payout Rate (percent)				
	6.2	6.4	6.6	6.8	7.0
26	.07945	.07447	.06989	.06567	.06178
27	.08334	.07819	.07345	.06907	.06503
28	.08751	.08219	.07729	.07275	.06856
29	.09194	.08645	.98137	.07667	.07233
30	.09663	.09096	.08572	.08088	.07635
31	.10156	.09572	.09030	.08527	.08060
32	.10677	.10074	.09515	.08995	.08512
33	.11224	.10604	.10027	.09490	.08990
34	.11798	.11159	.10564	.10010	.09494
35	.12401	.11744	.11131	.10560	.10026
36	.13033	.12357	.11727	.11137	.10586
37	.13693	.12999	.12350	.11743	.11175
38	.14380	.13668	.13002	.12377	.11791
39	.15096	.14366	.13681	.13038	.12436
40	.15841	.15092	.14390	.13729	.13109
41	.16615	.15848	.15128	.14450	.13812
42	.17421	.16637	.15899	.15204	.14549
43	.18257	.17456	.16700	.15988	.15316
44	.19124	.18306	.17533	.16804	.16115
45	.20018	.19184	.18395	.17649	.16943
46	.20943	.20092	.19287	.18524	.17802
47	.21897	.21030	.20209	.19431	.18692
48	.22883	.22001	.21165	.20371	.19616
49	.23900	.23004	.22152	.21343	.20573
50	.24948	.24039	.23173	.22349	.21565
51	.26027	.25104	.24225	.23387	.22589
52	.27135	.26200	.25308	.24457	.23645
53	.28271	.27325	.26421	.25558	.24733
54	.29433	.28476	.27561	.26686	.25848
55	.30621	.29654	.28728	.27842	.26993
56	.31832	.30856	.29921	.29025	.28165
57	.33068	.32085	.31142	.30236	.29367
58	.34329	.33339	.32388	.31474	.30595
59	.35615	.34620	.33662	.32741	.31855
60	.36927	.35927	.34964	.34037	.33143
61	.38265	.37262	.36295	.35362	.34463
62	.39630	.38625	.37655	.36718	.35814
63	.41020	.40014	.39043	.38104	.37196
64	.42432	.41428	.40456	.39516	.38606
65	.43866	.42864	.41893	.40953	.40042
66	.45320	.44321	.43353	.42414	.41503
67	.46790	.45796	.44832	.43896	.42987
68	.48277	.47289	.46330	.45398	.44492
69	.49781	.48802	.47849	.46923	.46021
70	.51303	.50333	.49389	.48470	.47574
71	.52847	.51888	.50954	.50044	.49156
72	.54412	.53466	.52544	.51644	.50766
73	.55990	.55059	.54151	.52363	.52396
74	.57586	.56652	.55758	.54885	.54030
75	.59129	.58232	.57354	.56496	.55655
76	.60671	.59792	.58932	.58089	.57263
77	.62189	.61330	.60487	.59661	.58851
78	.63687	.62847	.62024	.61215	.60422
79	.65168	.64349	.63546	.62756	.61981
80	.66637	.65841	.65058	.64289	.63532
81	.68085	.67312	.66551	.65802	.65066
82	.69503	.68753	.68014	.67267	.66571
83	.70890	.70164	.69448	.68743	.68048
84	.72255	.71553	.70861	.70179	.69506
85	.73600	.72924	.72257	.71598	.70948
86	.74897	.7446	.73693	.72969	.72342
87	.76109	.75483	.74864	.74252	.73647
88	.77235	.76631	.76035	.75445	.74862
89	.78298	.77717	.77142	.76573	.76011
90	.79329	.78770	.78217	.77669	.77127
91	.80320	.79783	.79252	.78725	.78204
92	.81241	.80725	.80214	.79708	.79206
93	.82074	.81578	.81086	.80598	.80115
94	.82816	.82337	.81862	.81391	.80924
95	.83461	.82997	.82537	.82081	.81629
96	.84003	.83552	.82105	.82661	.82221
97	.84487	.84048	.83612	.82179	.82750
98	.84910	.84481	.84054	.83631	.83211
99	.85307	.84887	.84469	.84055	.83644
100	.85701	.85290	.84882	.84476	.84073
101	.86049	.85645	.85244	.84846	.84451
102	.86424	.86029	.85637	.85247	.84859
103	.86904	.86520	.86138	.85758	.85381
104	.87365	.86991	.86619	.86249	.85880
105	.88058	.87700	.87343	.86988	.86635
106	.89165	.88835	.88506	.88179	.87852
107	.90692	.90404	.90116	.89829	.89542
108	.93077	.92858	.92639	.92420	.92201

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted Payout Rate (percent)				
	6.2	6.4	6.6	6.8	7.0
109	.96900	.96800	.96700	.96600	.96500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	7.2	7.4	7.6	7.8	8.0
0	.03499	.03392	.03296	.03209	.03130
1	.01725	.01613	.01513	.01422	.01340
2	.01732	.01615	.01509	.01414	.01329
3	.01778	.01656	.01545	.01446	.01356
4	.01846	.01717	.01601	.01497	.01402
5	.01930	.01796	.01674	.01574	.01465
6	.02029	.01888	.01761	.01645	.01541
7	.02138	.01991	.01857	.01736	.01627
8	.02261	.02106	.01966	.01839	.01724
9	.02397	.02236	.02089	.01956	.01835
10	.02548	.02379	.02225	.02086	.01959
11	.02715	.02538	.02377	.02231	.02098
12	.02895	.02710	.02542	.02389	.02250
13	.03085	.02892	.02716	.02556	.02410
14	.03278	.03076	.02893	.02725	.02572
15	.03469	.03259	.03067	.02892	.02732
16	.03656	.03437	.03237	.03054	.02886
17	.03938	.03610	.03401	.03210	.03035
18	.04020	.03782	.03564	.03364	.03181
19	.04204	.03956	.03729	.03520	.03328
20	.04397	.04138	.03901	.03683	.03483
21	.04599	.04329	.04081	.03853	.03644
22	.04810	.04529	.04270	.04032	.03813
23	.05033	.04740	.04470	.04222	.03992
24	.05273	.04968	.04686	.04427	.04187
25	.05534	.05216	.04922	.04651	.04400
26	.05819	.05488	.05182	.04898	.04636
27	.06130	.05785	.05466	.05170	.04896
28	.06468	.06109	.05777	.05468	.05182
29	.06830	.06457	.06110	.05789	.05490
30	.07217	.06829	.06469	.06134	.05822
31	.07627	.07224	.06849	.06500	.06174
32	.08062	.07644	.07254	.06891	.06552
33	.08524	.08090	.07686	.07308	.06955
34	.09012	.08562	.08142	.07749	.07382
35	.09528	.09062	.08626	.08218	.07836
36	.10071	.09589	.09137	.08714	.08317
37	.10643	.10144	.09676	.09237	.08825
38	.11242	.10727	.10243	.09788	.09361
39	.11869	.11337	.10837	.10366	.09923
40	.12526	.11977	.11460	.10973	.10514
41	.13212	.12646	.12113	.11609	.11135
42	.13931	.13349	.12799	.12279	.11789
43	.14681	.14082	.13515	.12980	.12473
44	.15463	.14847	.14264	.13712	.13189
45	.16274	.15642	.15042	.14474	.13935
46	.17117	.16468	.15853	.15268	.14713
47	.17991	.17326	.16694	.16094	.15523
48	.18900	.18219	.17571	.16955	.16368
49	.19841	.19145	.18481	.17850	.17248
50	.20818	.20106	.19428	.18781	.18163
51	.21827	.21101	.20407	.19745	.19113
52	.22869	.22129	.21421	.20745	.20098
53	.23944	.23190	.22468	.21778	.21117
54	.25047	.24280	.23545	.22841	.22167
55	.26180	.25400	.24653	.23936	.23249
56	.27341	.26550	.25790	.25061	.24361
57	.28532	.27729	.26959	.26218	.25505
58	.29751	.28938	.28157	.27405	.26681
59	.31001	.30180	.29388	.28626	.27892
60	.32282	.31452	.30652	.29880	.29136
61	.33595	.32758	.31950	.31169	.30416
62	.34941	.34097	.33282	.32494	.31733
63	.36318	.35469	.34648	.33854	.33085
64	.37725	.36872	.36046	.35246	.34472
65	.39159	.38304	.37474	.36670	.35891
66	.40620	.39763	.38931	.38124	.37340
67	.42104	.41247	.40414	.39605	.38819

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	7.2	7.4	7.6	7.8	8.0
68	.43611	.42755	.41923	.41113	.40326
69	.45144	.44290	.43459	.42650	.41863
70	.46702	.45852	.45025	.44218	.43432
71	.48291	.47447	.46623	.45820	.45037
72	.49909	.49072	.48255	.47458	.46679
73	.51549	.50721	.49912	.49912	.48349
74	.53195	.52377	.51578	.50796	.50031
75	.54832	.54027	.53238	.52466	.51710
76	.56454	.55661	.54884	.54123	.53377
77	.58057	.57278	.56514	.55765	.55030
78	.59644	.58879	.58129	.58393	.56670
79	.61219	.60471	.59736	.59013	.58304
80	.62788	.62057	.61338	.60632	.59936
81	.64341	.63628	.62926	.62236	.61556
82	.65866	.65172	.64488	.63815	.63151
83	.67364	.66689	.66024	.65369	.64723
84	.68843	.68189	.67544	.66907	.66279
85	.70307	.69674	.69050	.68433	.67825
86	.71723	.71112	.70508	.69912	.69323
87	.73050	.72460	.71877	.71300	.70731
88	.74285	.73715	.73151	.72593	.72042
89	.75454	.74903	.74358	.73819	.73286
90	.76591	.76060	.75534	.75014	.74499
91	.77688	.77176	.76670	.76169	.75672
92	.78709	.78217	.77729	.77245	.76766
93	.79635	.79160	.78690	.78223	.77761
94	.80461	.80002	.79547	.79096	.78648
95	.81180	.80735	.80394	.79856	.79421
96	.81784	.81351	.80921	.80494	.80071
97	.82324	.81901	.81481	.81065	.80651
98	.82794	.82380	.81969	.81562	.81157
99	.83235	.82830	.83427	.82028	.81631
100	.83674	.83276	.82882	.82490	.82101
101	.84058	.83668	.83280	.82895	.82512
102	.84474	.84091	.83710	.83332	.82956
103	.85006	.84633	.84262	.83893	.83526
104	.85514	.85150	.84787	.84427	.84068
105	.86284	.85934	.85585	.85239	.84893
106	.87527	.87204	.86881	.86559	.86239
107	.89257	.88972	.88688	.88404	.88121
108	.91983	.91765	.91547	.91330	.91113
109	.96400	.96300	.96200	.96100	.96000

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	8.2	8.4	8.6	8.8	9.0
0	.03059	.02995	.02936	.02882	.02833
1	.01267	.01200	.01139	.01084	.01033
2	.01251	.01181	.01117	.01059	.01006
3	.01274	.01200	.01133	.01072	.01016
4	.01316	.01239	.01168	.01103	.01044
5	.01375	.01293	.01218	.01150	.01088
6	.01446	.01360	.01281	.01209	.01144
7	.01527	.01436	.01353	.01277	.01208
8	.01619	.01523	.01436	.01356	.01283
9	.01725	.01624	.01532	.01448	.01370
10	.01843	.01737	.01640	.01551	.01470
11	.01976	.01865	.01763	.01669	.01583
12	.02122	.02005	.01898	.01800	.01709
13	.02276	.02153	.02041	.01937	.01842
14	.02432	.02303	.02185	.02077	.01977
15	.02585	.02451	.02327	.02213	.02108
16	.02732	.02591	.02462	.02342	.02232
17	.02874	.02726	.02590	.02465	.02349
18	.03013	.02858	.02715	.02584	.02462
19	.03152	.02990	.02841	.02703	.02575
20	.03298	.03128	.02971	.02826	.02692
21	.03451	.03272	.03108	.02956	.02815
22	.03611	.03424	.03251	.03091	.02944
23	.03781	.03585	.03404	.03236	.03081
24	.03965	.03760	.03570	.03393	.03230
25	.04168	.03953	.03753	.03568	.03396
26	.04393	.04168	.03958	.03764	.03583

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	8.2	8.4	8.6	8.8	9.0
27	.04642	.04406	.04186	.03982	.03792
28	.04916	.04669	.04439	.04224	.04025
29	.05212	.04953	.04712	.04487	.04277
30	.05531	.05260	.05008	.04772	.04552
31	.05871	.05588	.05324	.05077	.04846
32	.06236	.05940	.05663	.05405	.05163
33	.06625	.06316	.06027	.05756	.05502
34	.07038	.06716	.06414	.06131	.05865
35	.07478	.07142	.06827	.06531	.06253
36	.07944	.07595	.07266	.06957	.06667
37	.08438	.08074	.07732	.07410	.07106
38	.08958	.08580	.08223	.07888	.07571
39	.09506	.09112	.08742	.08392	.08061
40	.10081	.09673	.09288	.08924	.08580
41	.10687	.10263	.09863	.09484	.09126
42	.11325	.10886	.10471	.10078	.09705
43	.11993	.11539	.11109	.10701	.10314
44	.12694	.12224	.11779	.11356	.10955
45	.13424	.12939	.12478	.12040	.11624
46	.14186	.13686	.13210	.12757	.12326
47	.14980	.14464	.13973	.13505	.13059
48	.15810	.15278	.14772	.14289	.13828
49	.16674	.16127	.15605	.15107	.14631
50	.17574	.17012	.16475	.15962	.15472
51	.18510	.17932	.17381	.16853	.16348
52	.19480	.18888	.18322	.17779	.17260
53	.20484	.19878	.19298	.18741	.18208
54	.21520	.20901	.20306	.19735	.19188
55	.22589	.21955	.21347	.20763	.20202
56	.23688	.23041	.22420	.21822	.21248
57	.24820	.24161	.23527	.22917	.22329
58	.25984	.25313	.24667	.24044	.23444
59	.27184	.26501	.25843	.25209	.24596
60	.28417	.27724	.27055	.26409	.25786
61	.29688	.28985	.28306	.27650	.27015
62	.30996	.30284	.29596	.28929	.28285
63	.32341	.31621	.30924	.30249	.29595
64	.33721	.32994	.32289	.31605	.30943
65	.35134	.34401	.33689	.32999	.32329
66	.36580	.35841	.35124	.34427	.33750
67	.38055	.37312	.36590	.35889	.35206
68	.39559	.38814	.38089	.37383	.36696
69	.41096	.40349	.39622	.38913	.38222
70	.42665	.41918	.41190	.40480	.39787
71	.44273	.43527	.42799	.42089	.41395
72	.45919	.45176	.44450	.43741	.43049
73	.47594	.46856	.46134	.45428	.44738
74	.49283	.48550	.47834	.47132	.46446
75	.50969	.50244	.49534	.48838	.48157
76	.52646	.51929	.51226	.50537	.49862
77	.54309	.53601	.52907	.52226	.51558
78	.55960	.55263	.54579	.53907	.53247
79	.57606	.56921	.56248	.55586	.54935
80	.59253	.58580	.57919	.57269	.56629
81	.60887	.60229	.59581	.58943	.58315
82	.62498	.61855	.61221	.60597	.59982
83	.64086	.63459	.62840	.62230	.61629
84	.65660	.65049	.64447	.63852	.63266
85	.67224	.66631	.66046	.65468	.64898
86	.68742	.68167	.67600	.67040	.66486
87	.70168	.69611	.69061	.68518	.67980
88	.71497	.70958	.70425	.69897	.69376
89	.72758	.72236	.71720	.71208	.70702
90	.73989	.73484	.72985	.72490	.72000
91	.75180	.74693	.74210	.73732	.73259
92	.76292	.75821	.75355	.74894	.74436
93	.77302	.76848	.76397	.75951	.75508
94	.78204	.77764	.77328	.76895	.76466
95	.78991	.78563	.78139	.77719	.77302
96	.79651	.79234	.78821	.78411	.78003
97	.80241	.79834	.79430	.79029	.78630
98	.80755	.80356	.79960	.79567	.79176
99	.81236	.80845	.80456	.80071	.79687
100	.81715	.81331	.80949	.80571	.80195
101	.82132	.81754	.81379	.81006	.80636
102	.82582	.82211	.81842	.81476	.81111
103	.83162	.82799	.82439	.82080	.81724
104	.83711	.83356	.83003	.82652	.82302
105	.84550	.84208	.83867	.83528	.83191
106	.85920	.85602	.85285	.84969	.84655
107	.87839	.87558	.87277	.86997	.86718
108	.90896	.90679	.90463	.90246	.90030
109	.95900	.95800	.95700	.95600	.95500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout Rate (percent)				
	9.2	9.4	9.6	9.8	10.0
0	.02788	.02747	.02709	.02673	.02641
1	.00987	.00945	.00906	.00871	.00838
2	.00957	.00913	.00872	.00835	.00800
3	.00965	.00918	.00875	.00836	.00799
4	.00991	.00941	.00896	.00854	.00815
5	.01031	.00979	.00931	.00887	.00846
6	.01084	.01028	.00978	.00931	.00888
7	.01144	.01086	.01032	.00983	.00937
8	.01216	.01154	.01097	.01044	.00996
9	.01299	.01234	.01174	.01118	.01067
10	.01395	.01326	.01262	.01204	.01149
11	.01504	.01432	.01364	.01302	.01245
12	.01626	.01549	.01478	.01413	.01352
13	.01755	.01674	.01599	.01530	.01466
14	.01885	.01800	.01721	.01648	.01581
15	.02011	.01922	.01839	.01762	.01691
16	.02130	.02036	.01949	.01869	.01794
17	.02243	.02144	.02052	.01967	.01888
18	.02350	.02246	.02150	.02061	.01978
19	.02457	.02348	.02247	.02153	.02065
20	.02569	.02454	.02347	.02248	.02156
21	.02685	.02564	.02452	.02347	.02250
22	.02806	.02679	.02561	.02451	.02348
23	.02936	.02802	.02677	.02561	.02453
24	.03078	.02937	.02805	.02683	.02569
25	.03236	.03087	.02949	.02820	.02699
26	.03415	.03258	.03112	.02975	.02848
27	.03615	.03450	.03295	.03151	.03017
28	.03838	.03664	.03502	.03350	.03208
29	.04081	.03898	.03727	.03567	.03416
30	.04346	.04154	.03973	.03804	.03646
31	.04630	.04427	.04237	.04059	.03892
32	.04936	.04723	.04523	.04335	.04159
33	.05264	.05041	.04831	.04633	.04448
34	.05615	.05381	.05160	.04952	.04757
35	.05992	.05746	.05514	.05296	.05090
36	.06393	.06135	.05892	.05663	.05447
37	.06820	.06550	.06295	.06055	.05828
38	.07272	.06990	.06723	.06471	.06233
39	.07749	.07454	.07175	.06912	.06662
40	.08254	.07946	.07655	.07379	.07117
41	.08787	.08466	.08162	.07073	.07599
42	.09352	.09018	.08700	.08399	.08112
43	.09947	.09599	.09268	.08953	.08654
44	.10573	.10211	.09866	.09539	.09227
45	.11229	.10852	.10494	.10152	.09827
46	.11916	.11525	.11153	.10798	.10459
47	.12634	.12229	.11843	.11474	.11122
48	.13388	.12969	.12568	.12186	.11820
49	.14177	.13743	.13329	.12932	.12553
50	.15003	.14555	.14126	.13716	.13322
51	.15865	.15402	.14959	.14534	.14127
52	.16763	.16286	.15828	.15390	.14969
53	.17696	.17205	.16734	.16281	.15847
54	.18662	.18157	.17672	.17206	.16758
55	.19662	.19144	.18645	.18165	.17703
56	.20695	.20163	.19651	.19157	.18682
57	.21763	.21218	.20693	.20186	.19698
58	.22865	.22307	.21769	.21250	.20749
59	.24005	.23435	.22885	.22353	.21839
60	.25183	.24601	.24038	.23494	.22969
61	.26401	.25808	.25234	.24678	.24141
62	.27661	.27056	.26471	.25905	.25356
63	.28961	.28347	.27752	.27175	.26615
64	.30300	.29677	.29072	.28486	.27916
65	.31678	.31046	.30433	.29837	.29259
66	.33093	.32454	.31832	.31228	.30641
67	.34542	.33897	.33268	.32657	.32062
68	.36027	.35376	.34742	.34124	.33522
69	.37550	.36894	.36255	.35632	.35024
70	.39111	.38452	.37809	.37182	.36570
71	.40719	.40058	.39412	.38782	.38166
72	.42372	.41710	.41064	.40432	.39814
73	.44062	.43402	.42756	.42124	.41506
74	.45774	.45116	.44471	.43840	.43223
75	.47489	.46834	.46193	.45565	.44949
76	.49199	.48550	.47913	.47288	.46675
77	.50902	.50258	.49626	.49006	.48397
78	.52598	.51962	.51336	.50721	.50117
79	.54295	.53667	.53049	.52441	.51843
80	.55999	.55380	.54771	.54171	.53581
81	.57697	.57088	.56489	.55899	.55317
82	.59375	.58778	.58190	.57610	.57039
83	.61036	.60451	.59875	.59306	.58746
84	.62687	.62116	.61553	.60997	.60448
85	.64335	.63779	.63230	.62688	.62152
86	.65939	.65398	.64864	.64337	.63816
87	.67449	.66924	.66405	.65892	.65384
88	.68860	.68350	.67845	.67346	.66852

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout Rate (percent)				
	9.2	9.4	9.6	9.8	10.0
89	.70202	.69706	.69216	.68731	.68250
90	.71515	.71035	.70559	.70088	.69622
91	.72790	.72325	.71865	.71409	.70957
92	.73982	.73533	.73087	.72646	.72208
93	.75069	.74634	.74202	.73774	.73350
94	.76040	.75618	.75199	.74784	.74372
95	.76888	.76477	.76070	.75666	.75265
96	.77599	.77199	.76801	.76406	.76014
97	.78235	.77843	.77454	.77067	.76684
98	.78789	.78404	.78022	.77642	.77266
99	.79307	.78929	.78554	.78181	.77811
100	.79821	.79450	.79081	.78715	.78351
101	.80268	.79902	.79539	.79178	.78819
102	.80749	.80389	.80031	.79676	.79322
103	.81370	.81018	.80668	.80319	.79973
104	.81955	.81609	.81265	.80923	.80582
105	.82855	.82520	.82187	.81856	.81526
106	.84341	.84029	.83718	.83408	.83099
107	.86439	.86162	.85884	.85608	.85332
108	.89615	.89599	.89384	.89169	.88955
109	.95400	.95300	.95200	.95100	.95000

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	10.2	10.4	10.6	10.8	11.0
0	.02610	.02582	.02556	.02531	.02508
1	.00807	.00779	.00753	.00729	.00707
2	.00769	.00739	.00712	.00686	.00663
3	.00766	.00735	.00706	.00679	.00654
4	.00780	.00747	.00716	.00688	.00662
5	.00808	.00773	.00741	.00711	.00683
6	.00848	.00811	.00776	.00744	.00715
7	.00894	.00855	.00819	.00785	.00753
8	.00951	.00909	.00871	.00835	.00801
9	.01019	.00975	.00934	.00896	.00860
10	.01099	.01052	.01008	.00967	.00930
11	.01191	.01142	.01095	.01052	.01012
12	.01295	.01243	.01194	.01148	.01106
13	.01406	.01351	.01299	.01251	.01206
14	.01518	.01459	.01405	.01354	.01306
15	.01625	.01563	.01506	.01452	.01402
16	.01724	.01659	.01599	.01542	.01489
17	.01815	.01747	.01683	.01624	.01568
18	.01901	.01829	.01761	.01699	.01640
19	.01984	.01908	.01837	.01771	.01709
20	.02070	.01990	.01915	.01846	.01780
21	.02160	.02075	.01996	.01923	.01854
22	.02253	.02164	.02080	.02003	.01930
23	.02352	.02258	.02170	.02088	.02010
24	.02462	.02362	.02269	.02182	.02100
25	.02586	.02481	.02382	.02289	.02203
26	.02729	.02617	.02512	.02414	.02322
27	.02891	.02772	.02662	.02558	.02460
28	.03074	.02949	.02832	.02722	.02618
29	.03276	.03143	.03019	.02902	.02792
30	.03497	.03357	.03225	.03102	.02985
31	.03735	.03587	.03448	.03317	.03193
32	.03993	.03837	.03690	.03551	.03420
33	.04273	.04108	.03952	.03806	.03667
34	.04572	.04399	.04234	.04079	.03933
35	.04896	.04713	.04539	.04376	.04221
36	.05243	.05049	.04867	.04694	.04530
37	.05613	.05410	.05217	.05035	.04862
38	.06007	.05793	.05591	.05399	.05217
39	.06425	.06200	.05987	.05785	.05593
40	.06869	.06633	.06409	.06197	.05995
41	.07339	.07092	.06857	.06634	.06421
42	.07840	.07581	.07335	.07101	.06878
43	.08370	.08099	.07841	.07595	.07361
44	.08930	.08646	.08377	.08119	.07874
45	.09517	.09222	.08940	.08670	.08413
46	.10136	.09828	.09533	.09252	.08983
47	.10786	.10464	.10157	.09864	.09582
48	.11470	.11136	.10816	.10510	.10216
49	.12189	.11842	.11509	.11190	.10884
50	.12946	.12585	.12239	.11907	.11588
51	.13737	.13363	.13003	.12659	.12327
52	.14565	.14177	.13805	.13447	.13103

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	10.2	10.4	10.6	10.8	11.0
53	.15429	.15028	.14642	.14271	.13914
54	.16327	.15912	.15513	.15129	.14759
55	.17259	.16831	.16419	.16022	.15639
56	.18225	.17784	.17358	.16948	.16553
57	.19227	.18773	.18335	.17912	.17503
58	.20265	.19798	.19347	.18911	.18490
59	.21343	.20863	.20400	.19951	.19518
60	.22460	.21968	.21492	.21032	.20586
61	.23620	.23117	.22629	.22156	.21698
62	.24824	.24309	.23810	.23325	.22856
63	.26073	.25546	.25036	.24540	.24060
64	.27364	.26827	.26306	.25800	.25308
65	.28696	.28150	.27619	.27103	.26601
66	.30070	.29515	.28974	.28449	.27937
67	.31483	.30919	.30371	.29836	.29316
68	.32936	.32365	.31808	.31266	.30737
69	.34432	.33854	.33290	.32741	.32204
70	.35972	.35389	.34820	.34264	.33721
71	.37565	.36977	.36403	.35842	.35294
72	.39210	.38619	.38042	.37477	.36924
73	.40900	.40308	.39728	.39161	.38605
74	.42618	.42025	.41444	.40876	.40318
75	.44345	.43753	.43173	.42604	.42046
76	.46073	.45483	.44904	.44336	.43779
77	.47799	.47212	.46635	.46069	.45513
78	.49524	.48941	.48368	.47805	.47252
79	.51256	.50678	.50110	.49551	.49001
80	.53001	.52429	.51867	.51313	.50769
81	.54745	.54181	.53626	.53079	.52541
82	.56476	.55921	.55374	.54835	.54303
83	.58193	.57648	.57110	.56579	.56056
84	.59907	.59373	.58845	.58325	.57811
85	.61624	.61102	.60586	.60077	.59574
86	.63300	.62791	.62289	.61791	.61300
87	.64883	.64387	.63896	.63411	.62932
88	.66363	.65880	.65402	.64929	.64461
89	.67775	.67304	.66838	.66377	.65921
90	.69160	.68703	.68250	.67802	.67357
91	.70509	.70066	.69626	.69191	.68760
92	.71775	.71345	.70919	.70496	.70078
93	.72929	.72512	.72099	.71689	.71282
94	.73964	.73559	.73157	.72758	.72362
95	.74867	.74472	.74081	.73692	.73306
96	.75625	.75239	.74856	.74476	.74099
97	.76303	.75925	.75550	.75177	.74807
98	.76892	.76521	.76152	.75786	.75422
99	.77443	.77078	.76715	.76355	.75998
100	.77990	.77631	.77275	.76921	.76569
101	.78463	.78109	.77757	.77407	.77060
102	.78971	.78622	.78275	.77930	.77587
103	.79629	.79287	.78947	.78608	.78272
104	.80244	.79907	.79572	.79239	.78907
105	.81198	.80871	.80546	.88222	.79900
106	.82792	.82485	.82180	.81876	.81572
107	.85057	.84783	.84509	.84237	.83964
108	.88740	.88526	.88312	.88098	.87885
109	.94900	.94800	.94700	.94600	.94500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	11.2	11.4	11.6	11.8	12.0
0	.02487	.02466	.02447	.02429	.02412
1	.00686	.00666	.00648	.00631	.00615
2	.00641	.00620	.00601	.00583	.00568
3	.00631	.00609	.00589	.00570	.00552
4	.00637	.00614	.00593	.00573	.00554
5	.00657	.00633	.00610	.00588	.00568
6	.00687	.00661	.00637	.00614	.00593
7	.00724	.00696	.00670	.00646	.00623
8	.00770	.00740	.00713	.00687	.00663
9	.00827	.00795	.00766	.00739	.00713
10	.00894	.00861	.00830	.00800	.00773
11	.00974	.00939	.00906	.00875	.00846
12	.01066	.01029	.00993	.00961	.00929
13	.01164	.01124	.01087	.01052	.01019
14	.01262	.01220	.01181	.01144	.01109
15	.01355	.01311	.01270	.01231	.01194

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	11.2	11.4	11.6	11.8	12.0
16	.01440	.01394	.01350	.01309	.01271
17	.01516	.01467	.01421	.01378	.01337
18	.01585	.01534	.01485	.01440	.01397
19	.01651	.01597	.01546	.01498	.01453
20	.01719	.01662	.01608	.01557	.01510
21	.01789	.01728	.01672	.01618	.01568
22	.01861	.01797	.01737	.01680	.01627
23	.01938	.01870	.01806	.01746	.01689
24	.02023	.01951	.01883	.01819	.01759
25	.02121	.02045	.01973	.01905	.01841
26	.02236	.02155	.02078	.02006	.01938
27	.02368	.02282	.02200	.02124	.02051
28	.02521	.02429	.02342	.02261	.02183
29	.02689	.02591	.02499	.02412	.02330
30	.02875	.02772	.02674	.02581	.02494
31	.03076	.02966	.02863	.02764	.02671
32	.03297	.03180	.03070	.02965	.02866
33	.03536	.03412	.03295	.03184	.03079
34	.03794	.03663	.03539	.03421	.03309
35	.04074	.03935	.03803	.03678	.03559
36	.04375	.04228	.04089	.03956	.03830
37	.04699	.04543	.04395	.04255	.04122
38	.05044	.04879	.04723	.04575	.04433
39	.05411	.05238	.5073	.04916	.04766
40	.05802	.05620	.05445	.05279	.05121
41	.06219	.06026	.05843	.05668	.05550
42	.06665	.06462	.06269	.06084	.05908
43	.07138	.06924	.06721	.06526	.06341
44	.07639	.07415	.07202	.06997	.06801
45	.08168	.07933	.07708	.07493	.07287
46	.08726	.08480	.08244	.08018	.07802
47	.09313	.09056	.08809	.08572	.08345
48	.09935	.09666	.09408	.09160	.08922
49	.10591	.10309	.10039	.09780	.09531
50	.11282	.10989	.10707	.10436	.10176
51	.12009	.11703	.11409	.11127	.10855
52	.12772	.12454	.12147	.11853	.11569
53	.13571	.13340	.12922	.12615	.12319
54	.14403	.14060	.13729	.13410	.13102
55	.15270	.14914	.14571	.14240	.13920
56	.16171	.15802	.15447	.15103	.14771
57	.17109	.16728	.16360	.16004	.15660
58	.18083	.17690	.17309	.16941	.16585
59	.19098	.18692	.18299	.17919	.17551
60	.20154	.19736	.19331	.18938	.18558
61	.21254	.20824	.20407	.20003	.19610
62	.22400	.21958	.21530	.21113	.20709
63	.23593	.23139	.22699	.22272	.21856
64	.24830	.24366	.23915	.23476	.23050
65	.26113	.25638	.25176	.24727	.24290
66	.27439	.26955	.26483	.26023	.25576
67	.28808	.28314	.27833	.27364	.26906
68	.30221	.29718	.29228	.28750	.28283
69	.31681	.31170	.30672	.30185	.29710
70	.33190	.32673	.32167	.31672	.31189
71	.34758	.34234	.33721	.33220	.32731
72	.36384	.35855	.35337	.34831	.34335
73	.38061	.37529	.37007	.36496	.35996
74	.39772	.39237	.38713	.38199	.37695
75	.41499	.40962	.40436	.39920	.39413
76	.43232	.42695	.42168	.41650	.41142
77	.44967	.44431	.43904	.43386	.42878
78	.46708	.46173	.45647	.45130	.44622
79	.48460	.47928	.47405	.46890	.46383
80	.50232	.49705	.49185	.48673	.48169
81	.52010	.51487	.50973	.50465	.49965
82	.53779	.53263	.52754	.52252	.51757
83	.55540	.55031	.54529	.54033	.53544
84	.57304	.56804	.56309	.55822	.55340
85	.59077	.58586	.58102	.57623	.57150
86	.60815	.60335	.59860	.59392	.58928
87	.62458	.61989	.61525	.61066	.60613
88	.63998	.63540	.63086	.62638	.62194
89	.65469	.65022	.64579	.64141	.63707
90	.66918	.66482	.66050	.65623	.65199
91	.68332	.67909	.67489	.67073	.66661
92	.69662	.69251	.68843	.68439	.68038
93	.70879	.70479	.70082	.69689	.69299
94	.71970	.71581	.71195	.70812	.70432
95	.72924	.72544	.72167	.71793	.71422
96	.73724	.73353	.72984	.72618	.72254
97	.74440	.74076	.73714	.73354	.72998
98	.75061	.74703	.74347	.73994	.73643
99	.75642	.75290	.74939	.74591	.74245

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	11.2	11.4	11.6	11.8	12.0
100	.76219	.75872	.75527	.75184	.74844
101	.76715	.76372	.76031	.75692	.75356
102	.77246	.76908	.76571	.76236	.75904
103	.77937	.77605	.77274	.76945	.76618
104	.78577	.78249	.77923	.77598	.77275
105	.79579	.79259	.78941	.78625	.78310
106	.81270	.80969	.80670	.80371	.80073
107	.83693	.83422	.83152	.82883	.82614
108	.87672	.87459	.87246	.87034	.86822
109	.94400	.94300	.94200	.94100	.94000

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	12.2	12.4	12.6	12.8	13.0
0	.02396	.02380	.02366	.02352	.02338
1	.00600	.00585	.00572	.00559	.00547
2	.00550	.00535	.00521	.00508	.00495
3	.00536	.00520	.00505	.00491	.00478
4	.00536	.00519	.00504	.00489	.00475
5	.00549	.00532	.00515	.00499	.00484
6	.00572	.00554	.00536	.00519	.00503
7	.00602	.00582	.00563	.00545	.00528
8	.00640	.00618	.00598	.00579	.00561
9	.00688	.00665	.00644	.00623	.00604
10	.00747	.00723	.00699	.00678	.00657
11	.00818	.00792	.00767	.00744	.00722
12	.00900	.00873	.00846	.00822	.00798
13	.00988	.00959	.00931	.00905	.00880
14	.01077	.01046	.01017	.00989	.00963
15	.01160	.01127	.01097	.01067	.01040
16	.01234	.01200	.01167	.01137	.01108
17	.01299	.01263	.01229	.01197	.01166
18	.01357	.01319	.01283	.01249	.01217
19	.01410	.01370	.01332	.01297	.01263
20	.01465	.01422	.01382	.01345	.01309
21	.01520	.01475	.01433	.01393	.01355
22	.01576	.01529	.01484	.01442	.01402
23	.01636	.01586	.01538	.01493	.01450
24	.01703	.01649	.01599	.01551	.01505
25	.01781	.01724	.01670	.01619	.01571
26	.01874	.01813	.01756	.01701	.01650
27	.01983	.01918	.01857	.01799	.01744
28	.02111	.02042	.01976	.01915	.01856
29	.02253	.02179	.02110	.02044	.01981
30	.02411	.02333	.02259	.02188	.02121
31	.02583	.02500	.02421	.02345	.02274
32	.02772	.02683	.02599	.02519	.02443
33	.02979	.02885	.02795	.02709	.02628
34	.03203	.03102	.03006	.02915	.02829
35	.03447	.03340	.03238	.03141	.03048
36	.03710	.03597	.03488	.03385	.03286
37	.03995	.03874	.03758	.03649	.03544
38	.04299	.04170	.04048	.03931	.03820
39	.04623	.04487	.04358	.04234	.04115
40	.04970	.04826	.04689	.04558	.04432
41	.05341	.05189	.05043	.04904	.04771
42	.05739	.05578	.05424	.05277	.05136
43	.06163	.05993	.05830	.05674	.05525
44	.06614	.06435	.06263	.06099	.05941
45	.07090	.06901	.06720	.06547	.06380
46	.07595	.07396	.07206	.07023	.06847
47	.08128	.07919	.07718	.07525	.07340
48	.08693	.08474	.08263	.08061	.07866
49	.09291	.09061	.08840	.08627	.08423
50	.09925	.09684	.09452	.09229	.09014
51	.10593	.10341	.10098	.09864	.09638
52	.11296	.11032	.10778	.10534	.10297
53	.12034	.11759	.11494	.11238	.10991
54	.12805	.12519	.12243	.11976	.11718
55	.13611	.13313	.13025	.12747	.12478
56	.14451	.14141	.13841	.13551	.13271
57	.15327	.15005	.14694	.14393	.14101
58	.16240	.15906	.15583	.15270	.14967

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	12.2	12.4	12.6	12.8	13.0
59	.17194	.16848	.16513	.16189	.15874
60	.18189	.17831	.17485	.17148	.16822
61	.19230	.18860	.18502	.18154	.17816
62	.20317	.19936	.19568	.19207	.18857
63	.21453	.21060	.20679	.20308	.19947
64	.22635	.22231	.21839	.21457	.21085
65	.23864	.23450	.23046	.22653	.22271
66	.25140	.24715	.24301	.23898	.23505
67	.26461	.26026	.25602	.25188	.24785
68	.27828	.27384	.26950	.26527	.26114
69	.29246	.28793	.28350	.27918	.27496
70	.30718	.30256	.29805	.29364	.28933
71	.32251	.31783	.31324	.30876	.30437
72	.33850	.33375	.32910	.32455	.32009
73	.35506	.35026	.34555	.34094	.33642
74	.37201	.36716	.36241	.35776	.35319
75	.38916	.38429	.37950	.37481	.37020
76	.40644	.40154	.39673	.39200	.38737
77	.42378	.41887	.41404	.40930	.40464
78	.44123	.43631	.43148	.42673	.42205
79	.45885	.45394	.44911	.44436	.43969
80	.47673	.47184	.46703	.46229	.45763
81	.49473	.48987	.48509	.48037	.47573
82	.51269	.50787	.50313	.49845	.49383
83	.53062	.52586	.52116	.51653	.51195
84	.54864	.54395	.53931	.53473	.53021
85	.56683	.56221	.55765	.55314	.54869
86	.58470	.58017	.57570	.57127	.56689
87	.60164	.59720	.59281	.58847	.58417
88	.61754	.61320	.60889	.60464	.60042
89	.63277	.62851	.62430	.62013	.61600
90	.64780	.64364	.63953	.63545	.63141
91	.66252	.65848	.65446	.65049	.64655
92	.67640	.67246	.66856	.66468	.66084
93	.68912	.68528	.68148	.67770	.67396
94	.70055	.69680	.69309	.68941	.68576
95	.71054	.70689	.70326	.69966	.69609
96	.71893	.71535	.71180	.70827	.70476
97	.72643	.72292	.71943	.71596	.71252
98	.73294	.72948	.72604	.72263	.71924
99	.73902	.73561	.73222	.72886	.72551
100	.74506	.74170	.73836	.73504	.73174
101	.75021	.74689	.74359	.74030	.73704
102	.75573	.75244	.74918	.74593	.74270
103	.76293	.75970	.75649	.75329	.75011
104	.76954	.76634	.76316	.76000	.75685
105	.77996	.77684	.77373	.77064	.76756
106	.79777	.79481	.79187	.78894	.78602
107	.82346	.82078	.81812	.81546	.81281
108	.86610	.86398	.86187	.85976	.85765
109	.93900	.93800	.93700	.93600	.93500

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	13.2	13.4	13.6	13.8	14.0
0	.02325	.02313	.02301	.02290	.02279
1	.00536	.00525	.00514	.00505	.00495
2	.00484	.00472	.00462	.00451	.00442
3	.00465	.00453	.00442	.00431	.00421
4	.00461	.00449	.00437	.00426	.00415
5	.00470	.00457	.00444	.00432	.00421
6	.00488	.00474	.00460	.00447	.00435
7	.00512	.00496	.00482	.00468	.00455
8	.00543	.00527	.00512	.00497	.00483
9	.00585	.00568	.00551	.00536	.00521
10	.00637	.00619	.00601	.00584	.00568
11	.00701	.00681	.00662	.00644	.00627
12	.00776	.00755	.00735	.00716	.00697
13	.00857	.00734	.00813	.00793	.00773
14	.00938	.00914	.00892	.00870	.00850
15	.01014	.00989	.00965	.00942	.00921
16	.01080	.01054	.01029	.01005	.00983
17	.01137	.01109	.01083	.01058	.01035

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	13.2	13.4	13.6	13.8	14.0
18	.01186	.01157	.01130	.01103	.01078
19	.01230	.01300	.01171	.01143	.01117
20	.01275	.01243	.01212	.01183	.01155
21	.01319	.01285	.01253	.01222	.01193
22	.01364	.01328	.01293	.01261	.01230
23	.01410	.01372	.01336	.01301	.01268
24	.01463	.01422	.01383	.01347	.01312
25	.01525	.01482	.01441	.01401	.01364
26	.01601	.01555	.01511	.01469	.01430
27	.01692	.01643	.01596	.01551	.01509
28	.01800	.01748	.01697	.01650	.01604
29	.01922	.01865	.01812	.01760	.01712
30	.02058	.01998	.01940	.01886	.01833
31	.02206	.02142	.02080	.02022	.01966
32	.02370	.02301	.02236	.02173	.02113
33	.02550	.02477	.02407	.02340	.02276
34	.02746	.02667	.02592	.02521	.02452
35	.02960	.02876	.02796	.02719	.02646
36	.03193	.03103	.03017	.02936	.02858
37	.03444	.03348	.03257	.03170	.03087
38	.03714	.03612	.03515	.03422	.03333
39	.04002	.03894	.03791	.03692	.03597
40	.04312	.04197	.04087	.03891	.03880
41	.04643	.04521	.04404	.04292	.04185
42	.05001	.04871	.04747	.04628	.04514
43	.05382	.05245	.05113	.04987	.04865
44	.05789	.05644	.05505	.05371	.05242
45	.06220	.06067	.05919	.05777	.05641
46	.06678	.06516	.06360	.06210	.06065
47	.07162	.06991	.06826	.06668	.06515
48	.07678	.07498	.07324	.07157	.06996
49	.08225	.08035	.07852	.07676	.07506
50	.08807	.08607	.08415	.08229	.08050
51	.09421	.09211	.09009	.08814	.08625
52	.10070	.09850	.09637	.09432	.09234
53	.10753	.10523	.10300	.10085	.09877
54	.11468	.11227	.10994	.10769	.10551
55	.12218	.11966	.11722	.11487	.11258
56	.12999	.12737	.12483	.12236	.11996
57	.13818	.13545	.13279	.13022	.12773
58	.14673	.14388	.14112	.13844	.13584
59	.15568	.15272	.14985	.14706	.14435
60	.16505	.16198	.15899	.15609	.15327
61	.17488	.17169	.16859	.16558	.16265
62	.18518	.18187	.17866	.17554	.17251
63	.19596	.19255	.18923	.18600	.18285
64	.20723	.20371	.20028	.19694	.19368
65	.21898	.21535	.21181	.20836	.20500
66	.23121	.22748	.22383	.22028	.21681
67	.24392	.24008	.23633	.23267	.22910
68	.25711	.25317	.24932	.24556	.24189
69	.27083	.26680	.26285	.25900	.25523
70	.28512	.28100	.27697	.27302	.26916
71	.30007	.29587	.29176	.28773	.28378
72	.31572	.31145	.30726	.30315	.29913
73	.33199	.32765	.32340	.31923	.31514
74	.34871	.34431	.34000	.33577	.33162
75	.36568	.36124	.35688	.35260	.34840
76	.38281	.37833	.37393	.36961	.36537
77	.40006	.39555	.39113	.38677	.38249
78	.41745	.41293	.40848	.40410	.39980
79	.43508	.43055	.42609	.42170	.41737
80	.45303	.44850	.44404	.43964	.43531
81	.47115	.46663	.46218	.45779	.45347
82	.48928	.48479	.48036	.47599	.47168
83	.50744	.50298	.49858	.49424	.48995
84	.52575	.52134	.51698	.51268	.50843
85	.54429	.53994	.53564	.53139	.52720
86	.56257	.55829	.55406	.54988	.54574
87	.57993	.57572	.57156	.56745	.56338
88	.59625	.59212	.58804	.58399	.57999
89	.61191	.60786	.60384	.59987	.59594
90	.62741	.62344	.61952	.61562	.61177
91	.64264	.63877	.63493	.63113	.62736
92	.65703	.65326	.64951	.64580	.64212
93	.67024	.66656	.66291	.65928	.65568
94	.68213	.67854	.67497	.67142	.66791
95	.69255	.68903	.68554	.68207	.67863
96	.70128	.69783	.69440	.69100	.68762
97	.70910	.70570	.70233	.69899	.69566
98	.71587	.71252	.70920	.70590	.70263
99	.72219	.71889	.71562	.71236	.70913
100	.72847	.72522	.72189	.71877	.71558
101	.73380	.73058	.72738	.72420	.72104

TABLE E.—TABLE, SINGLE LIFE, UNISEX, SHOWING THE PRESENT WORTH OF THE REMAINDER INTEREST IN PROPERTY TRANSFERRED TO A UNITRUST HAVING THE ADJUSTED PAYOUT RATE SHOWN—Continued—Continued

(1) Age	(2) Adjusted payout rate (percent)				
	13.2	13.4	13.6	13.8	14.0
102	.73949	.73630	.73313	.72998	.72685
103	.74695	.74381	.74068	.73758	.73449
104	.75372	.75060	.74751	.74442	.74136
105	.76449	.76144	.75840	.75538	.75237
106	.78311	.78021	.77732	.77444	.77157
107	.81016	.80752	.80489	.80227	.79965
108	.85554	.85344	.85134	.84924	.84715
109	.93400	.93300	.93200	.93100	.93000

TABLE F (1).—TABLE, 10 PERCENT, SHOWING FACTORS FOR COMPUTATION OF THE ADJUSTED PAYOUT RATE FOR CERTAIN VALUATIONS AND PAYOUT SEQUENCES

(1) Number of months by which the valuation date precedes the first payout		(2) Factors for payout at the end of each			
At least	But less than	Annual period	Semiannual period	Quarterly period	Monthly period
	1		.976731	.965232	.957616
1	2	.992089	.969004	.957596	.950041
2	3	.984240	.961338	.950021	
3	4	.976454	.953733	.942505	
4	5	.968729	.946188		
5	6	.961066	.938703		
6	7	.953463	.931277		
7	8	.945920			
8	9	.938436			
9	10	.931012			
10	11	.923647			
11	12	.916340			
12		.909091			

(c) *Valuation of charitable remainder unitrusts having certain payout sequences; for testamentary transfers made after November 30, 1983, and before August 9, 1984.* For purposes of section 2055 or 2106, if—

(1) the testamentary transfer occurred after November 30, 1983, and before August 9, 1984, or

(2) on December 1, 1983, a decedent was under a mental disability such that the disposition of the property could not be changed, and the testamentary transfer occurs any time on or after December 1, 1983 without such decedent ever having regained competency to dispose of such decedent's property, or having died within 90 days of the date on which such decedent first regains competency,

the present value determined under this section of a remainder interest shall be determined in accordance with paragraphs (b) (1) through (5) or (d) (1) through (5) of this section, whichever is most beneficial to the taxpayer.

(d) *Valuation of charitable remainder unitrusts having certain payout sequences; for transfer made before December 1, 1983*—(1) *In general.* For transfers made before December 1, 1983, the present value determined under this section of a remainder interest which is dependent on a term of years or the termination of the life of one individual shall be determined under paragraphs (d) (1) through (5) of this section provided that the amount of the payout as of any payout date during any taxable year of the trust is not larger than the amount which the trust could distribute on such date under paragraph (a) (1) (v) of § 1.644–3 if the taxable year of the trust were to end on such date. * * * For transfers made after November 30, 1983, see paragraphs (b) (1) through (5) and (c) of this section.

* * * * *

§ 11.414(c)–2 [Amended]

Par. 10. The last sentence of paragraph (b) (2) (ii) of § 11.414(c)–2 is amended by removing "§ 20.2031–10" and inserting in lieu thereof "§ 20.2031–7 or 20.2031–10, which is appropriate.".

§ 11.414(c)–4 [Amended]

Par. 11. The last sentence of paragraph (b) (3) (i) of § 11.414(c)–4 is amended by removing "§ 20.2031–10" and inserting in lieu thereof "§ 20.2031–7 or 20.2031–10, whichever is appropriate,".

Par. 12. Section 20.2031–7 is revised to read as set forth below.

§ 20.2031–7 Valuation of annuities, life estates, terms for years, remainders, and reversions for estates of decedents dying after November 30, 1983.

(a) *In general.* (1) Except as otherwise provided in this paragraph (a)(1), for estates of decedents dying after November 30, 1983, the fair market value of annuities, life estates, terms for years, remainders, and reversions is their present value determined under this section. If a decedent dies after November 30, 1983, and before August 9, 1984, or if on December 1, 1983, a decedent was under a mental disability such that the disposition of the decedent's property could not be changed, and such decedent dies any time on or after December 1, 1983 without such decedent ever having regained competency to dispose of such decedent's property, or dies within 90 days of the date on which such decedent first regains competency, the fair market value of annuities, life estates, terms for years, remainders, and reversions included in the estate of such decedent is their present value determined under this section or § 20.2031–10, whichever is most beneficial to the taxpayer. The value of annuities issued by companies regularly engaged in their sale, and of insurance policies on the lives of

persons other than the decedent is determined under § 20.2031–8. The fair market value of a remainder interest in a charitable remainder unitrust as defined in § 1.664–3 is its present value determined under § 1.664–4. The fair market value of a life interest or term for years in a charitable remainder unitrust is the fair market value of the property as of the date of valuation less the fair market value of the remainder interest on such date determined under § 1.664–4. The fair market value of interests in a pooled income fund, as defined in § 1.642(c)–5, is their value determined under § 1.642(c)–6. (See § 20.2031–10 with respect to the valuation of annuities, life estates, terms for years, remainders, and reversions includable in estates of decedents dying after December 31, 1970, and before December 1, 1983; § 20.2042–1 with respect to insurance policies on the decedent's life.) With respect to the valuation of annuities, life estates, terms for years, remainders and reversions includable in estates of decedents dying before January 1, 1971, see T.D. 6296, 23 FR 4529, June 24, 1958, as amended by T.D. 7077, 35 FR 18461, December 4, 1970.

(2) The present value of an annuity, life estate, remainder, or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table A in paragraph (f) of this section. The present value of an annuity, term for years, remainder, or reversion dependent on a term certain is computed by the use of Table B in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his or her nearest birthday.

(3) In all examples set forth in this section, the decedent is assumed to have died on or after August 9, 1984, and to have been competent to change the disposition of the property on December 1, 1983.

(b) *Annuities.* (1) If an annuity is payable annually at the end of each year during the life of an individual (as for example if the first payment is due one year after the decedent's death), the amount payable annually is multiplied by the figure in column 2 of Table A opposite the number of years in coumn 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each of year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table B opposite the number of years in column 1 representing the duration of the annuity. The application of this paragraph (b)(1) may be illustrated by the following examples:

Example (1). The decedent received, under the terms of the decedent's father's will an annuity of $10,000 a year payable annually for the life of the decedent's elder brother. At the time the decedent died, an annual payment had just been made. The brother at the decedent's death was 40 years eight months old. By reference to Table A, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 9.1030. The present value of the annuity at the date of the decedent's death is, therefore, $91,030 ($10,000 x 9.1030).

Example (2). The decedent was entitled to receive an annuity of $10,000 a year payable annually throughout a term certain. At the time the decedent died, the annual payment had just been made and five more annual payments were still to be made. By reference to Table B, it is found that the figure in column 2 opposite five years is 3.7908. The present value of the annuity is, therefore, $37,908 ($10,000 x 3.7808).

(2) If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due one month after the decedent's death), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table A opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0244 for semiannual payments,
1.0368 for quarterly payments,
1.0450 for monthly payments,
1.0482 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years, the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table B opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this paragraph (b)(2) may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in paragraph (b)(1) of this section, except that the annuity is payable semiannually. The aggregate annual amount, $10,000, is multiplied by the factor 9.1030 and the product multiplied by 1.0244. The present value of the annuity at the date of the decedent's death is, therefore, $93,251.13 ($10,000 x 9.1030 x 1.0244).

(3)(i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as for example if the first payment is to be made immediately after the decedent's death), the value of the annuity is the sum of (A) the first payment plus (B) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in paragraphs (b) (1) or (2) of this section. the application of this paragraph (b)(3)(i) may be illustrated by the following example:

Example. The decedent was entitled to receive an annuity of $50 a month during the life of another person. The decedent died on the date the payment was due. At the date of the decedent's death, the person whose life measures the duration of the annuity was 50 years of age. The value of the annuity at the date of the decedent's death is $50 plus the product of $50×12×8.4743 (see Table A)×1.0450 (See paragraph (b)(2) of this section). That is $50 plus $5,313.39, or $5,363.39.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table B multiplied by whichever of the following factors is appropriate:

1.1000 for annual payments,
1.0744 for semiannual payments,
1.0618 for quarterly payments,
1.0534 for monthly payments,
1.0502 for weekly payments.

The application of this paragraph (b)(3)(ii) may be illustrated by the following example:

Example. The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50×12×9.0770 (see Table B)×1.0534, or $5,737.03.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his or her life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table A opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing

property for a term of years, column 3 of Table B is used. The application of this paragraph (c) may be illustrated by the following example:

Example. The decedent or the decedent's estate was entitled to receive the income from a fund of $50,000 during the life of the decedent's elder brother. Upon the brother's death, the remainder is to go to B. The brother was 31 years, five months old at the time of decedent's death. By reference to Table A the figure in column 3 opposite 31 years is found to be 0.95254. The present value of the decedent's interest is, therefore, $47,627 ($50,000×0.95254).

(d) *Remainders or reversionary interests.* If a decedent had, at the time of the decedent's death, a remainder or a reversionary interest in property to take effect after an estate for the life of another, the present value of the decedent's interest is obtained by multiplying the value of the property by the figure in column 4 of Table A opposite the number of years nearest to the actual age of the person whose life measures the preceding estate. If the remainder or reversion is to take effect at the end of the term for years, column 4 of Table B is used. The application of this paragraph (d) may be illustrated by the following example:

Example. The decedent was entitled to receive certain property worth $50,000 upon the death of the decedent's elder sister, to whom the income was bequeathed for life. At the time of the decedent's death, the elder sister was 31 years five months old. By reference to Table A the figure in column 4 opposite 31 years is found to be .04746. The present value of the remainder interest at the date of the decedent's death is, therefore, $2,373 ($50,000×.04746).

(e) *Actuarial computations by the Internal Revenue Service.* If the valuation of the interest involved is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives a special factor must be used. The factor is to be computed on the basis of interest at the rate of 10 percent a year, compounded annually, and life contingencies determined, as to each person involved, from the values of lx that are set forth in column 2 of Table LN of paragraph (f). Table LN contains values of lx taken from the life table for the total population appearing as Table 1 of United States Life Tables: 1969–71, published by the Department of Health, Education, and Welfare, Public health service. A copy of the publication containing many such special factors, may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20404. However, if a special factor is required in the case of an actual decedent, the Commissioner will furnish the factor to the executor upon request. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments. Special factors are not furnished for prospective transfers.

(f) *Tables.* The following tables shall be used in the application of the provisions of this section:

TABLE A.—SINGLE LIFE, UNISEX, 10 PERCENT SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	9.7188	.97188	.02812
1	9.6988	.96988	.01012
2	9.9017	.99017	.00983
3	9.9008	.99008	.00992
4	9.8981	.98981	.01019
5	9.8938	.98938	.01062
6	9.8884	.98884	.01116
7	9.8822	.98822	.01178
8	9.8748	.98748	.01252
9	9.8663	.98663	.01337
10	9.8565	.98565	.01435
11	9.8453	.98453	.01547
12	9.8329	.98329	.01671
13	9.8198	.98198	.01802
14	9.8066	.98066	.01934
15	9.7937	.97937	.02063
16	9.7815	.97815	.02185
17	9.7700	.97700	.02300
18	9.7590	.97590	.02410
19	9.7480	.97480	.02520
20	9.7365	.97365	.02635
21	9.7245	.97245	.02755
22	9.7120	.97120	.02880
23	9.6986	.96986	.03014
24	9.6841	.96841	.03159
25	9.6678	.96678	.03322
26	9.6495	.96495	.03505
27	9.6290	.96290	.03710
28	9.6062	.96062	.03938
29	9.5813	.95813	.04187
30	9.5543	.95543	.04457
31	9.5254	.95254	.04746
32	9.4942	.94942	.05058
33	9.4608	.94608	.05392
34	9.4250	.94250	.05750
35	9.3868	.93868	.06132
36	9.3460	.93460	.06540
37	9.3026	.93026	.06974
38	9.2567	.92567	.07433
39	9.2083	.92083	.07917
40	9.1571	.91571	.08429
41	9.1030	.91030	.08970
42	9.0457	.90457	.09543
43	8.9855	.89855	.10145
44	8.9221	.89221	.10779
45	8.8558	.88558	.11442
46	8.7863	.87863	.12137
47	8.7137	.87137	.12863
48	8.6374	.86374	.13626
49	8.5578	.85578	.14422
50	8.4743	.84743	.15257
51	8.3874	.83874	.16126
52	8.2969	.82969	.17031
53	8.2028	.82028	.17972
54	8.1054	.81054	.18946
55	8.0046	.80046	.19954
56	7.9006	.79006	.20994
57	7.7931	.77931	.22069
58	7.6822	.76822	.23178
59	7.5675	.75675	.24325
60	7.4491	.74491	.25509
61	7.3267	.73267	.26733
62	7.2002	.72002	.27998
63	7.0696	.70696	.29304
64	6.9352	.69352	.30648
65	6.7970	.67970	.32030
66	6.6551	.66551	.33449
67	6.5098	.65098	.343902
68	6.3610	.63610	.363690
69	6.2086	.62086	.37914
70	6.05422	.60522	.39478
71	5.8914	.58914	.41086
72	5.7261	.57261	.42739
73	5.5571	.55571	.44429
74	5.3862	.53862	.46138
75	5.2149	.52149	.47851
76	5.0441	.50441	.49559
77	4.8742	.48742	.51258
78	4.7049	.47049	.52951
79	4.5357	.45357	.54643
80	4.3659	.43659	.56341
81	4.1967	.41967	.58033
82	4.0295	.40295	.59705
83	3.8642	.38642	.61358
84	3.6998	.36998	.63002
85	3.5359	.35359	.64641
86	3.3764	.33764	.66236
87	3.2262	.32262	.67738
88	3.0859	.30859	.69141
89	2.9526	.29526	.70474
90	2.8221	.28221	.71779
91	2.6955	.26955	.73045
92	2.5771	.25771	.74229
93	2.4692	.24692	.75308
94	2.3728	.23728	.76272
95	2.2887	.22887	.77113
96	2.2181	.22181	.77819
97	2.1550	.21550	.78450
98	2.1000	.21000	.79000
99	2.0486	.20486	.79514
100	1.9975	.19975	.80025
101	1.9532	.19532	.80468
102	1.9054	.19054	.80946
103	1.8437	.18437	.81563
104	1.7856	.17856	.82144
105	1.6962	.16962	.83038
106	1.5488	.15488	.84512
107	1.3409	.13409	.86591
108	1.0068	.10068	.89932
109	.4545	.04545	.95455

TABLE B.—TABLE SHOWING THE PRESENT WORTH AT 10 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
1	.9091	.090909	.909091
2	1.7355	.173554	.826446
3	2.4869	.248685	.751315
4	3.1699	.316987	.683013
5	3.7908	.379079	.620921
6	4.3553	.435526	.564474
7	4.8684	.486842	.513158
8	5.3349	.533493	.466507
9	5.7590	.575902	.424098
10	6.1446	.614457	.385543
11	6.4951	.649506	.350494
12	6.8137	.681369	.318631
13	7.1034	.710336	.289664
14	7.3667	.736669	.263331
15	7.6061	.760608	.239392
16	7.8237	.782371	.217629
17	8.0216	.802155	.197845
18	8.2014	.820141	.179859
19	8.3649	.836492	.163508
20	8.5136	.851356	.148644
21	8.6487	.864869	.135131
22	8.7715	.877154	.122846
23	8.8832	.888322	.111678
24	8.9847	.898474	.101526
25	9.0770	.907704	.092296
26	9.1609	.916095	.083905
27	9.2372	.923722	.076278
28	9.3066	.930657	.069343
29	9.3696	.936961	.063039

TABLE B.—TABLE SHOWING THE PRESENT WORTH AT 10 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN—Continued

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
30	9.4269	.942691	.057309
31	9.4790	.947901	.052099
32	9.5264	.952638	.047362
33	9.5694	.956943	.043057
34	9.6086	.960857	.039143
35	9.6442	.964416	.035584
36	9.6765	.967651	.032349
37	9.7059	.970592	.029408
38	9.7327	.973265	.026735
39	9.7570	.975696	.024304
40	9.7791	.977905	.022095
41	9.7991	.979914	.020086
42	9.8174	.981740	.018260
43	9.8340	.983400	.016600
44	9.8491	.984909	.015091
45	9.8628	.986281	.013719
46	9.8753	.987528	.012472
47	9.8866	.988662	.011338
48	9.8969	.989693	.010307
49	9.9063	.990630	.009370
50	9.9140	.991481	.008519
51	9.9226	.992256	.007744
52	9.9296	.992960	.007040
53	9.9360	.993600	.006400
54	9.9418	.994182	.005818
55	9.9471	.994711	.005289
56	9.9519	.995191	.004809
57	9.9563	.995629	.004371
58	9.9603	.996026	.003974
59	9.9639	.996387	.003613
60	9.9672	.996716	.003284

TABLE LN

(1) Age X	(2) lx
0	100,000
1	97,998
2	97,876
3	97,792
4	97,724
5	97,668
6	97,619
7	97,573
8	97,531
9	97,494
10	97,460
11	97,430
12	97,401
13	97,367
14	97,322
15	97,261
16	97,181
17	97,083
18	96,970
19	96,846
20	96,716
21	96,580
22	96,438
23	96,292
24	96,145
25	96,000
26	95,859
27	95,721
28	95,586
29	95,448
30	95,307
31	95,158
32	95,003
33	94,840
34	94,666
35	94,482
36	94,285
37	94,073
38	93,843
39	93,593
40	93,322
41	93,028
42	92,712
43	92,368
44	91,995
45	91,587
46	91,144
47	90,662
48	90,142
49	89,579
50	88,972
51	88,315
52	87,605
53	86,838
54	86,007
55	85,110
56	84,142
57	83,103
58	81,988
59	80,798
60	79,529
61	78,181
62	76,751
63	75,236
64	73,631
65	71,933
66	70,139
67	68,246
68	66,254
69	64,166
70	61,984
71	59,715
72	57,360
73	54,913
74	52,363
75	49,705
76	46,946
77	44,101
78	41,192
79	38,245
80	35,285
81	32,323
82	29,375
83	26,469
84	23,638
85	20,908
86	18,282
87	15,769
88	13,407
89	11,240
90	9,297
91	7,577
92	6,070
93	4,773
94	3,682
95	2,766
96	2,068
97	1,511
98	1,087
99	772
100	542
101	375
102	257
103	175
104	117
105	78
106	52
107	34
108	22
109	14
110	0

§ 20.2031–10 [Amended]

Par. 13. Section 20.2031–10 is amended as follows:

a. The section heading of § 20.2031–10 is amended by adding ", and before December 1, 1983" immediately following "December 31, 1970".

b. The first sentence of paragraph (a) (1) is amended by adding "and before December 1, 1983," immediately following "December 31, 1970,".

c. The last sentence of paragraph (a) (1) is amended by removing "on or before December 31, 1970" and inserting in lieu thereof "after November 30, 1983".

d. Paragraph (a) (3) is amended by adding ", and before December 1, 1983" immediately following "December 31, 1970".

Par. 14. The last two sentences of paragraph (f) (1) of § 20.2032–1 are revised to read as set forth below.

§ 20.2032–1 Alternate valuation.

* * * * *

(f) *Mere lapse of time.* * * *

(1) *Life estates, remainders, and similar interests.* * * * The value of the decedent's remainder interest at the date of the decedent's death would, as explained in paragraph (d) of § 20.2031–7, be $2,373 ($50,000 × .04746). If, because of economic conditions, the property declined in value and was worth only $40,000 6 months after the date of the decedent's death, the value of the remainder interest would be $1,898.40 ($40,000 × .04746), even though the elder brother may be 32 years old on the alternate date.

* * * * *

§ 20.2055–2 [Amended]

Par. 15. Section 20.2055–2 is amended as follows:

a. The first sentence of paragraph (f) (2) (iv) is amended by removing "§ 20.2031–10" and inserting in lieu thereof "§ 20.2031–7 or 20.2031–10, whichever is appropriate,"

b. Paragraph (f) (4) is revised to read as set forth below.

§ 20.2055–2 Transfers not exclusively for charitable purposes.

* * * * *

(f) *Valuation of charitable interests—* * * *

(4) *Other decedents.* The present value of an interest not described in paragraph (f) (2) of this section is to be determined under § 20.2031–7 in the case of decedents dying after November 30, 1983, or under § 20.2031–10 in the case of decedents dying after December 31, 1970, and before December 1, 1983.

* * * * *

Par. 16. Section 25.2512–5 is revised to read as set forth below.

§ 25.2512–5 Valuation of annuities, life estates, terms for years, remainders, and reversions transferred after November 30, 1983.

(a) *In General.* (1)(i) Except as otherwise provided in this paragraph (a)(1)(i), the fair market value of annuities, life estates, terms for years, remainders, and reversions transferred after November 30, 1983, is their present value determined under this section. The value of annuities issued by companies regularly engaged in their sale and of

insurance policies issued by companies regularly engaged in their sale is determined under § 25.2512–6. The fair market value of a remainder interest in a charitable remainder unitrust, as defined in § 1.664–3, is its present value determined under § 1.664–4. The fair market value of a life interest or term for years in a charitable remainder unitrust is the fair market value of the property as of the date of transfer less the fair market value of the remainder interest on such date determined under § 1.664–4. The fair market value of interests in a pooled income fund, as defined in § 1.642(c)–5, is their value determined under § 1.642(c)–6. Where the donor transfers property in trust or otherwise and retains an interest therein, the value of the gift is the value of the property transferred less the value of the donor's retained interest. If the donor assigns or relinquishes an annuity, life estate, remainder, or reversion which the donor holds by virtue of a transfer previously made by the donor or another, the value of the gift is the value of the interest transferred. See § 25.2512–9 with respect to the valuation of annuities, life estates, terms for years, remainders, and reversions transferred after December 31, 1970, and before December 1, 1983. With respect to the valuation of annuities, life estates, terms for years, remainders, and reversions transferred before January 1, 1971, see T.D. 6334, 23 FR 8904, November 15, 1958, as amended by T.D. 7077, 35 FR 18464, December 4, 1970.

(ii) If the donor transfers in December of 1983, either—

(A) A remainder or a reversion subject to a life interest or a term for years where the life interest or term for years was transferred by the donor after December 31, 1982, and before December 1, 1983, or

(B) A life interest or term for years, the remainder interest of which was transferred by the donor after December 31, 1982, and before December 1, 1983,

the donor shall make an election. The donor may elect to value both interests transferred in 1983 under § 25.2512–9 as if such section applied to all transfers made before January 1, 1984, or the donor may elect to have both transfers valued under this section. The donor shall indicate the election being made in a statement attached to the donor's gift tax return for 1983.

(iii) If the donor transfers in calendar year 1984, either—

(A) A remainder on a reversion subject to a life interest or a term for years where the life interest or term for years was transferred by the donor in the first eleven months of 1983, or

(B) A life interest or term for years, the remainder interest of which was transferred by the donor in the first eleven months of 1983,

the donor shall make an election. The donor may elect to value the interest transferred in 1984 under § 25.2512–9 as if such section applied to all transfers made before January 1, 1985, or the donor may elect to have the transfer valued under this section. If the donor elects to value the interest transferred in 1984 under § 25.2512–9, the donor shall indicate the election being made by a statement attached to the donor's gift tax return for 1984. If the donor elects to value the interest transferred in 1984 under this section the election shall not be effective unless the donor declares, in a statement attached to the donor's gift tax return for 1984, that the donor has filed an amended gift tax return for 1983, in which the donor has revalued the transfers made in the first eleven months of 1983 under this section as if this section applied to transfers made after December 31, 1982.

(2) The present value of an annuity, life estate, remainder, or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table A in paragraph (f) of this section. The present value of an annuity, term for years, remainder, or reversion dependent on a term certain is computed by the use of Table B in paragraph (f) of this section. If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of the person is to be taken at his or her nearest birthday.

(3) In all examples set forth in this section, the interest is assumed to have been transferred after November 30, 1983.

(b) *Annuities.* (1) If an annuity is payable annually at the end of each year during the life of an individual (as for example if the first payment is due one year after the date of the gift), the amount payable annually is multiplied by the figure in column 2 of Table A opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table B opposite the number of years in column 1 representing the duration of the annuity. The application of this paragraph (b)(1) may be illustrated by the following examples:

Example (1). The donor assigns an annuity of $10,000 a year payable annually during the donor's life immediately after an annual payment has been made. The age of the donor on the date of assignment is 40 years and eight months. By reference to Table A, it is found that the figure in column 2 opposite 41 years is 9.1030. The value of the gift is, therefore, $91,030 ($10,000 multiplied by 9.1030).

Example (2). The donor was entitled to receive an annuity of $10,000 a year payable annually at the end of annual periods throughout a term of 20 years. The donor, when 15 years have elapsed, makes a gift thereof to the donor's son. By reference to Table B, it is found that the figure in column 2 opposite five years, the unexpired portion of the 20-year period, is 3.7908. The present value of the annuity is, therefore, $37,908 (10,000 multiplied by 3.7908).

(2) If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due one month after the date of the gift), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table A opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0244 for semiannual payments,
1.0368 for quarterly payments,
1.0450 for monthly payments,
1.0482 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table B opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this paragraph (b)(2) may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in paragraph (b)(1) above, except that the annuity is payable semiannually. The aggregate annual amount, $10,000 is multiplied by the factor 9.1030, and the product multiplied by 1.0244. The value of the gift is, therefore, $93,251.13 ($10,000 × 9.1030 × 1.0244).

(3)(i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as for example if the first payment is to be made immediately after the date of

the gift), the value of the annuity is the sum of (A) the first payment plus (B) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in paragraphs (b) (1) or (2) of this section. The application of this paragraph (b)(3)(i) may be illustrated by the following example:

Example. The donee is made the beneficiary for life of an annuity of $50 a month from the income of a trust, subject to the right reserved by the donor to cause the annuity to be paid for the donor's own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes the reserved power. The donee is then 50 years of age. The value of the gift is $50 plus the product of $50×12×8.4743 (see Table A)×1.0450. That is, $50 plus $5,313.39, or $5,363.39.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table B multiplied by whichever of the following factors is appropriate:

1.1000 for annual payments,
1.0744 for semiannual payments,
1.0618 for quarterly payments,
1.0534 for monthly payments, or
1.0502 for weekly payments.

The application of this paragraph (b)(3)(ii) may be illustrated by the following example:

Example. The donee is the beneficiary of an annuity of $50 a month, subject to a reserved right in the donor to cause the annuity or the cash value thereof to be paid for the donor's own benefit or the benefit of another. On the day a payment is due, the donor relinquishes the power. There are 300 payments to be made covering a period of 25 years, including the payment due. The value of the gift is the product of $50×12×9.0770 (factor for 25 years Table B)×1.0534, or $5,737.03.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his or her life, or for the life of another person, to receive the income of certain property or to use non-income-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table A opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing property for a term of years, column 3 of Table B is used. The application of this paragraph (c) may be illustrated by the following example:

Example. The donor who during the donor's life is entitled to receive the income from property worth $50,000, makes a gift of such interest. The donor is 31 years old on the date of the gift. The value of the gift is $47,627 ($50,000×.95254).

(d) *Remainders or reversionary interests.* If the interest to be valued is a remainder or reversionary interest subject to a life estate, the value of the interest should be obtained by multiplying the value of the property at the date of the gift by the figure in column 4 of Table A opposite the number of years nearest the age of the life tenant. If the remainder or reversion is to take effect at the end of a term for years, column 4 of Table B should be used. The application of this paragraph (d) may be illustrated by the following example:

Example. The donor transfers by gift a remainder interest in property worth $50,000, subject to the donor's sister's right to receive the income therefrom for her life. The sister at the date of the gift is 31 years of age. By reference to Table A it is found that the figure in column 4 opposite age 31 is .04746. The value of the gift is, therefore, $2,373 ($50,000 x .04746).

(e) *Actuarial computations by the Internal Revenue Service.* If the interest to be valued is dependent upon the continuation or termination of more than one life, or there is a term certain concurrent with one or more lives, or if the retained interest of the donor is conditioned upon survivorship, a special factor is necessary. The factor is to be computed on the basis of interest at the rate of 10 percent a year, compounded annually, and life contingencies is determined, as to each person involved, from the values of lx that are set forth in column 2 of Table LN of paragraph (f) of § 20.2031–7. Table LN contains values of lx taken from the life table for the total population appearing as Table 1 in United States Life Tables: 1969–71, published by the Department of Health, Education, and Welfare, Public Health Service. A copy of the publication containing many such special factors, may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. However, if a special factor is required in the case of an actual gift, the Commissioner will furnish the factor to the donor upon request. The request must be accompanied by a statement of the date of birth of each person the duration of whose life may affect the value of the interest, and by copies of the relevant instruments. Special factors are not furnished for prospective transfers.

(f) *Tables.* The following tables shall be used in the application of the provisions of this section:

TABLE A.—SINGLE LIFE, UNISEX, 10 PERCENT SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST

Age	Annuity	Life Estate	Remainder
(1)	(2)	(3)	(4)
0	9.7188	.97188	.02812
1	9.8988	.98988	.01012
2	9.9017	.99017	.00983
3	9.9008	.99008	.00992
4	9.8981	.98981	.01019
5	9.8938	.98938	.01062
6	9.8884	.98884	.01116
7	9.8822	.98822	.01178
8	9.8748	.98748	.01252
9	9.8663	.98663	.01337
10	9.8565	.98565	.01435
11	9.8453	.98453	.01547
12	9.8329	.98329	.01671
13	9.8198	.98198	.01802
14	9.8066	.98066	.01934
15	9.7937	.97937	.02063
16	9.7815	.97815	.02185
17	9.7700	.97700	.02300
18	9.7590	.97590	.02410
19	9.7480	.97480	.02520
20	9.7365	.97365	.02635
21	9.7245	.97245	.02755
22	9.7120	.97120	.02880
23	9.6986	.96986	.03014
24	9.6841	.96841	.03159
25	9.6678	.96678	.03322
26	9.6495	.96495	.03505
27	9.6290	.96290	.03710
28	9.6062	.96062	.03938
29	9.5813	.95813	.04187
30	9.5543	.95543	.04457
31	9.5254	.95254	.04746
32	9.4942	.94942	.05058
33	9.4608	.94608	.05392
34	9.4250	.94250	.05750
35	9.3868	.93868	.06132
36	9.3460	.93460	.06540
37	9.3026	.93026	.06974
38	9.2567	.92567	.07433
39	9.2083	.92083	.07917
40	9.1571	.91571	.08429
41	9.1030	.91030	.08970
42	9.0457	.90457	.09543
43	8.9855	.89855	.10145
44	8.9221	.89221	.10779
45	8.8558	.88558	.11442
46	8.7863	.87863	.12137
47	8.7137	.87137	.12863
48	8.6374	.86374	.13626
49	8.5578	.85578	.14422
50	8.4743	.84743	.15257
51	8.3874	.83874	.16126
52	8.2969	.82969	.17031
53	8.2028	.82028	.17972
54	8.1054	.81054	.18946
55	8.0046	.80046	.19954
56	7.9006	.79006	.20994
57	7.7931	.77931	.22069
58	7.6822	.76822	.23178
59	7.5675	.75675	.24325
60	7.4491	.74491	.25509
61	7.3267	.73267	.26733
62	7.2002	.72002	.27998
63	7.0696	.70696	.29304
64	6.9352	.69352	.30648
65	6.7970	.67970	.32030
66	6.6551	.66551	.33449
67	6.5098	.65098	.34902
68	6.3610	.63610	.36390
69	6.2086	.62086	.37914
70	6.0522	.60522	.39478
71	5.8914	.58914	.41086
72	5.7261	.57261	.42739
73	5.5571	.55571	.44429
74	5.3862	.53862	.46138
75	5.2149	.52149	.47851
76	5.0441	.50441	.49559
77	4.8742	.48742	.51258
78	4.7049	.47049	.52951
79	4.5357	.45357	.54643
80	4.3659	.43659	.56341
81	4.1967	.41967	.58033
82	4.0295	.40295	.59705
83	3.8642	.38642	.61358
84	3.6998	.36998	.63002
85	3.5359	.35359	.64641

TABLE A.—SINGLE LIFE, UNISEX, 10 PERCENT SHOWING THE PRESENT WORTH OF AN ANNUITY, OF A LIFE INTEREST, AND OF A REMAINDER INTEREST—Continued

Age	Annuity	Life Estate	Remainder
(1)	(2)	(3)	(4)
86	3.3764	.33764	.66236
87	3.2262	.32262	.67738
88	3.0859	.30859	.69141
89	2.9526	.29526	.70474
90	2.8221	.28221	.71779
91	2.6955	.26955	.73045
92	2.5771	.25771	.74229
93	2.4692	.24692	.75308
94	2.3728	.23728	.76272
95	2.2887	.22887	.77113
96	2.2181	.22181	.77819
97	2.1550	.21550	.78450
98	2.1000	.21000	.79000
99	2.0486	.20486	.79514
100	1.9975	.19975	.80025
101	1.9532	.19532	.80468
102	1.9054	.19054	.80946
103	1.8437	.18437	.81563
104	1.7856	.17856	.82144
105	1.6962	.16962	.83038
106	1.5488	.15488	.84512
107	1 3409	.13409	.86591
108	1.0068	.10068	.89932
109	.4545	.04545	.95455

TABLE B.—TABLE SHOWING THE PRESENT WORTH AT 10 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN

Number of years	Annuity	Term certain	Remainder
(1)	(2)	(3)	(4)
1	.9091	.090909	.909091
2	1.7355	.173554	.826446
3	2.4869	.248685	.751315
4	3.1699	.316987	.683013
5	3.7908	.379079	.620921
6	4.3553	.435526	.564474
7	4.8684	.486842	.513158
8	5.3349	.533493	.466507
9	5.7590	.575902	.424098
10	6.1446	.614457	.385543
11	6.4951	.649506	.350494
12	6.8137	.681369	.318631
13	7.1034	.710336	.289664
14	7.3667	.736669	.263331
15	7.6061	.760608	.239392
16	7.8237	.782371	.217629
17	8.0216	.802155	.197845
18	8.2014	.820141	.179859
19	8.3649	.836492	.163508
20	8.5136	.851356	.148644
21	8.6487	.864869	.135131
22	8.7715	.877154	.122846
23	8.8832	.888322	.111678
24	8.9847	.898474	.101526
25	9.0770	.907704	.092296
26	9.1609	.916095	.083905
27	9.2372	.923722	.076278
28	9.3066	.930657	.069343
29	9.3696	.936961	.063039
30	9.4269	.942691	.057309
31	9.4790	.947901	.052099
32	9.5264	.952638	.047362
33	9.5694	.956943	.043057
34	9.6086	.960857	.039143
35	9.6442	.964416	.035584
36	9.6765	.967651	.032349
37	9.7059	.970592	.029408
38	9.7327	.973265	.026735
39	9.7570	.975696	.024304
40	9.7791	.977905	.022095
41	9.7991	.979914	.020086
42	9.8174	.981740	.018260
43	9.8340	.983400	.016600
44	9.8491	.984909	.015091
45	9.8628	.986281	.013719
46	9.8753	.987528	.012472
47	9.8866	.988662	.011338

TABLE B.—TABLE SHOWING THE PRESENT WORTH AT 10 PERCENT OF AN ANNUITY FOR A TERM CERTAIN, OF AN INCOME INTEREST FOR A TERM CERTAIN AND OF A REMAINDER INTEREST POSTPONED FOR A TERM CERTAIN—Continued

Number of years	Annuity	Term certain	Remainder
(1)	(2)	(3)	(4)
48	9.8969	.989693	.010307
49	9.9063	.990630	.009370
50	9.9148	.991481	.008519
51	9.9226	.992256	.007744
52	9.9296	.992960	.007040
53	9.9360	.993600	.006400
54	9.9418	.994182	.005818
55	9.9471	.994711	.005289
56	9.9519	.995191	.004809
57	9.9563	.995629	.004371
58	9.9603	.996026	.003974
59	9.9639	.996387	.003613
60	9.9672	.996716	.003284

§ 25.2512–9 [Amended]

Par. 17. Section 25.2512–9 is amended as follows:

a. The section heading of § 25.2512–9 is amended by adding ", and before December 1, 1983" immediately following "December 31, 1970".

b. The first sentence of paragraph (a)(1)(i) is amended by adding "and before December 1, 1983" immediately following "December 31 1970,".

c. The last sentence of paragraph (a)(1)(i) is amended by removing "on or before December 31, 1970" and inserting in lieu thereof "after November 30, 1983".

d. Paragraph (a)(3) is amended by adding", and before December 1, 1983" immediately following "December 31, 1970".

Par. 18. Section 25.2522(c)–3 is amended as follows:

a. The first sentence of paragraph (d)(2)(iv) is amended by removing " § 25.2512–9" and inserting in lieu thereof "§ 25.2512–5 or 25.2512–9, whichever is appropriate,".

b. Paragraph (d)(3) is revised to read as set forth below.

§ 25.2522(c)–3 Transfers not exclusively for charitable, etc., purposes in the case of gifts made after July 31, 1969.

* * * * *

(d) *Valuation of charitable interest—*

* * *

(3) *Other transfers.* The present value of an interest not described in paragraph (d)(2) of this section is to be determined under § 25.2512–5 in the case of transfers after November 30, 1983 (§ 25.2512–9 for transfers before December 1, 1983).

* * * * *

§ 25.2523(a)–1 [Amended]

Par. 19. Paragraph (d) of § 25.2523(a)–1 is amended as follows:

a. The second and third sentences are amended by removing "§ 25.2512–9 (§ 25.2512–5 in the case of a remainder transferred before January 1, 1971)" wherever it appears and inserting in lieu thereof "§ 25.2512–5 or 25.2512–9, whichever is appropriate".

b. The fourth and last sentences are amended by removing "§ 25.2512–9(e)" wherever it appears and inserting in lieu thereof "§ 25.2512–5 (e) or 25.2512–9(e) whichever is appropriate".

This Treasury decision is issued under the authority contained in sections 170(f)(4), 642(c)(5), and 7805 of the Internal Revenue Code of 1954 (83 Stat. 544, 26 U.S.C. 170(f)(4); 83 Stat. 560, 26 U.S.C. 642(c)(5); 68A Stat. 917, 26 U.S.C. 7805).

Approved by the Office of Management and Budget under control number 1545–0020.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: Apr. 23, 1984.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 84–12510 Filed 5–10–84; 8:45 am]

BILLING CODE 4830–01–M

VETERANS ADMINISTRATION

38 CFR Part 3

New Categories of Active Military Service

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: The Veterans Administration has amended its regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force that the service of members of the groups known as the U.S. Civilian Volunteers Who Actively Participated in the Defense of Bataan and Quartermaster Corps *Keswick* Crew on Corregidor (WWII) constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. The effect of this action is to confer veteran status for VA benefit purposes on former members of these groups who were discharged under honorable conditions.

EFFECTIVE DATE: This amendment is effective February 7, 1984, the date that the Secretary of the Air Force held that service in these groups constitutes active military service.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Compensation and

Pension Regulations Staff Chief (211B), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389–3005.

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12, the Veterans Administration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration. Consequently, a proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612, since they do not come within the term "rule" as defined in that act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change is non-major for the following reasons:

(1) It will not have an effect on the economy of $100 million or more;

(2) It will not cause a major increase in costs or prices;

(3) It will not have a significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

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

There is no affected Catalog of Federal Domestic Assistance program number.

Approved: April 26, 1984.

Harry N. Walters,

Administrator.

PART 3—[AMENDED]

38 CFR Part 3, Adjudication, is amended by adding paragraphs (x)(12) and (x)(13) to § 3.7 to read as follows:

§ 3.7 Persons included.

The following are included:

* * * * *

(x) *Active military service certified as such under section 401 of Pub. L. 95–202.*

* * *

* * * * *

(12) Quartermaster Corps *Keswick* Crew on Corregidor (WWII). (Pub. L. 95–202, sec. 401)

(13) U.S. Civilian Volunteers Who Actively Participated in the Defense of Bataan. (Pub. L. 95–202, sec. 401)

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

[FR Doc. 84–12737 Filed 5–10–84; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Various Health Professions Projects

AGENCY: Public Health Service, HHS.

ACTION: Final regulations.

SUMMARY: These regulations govern grants to public or nonprofit private entities for various health professions projects authorized under section 788(b) of the Public Health Service Act. The specific types of health professions projects for which support will be available will be announced from time to time in the **Federal Register.**

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Silsbee, Chief, Program Coordination Branch, Office of Program Support, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 7–74, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: 301 443–1530.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 1, 1980, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services, proposed to add a new Subpart NN to Part 57 of Title 42 of the Code of Federal Regulations to implement section 788(d) of the Public Health Service Act (the Act). That section, which was redesignated as section 788(b) by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, authorizes the Secretary to make grants to and enter into contracts with any health profession, allied health profession, or nurse training institution, or any other public or nonprofit private entity for various health professions projects and programs. The statute specifically list 24 types of projects as examples of projects which may be funded under this section.

Interested persons were invited to submit comments on the proposed regulations of August 1, 1980, and four letters were received. The comments were concerned with the types of projects available for funding. Two respondents were interested in putting more emphasis for funding on the biomedical combined educational programs. One respondent wished to add to the list of categories eligible for funding a new research program in the area of the interaction of animals and society. Another recommended that 9 of the listed purposes should have funding priorities for physician assistant programs.

In response to these comments, the Department emphasizes that these regulations implement the statute by setting out general requirements for the administration of projects funded under section 788(b), but no not set priorities for the award of grants. The Department will establish, on an annual basis, the specific areas in which applications will be solicited to reflect the national health care needs at the time. In Fiscal Year 1980, projects under this statute were limited to applied nutrition, environmental health, geriatrics, humanistic health care, minority-oriented primary care medical education, and mid-career training in health administration/planning. In Fiscal Year 1983, projects were limited to geriatric education centers and training of allied health personnel in health promotion and disease prevention. The Department also points out that the 24 types of projects listed in the statute are examples of eligible projects and do not constitute an exclusive list.

The scope and complexity of the authorized purposes make it impracticable for the Department to set out detailed funding criteria and requirements in these regulations. The Secretary will propose specific project requirements and the priority areas in which projects will be supported by publishing notices in the **Federal Register** from time to time, as provided in § 57.3901 below.

Because this regulation adds a new Subpart NN to Part 57 of Title 42, the number sequence has been changed from § 57.2201–2210 in the NPRM to § 57.3901–3910 in the final regulation in order to follow the sequence in Subpart MM.

Executive Order 12291

The Secretary has determined that a regulatory impact analysis is not required under Executive Order 12291 because any cost will not approach the threshold criteria for a major rule. The 1984 appropriation for this program is 2.0 million dollars, and for fiscal year 1985 the Department has requested 3 million dollars for these activities. Additionally, the requirements of the Regulatory Flexibility Act of 1980 do not apply to these regulations since the NPRM was published prior to January 1, 1981, the effective date of the Act.

Paperwork Reduction Act

Any information collection requirements contained in a **Federal Register** notice described in § 57.3901 will be submitted for Office of Management and Budget approval under Section 3507 of the Paperwork Reduction Act prior to publication.

List of Subjects in 42 CFR Part 57

Dental health, Education of disadvantaged, Educational facilities, Educational study programs, Emergency education services, Grant programs—education, Grant programs—health, Health facilities, Health professions, Loan programs—health, Medical and dental schools, Scholarships and fellowships.

Accordingly, a new Subpart NN is added to 42 CFR Part 57 as set forth below.

Dated: March 13, 1984.

E. N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: April 11, 1984.

Margaret M. Heckler,

Secretary.

(*Catalog of Federal Domestic Assistance*, No. 13.969, Grants for Various Health Professions Projects)

PART 57—[AMENDED]

Subpart NN—Grants for Various Health Professions Projects

Sec.

57.3901 To what projects do these regulations apply?
57.3902 Definitions.
57.3903 Who is eligible to apply for a grant?
57.3904 Program requirements.
57.3905 How will applications be evaluated?
57.3906 How long does grant support last?
57.3907 For what purposes may grant funds be spent?
57.3908 What additional Department regulations apply to grantees?
57.3909 What other audit and inspection requirements apply to grantees?
57.3910 Additional conditions.

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, 67 Stat. 631 (42 U.S.C. 216); sec. 788(b), 95 Stat. 924 (42 U.S.C. 295g–8).

Subpart NN—Grants for Various Health Professions Projects

§ 57.3901 To what projects do these regulations apply?

These regulations apply to grants under section 788(b) of the Public Health Service Act to public or nonprofit private health professions, allied health professions, or nurse training institutions, or other public or nonprofit private entities for various projects related to health professions training. The Secretary will annually announce in the **Federal Register** specific types of health professions projects for which support will be available under this subpart.

§ 57.3902 Definitions.

"Act" means the Public Health Service Act, as amended.

"Nonprofit," as applied to any entity, means an entity no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

"Secretary" means the Secretary of Health an Human Services, and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

"State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 57.3903 Who is eligible to apply for a grant?

Any public or nonprofit private entity located in a State is eligible to apply for a grant by submitting an application at the time and in the form that the Secretary may prescribe in the **Federal Register** notice described in § 57.3901.

§ 57.3904 Program requirements.

(a) *General requirements.* A project supported under this subpart must be conducted in accordance with the following requirements:

(1) Each project must have a project director who has relevant training and experience and has been approved by the Secretary to direct the project being supported under this subpart.

(2) Each project must systematically evaluate the program, including the degree to which program and educational objectives are met.

(b) *Specific requirements.* In addition to the requirements of paragraph (a) of this section, projects supported under this subpart will be subject to any specific requirements contained in the **Federal Register** notice described in § 57.3901.

§ 57.3905 How will applications be evaluated?

(a) After consulting with the National Advisory Council on Health Professions Education established by section 702 of the Act, the Secretary will decide which application to approve by considering, among other factors:

(1) The degree to which the proposed project adequately provides for the project requirements described in § 57.3904;

(2) The adequacy of the qualifications and experience of the staff and faculty;

(3) The administrative and managerial ability of the applicant to carry out the proposed in a cost-effective manner; and

(4) The potential of the project to continue on a self-sustaining basis.

(b) Within the limits of funds available, the Secretary will award grants to those approved applicants with projects that will best promote the purposes of section 788(b) of the Act.

§ 57.3906 How long does grant support last?

(a) The notice of grant award specifies how long the Secretary intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed five years.

(b) Generally the grant will initially be funded for one year and subsequent continuation awards will also be for one year at a time. A grantee must submit a separate application to have the support continued for each subsequent year. Decisions regarding continuation awards and funding levels of these awards will be made after consideration of such factors as the grantee's progress and management practices, and the availability of funds. In all cases, continuation awards require a determination by the Secretary that continued funding is in the best interest of the Federal Government.

(c) Neither the approval of any application nor the award of any grant commits or obligates the Federal Government in any way to make any additional, supplemental, continuation or other award with respect to any approved application or portion of an approved application.

(d) Any balance of federally obligated grant funds remaining unobligated by the grantee at the end of a budget period may be carried forward to the next budget period, for use as prescribed by the Secretary provided a continuation award is made. If at any time during a budget period it becomes apparent to the Secretary that the amount of Federal funds awarded and available to the grantee for that period, including any unobligated balance carried forward from prior periods, exceeds the grantee's needs for the period, the Secretary may adjust the amounts awarded by withdrawing the excess. A budget period is an interval of time (usually 12 months) into which the project is divided for funding and reporting purposes.

§ 57.3907 For what purposes may grant funds be spent?

(a) A grantee shall only spend funds it receives under this subpart according to the approved application and budget, the authorizing legislation, terms and conditions of the grant award, applicable cost principles specified in Subpart Q of 45 CFR Part 74, and these regulations.

(b) Grantees may not spend grant funds for sectarian instruction for any religious purpose.

§ 57.3908 What additional Department regulations apply to grantees?

Several other regulations apply to these grants. They include, but are not limited to:

42 CFR Part 50D—PHS grant appeals process
45 CFR Part 16—Department grant appeals process
45 CFR Part 46—Protection of human subjects
45 CFR Part 74—Administration of grants
45 CFR Part 75—Informal grant appeals procedures (indirect cost rates and other cost allocations)
45 CFR Part 80—Nondiscrimination under programs receiving Federal assistance from the Department Title VI of the Civil Rights Act of 1964
45 CFR Part 81—Practice and procedure for hearings under Part 80
45 CFR Part 83—Nondiscrimination on the basis of sex in the admission of individuals to training programs
45 CFR Part 84—Nondiscrimination on the basis of handicap in Federally assisted programs
45 CFR Part 86—Nondiscrimination on the basis of sex in Federally assisted education programs
45 CFR Part 91—Nondiscrimination on the basis of age in Department programs or activities receiving Federal financial assistance

§ 57.3909 What other audit and inspection requirements apply to grantees?

Each grantee must, in addition to the requirements of 45 CFR Part 74, meet the requirements of section 705 of the Act concerning audit and inspection.

§ 57.3910 Additional conditions.

The Secretary may impose additional conditions on any grant before or at the time of an award if he or she determines that these conditions are necessary to assure or protect the advancement of the proposed activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 84-12735 Filed 5-10-84; 8:45 am]
BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6533

[F-14223, F-014041]

Alaska; Partial Revocation of Public Land Order Nos. 2345, of April 24, 1961, and 5150, of December 28, 1971, as Amended; Classification and Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two public land orders affecting approximately 499,606 acres of land withdrawn for Utility Corridor and Recreation purposes. This action classifies and makes the land available for selection by the State of Alaska, if such lands are otherwise available. The land remains closed to all other forms of appropriation and disposition under the public land laws, except metalliferous mining.

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: Mary Jane Clawson, Alaska State Office, (907) 271-3240.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1714, and by Subsection 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Public Land Order No. 2345 of April 24, 1961, which withdrew land for the Tolovana River Recreation Site, is hereby revoked as to the following described land:

Fairbanks Meridian

Livengood, Alaska

T.7 N., R. 5 W., Unsurveyed,
Lot 1 of U.S. Survey No. 4441 (Formerly Described As The Tolovana River Area, beginning at a point from which the center of the bridge crossing the West Fork of the Tolovana River on the Livengood-Eureka Road, located approximately 65°27'30" N., latitude, and 148°40'00" W., longitude, bears S. 45°00' E., 10 chains; thence South, 14 chains; East, 14 chains; North, 14 chains; West, 14 chains to the point of beginning).

The area described contains 19.60 acres.

2. Public Land Order No. 5150 of December 28, 1971, as amended, is hereby revoked as to the following described lands:

Fairbanks Meridian

T. 4 N., R. 2 W.,
Those portions of secs. 7 to 9, inclusive, and 16 to 18, inclusive, south and west of the northern and eastern boundaries of the Elliott Highway right-of-way F-13964;
Secs. 19 and 20;
Those portions of secs. 21 to 24, inclusive, south and west of the northern and eastern boundaries of the Elliott Highway right-of-way F-13964;
Those portions of sec. 25 west of the eastern boundary of the Elliott Highway right-of-way F-13964;
Secs. 26 to 35, inclusive;
Those portions of sec. 36 west of the eastern boundary of the Elliott Highway right-of-way F-13964.
T. 5 N., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 4 N., R. 3 W.,
Those portions of secs. 1 and 2 west of the eastern boundary of the Elliott Highway right-of-way F-13964;
Secs. 3 to 10, inclusive, and those portions of secs. 11 to 13, inclusive, west and south of the eastern and northern boundaries of the Elliott Highway right-of-way F-13964;
Secs. 14 to 36, inclusive.
Tps. 5 and 6 N., R. 3 W.,
Secs. 1 to 36, inclusive.
Tps. 5 and 6 N., R. 4 W.,
Secs. 1 to 36, inclusive.
T. 7 N., R. 4 W.,
Secs. 19 to 36, inclusive.
Tps. 6 and 7 N., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 8 N., R. 5 W.,
Secs. 4 to 9, inclusive, 16 to 21, inclusive, and 28 to 33, inclusive.
Tps. 7, 8, and 9 N., R. 6 W.,
Secs. 1 to 36, inclusive.
Tps. 8, 9, and 10 N., R. 7 W.,
Secs. 1 to 36, inclusive.
Tps. 9, 10, and 11 N., R. 8 W.,
Secs. 1 to 36, inclusive.
T. 10 N., R. 9 W.,
Secs. 1 to 4, inclusive, and those portions of secs. 5 to 8, inclusive, east and south of the ordinary high water line of the right bank of Hess Creek;
Secs. 9 to 36, inclusive.
T. 11 N., R. 9 W.,
Secs. 1 to 36, inclusive.
T. 12 N., R. 9 W.,
Secs. 19, 20, and 27 to 35, inclusive.
T. 11 N., R. 10 W.,
Secs. 1 to 3, inclusive, and 10 to 13, inclusive.
T. 12 N., R. 10 W.,
Those portions of secs. 1, 2, and 7 to 12, inclusive, south of the ordinary high water line of the right bank of the Yukon River;
Secs. 13 to 36, inclusive.
T. 12 N., R. 11 W.,
Those portions of secs. 11 and 12 south of the ordinary high water line of the right bank of the Yukon River;
Sec. 13;
Those portions of secs. 14 and 23 south and east of the ordinary high water line of the right bank of the Yukon River;
Secs. 24 to 26, inclusive.

The areas described aggregate approximately 499,606 acres. This acreage includes the area described in paragraph 1.

3. Subject to valid existing rights, and the limitations set forth in paragraph 4 of this order, the lands described in paragraphs 1 and 2 of this order are hereby classified as suitable for selection by the State of Alaska. If otherwise available, these lands are hereby opened to selection under the provisions of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. prec. 21 (72 Stat. 339, et seq.) or Subsection 906(b) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, Pub. L. 96–487 (94 Stat. 2371, 2437–2438).

4. This order makes certain lands available for selection by the State of Alaska. However, no land will be opened to selection by the State of Alaska which are: (1) Within the Yukon Flats National Wildlife Refuge as established by Section 302 of the ANILCA (94 Stat. 2371, 2388); or (2) within the White Mountains National Recreation Area as established by Section 403 of the ANILCA (94 Stat. 2371, 2397); or (3) within the boundary of the Yukon River (Ramparts section), designated for study for potential addition to the Wild and Scenic River System pursuant to Section 604 of the ANILCA (94 Stat. 2371, 2415).

5. As provided in Subsection 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the lands described in paragraphs 1 and 2 of this order for a period of ninety-one (91) days from the date of publication of this order. After that date, any of the lands described therein that were not selected by the State of Alaska will immediately become subject to the terms and conditions of Public Land Order No. 5180 of March 9, 1972, as amended, and Public Land Order No. 6092 of November 20, 1981.

The lands have been and remain closed to all other forms of appropriation and disposition under the public land laws, including mineral leasing, except for location and entry for metalliferous minerals under the mining laws (30 U.S.C. Chap. 2).

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands, Bureau of Land Management, 701 "C" Street, Box 13, Anchorage, Alaska 99513.

Dated: May 2, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84–12724 Filed 5–10–84; 8:45 am]

BILLING CODE 4310–84–M

43 CFR Public Land Order 6535

[CA–6230]

California; Withdrawal of Forest Service Land for Watershed Protection

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 65,905 acres of land within the Los Padres National Forest for protection of the Lake Casitas and Matilija Reservoir watersheds. The land will be closed to mining but remain open to mineral leasing. The withdrawal will remain in effect for 20 years.

EFFECTIVE DATE: May 4, 1984.

FOR FURTHER INFORMATION CONTACT: Marie M. Getsman, Califorina State Office, 916–484–4431.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described lands within the Los Padres National Forest which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from entry and location under the mining laws (30 U.S.C. Ch. 2), for the protection of the Lake Casitas and Matilija Reservoir watersheds, which are the prime souces of municipal water for the cities of Ojai and Ventura:

San Bernardino Meridian

T. 5 N., R. 22 W.,
- Sec. 6, lots 21, 22, and E½SW¼
- Sec. 7, lots 1 to 4 inclusive, and E½W½, W½NE¼, and SE¼;
- Sec. 18

T. 4 N., R. 23 W.,
- Sec. 5, lots 1 to 4 inclusive;
- Sec. 6, lots 1 to 4 inclusive, and S½NE¼, SE¼SW¼ and SE¼;
- Sec. 7, lots 1, 2, 3, 6, and 7.

T. 5 N., R. 23 W.,
- Sec. 1, lots 13 to 20 inclusive, and S½;
- Sec. 2, lots 13 to 20 inclusive, and S½;
- Sec. 3, lots 17 to 20 inclusive, and S½;
- Sec. 4, S½;
- Sec. 5, lots 13, 19, 20 and S½;
- Sec. 6, lots 4, 5, and 11 to 22 inclusive, and E½SW¼ and SE¼;
- Sec. 7 to 15 inclusive.
- Sec. 16, N½, N½S½, SW¼SW¼ and SE¼SE¼;
- Sec. 17;
- Sec. 18;
- Sec. 19, lots 1, 2, 3, and NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
- Sec. 20, N½, SW¼, N½SE¼ and SW¼SE¼;
- Sec. 21, S¼NE¼, NE¼NE¼, SE¼NW¼, E½SW¼ and SE¼;
- Secs. 22 to 24 inclusive;
- Sec. 27;
- Sec. 28, N½, N½SE¼;
- Sec. 29, SW¼NW¼, SW¼, S½SE¼;
- Sec. 30, SW¼NE¼, S½NW¼, and S½;
- Sec. 31;
- Sec. 32;
- Sec. 33, lot 3 N½SW¼ and SE¼SE¼;
- Sec. 34, N½NW¼.

T. 6 N., R. 23 W.,
- Sec. 30, lot 4;
- Sec. 31;
- Sec. 32, W½ and SE¼.

T. 4 N., R. 24 W.,
- Sec. 1, lots 1 to 4 inclusive, and SW¼NW¼, SW¼NE¼, N½SE¼NE¼, S½SW¼ and NW¼SW¼.
- Sec. 2 to 4 inclusive;
- Sec. 5, lots 1 to inclusive, and S½N½, SW¼SW¼, N½SE¼ and SE¼SE¼;
- Sec. 6, lots 1, 2, S½NE¼ and SE¼;
- Sec. 8, to 11 inclusive;
- Sec. 12, lots 1, W½NE¼, NW¼, N½SW¼, NW¼SE¼, and SW¼SW¼;
- Sec. 14, N½NE¼ and NW¼;
- Sec. 15, N½, NE¼SW¼ and N½SE¼;
- Sec. 16;
- Sec. 17, N½, SW¼ and N½SE¼;
- Sec. 19, E½NE¼, and NE¼SE¼;
- Sec. 20, NW¼, N½SW¼, NW¼SE¼, and S½SE¼;
- Sec. 21, N½NE¼, and NW¼NW¼;
- Sec. 22, SE¼NE¼, S½SW¼, and SW¼SE¼;
- Sec. 23, lot 2;
- Sec. 27, lots 1, 2, 3, 4, W½NE¼, E½NW¼, NW¼NW¼, SE¼SW¼, and W½SE¼;
- Sec. 28, N½;
- Sec. 29, E½NE¼, N½SW¼NE¼ and SE¼SW¼NE¼.

T. 5 N., R. 24 W.,
- Sec. 1;
- Sec. 2;
- Sec. 3, lot 1, 2, S½NW¼, SW¼ and E½;
- Secs. 4 to 8 inclusive;
- Sec. 9, N½ and SE¼;
- Secs. 10 to 14 inclusive;
- Sec. 15, N½N½, SW¼NE¼, S½NW¼ and S½;
- Sec. 16, E½NW¼, W½SW¼, SE¼SW¼, NE¼SE¼ and SW¼SE¼;
- Secs. 17 to 21 inclusive;
- Sec. 22, E½NE¼ and W½NW¼;
- Sec. 23, N½N½, E½SW¼ and S½SE¼;
- Sec. 24, N½, S½SW¼ and SW¼SE¼;
- Secs. 25 to 29 inclusive;
- Sec. 30, Lot 1, 2, SW¼, E½NW¼ and E½;
- Secs. 31 to 36 inclusive;

T. 5½ N., R. 24 W.,
- Secs. 32 to 36 inclusive.

T. 6 N., R. 24 W.,
- Sec. 20, Lots 1, 2, 3, 4, E½E½;
- Sec. 21, S½;
- Sec. 25, SW¼SW¼;
- Secs. 26 to 28 inclusive;
- Sec. 29, Lots 1, 2, 3, 4, E½E½;
- Sec. 32, Lots 1, 2, 3, 4, E½E½;
- Secs. 33 to 36 inclusive.

T. 5 N., R. 25 W.,
Sec. 1;
Sec. 2, Lots 1 to 4 inclusive, and NE¼SW¼, S½NE¼, SE¼NW¼ and SE¼;
Sec. 11, NE¼NE¼;
Sec. 12;
Sec. 13;
Sec. 24, NE¼NE¼.
T. 6 N., R. 25 W.,
Sec. 13;
Sec. 24;
Sec. 25;
Sec. 35, E½;
Sec. 36, S½, S½N½, N½NE¼ and NW¼NW¼.

The area aggregates 65,905.32 acres in Santa Barbara and Ventura Counties, California.

2. The withdrawal made by this order does not prohibit the acquisition or disposal of these lands by the Department of Agriculture, U.S. Forest Service, under the General Exchange Act of March 20, 1922. The private lands lying within the boundaries of this withdrawal will become subject to this order upon acceptance of title on behalf of the United States.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

4. The withdrawal shall remain in effect 20 years from the effective date of this order.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Dated: May 4, 1984.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 84-12723 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6600]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain managment measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 287-0222, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Florida:				
Levy	Unincorporated areas	120145D	Nov. 13, 1970, emergency; Mar. 1, 1984, regular; Mar. 1, 1984, suspended; Apr. 2, 1984, reinstated.	Jan. 25, 1975, Dec. 16, 1977 and Oct. 1, 1983.
Sumter	Coleman, city of	120616A	Apr. 6, 1984, emergency	
New York: Fulton	Johnstown, town of	361131A	do	Oct. 25, 1974 and Mar. 18, 1977.
Oregon: Malheur	Adrian, city of	410285A	Apr. 10, 1984, emergency	May 29, 1979.
Pennsylvania: Chester	East Fallowfield, township of	421479B	Nov. 3, 1975, emergency; June 1, 1983, regular; June 1, 1983, suspended; Apr. 9, 1984, reinstated.	Jan. 14, 1977.
Missouri: Holt	Big Lake, village of	290886-New	Apr. 9, 1984, emergency	
Nevada: Humboldt	Winnemucca, city of	320012	do	June 28, 1974 and Apr. 23, 1976.
North Dakota: Traill	Buxton, township of [1]	380676	do	
New York: Oneida	Ava, town of	360518A	Apr. 10, 1984, emergency	June 28, 1974 and Sept. 10, 1976.
Wisconsin: Douglas	Oliver, village of	550113A	Apr. 17, 1984, emergency	Aug. 30, 1974 and June 18, 1976.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
West Virginia: Mingo	Matewan, town of	545538B	Feb. 3, 1970, emergency; Feb. 3, 1970, regular; Apr. 3, 1984, suspended; Apr. 10, 1984, reinstated.	Feb. 3, 1970, July 1, 1974 and Dec. 26, 1975.
Ohio: Putman	Unincorporated areas	390465A	Apr. 18, 1984, emergency	Aug. 12, 1977.
Texas: Concho	Eden, city of	480763	do	May 2, 1975.
Pennsylvania: Somerset	Wellersburg, borough of	422526	Apr. 19, 1984, emergency	Jan. 31, 1975.
North Carolina: McDowell	Marion, city of	370266A	Apr. 20, 1984, emergency	Sept. 10, 1982.
New York: Clinton	Altona, town of	361379	do	Jan. 3, 1975.
Mississippi: Bolivar	Duncan, town of	280017A	Apr. 26, 1984, emergency	Nov. 5, 1976 and Feb. 8, 1980.
Missouri:				
Butler	Unincorporated areas	290044A	do	Sept. 1, 1983.
Cooper	Unincorporated areas	290794A	do	Nov. 16, 1983.
Utah: Davis	Layton, city of	490047A	Dec. 13, 1974, emergency; Dec. 1, 1982, regular; Sept. 30, 1983, suspended; Apr. 16, 1984, reinstated.	May 14, 1976.
Pennsylvania: Allegheny	Upper St. Clair, township of	421119C	June 11, 1974, emergency; Mar. 15, 1984, regular; Mar. 15, 1984, suspended; Apr. 16, 1984, reinstated.	May 31, 1974, June 18, 1976 and May 23, 1980.
Region I				
Massachusetts:				
Worcester	Oakham, town of	250324B	Apr. 3, 1984, suspension withdrawn	Aug. 2, 1974 and Aug. 20, 1976.
Berkshire	Williamstown, town of	250046B	do	Feb. 8, 1974 and July 5, 1977.
Region II				
New Jersey: Essex	Glen Ridge Borough, township of	340183B	do	July 6, 1973 and June 11, 1976.
New York: Westchester	Mamaroneck, village of	360916D	do	Sept. 14, 1973, Jan. 16, 1976, Dec. 1, 1977 and Oct. 29, 1982.
Region III				
Pennsylvania: Delaware	Darby, township of	421603B	do	Aug. 30, 1974 and Oct. 17, 1975.
Region V				
Ohio:				
Montgomery and Warren	Carlisle, village of	390606A	do	July 25, 1975.
Champaign	Urbana, city of	390060B	do	June 7, 1974 and May 28, 1976.
Wisconsin: Dodge	Beaver Dam, city of	550095D	do	Dec. 17, 1973, Oct. 10, 1975, Sept. 24, 1976 and Jan. 27, 1978.
Region VI				
Louisiana: Cameron Parish	Unincorpoarated areas	225194C	do	Sept. 4, 1970, July 1, 1974 and Oct. 1, 1983.
Region VII				
Iowa: Mills	Emerson, city of	190202A	do	Dec. 13, 1974.
Region X				
Oregon: Douglas	Reedsport, city of	410065D	do	June 21, 1974, Apr. 23, 1976 and Aug. 23, 1977.
Region I				
Rhode Island: Newport	Middletown, town of	445401B	Apr. 17, 1984, suspension withdrawn	Apr. 9, 1971, July 1, 1974, Dec. 12, 1975 and Jan. 16, 1976.
Region III				
West Virginia: Marshall	Unincorporated areas	540107A	do	Dec. 20, 1974.
Region IV				
Florida: Hernando	Unincorporated areas	120110B	do	Dec. 13, 1974 and Feb. 11, 1977.
North Carolina:				
Yancy	Burnsville, town of	370373B	do	Mar. 8, 1974 and Oct. 15, 1976.
Do	Unincorporated areas	370361B	do	June 23, 1978.
Georgia: Catoosa and Walker	Fort Oglethorpe, city of	130248B	do	Mar. 8, 1974 and Oct. 22, 1976.
Region VII				
Iowa: Marshall	Marshalltown, city of	190200B	do	Jan. 23, 1974 and June 25, 1976.
Region VIII				
North Dakota: Cass	Harwood, township of	380259B	do	Oct. 15, 1980.
Region X				
Oregon:				
Baker	Baker, city of	410002B	do	Feb. 1, 1974 and Apr. 23, 1976.
Malheur	Ontario, city of	410152B	do	Nov. 30, 1973 and Jan. 16, 1976.

[1] The Township of Buxton, has adopted by reference Traill County's FHBM date of Dec. 16, 1980 for FPM and insurance purposes. Traill County, ND—Community No. 380130A, Hazard ID date: Dec. 16, 1980.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: May 7, 1984.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 84-12730 Filed 5-10-84; 8:45 am]

BILLING CODE 6718-03-M

44 CFR PART 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Federal Insurance Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Santee (City), San Diego County (FEMA–6586)	San Diego River	100 feet upstream of Carlton Hills Boulevard	*325
		Forester Creek	Intersection of Cuyamaca Street and Prospect Avenue	*349
	Maps available for inspection at Department of Public Works, 10765 Woodside Avenue, Santee, California.			
Colorado	Black Hawk (Town), Gilpin County (FEMA–6586)	North Clear Creek	25 feet upstream from the center of Chase Street	*8,074
		Gregory Gulch	20 feet west from center of intersection of Main Street and Gregory Street.	*8,059
		Chase Gulch	35 feet west from center of intersection of Dusois Street and Chase Street.	*8,130
	Maps available for inspection at Town Hall, Gregory Street, Black Hawk, Colorado.			
Connecticut	Canterbury, Town, Windham County (FEMA Docket No. 6586).	Quinebaug River	Corporate limits	*100
			Upstream of Buttsridge Road	*102
			Confluence of Mill Brook	*108
			Approximately 400' upstream of State Route 14	*112
		Mill Brook	Confluence with Quinebaug River	*108
			Corporate limits	*122
	Maps available for inspection at the Town Clerk's Office, Canterbury, Connecticut.			
Idaho	Canyon County (Unincorporated Areas) (FEMA–6586)	Boise River	At center of intersection of Parma-Roswell Road (State Highway 18) and Boise River.	*2,224
			At center of intersection of Middleton Road and Boise River.	*2,395
		Indian Creek	50 feet upstream from center of Lone Tree Lane	*2,412
			75 feet upstream from center of Robinson Boulevard	*2,524
		Willow Creek	Center of intersection of State Highway 44 and Cemetery Road.	*2,401
		Renshaw Canal	125 feet upstream from center of Arena Valley Road	*2,322
		Renshaw Canal Overflow	75 feet southeast from center of intersection of Arena Valley Road and Notus-Greenleaf Road.	*2,318
		Mason Creek	50 feet downstream of intersection of Karcher Road and the channel.	*2,462
	Maps are available for inspection at the Office of County Commissioners, 1115 Albany Street, Caldwell, Idaho.			
Idaho	Nampa (City), Canyon County (FEMA–6586)	Indian Creek	10 feet upstream from the center of 14th Avenue North.	*2,475
		Mason Creek	10 feet upstream from the center of 12th Avenue North.	*2,490

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps are available for inspection at the Planning Department, 411 3rd Street, South, Nampa, Idaho.				
Idaho	Twin Falls County (Unincorporated Areas) (FEMA-6586).	Snake River	400 feet downstream from the center of U.S. Highway 30.	*2,881
		Salmon Creek Falls	100 feet downstream from the center of U.S. Highway 30.	*2,904
		Rock Creek (Below Twin Falls)	500 feet southwest of the intersection of 2700 East Road and Falls Avenue West.	*3,563
		Rock Creek (Near 3400 North Road).	60 feet upstream from the center of 3400 North Road	*3,869
		Rock Creek (Near Niles Gulch)	30 feet upstream from the center of Rock Creek Road (3800 East Road).	*4,360
Maps available for inspection at Zoning Administration Department, Twin Falls County Courthouse, Twin Falls, Idaho.				
Illinois	Village of Barrington, Cook and Lake Counties (Docket No. FEMA-6586).	Flint Creek Tributary	Just upstream of Hart Road	*796
			About 360 feet downstream of Surrey Lane	*817
			About 1,850 feet upstream of Main Street	*833
Maps available for inspection at the Clerk's Office, Municipal Building, 206 S. Hough Street, Barrington, Illinois.				
Illinois	(C) Charleston, Coles County (Docket No. FEMA-6586).	Ripley Creek	About 0.05 mile downstream of State Route 16	*607
			About 0.4 mile upstream of County Road	*612
		Town Branch Creek	About 0.05 mile downstream of Norfork Southern Railway.	*618
			Just downstream of 11th Street	*658
Maps available for inspection at the Clerk's Office, City Hall, 520 Jackson Avenue, Charleston, Illinois.				
Illinois	Village of Divernon, Sangamon County (Docket No. FEMA-6586).	Brush Creek	About 100 feet downstream of Illinois Central Gulf Railroad.	*599
			About 1,300 feet upstream of dam	*609
Maps available for inspection at the Village Hall, Divernon, Illinois.				
Maine	Falmouth, Town, Cumberland County (FEMA Docket No. 6586).	Presumpscot River	Upstream of Interstate 295 (first crossing)	*11
			Upstream of abandoned dam located approximately .25 mile upstream of Allen Avenue.	*16
			Confluence of Piscataqua River	*28
			At upstream corporate limits	*33
		Piscataqua River	Confluence with Presumpscot River	*28
			Upstream of Maine Central Railroad	*30
			Upstream of Leighton Road	*32
			Upstream of Mill Road	*49
			Upstream of Falmouth Road	*52
			Approximately 850 feet upstream of State Route 100	*69
		Atlantic Ocean	Shoreline at northern corporate limits	*13
			Shoreline at Madakawanpo Landing	*15
			Shoreline at Prince Point	*14
			Shoreline at Waites Landing	*13
			Shoreline at Mackworth Point	*12
			Shoreline at Bartlett Point	*16
			Eastern shore of Mackworth Island	*27
			North shore of Clapboard Island	*13
Maps available for inspection at the Office of George Thetay, Code Enforcement Office, Town Hall, 271 Falmouth Road, Falmouth, Maine.				
Maryland	Calvert County (FEMA Docket No. 6586)	Chesapeake Bay	Shoreline at northern county boundary	*9
			Shoreline at Dogwood Road (extended)	*8
			Shoreline at Drum Point	*7
			Shorline at William Memorial Drive (extended)	*7
			Shoreline of Patuxent River upstream of confluence with Chesapeake Bay.	*6
			Shoreline of Patuxent River at Quarles Road (extended).	*7
			Shoreline of Patuxent River at Deep Landing Road (extended).	*8
			Shoreline of Patuxent River at upstream corporate limits.	*8
		Hall Creek	At confluence with Patuxent River	*8
			Upstream of confluence of Fowlers Mill Branch	*10
			Upstream of State Route 4 (Southern Maryland Boulevard).	*19
			Upstream of State Route 2 (Solomons Island Road)	*62
			Upstream of Grovers Turn Road	*66
			360 feet upstream of State Route 260 (Chesapeake Beach Road).	*73
Maps available for inspection at the Department of Planning and Zoning, Calvert Courthouse Annex, Prince Frederick, Maryland.				
Maryland	Easton, Town, Talbot County (FEMA Docket No. 6586).	North Branch Tred, Avon River	Entire shoreline within community	*6
		South Branch Tred, Avon River	Entire shoreline of Papermill Pond	*6
		Tanyard Branch	Bay Street (upstream side)	*7
			Aurora Street (upstream side)	*24
			Approximately 130 feet upstream of Maryland and Delaware Railroad bridge.	*29
		Windmill Branch	Easton Parkway (upstream side)	*8
			3rd Street (upstream side)	*22
			Approximately 1,800 feet usptream of confluence of Unnamed Tributary No. 3.	*27
		Unnamed Tributary No. 3	Confluence with Windmill Branch	*24
			Chesapeake Avenue (downstream)	*26

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Town Hall, Easton, Maryland.				
Maryland	Leonardtown, Town, St. Mary's County (FEMA Docket No. 6586).	Breton Bay	Entire shoreline within community	*6
		McIntosh Run	Downstream of Jefferson Street	*11
			Approximately .6 mile upstream of confluence with Breton Bay.	*6
			At confluence with Breton Bay	*6
Maps available for inspection at the Town Commissioner's Office, Courthouse Drive, Leonardtown, Maryland.				
Maryland	North Beach, Town, Calvert County (FEMA Docket No. 6586).	Chesapeake Bay	Entire shoreline within Community	*9
Maps available for inspection at the residence of Betty Freensland, 9236 Chesapeake Avenue, North Beach, Maryland.				
Maryland	Oxford, Town, Talbot County (FEMA Docket No. 6586).	Tred Avon River	Entire shoreline within community	*9
		Town Creek	Entire shoreline within community	*6
Maps available for inspection at the Town Hall, Oxford, Maryland.				
Maryland	Queen Annes County (FEMA Docket No. 6576)	Chester River	Shoreline from Love Point to Long Point	*11
			Shoreline from Long Point to Spaniard Neck Road (extended).	*10
			Shoreline from Spaniard Neck Road (extended) to approximately 1,500 feet upstream of confluence of Rosin Creek.	*7
			Shoreline from approximately 1,500 feet upstream of confluence of Rosin Creek to approximately 3,700 feet downstream of confluence with Unicorn Branch.	*8
			Approximately 5,460 feet downstream of confluence with Mills Branch.	*8
			Confluence with Unicorn Branch	*9
			U.S. Highway 301 (upstream side)	*10
			Approximately 2,800 feet downstream of State Highway 313.	*13
			Conrail bridge upstream of Town of Millington (upstream side).	*16
		Chesapeake Bay	Shoreline from Kent Point to Craney Creek	*10
			Shoreline from Craney Creek to Love Point	*11
		Eastern Bay	Entire shoreline within community	*10
Maps available for inspection at the Department of Planning and Zoning, County Annex Building, Centreville, Maryland.				
Maryland	Queenstown, Town, Queen Annes County (FEMA Docket No. 6574).	Chester River	Entire shoreline of Queenstown Creek and Little Queenstown Creek within community.	*7
		Eastern Bay	Entire shoreline of Wye River within community	*7
Maps available for inspection at the Clerk's Office, Main Street, Queenstown, Maryland.				
Maryland	Salisbury, City, Wicomico County (FEMA Docket No. 6574).	Tonytank Pond	Downstream corporate limits	*11
			Upstream corporate limits	*17
		Schumaker Pond	Entire reach within corporate limits	*25
		Beaverdam Creek	Confluence with Wicomico River to approximately 150' upstream of Snow Hill Road.	*6
			Downstream side of Beaverdam Drive	*9
			Downstream of Memorial Plaza	*12
			Downstream side of College Avenue	*20
			Upstream corporate limits	*25
		Beaglin Branch	Confluence with Beaverdam Creek	*14
			Downstream side of North Park Drive	*26
			Most upstream corporate limits	*28
		Wicomico River	Entire reach within corporate limits	*6
		Johnson Pond	Entire reach within corporate limits	*14
		Owens Branch	Upstream of Fitzwater Street	*13
			Upstream of Mitchell Street	*15
			Upstream of West Isabella Street	*17
		Coty Cox Branch	Downstream of West Main Street	*13
			Upstream of Salisbury Parkway	*20
			Upsteam of West Road	*22
			1,050' upstream of upstream corporate limits	*23
		Middle Neck Branch	At confluence with Johnson Pond	*14
			Upstream of Emerson Avenue	*20
			Upstream of Conrail bridge	*31
			Upstream of North Salisbury Boulevard	*31
			Upstream corporate limits	*31
		Brewington Branch	Downstream corporate limits	*19
			Upstream corporate limits	*31
		Leonard Pond Run	Downstream corporate limits	*14
			Upstream of Naylor Mill Road	*23
			Upstream corporate limits	*26
		Peggy Branch	Downstream corporate limits	*31
			Upstream corporate limits	*31
Maps available for inspection at the Bureau of Inspection, Room 306, Government Office Building, Salisbury, Maryland.				
Maryland	Wicomico County (FEMA Docket No. 6581)	Tonytank Creek	Confluence with Wicomico River	*6
			Upstream South Camden Avenue	*11
			Downstream South Division Street	*17
			Upostream U.S. Highway 13 bypass	*33
			Downstream Nutters Cross Road	*36
		Beaverdam Creek	Approximately 500 feet downstream of Memorial Plaza	*11
			Approximately 500 feet upstream of North Schumaker Dam.	*25

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream 2nd crossing of North Schumaker Drive	*30
		Slab Bridge Creek	Confluence with Morris Prong	*23
			Approximately 2,075 feet upstream of confluence with Morris Prong.	*24
		White Marsh Creek	Confluence with Tonytank Creek	*33
			Downstream of Nutters Cross Road	*37
		Wood Creek	Confluence with Leonard Pond Run	*28
			Downstream Connelly Mill Road	*39
		Morris Prong	Confluence with Tonytank Creek	*15
			At City of Fruitland and County Boundary	*22
			Upstream U.S. Highway 13 bypass	*29
			Approximately 4,900 feet upstream U.S. Highway 13 bypass.	*35
		North Prong Leonard Pond	Confluence with Leonard Pond	*37
			Downstream Williams Mill Pond Road	*37
		Andrews Branch	Upstream Williams Mill Pond Road	*40
			Just upstream Gordy Mill Road	*43
		South Prong Leonard Pond	Confluence with Leonard Pond	*36
			Downstream Rum Ridge Road	*40
		Unnamed Tributary to South Prong	Confluence with South Prong	*38
			Downstream Williams Mill Pond Road	*40
		Jackson Branch	Confluence with North Prong Leonard Pond	*37
			Downstream Gordy Mill Road	*42
		Connelly Mill Branch	Confluence with Leonard Pond Run	*25
			Downstream Connelly Mill Road	*32
		Beaglin Branch	Downstream College Avenue	*26
			Downstream Mount Hermon Road	*35
		Unnamed Tributary to Beaglin Branch.	Confluence with Beaglin Branch	*29
			Downstream Mount Hermon Road	*31
		Brewington Branch	Confluence with Johnson Pond	*14
			Downstream West Gordy Road	*31
			Downstream U.S. Highway 13 bypass	*32
		Coty Cox Branch	Approximately 600 feet downstream of downstream corporate limits.	*20
			Upstream Keene Avenue	*23
			Downstream Jersey Road	*31
		Walston Branch	Confluence with Beaverdam Creek	*27
			Upstream U.S. Highway 13 bypass	*38
			Approximately 4,860 feet upstream Ward Road	*38
		Peggy Branch	Confluence with Middle Neck Branch	*31
			Upstream Parker Road	*36
			Downstream end of culvert U.S. Highway 13 bypass	*42
		Mayer Branch	Confluence with Andrews Branch (Williams Mill Pond)	*40
			Downstream Gordy Mill Road	*41
		Middle Neck Branch	Confluence of Peggy Branch	*31
			Approximately 1,570 feet upstream Parker Road	*35
		Leonard Pond Run	Confluence with main body Johnson Pond	*14
			Approximately 870 feet upstream of Naylor Mill Road	*24
			Confluence of Wood Creek	*28
			Approximately 4,300 feet upstream confluence of Wood Creek.	*31
		Nanticoke River	Shoreline from Runaway Point to upstream county boundary.	*6
			Shoreline from Runaway Point to Roaring Point	*8
			Shoreline from Roaring Point to Mollies Point	*9
		Wicomico River	Shoreline from Mollies Point to downstream of Shiles Creek.	*8
			Shoreline from Shiles Creek to confluence of Tonytank Creek.	*6
		Wicomico Creek	Entire shoreline in the county	*6
Maps available for inspection at the Public Works Office, Room 201, Government Office Building, Salisbury, Maryland.				
Massachusetts	Chester, town, Hampden County (FEMA Docket No. 6509).	West Branch of the Westfield River.	Downstream corporate limits	*420
			Upstream Old State Highway	*482
			Upstream First Private Road	*532
			Upstream ConRail fourth crossing	*638
			Upstream Middlefield Road	*670
			Upstream sixth ConRail crossing	*723
			Upstream corporate limits	*748
		Middle Branch of the Westfield River.	Downstream Kinne Brook Road	*568
			Upstream Smith Road	*680
			Upstream of Herring Road	*737
			Upstream corporate limits	*775
		Walker Brook	Confluence with West Branch of the Westfield River	*595
			Upstream Hampden Street	*650
			Upstream Walker Island Road	*767
			Upstream corporate limits	*793
		Austin Brook	Confluence with Walker Brook	*654
			Approximately 1,300 feet upstream of West Main Street.	*733
		Otis Wait Brook	Confluence with West Branch of the Westfield River	*644
			Approximately 2,750 feet upstream of confluence with West Branch of the Westfield River.	*706

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Town Hall, Middlefield Street, Chester, Massachusetts.				
Massachusetts	Nahant, town, Essex County (FEMA Docket No. 6586)	Atlantic Ocean	Shoreline at Black Rock Point	*13
			Shoreline at Bass Point	*18
			Shoreline at the southern end of Foxhill Road (extended).	*25
			Shoreline at East Point	*30
			Shoreline at the northern end of Castle Road (extended).	*14
Maps available for inspection at the Town Clerk's Office, Town Hall, Nahant, Massachusetts.				
Massachusetts	Revere, city, Suffolk County (FEMA Docket No. 6586)	Mill Creek	At confluence with Chelsea River	*11
			Upstream side of Broadway	*13
			Upstream side Access Road	*14
		Atlantic Ocean	Shoreline at Pearl Avenue (extended)	*18
			Shoreline at Pierview Avenue (extended)	*15
			Shoreline at Agawam Street (extended)	*17
			Shoreline 200 feet north of Revere Street (extended)	*16
			Shoreline at Mills Avenue (extended)	*19
		Saugus River	Shoreline downstream State Route 1A bridge	*10
		Pines River	At Boston & Maine Railroad crossing	*9
		Chelsea River	Entire shoreline within community	*11
		Belle Isle Inlet	Entire shoreline within community	*10
Maps available for inspection at the Office of Planning and Community Development, Revere, Massachusetts.				
Michigan	Township of Green Oak, Livingston County (Docket No. FEMA-6586).	Huron River	About 9400 feet downstream of Rickett Road	*860
			Just downstream of Kent Lake Dam	*873
		Davis Creek	Mouth at Huron River	*864
			Just downstream of Chessie System	*896
		Walker Drain	Mouth at Sandy Bottom Lake	*874
			Just downstream of Eight Mile Road	*902
		South Branch Walker Drain	Mouth at Sandy Bottom Lake	*874
			About 900 feet upstream of Four Lake Drive	*874
		Fonda Lake	At shoreline	*898
		Island Lake	At shoreline	*889
		Inchwagh Lake	At shoreline	*891
		Sandy Bottom Lake	At shoreline	*874
		Limekiln Lake	At shoreline	*874
		Crooked Lake	At shoreline	*874
		Kent Lake	At shoreline	*886
		Fish Lake	At shoreline	*874
Maps available for inspection at the Township Hall, 10789 Silver Lake Road, South Lyon, Michigan.				
Minnesota	Unincorporated areas of Clay County (Docket No. FEMA-6586).	Red River of the North	About 7.5 miles downstream of County Highway 36	*877
			About 12.4 miles upstream of confluence of Comstock Coulee.	*915
		Buffalo River	At confluence with Red River of the North	*881
			About 6.84 miles upstream of U.S. Highway 75	*889
			About 1.35 miles upstream of County Highway 37	*1,175
		South Branch Buffalo River	At confluence with Buffalo River	*913
			Just downstream of County Highway 11	*941
		South Branch Wild Rice River	At downstream County Boundary	*920
			Just upstream of State Highway 32	1,121
		Unnamed Creek at Section 6	Within County Boundary	*891
		Comstock Coulee	At confluence with Red River of the North	*911
			Just downstream of County Road 50	*923
		County Ditch No. 20	At confluence with Red River of the North	*888
			Just upstream of County Highway 22	*894
		Stoney Creek	At confluence with South Branch Buffalo River	*923
			Just downstream of County Highway 10	*924
Maps available for inspection at the Clay County Planning Department, County Courthouse, P.O. Box 280, Moorhead, Minnesota.				
Minnesota	Unincorporated areas of Nicollet County (Docket No. FEMA-6586).	Minnesota River	Approximately 2.1 miles downstream of confluence of Barney Fry Creek.	*749
			Approximately 4.1 miles upstream of the confluence of Ridgely Creek.	*818
Maps available for inspection at the County Auditor's Office, Nicollet County Courthouse, P.O. Box 89, St. Peter, Minnesota.				
Missouri	City of Boonville, Cooper County (Docket No. FEMA-6586).	Missouri River	About 1.3 miles downstream of U.S. Highway 40	*599
			About 0.7 miles upstream of Missouri, Kansas, Texas Railroad.	*603
Maps available for inspection at City Hall, 6th and Spring Streets, Boonville, Missouri.				
Missouri	Unincorporated areas of Franklin County (Docket No. FEMA-6586).	Browns Branch	At confluence with Dubois Creek	*490
			About 4,800 feet downstream of North Goodes Mill Road.	*527
			Just downstream of North Goodes Mill Road	*559
		Brush Creek	About 300 feet upstream of County Highway N	*476
			Just downstream of Gray Summit Road	*528
		Busch Creek	At confluence with Dubois Creek	*486
			At City of Washington corporate limits	*486
		Southwest Branch Busch Creek	About 5,300 feet downstream of Bieker Road	*492
			Just upstream of Country Club Road	*533
			About 4,800 feet upstream of Country Club Road	*568
		Calvey Creek	Just upstream of Burlington Northern Railroad	*481
			About 2,000 feet upstream of Calvey Creek Road	*500

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Dubois Creek	Just downstream of Missouri Pacific Railroad	*486
			About 200 feet downstream of Bieker Road	*515
			About 1.2 miles upstream of State Highway 47	*595
		Fiddle Creek	Just upstream of Labadie Bottom Road	*479
			Just downstream of Private Road (about 700 feet upstream of second crossing of Fiddle Creek Road).	*510
			Just upstream of Private Road (about 800 feet upstream of second crossing of Fiddle Creek Road).	*522
			Just downstream of fourth crossing of Fiddle Creek Road.	*532
		Flat Creek	Just upstream of City of Union corporate limits	*580
			Just downstream of Judith Spring Road	*625
		Happy Sock Creek	At confluence with Bourbeuse River	*524
			Just upstream of County Highway AD	*536
			About 1,500 feet upstream of County Highway AB	*631
		Labadie Creek	At mouth at Missouri River	*481
			Just downstream of County Highway MM	*500
		Labadie Creek Tributary	At confluence with Labadie Creek	*489
			About 0.6 mile upstream of County Highway T	*497
		Missouri River	About 3.4 miles downstream of confluence of Tavern Creek.	*473
			About 3.9 miles downstream of State Highway 19 (upstream County Boundary).	*514
		Little Meramec River	Just upstream of confluence of Pierce Creek	*529
			About 500 feet upstream of County Highway FF	*561
			About 1.25 miles upstream of County Highway FF	*579
		Little Calvey Creek	About 1.5 miles downstream of Woodland Hills Road	*513
			Just upstream of Woodland Hills Road	*546
			About 0.85 mile upstream of Finney Road	*590
		Little Tavern Creek	Just upstream of Chicago Rock Island and Pacific Railroad.	*478
			Just upstream of County Highway T	*500
			About 2,400 feet upstream of County Highway T	*518
		Pin Oak Creek	At mouth at Bourbeuse River	*497
			Just downstream of County Highway AT	*517
		Pin Oak Creek Tributary	At confluence with Pin Oak Creek	*515
			About 800 feet upstream of confluence	*519
		St. Johns Creek	Just upstream of Missouri Pacific Railroad	*494
			About 1.3 miles upstream of State Highway 100	*498
		Winch Creek	At confluence with Meramec River	*468
			About 1.9 miles upstream of County Highway O	*578
		Winsel Creek	Just upstream of Bacon Ridge Road	*816
			About 200 feet upstream of Interstate 44 (downstream crossing).	*849
			Just downstream of East Springfield Road	*878
			About 250 feet upstream of Interstate 44 (upstream crossing).	*885
			About 2,400 feet upstream of County Highway AF	*916
		Meramec River	Just downstream of County Highway F	*465
			About 0.8 mile downstream of State Highway 30	*520
			About 800 feet upstream of State Highway 185	*602
		Bourbeuse River	At mouth at Meramec River	*490
			About 1.3 miles downstream of State Highway 155	*610
			About 2.5 miles upstream of Shawnee Ford Road	*702
Maps available for inspection at the Franklin County Courthouse, P.O. Box 311, Union, Missouri.				
Nebraska	City of Milford, Seward County (Docket No. FEMA-6586).	Big Blue River	About 0.74 mile downstream of confluence of Coon Creek.	*1,403
			About 2.44 miles upstream of U.S. Highway 6	*1,412
Maps available for inspection at City Hall P.O. Box 13, 505 1st Street, Milford, Nebraska.				
New Jersey	Helmetta, borough, Middlesex County (FEMA Docket No. 6586).	Manalapan Brook	Corporate limits (upstream)	*37
			Confluence of Sawmill Brook	*37
			Old Forge Road (upstream side)	*29
			Corporate limits (downstream)	*26
		Sawmill Brook	Approximately 685' upstream of Washington Avenue	*45
			CONRAIL (upstream side)	*45
			Spotswood-Cranbury Road (upstream side)	*39
			Confluence with Manalapan Brook	*37
		Tributary to Sawmill Brook	Confluence with Sawmill Brook	*45
			Corporate limits	*45
Maps available for inspection at Office of Donald Brundage, Borough Hall, 60 Main Street, Helmetta, New Jersey.				
New Jersey	Sparta, township, Sussex County (FEMA Docket No. 6581).	Wallkill River and Lake Mohawk	Downstream corporate limits	*574
			West Mountain Road (upstream side)	*592
			Downstream crossing of Main Street (upstream ride)	*645
			Upstream of Lake Mohawk Dam	*730
			Upstream corporate limits	*730
		Sparta Junction Tributary	Downstream corporate limits	*569
			Downstream crossing of Private drive (upstream side)	*577
			Abandoned bridge (upstream side)	*600
			Layton Lane (downstream side)	*611
Maps available for inspection at the Municipal Building, 65 Main Street, Sparta, New Jersey.				
New York	Elmira, town, Chemung County (FEMA Docket No. 6586).	Chemung River	Dowstream corporate limits	*833
			At downstream corporate limits of City of Elmira	*847
			At upstream corporate limits of City of Elmira	*859

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream corporate limits	*870
			East side Newtown Creek (before levee overtopping) at confluence with Chemung River.	*849
			At corporate boundary upstream of Industrial Park Boulevard.	*863
			At upstream corporate limits	*863
			West side Newtown Creek (after levee overtopping) upstream of Industrial Park Boulevard.	*861
		McCann's Tributary	Entire flooding within community	*863
		Diven Creek	Entire flooding within community	*863
		Baldwin Creek	Downstream corporate limits	*860
			Jenkins Road downstream	*888
			Confluence of Goldsmith Creek	*894
			Lowman Road upstream	*906
			Greatsinger Road upstream	*920
		Goldsmith Creek	Confluence with Baldwin Creek	*894
			Jenkins Road upstream	*911
			Approximately 2,500 feet upstream of Jenkins Road	*929
Maps available for inspection at the Town Hall, Elmira, New York.				
New York	Elmira Heights, village, Chemung County (FEMA Docket No. 6586).	McCann's Tributary	McCann's Boulevard	*863
			Footbridge to School upstream located near E. Eighth Street, extended.	*864
			Upstream corporate limits	*874
Maps available for inspection at the Village Hall, 13th Street, Elmira, New York				
New York	Gallatin, town, Columbia County (FEMA Docket No. 6586).	Roeliff Jansen Kill	Gallatin-Livingston corporate limits	*244
			Approximately 1.55 miles downstream of upstream corporate limits.	*263
			Downstream Gallatin-Pine Plains corporate limits	*283
			Gallatin-Pine Plains corporate limits	*335
			Approximately 1.0 mile upstream of Gallatin-Pine Plains corporate limits.	*346
			Approximately 0.06 mile upstream of confluence of Shekomeko Creek.	*371
		Shekomeko Creek	Confluence with Roeliff Jansen Kill	*367
			Upstream of Access Road	*381
			Upstream corporate limits	*389
		Doove Kill	Downstream corporate limits	*302
			Upstream of Taghkanic Road	*420
			Upstream of Green Acres Road	*459
			Upstream of upstream crossing of County Route 8	*540
			Taconic State Parkway (upstream side)	*666
Maps available for inspection at the Town Clerk's Office, Gallatin, New York.				
New York	Montgomery, town, Orange County (FEMA Docket No. 6586).	Wallkill River	At downstream corporate limits	*262
			At confluence of Tin Brook	*267
			At downstream corporate limits of Village of Walden	270
			At upstream corporate limits of Village of Walden	*331
			Approximately 6,000 feet downstream of dam	*333
			Upstream side of dam	*344
			Approximately 200' upstream State Route 17K	*350
			At confluence of Muddy Kill	*355
			Approximately 1 mile upstream of confluence of Muddy Kill.	*356
			State Route 211 upstream side	*358
			Interstate Route 84 (upstream side)	*359
			At upstream corporate limits	*361
Maps available for inspection at the Building Inspector's Office, Town Hall, 74 Maine Street, Montgomery, New York.				
New York	Montgomery, village Orange County (FEMA Docket No. 6586).	Wall Kill River	Downstream corporate limits	*338
			Dam (upstream side)	*344
			State Route 17K (upstream side)	*349
			Upstream corporate limits	*354
Maps available for inspection at the Village Hall, Montgomery County, New York.				
New York	Red Hook, town, Dutchess County (FEMA Docket No. 6586).	Hudson River	Entire shoreline within community	*9
		Saw Kill	At confluence with Hudson River	*9
			Upstream of most downstream dam	*74
			Upstream County Route 103	*151
			Upstream of upstream crossing of Aspinwall Road	*172
			Upstream of Mill Road	*204
			Upstream of State Route 199	*228
Maps available for inspection at the Town Hall, 107 South Broadway, Red Hook, New York.				
Ohio	Village of West Farmington, Trumbull County (FEMA Docket No. 6586).	Grand River	About 1.05 miles downstream of Girdle Road	*845
			About 0.38 mile upstream of Girdle Road	*850
Maps available for inspection at the Village Hall, Fourth Street, West Farmington, Ohio.				
Oregon	Burnes-Paiute Indian Reservation, Harney County (FEMA-6574).	Silvies River	At the intersection of Old Radar Road and Cemetary Trail.	*4,166
		Brown Canyon	At the intersection of Drainage and center of Miller Canyon Road.	*4,185

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at Burnes-Paiute Indian Reservation Travel Office, 28 Pi-sa-go, Burns, Oregon.				
Oregon	Coquille (City), Coos County (FEMA-6586)	Budd Creek	50 feet upstream of North Central Boulevard	*21
		Cunningham Creek	50 feet upstream of Fairview Road	*21
		Coquille River	Intersection of River and State Highway 42 South	*20
Maps available for inspection at Public Works Department, 99 East 2nd, Coquille, Oregon.				
Oregon	Hines (city), Harney County (FEMA-6574)	Drainages B, C, & D (Ponding Area).	At the intersection of Commercial Avenue and Pettibone Avenue East.	*4,145
		Drainage D	At the intersection of U.S. Highway 20/395 and Jamison Avenue West.	#1
Maps available for inspection at the Recorder's Office, Highway 20 & East Barnes, Hines, Oregon.				
Pennsylvania	Duncansville, Borough, Blair County (FEMA Docket No. 6586).	Blair Gap Run	Downstream corporate limits	*977
			Upstream of Conrail (2nd crossing)	*1,019
			At most upstream corporate limits	*1,049
		Gillans Run	Entire length within community	*1,021
		Tributary to Gillans Run	At downstream corporate limits	*1,034
			Approximately 90 feet upstream of State Route 764	*1,047
Maps available for inspection at the Borough Building, Duncansville, Pennsylvania.				
Pennsylvania	Logan, township, Blair County (FEMA Docket No. 6586).	Burgoon Run	Most downstream corporate limits	*1,080
			Approximately .21 mile upstream of most downstream corporate limits.	*1,089
			Approximately .32 mile upstream of most downstream corporate limits.	*1,098
			Approximately .37 mile upstream of most downstream corporate limits.	*1,101
			Approximately 1.98 miles upstream of most downstream corporate limits.	*1,240
			Approximately 2.56 miles upstream of most downstream corporate limits.	*1,294
		Mill Run	Approximately 110 feet downstream of downstream corporate limits.	*1,054
			At 2nd upstream corporate limits	*1,063
			Upstream of Union Avenue	*1,080
			Most upstream corporate limits	*1,105
		Brush Run	Downstream corporate limits	*963
			Upstream Lakemont Park Bridge	*1,013
			Approximately .5 mile upstream Frankstown Road	*1,043
		Homer Gap Run	Approximately .21 mile upstream from confluence with Little Juniata River.	*1,100
			Upstream Ponderosa Drive	*1,140
			Upstream Township Route 483 (first crossing)	*1,207
			Approximately 1.0 mile downstream of Township Route 483 (second crossing).	*1,271
			Approximately .4 mile downstream of Township Route 483 (second crossing).	*1,344
			Approximately 550 feet upstream of Township Route 483 (second crossing).	*1,416
		Sandy Run	Downstream corporate limits	*1,087
			Approximately 675' downstream of Bellmead Drive	*1,144
			Approximately 200 feet upstream of Princeton Road	*1,201
		Spring Run	Approximately 100 feet downstream Avalon Road	*1,447
			Approximately .7 mile upstream of Avalon Road	*1,634
			Approximately 1.2 miles upstream of Avalon Road	*1,815
Maps available for inspection at the Township Building, 800 39th Street, Altoona, Pennsylvania.				
Commonwealth of Puerto Rico.	Rio Humacao Basin (FEMA-6554)	Rio Humacao	At the intersection of San Jose and Diana Streets	*20.0
			At the intersection of Calle Jesus Maria Rivera and Calle Velaquez.	*24.0
		Quebrada Mabu	At the intersection of Ulises Martinez Street and Padre Rivera Avenue.	*21.2
		Quebrada Mariana	At the intersection of stream and Camino Las Chorras	*26.0
		Atlantic Ocean	At the mouth of Rio Humacao	*2.7
Maps available for inspection at the Puerto Rico Planning Department, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Texas	Unincorporated areas of Bexar County (FEMA-6568)	West Fork, Olmos Creek	Just upstream of Huebner Road	*895
			Approximately 550 feet upstream of DeZavalla Road	*937
		Olmos Creek	Approximately 180 feet upstream of George Road	*867
			Just upstream of DeZavalla Road	*926
			Approximately 150 feet downstream of FM 1604	*978
		Martinez Creek	Approximately 500 feet upstream of Schuwirth Road	*602
			Approximately 200 feet upstream of Benz-Engleman Road.	*641
		Salitrillo Creek	Just upstream of FM 78	*679
			Just upsream of FM 1976	*690
		West Salitrillo Creek	Approximately 100 feet downstream of FM 1516	*646
			Just upstream of Southern Pacific Railroad	*696
		Calaveras Creek	Just upstream of U.S. Highway 87	*597
			Just downstream of Triple Trees Road	*616
		Indian Creek	Just upstream of Somerset Road	*595
			Just upstream of U.S. Highway 81	*624
		Medio Creek	Approximately 200 feet upstream of U.S. Highway 90	*696
			Approximately 150 feet upstream of FM 1957	*797
			Approximately 200 feet upstream of Talley Road	*850

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Caracol Creek	Just downstream of FM 1604	*800
		Slick Ranch Creek	Just upstream of FM 1957	*782
		Helotes Creek	Just downstream of Leslie Road (downstream crossing).	*914
			Approximately 150 feet upstream of Wagner Road	*1,088
		Los Reyes Creek	Just downstream of State Highway 16 (downstream-most crossing).	*1,095
			Just downstream of State Highway 16 (upstreammost crossing).	*1,236
		Culebra Creek	Approximately 170 feet upstream of State Road 471	*800
			Approximately 150 feet downstream of Loop 1604	*857
			Just upstream of Leslie Road	*866
			Approximately 300 feet downstream of Galm Road	*950
		Rosillo Creek	Approximately 250 feet upstream of Binz-Englemann Road.	*670
		Huesta Creek	Approximately 80 feet upstream of San Antonio Corporate Limits (Approximately 11,650 feet above mouth).	*996
		Salado Creek	Approximately 200 feet upstream of West Avenue	*806
			Approximately 500 feet upstream of Blanco Road	*848
		French Creek	Just downstream of San Antonio corporate limits (Approximately 22,200 feet above mouth).	*916
		Leon Creek	Just downstream of U.S. Highway 81	*611
			Approximately 90 feet upstream of Heath Road	*798
		Huebner Creek	Just upstream of Timber Hill	*786
		Mud Creek	Approximately 200 feet downstream of Jones Maltzburger Road.	*812
		San Antonio River	Just downstream of San Antonio Corporate Limits (Approximately 2,400 feet downstream of Interstate Highway 410).	510
		Tributary A of Culebra Creek	Approximately 70 feet upstream of Timberwilde Drive	*818
			Just upstream of Tezel Road	*839
Maps available for inspection at Bexar County Department of Public Works, County Courthouse, San Antonio, Texas 78205.				
Utah	Cedar City (city) Iron County (FEMA-6568)	Coal Creek	At the intersection of Creek and 100 East Street	*5,790
		Cross Hollow	At the intersection of Lund Highway and Cross Hollow Road.	#1
		Dry Canyon	At the intersection of 1050 North Street and 400 West Street.	#2
		Fiddlers Canyon	Approximately 3,000 feet North along State Highway 130 from its intersection with Fiddlers Canyon Road.	#1
		Stephens Canyon	At the intersection of North Field Road and 1750 North Street.	#1
Maps available for inspection at the Building Inspector's Office, 110 N. Main, Cedar City, Utah.				
Utah	Logan (city), Cache County (FEMA-6586)	Logan River	110 feet upstream from the center of 100 North Street	*4,573
			250 feet upstream from the center of the Union Pacific Railroad Bridge.	*4,472
		Blacksmith Fork	100 feet upstream from the center of the Union Pacific Railroad Bridge.	*4,470
		Spring Creek	200 feet upstream from the center of Dairy Farm Field Road.	*4,474
Maps available for inspection at Planning Office, 61 W. 100 North, Logan, Utah.				
Vermont	Fair Haven, town, Rutland County (FEMA Docket No. 6586).	Castleton River	Approximately 164 feet upstream of confluence with Poultney River.	*304
			Upstream U.S. Route 4	*307
			Upstream Adams Street dam	*319
			Upstream State Route 22A	*343
			Upstream River Street	*369
			Upstream corporate limits	*371
Maps available for inspection at the Town Clerk's Office, North Park Place, Fair Haven, Vermont.				
West Virginia	Davy, town, McDowell County (FEMA Docket No. 6586).	Tug Fork	Downstream corporate limits	*1,181
			Main Street bridge (upstream side)	*1,190
			Upstream corporate limits	*1,200
		Davy Branch	At confluence with Tug Fork	*1,190
			Helena Street bridge (upstream side)	*1,217
			Upstream corporate limits	*1,322
Maps available for inspection at the Town Hall, Davy, West Virginia.				
West Virginia	Iaeger, Town, McDowell County (FEMA Docket No. 6586).	Tug Fork	Downstream corporate limits	*975
			U.S. Route 52 and State Route 80 (upsteam side)	*979
			Upsteam corporate limits	*986
		Dry Fork	At confluence with Tug Fork	*978
			State Route 80	*978
			Upstream corporate limits	*985
Maps available for inspection at the Town Hall, Iaeger, West Virginia.				
West Virginia	War, Town, McDowell County (FEMA Docket No. 6586).	Dry Fork	At downstream corporate limits	*1,326
			Upstream County Route 12/4	*1,342
			Upstream State Route 16 (upstream crossing)	*1,356
			Approximately 0.24 mile upstream of upstream corporate limits.	*1,368,
		War Creek	Confluence with Dry Fork	*1,338

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of fourth upstream County Route 12/4 crossing.	*1,393
			Upstream of Cresent Street	*1,445
			Upstream of corporate limits	*1,486
Maps available for inspection at the Town Hall, War, West Virginia.				
Wisconsin	Village of Browntown, Green County (Docket No. FEMA-6586).	Skinner Creek	Within corporate limits	*790
Maps available for inspection at the Village Hall, Rt. 1, Browntown, Wisconsin.				
Wisconsin	Village of Oconomowoc Lake, Waukesha County (Docket No. FEMA-6586).	Oconomowoc River	At U.S. Highway 18	*862
			At Oconomowoc Lake Dam	*863
		Oconomowoc Lake	Shoreline	*863
Maps available for inspection at the Village Administrator's Office, Village Hall, 35328 Pabst Road, Oconomowoc Lake, Wisconsin.				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Appeals of the proposed base flood elevations were received and have been resolved by the Agency.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Sierra Vista (City), Cochise County FEMA-6356	Soldier Creek	100 feet upstream of Kayetan Drive crossing	*4,580
			At downstream edge of North Garden Avenue crossing.	*4,607
		Buena No. 3	150 feet upstream of Moorman Avenue crossing	*4,520
			At Busby Drive crossing	*4,630
		Fab Avenue Drainage/Drainage N	100 feet upstream of Catalina Drive crossing	*4,555
			50 feet downstream of North Avenue crossing	*4,624
		Fry Boulevard City Park Drainage	50 feet upstream of Andrea Drive crossing	*4,540
			At intersection of Meadows Place and Savanna Drive	#2
		Savanna Drive Drainageway	50 feet upstream of Fry Boulevard crossing	*4,444
			At intersection of Busby Drive and Coronado Drive	#2
			At downstream edge of Golf Links Road crossing	*4,652
		Coyote Wash	50 feet downstream of Foothills Drive crossing	*4,472
			At upstream edge of Coronado Drive crossing	*4,585
Maps available for inspection at Engineering Department, 2400 E Tacoma, Sierra Vista, Arizona.				
California	Lindsay (City) Tulare County FEMA-6431	Lewis Creek	Center of intersection of Hermosa Street and Harvard Avenue.	*385
Maps available for inspection at City Clerk's Office, 251 E. Honolulu Street, Lindsay, California.				
Colorado	Craig (City) Moffat County FEMA-6033	Fortification Creek	Downstream side of 7th Street bridge over the channel.	*6,194
			Downstream side of 10th Street bridge over the channel.	*6,198
		Brotherton Gulch	Upstream side of Barclay Street over the channel	*6,232
Maps available for inspection at City Clerk, City Hall, 300 West 4th Street, Craig, Colorado.				
Florida	Alachua County (Unincorporated Areas) FEMA-6356	Hatchet Creek	50 feet upstream from center of State Highway 24	*116
		Hatchet Creek Tributary 1	50 feet upstream from center of State Highway 24	*122
		Hogtown Creek	50 feet upstream from center of Southwest 20th Avenue.	*63
		Hogtown Creek Tributary 2	80 feet upstream from center of Northwest 43rd Avenue.	*166
		Little Hatchet Creek	Confluence with Little Hatchet Creek Tributary 1	*81
		Little Hatchet Creek Tributary 1	200 feet upstream of confluence with Little Hatchet Creek.	*82
		Newnans Lake Tributary 1	100 feet upstream from center of Southeast 43rd Street.	*109
		Newnans Lake Tributary 2	100 feet upstream from confluence with Newnans Lake Tributary 1.	*71
		Newnans Lake Tributary 3	Center of intersection of stream and East University Avenue.	*118
		Sweetwater Branch	60 feet southeast from center of intersection of stream and Southeast 11th Street.	*83
		Tumblin Creek	150 feet upstream from mouth	*67
Maps available for inspection at Planning Department, City Administration Building, Gainesville, Florida.				
Idaho	Rathdrum (City), Kootenai County FEMA-6299	Rathdrum Creek	Intersection of 3rd Avenue and Coeur d'Alene Street	*2,182
			Intersection of Post Avenue and Gray Street	*2,203
Maps available for inspection at City Hall, 311 First Street, Rathdrum, Idaho.				
Maryland	Mountain Lake Park, Town, Garrett County (FEMA Docket No. 4773).	Little Youghiogheny River	Downstream of Chessie System bridge	*2,393
			Old Bridge Road	*2,400
			State Route 135 at upstream corporate limit	*2,403
		Unnamed Tributary to Little Youghiogheny River.	Downstream corporate limit	*2,389
			Upstream of Chessie System Culvert	*2,392

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Allegany Drive Culvert (upstream side)	*2,392
			Downstream of Oak Street Culvert	*2,401
			Upstream of Oak Street Culvert	*2,415
			Downstream of State Route 135 Culvert	*2,429
			Upstream of State Route 135 Culvert	*2,444
			Downstream of Oakland Drive Culvert	*2,445
Maps available for inspection at the Mountain Lake Park Town Hall, Mountain Lake Park, Maryland.				
New Jersey	Teaneck, Township, Bergen County (Docket No. FEMA-6384).	Overpeck Creek	Downstream corporate limits	*9
			Upstream corporate limits	9
		Hackensack River	Entire shoreline within community	*9
		Frenchs Creek	Downstream corporate limits	*9
			Upstream of River Road	*14
			Upstream corporate limits at New Bridge Road	*17
		Metzler's Creek	Downstream corporate limits	*58
			Upstream corporate limits	*59
		Teaneck Creek	Confluence with Overpeck Creek	*9
			At DeGraw Avenue	*9
Maps available for inspection at the Municipal Building, 818 Teaneck Road, Teaneck, New Jersey.				
North Dakota	Valley City (City), Barnes County FEMA-6546	Sheyenne River	Intersection of Viking Drive and 5th Avenue SW	*1,222
		Tributary A	40 feet upstream from center of 12th Avenue SE	*1,233
Maps available for inspection at City Hall, 230 3rd Street, N.E., Valley City, North Dakota.				
Oregon	Beaverton (City) Washington County FEMA-6560	Beaverton Creek	Center of Broadway and Beaverton Creek	*178
		Shallow Flooding-Sheet Flow	Center of Southwest 5th Street and Western Avenue	#1
		South Fork Beaverton Creek	Center of Southern Pacific Railroad and South Fork Beaverton Creek.	*185
		Johnson Creek	Center of Southwest Glenbrook Road and Johnson Creek.	*176
		Fanno Creek	Center of State Highway 217 and Fanno Creek	*186
		Cedar Mill Creek	Center of Burlington Northern Railroad (Main Line) and Cedar Mill Creek.	*173
Maps are available for inspection at the Engineering Department, 4950 SW Hall Blvd Beaverton, Oregon.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Executive Order 12127, 44 FR 19367; and delegation authority to the Administrator)

Issued: April 27, 1984.

Jeffrey S. Bragg,

Federal Insurance Administrator, Federal Insurance Administration.

[FR Doc. 84-12587 Filed 5-10-84; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 217

[FRA Docket RSSI-81-1; Notice No. 2]

Small Railroad Safety Inquiry; Grant of Temporary Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Small Railroad Safety Inquiry; Grant of Temporary Waiver of Compliance.

SUMMARY: Notice is hereby given that FRA has granted a temporary waiver of compliance with its Railroad Operating Rules (49 CFR Part 217) to certain smaller railroads. Section 217.13 requires that all railroads submit by March 1 of each year a report describing the conduct of their operational testing program during the preceding year. The operational testing programs of the individual railroads are designed to ensure that railroad employees whose activities are governed by the railroad's operating rules understand those rules and act in accordance with them. The temporary waiver of compliance will permit the affected small railroads to delay filing the annual report required by § 217.13 for a period of six months.

EFFECTIVE DATE: May 7, 1984.

ADDRESS: Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Michael E. Chase, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, (202) 426-8285.

SUPPLEMENTARY INFORMATION: The decision to grant this temporary waiver is an outgrowth of a Special Safety Inquiry begun in 1981 (46 FR 39461) in which FRA sought information on the compliance problems encountered by small railroads. Based on the information received in that proceeding and its own analysis, FRA has tentatively concluded that the cost and time burdens imposed by this requirement are disproportionately severe for small railroads and that revision of the requirement may be appropriate. Since the annual report was due on March 1, 1984, and FRA has concluded that there is good reason to propose a regulatory change to eliminate this requirement for some railroads, FRA has granted a temporary waiver to extend the compliance date until September 1, 1984, to permit sufficient time to conduct a rulemaking proceeding in which a substantive change to the regulation can be considered.

FRA has granted this waiver of compliance to Class III railroads having 16 or more employees subject to the Hours of Service Act (45 U.S.C. 61 *et seq.*). FRA has previously taken action to grant a waiver to railroads having 15 or fewer employees subject to the Hours of Service Act (49 FR 8928; March 9, 1984). In response to that waiver, the American Short Line Railroad Association (ASLRA) commented that

the scope of the waiver should have extended to cover all Class III railroads. The ASLRA argued that Class III was the appropriate dividing line in defining a small railroad for purposes of the annual report filing requirement.

While FRA has not concluded that the proper dividing line is Class III railroads, FRA recognizes that the dividing line issue will be central in the rulemaking proceeding to modify 49 CFR 217.13 and that the Class III dividing line will be one option considered. Hence, FRA has concluded that a temporary waiver of compliance with the annual report filing requirement is appropriate during the rulemaking proceeding for Class III railroads.

The Railroad Safety Board of the FRA, which has been delegated authority by the Federal Railroad Administrator, has granted this temporary waiver on the basis of the prior public comment in this Special Safety Inquiry and with the intent to review its decision in light of any public comments received in response to this notice. Consequently, interested persons are invited to participate in this proceeding by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this waiver since the facts do not appear to warrant it. All communications concerning this proceeding must identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.
Communications concerning this waiver proceeding should be submitted before June 8, 1984. All communications will be available for examination both before and after the closing date for comments during regular business hours (8:30 a.m.–5:00 p.m.) in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. Since comments on this waiver proceeding may be relevant to the rulemaking proceeding concerning a regulatory change, a copy of all comments received in response to this notice will also be placed in the rulemaking docket and considered by FRA before final action is taken.

(Sec. 202, Federal Railroad Safety Act of 1970 (45 U.S.C. 431; sec. 1.49(m) of the Regulations of the Secretary of Transportation (49 CFR 1.49(m)))

Issued in Washington, D.C. on May 7, 1984.

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 84-12754 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 82-20; Notice 2]

Consumer Information Regulations Operation of Utility Vehicles on Paved Roadways

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

ACTION: Final rule.

SUMMARY: This final rule adds a new requirement to the Consumer Information Regulations, applicable to "utility vehicles", i.e., multipurpose passenger vehicles which have a short wheelbase and special features for occasional off-road use. Some of these special features cause utility vehicles to handle and maneuver differently from ordinary passenger cars under certain driving conditions. A driver who is unaware of the differences and who makes sharp turns or abrupt maneuvers when operating utility vehicles on paved roads may lose control of the vehicle or rollover. To inform drivers of the handling differences between utility vehicles and passenger cars, this amendment requires manufacturers to place a prescribed sticker on the windshield, dashboard or some other prominent location of the vehicle to alert operators. In addition, the new regulation requires manufacturers to include information in the vehicle Owner's Manual concerning the proper method of on- and off-road driving for utility vehicles.

DATES: This amendment is effective September 1, 1984. Any petitions for reconsideration must be received not later than June 11, 1984.

ADDRESS: Any petitions for reconsideration of this rule should refer to the docket number and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–1740).

SUPPLEMENTARY INFORMATION: This notice amends the Consumer Information Regulations (49 CFR 575) to add a new requirement applicable to "utility vehicles"—multipurpose passenger vehicles (49 CFR 571.3) which have a short wheelbase and special features for occasional off-road operation. This new regulation addresses a safety concern resulting from a possible lack of owner awareness about the proper handling and operation of utility vehicles. These vehicles have features which cause them to handle and maneuver differently than ordinary passenger cars under certain on-pavement driving conditions. Those features include: Short wheelbase, narrow track, high ground clearance, high center of gravity, stiff suspension system and, often, four-wheel drive. Examples of utility vehicles in current production include: AMC Jeeps, Chevrolet Blazer, Ford Bronco, Dodge Ram Charger, Toyota Land Cruiser, and the GMC Jimmy.

Because of the drivers' apparent unfamiliarity with the unique characteristics of these vehicles (their higher center of gravity, narrower track and stiffer suspensions), utility vehicles are more likely to go out of control or roll over than passenger cars during sharp turns or abrupt maneuvers on paved roads, especially at high speeds. Certain research studies appear to indicate that utility vehicles are disproportionately represented in rollover accidents than are passenger cars, and that the rates of death and disabling injury per accident could be twice as high for utility vehicles. (These studies are discussed more fully in this notice.)

In response to these factors, the agency issued a notice of proposed rulemaking on December 30, 1982 (47 FR 58323) to require a new consumer information regulation which would require manufacturers to alert utility vehicle drivers of the unique handling characteristics of these vehicles. As noted in that proposal, the agency believes that the differences in safety statistics and apparent performance with regard to utility vehicles are likely influenced by the lack of awareness by utility vehicle drivers concerning the operational characteristics of these vehicles, especially under conditions approaching the limits of vehicle performance. The occurrence of accidents at observed rates makes it clear that operators do not understand or appreciate the need for adjusting their driving habits to coincide with physical differences between utility vehicles and ordinary passsenger cars.

The proposed amendment to the Consumer Information Regulations specified a prescribed sticker which manufacturers would be required to place in a prominent vehicle location to alert drivers concerning the special handling characteristics of utility

vehicles. Additionally, the proposed regulation specified that manufacturers would be required to include information in the vehicle Owner's Manual concerning the proper method of handling and maneuvering these vehicles when driven on paved roads.

There were twenty comments to the notice of proposed rulemaking. Nearly all of these supported promulgation of the proposed new regulation, in principle. However, many commenters did not accept the agency's basis for the rulemaking and nearly all of the comments recommended various changes. The following is a discussion of the major comments, along with agency's response and final conclusions.

Basic Premise of the New Regulation

The proposal cited a study conducted by the Highway Safety Research Institute of the University of Michigan which found that utility vehicles rollover at a rate at least five times higher than that experienced by the average passenger car ("On Road Crash Experience of Utility Vehicles", see NHTSA Docket 82–20). In addition, the proposal noted that NHTSA fatal accident report data indicate that on a statistical basis, given a rollover accident, occupants are more likely to be killed in utility vehicles than in passenger cars (probability twice as high). Several manufacturers took strong exception to the Michigan study and challenged its scientific accuracy in certain regards, citing statements by the study's author that it was not a definitive project. Although these manufacturers did not oppose the proposed new regulation, they strongly objected to using the cited research as support for the regulation. Several manufacturers also stated that the proposal focused too narrowly on the physical characteristics of utility vehicles and failed to take into account the driver and environmental factors which affect the safety operation of these vehicles.

The agency did not intend to imply that it is only the unique physical characteristics of utility vehicles which are responsible for the great number of accidents in these vehicles. The basic premise of the new regulation, as evidenced by statements in the proposal, is that drivers are apparently unaware of the unique handling characteristics of these vehicles as compared to ordinary passenger cars, and that this coupling of unique vehicle attributes and lack of awareness is apparently a large part of the problem.

Regarding the research cited in the proposal, the agency also did not intend to imply that further study would not be advantageous or that the Michigan study is an exhaustive, definitive statement concerning the actual accident experience of utility vehicles. However, the agency does believe that the information from the Michigan study, together with NHTSA's own data and other research cited below, is sufficiently reliable to indicate that utility vehicles are involved in a substantial number of accidents which appear to be related to their unique handling characteristics, of which their operators may not be fully aware.

In addition to the research mentioned in the proposal, the agency also notes the following information which has been submitted to the Docket concerning this proceeding: "A Comparison of the Crash Experience of Utility Vehicles, Pickup Trucks and Passenger Cars," Reinfurt, et al., Highway Safety Research Center, University of North Carolina, September 1981: "Analysis of Fatal Rollover Accidents in Utility Vehicles," S. R. Smith, NHTSA, February 1982; "Insurance Losses Personal Injury Protection Coverage, Passenger Cars, Vans, Pickups, and Utility Vehicles, 1979–1981 Models," HLDI, 1–18–1, September 1982. These studies also indicated significant rollover accident experience with utility vehicles. While it may be true that these studies do not quantify the contributions of the various possible causes of this accident experience (vehicle characteristics, driver characteristics, vehicle use, environmental factors, etc.), the agency believes that this research does indicate a serious problem which should be brought to the attention of vehicle owners and which can be alleviated by the dissemination of information to alert vehicles owners and drivers.

Application

Several commenters requested changes and clarifications in the definition of "utility vehicle" as set forth in the proposal's application section. The proposal specified the following:

> The Section applies to multipurpose passenger vehicles which have special features for occasional off-road operation ("utility vehicles").

Commenters noted that the utility vehicles at issue typically have a wheelbase of 110 inches or less and recommended that this specification be added to the definition so that other vehicles are not inadvertently included in the regulation's application. Manufacturers were particularly concerned that certain vehicles such as long wheel base utility trucks like the General Motors "Suburban" line, motor homes and multi-use recreational vehicles would be included even though they do not have the same rollover propensities as utility vehicles. The Insurance Institute for Highway Safety argued that the application of the rule should be limited to those vehicles most likely to present rollover concerns. The agency generally agrees with these concerns. As noted in the proposal, the vehicles which are intended to be covered are those with relatively short wheelbases, narrow tracks, high ground clearances, high centers of gravity and stiff suspensions. The proposal also mentioned four-wheel drive as a characteristic of utility vehicles. While four-wheel drive is typically a characteristic of those vehicles, it was mentioned in the proposal only because it is descriptive of the majority of vehicles at issue. Four-wheel drive in and of itself, however, has very little to do with the rollover propensities involved in this rulemaking, and the agency did not intend to include a vehicle simply because it had four-wheel drive if it did not also have the other characteristics which necessitate alerting drivers to special handling methods.

After reviewing these comments and information concerning the vehicles at issue, the agency has determined that the definition should include a 110-inch wheel base specification in order to segregate those vehicles which are disproportionately involved in rollover accidents. Thus, as specified in this new regulation, utility vehicles are multipurpose passenger vehicles which have a wheel base of 110 inches or less and special features for occasional off-road operation (which may or may not include four-wheel drive).

One manufacturer recommended that the new regulation also apply to four-wheel drive light pickup trucks (GVWR of 8,500 pounds or less) as well as to utility vehicles. The manufacturer did not supply any information, however, indicating that the same accident experience occurs with respect to light pickup trucks. Moreover, data before the agency do not indicate that his vehicle class has a different rollover experience than ordinary passenger cars. Therefore, the fact that certain pickup trucks have four-wheel drive does not seem to be sufficient reason for including this vehicle type in the standard's application. As noted earlier, there is not indication that four-wheel drive alone leads to the rollover propensities which are the subject of this rulemaking action. The agency will continue to monitor the accident experience of these vehicles, however, to determine if they

should be included in the standard at some time in the future.

Sticker Location

The proposal preceding this new regulation specified that manufacturers shall affix a sticker to "the instrument panel, windshield frame or in some other location in each vehicle prominent and visible to the driver", to alert drivers concerning the special handling characteristics of utility vehicles. Several commenters requested that this requirement specifically include the driver's sun visor as an acceptable location for the required sticker. One commenter stated that the warning should be of a more permanent nature than a sticker affixed to the windshield or instrument panel. That commenter stated that, if the sticker is located on the instrument panel, it should be behind the plastic lens so that it cannot be removed, arguing the that sticker should remain permanently affixed so that subsequent vehicle owners are made aware of "the vehicle's sensitivity to certain maneuvers."

The agency considers the driver's sun visor to be a "prominent" location in a vehicle, and is modifying the language of this requirement to specifically mention that vehicle location. The agency agrees that the sticker should be of a permanent nature, but does not believe that it is necessary at this time to require the sticker to be placed, for example, behind the plastic lens of the instrument panel. There is no wish to place design restrictions on manufacturers; but the agency does intend for the sticker to be permanently affixed in a prominent position and readily visible to drivers. Stickers similar to the placard required in FMVSS 110 would be considered adequate.

Sticker and Manual Language

A majority of the commenters recommended clarification and changes in the prescribed language for the warning sticker and information in the vehicle Owner's Manual. The proposal specified that the sticker shall have the language prescribed "or similar language", and included the following caveat:

> The language on the sticker required by this paragraph may be modified as is desired by the manufacturer to make it appropriate for a specific vehicle design, to ensure that consumers are adequately informed concerning the unique propensities of a particular vehicle model.

As proposed, this caveat was not applicable to the language required in the vehicle Owner's Manual. Numerous commenters requested that this flexibility be allowed for the Owner's Manual as well. One commenter stated that there is no way the sticker can *"ensure"* consumers are adequately informed. One commenter requested that manufacturers be allowed to place the required information in any section of their Owner's Manual they choose, rather than in the "introduction" and "on-pavement" driving sections as prescribed in the proposal. Several commenters also suggested that the word "rollover" be specifically included in the required warnings, on the basis that "loss of control" does not sufficiently describe the hazard.

The agency agrees that language flexibility may be useful for the Owner's Manual as well as for the prescribed sticker, in order to ensure that consumers are adequately informed concerning the unique characteristics of a particular vehicle design. That modification is made in this notice. The agency believes that the objection to use of the word "ensure" in the specified caveat is a matter of semantics since the agency's intent is that manufacturers make every attempt to adequately inform its customers. It was for this reason that the language flexibility is being allowed. The agency also agrees that use of the word "rollover" in the sticker and Owner's Manual might more accurately describe the possible consequences of sharp turns or abrupt maneuvers than the phrase "loss of control" used alone. Accordingly, that word is added to the language specified in this notice. Finally, the agency agrees that manufacturers should be allowed to place the required "on-pavement" driving information in any prominent location of their Owner's Manual they desire, rather than only in a section specifically labeled "on pavement driving". However, the agency believes that the specified introductory statement must be included in the Manual's introduction (or preface) so that any person consulting the Manual will be aware that driving guidelines are included in the Manual.

One commenter requested that the required information be allowed in a supplement to the Owner's Manual, i.e., a separate pamphlet. The agency has no objections to additional, or comprehensive supplements which further describe driving methods and operating procedures for utility vehicles (one manufacturer currently provides such a Supplement). However, the agency believes that the two prescribed (or similar) statements should be placed in the general Owner's Manual since some operators might be more likely to consult the manual, which includes all information concerning their vehicles, than they would supplements. Further, the required statements are short and should not be onerous to manufacturers.

Effective Date

The proposal specified that the new regulation, if promulgated, would become effective 60 days after publication of a final rule. Several manufacturers stated that their Owner's Manuals are typically updated only at the beginning of a new model year and that longer than 60 days is needed to comply with the requirements of the regulation. After considering these comments, the agency has concluded that the new regulation should become effective September 1, 1984, coincidental with the typical introduction of new models. This is longer than the 60-days leadtime specified in the proposal and should allow all manufacturers sufficient time to comply with the requirements.

NHTSA has examined the impacts of this new regulation and determined that this notice does not qualify as a major regulation within the meaning of Executive Order 12291 or as a significant regulation under the Department of Transportation regulatory policies and procedures. The agency has also determined that the economic and other impacts of this rule are so minimal that a regulatory evaluation is not required. The prescribed sticker and additional information required in the vehicle Owner's Manual will result in only minimal costs for vehicle manufacturers and will not likely result in any cost increase for consumers.

The agency also considered the impacts of this rule under the precepts of the Regulatory Flexibility Act. I hereby certify that the regulation will not have a significant economic impact on a substantial number of small entities. As just discussed, the cost of the required sticker and information will be extremely small. Accordingly, there will be virtually no economic effect on any small organizations or governmental units which purchase utility vehicles. Moreover, few, if any, vehicle manufacturers would qualify as small entities under the Act.

Finally, NHTSA has analyzed this rule for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labelling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued: May 7, 1984.

Diane K. Steed,

Administrator.

PART 575—[AMENDED]

In consideration of the foregoing, a new § 575.105 is added to 49 CFR 575, Consumer Information Regulations, to read as follows:

§ 575.105 Utility vehicles.

(a) *Purpose and scope.* This section requires manufacturers of utility vehicles to alert drivers that the particular handling and maneuvering characteristics of utility vehicles require special driving practices when those vehicles are operated on paved roads.

(b) *Application.* This section applies to multipurpose passenger vehicles which have a wheelbase of 110 inches or less and special features for occasional off-road operation ("utility vehicles").

(c) *Required information.* Each manufacturer shall prepare and affix a vehicle sticker as specified in paragraph 1 of this subsection and shall provide in the vehicle Owner's Manual the information specified in paragraph 2 of this subsection.

(1) A sticker shall be permanently affixed to the instrument panel, windshield frame, driver's side sun visor, or in some other location in each vehicle prominent and visible to the driver. The sticker shall be printed in a typeface and color which are clear and conspicuous. The sticker shall have the following or similar language:

> This is a multipurpose passenger vehicle which will handle and maneuver differently from an ordinary passenger car, in driving conditions which may occur on streets and highways and off road. As with other vehicles of this type, if you make sharp turns or abrupt maneuvers, the vehicle may rollover or may go out of control and crash. You should read driving guidelines and instructions in the Owner's Manual, and WEAR YOUR SEATBELTS AT ALL TIMES.

The language on the sticker required by paragraph (1) and in the Owner's Manual, as required in paragraph (2), may be modified as is desired by the manufacturer to make it appropriate for a specific vehicle design, to ensure that consumers are adequately informed concerning the unique propensities of a particular vehicle model.

(2)(i) The vehicle Owner's Manual shall include the following statement in its introduction.

As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or an accident. Be sure to read "on-pavement" and "off-road" driving guidelines which follow.

(ii) The vehicle Owner's Manual shall include the following or similar statement:

> Utility vehicles have higher ground clearance and a narrower track to make them capable of performing in a wide variety of off-road applications. Specific design characteristics give them a higher center of gravity than ordinary cars. An advantage of the higher ground clearance is a better view of the road allowing you to anticipate problems. They are not designed for cornering at the same speeds as conventional 2-wheel drive vehicles any more than low-slung sports cars are designed to perform satisfactorily under off-road conditions. If at all possible, avoid sharp turns or abrupt maneuvers. As with other vehicles of this type, failure to operate this vehicle correctly may result in loss of control or vehicle rollover.

[FR Doc. 84-12760 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 91

Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") Contest

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Amendment of rules.

SUMMARY: The Service amends the regulations governing the conduct of the annual Migratory Bird Hunting and Conservation Stamp Contest to improve administration of the contest. The amendments will improve the viewing and scoring of entries, and also increase the time allowed for return of entries. The changes will allow the Service to handle the large number of entries more efficiently, ensure fairer judging of entries, and provide sufficient time to return all entries safely to the contestants.

DATES: The amendments are effective May 11, 1984.

ADDRESS: Requests for the contest regulations and Reproduction Rights Agreement should be addressed to: Migratory Bird Hunting and Conservation Stamp Contest, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Anastasi, Migratory Bird Hunting and Conservation Stamp Contest Coordinator, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (telephone number 202-343-5508).

SUPPLEMENTARY INFORMATION:

1. Section 91.12 is amended to increase from $20.00 to $25.00 the non-refundable fee that must accompany each entry that is submitted. This increase is required to defray the increased costs associated with processing and judging the large number of entries that are submitted.

2. Section 91.13 is amended by clarifying that the protective covering of acetate or cellophane must be easy to remove. The cover is intended to protect each entry from damage in shipping and handling, but it must be removable so that the judges may view the artwork without reflection or glare. This revision is made to avoid distortions in scores from judges caused solely by the manner in which entries are displayed. After the contest, the Service either replaces the original covering or uses another cover to protect the entry until it is returned to the entrants.

3. Section 91.21 is revised to delete (a) the restriction on the number of judges used by the service, and (b) the requirement that judges must be "recognized experts in the fields of ornithology, conservation, and/or art, to include waterfowling." The Service has determined that the number of judges for the contest, which was formerly fixed at five, must be changed in order to handle efficiently the dramatic increase in entries in recent years. The contest was once held in one day, but for the past several years, the scoring and selection have required two days. The increasing number of entries has threatened to force a further extension of the time devoted to the contest. By increasing the number of judges and modernizing the scoring process through the use of electronic automated visual equipment, the Service can continue to complete the contest within a two day period.

The requirement that judges must be "recognized" experts in the fields of ornithology, conservation and/or art has been deleted because there is no such official or recognized group of individuals. The deletion of this requirement will give the Secretary the flexibility to select judges who are fully qualified to evaluate the art entries on the basis of anatomical accuracy, artistic composition, and suitability for engraving. The Service will ensure that at least one professional ornithologist and a representative of the Bureau of Printing and Engraving are available to provide the judges with technical assistance.

4. Section 91.24 is revised to increase the scoring range from a range of one to ten to a range of zero to ten.

5. Section 91.25 is revised to provide that one highest and one lowest score will be eliminated prior to computing the total score for each entry. This scoring system is widely used for events such as figure skating and diving to limit the impact of any single score on the total score. Together with the increased scoring range, it will reduce the number of entries that receive equal scores and decrease the possibility that any entry unfairly receives an undeserved score because of a judge's prejudice for or against a particular bird species or type of design, or possible prejudice for or against a contestant whose entry is recognized.

6. Section 91.31 is revised to allow 120 days for returning entries to the entrants. The increased number of entries received and the additional time required for their exhibition in several waterfowl art shows, required that more time be allowed for return of the entries to the contestants.

The amendments to 50 CFR Part 91 contained in this notice are either minor and clarifying amendment, or amendments to the Service's organization and management procedures applicable to the Duck Stamp contest. The notice and comment provisions of 5 U.S.C. 553(b) are impracticable and unnecessary for such clarifying and administrative changes. For similar reasons, these changes are not "rules" within the meaning of Executive Order 12291. Nor are the entrants in the Duck Stamp Contest "small entities" within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Analyses of these amendments to 50 CFR Part 91 are thus not required under either E.O. 12291 or the Regulatory Flexibility Act. In addition, the amendments do not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The primary author of this document is David Gayer of the Office of the Solicitor, Department of the Interior.

List of Subjects in 50 CFR Part 91

Wildlife.

PART 91—[AMENDED]

Accordingly, 50 CFR Part 91 is amended as follows:

1. The authority for Part 91 reads as follows:

Authority: 5 U.S.C. 301, 31 U.S.C. 9701.

§ 91.12 [Amended]

2. Section 91.12 is amended by replacing the sum "$20.00" with the sum "$25.00."

§ 91.13 [Amended]

3. Section 91.13 is amended by revising the fourth sentence to read as follows:

* * * Each entry must be matted (over or under), with an eight inch by ten inch mat (color optional) and protected by an easy to remove covering of acetate or cellophane.

§ 91.21 [Amended]

4. Section 91.21 is amended by removing the word "Five" from the first sentence, and by removing the entire second sentence.

§ 91.24 [Amended]

5. Section 91.24 is amended by replacing the phrase "one to ten" with the phrase "zero to ten."

§ 91.25 [Amended]

6. Section 91.25 is amended by revising the seventh sentence, and by inserting two (2) new sentences immediately thereafter, to read as follows:

* * * When the panel of Judges has completed this nomination process, the entries nominated for preliminary consideration will be silently voted on by each member of the panel of Judges. Each Judge will indicate a numerical score from zero to ten for each nominated entry. One highest and one lowest score for each entry will be eliminated, and the remaining scores will be totaled to represent that entry's score. * * *

§ 91.31 [Amended]

7. Section 91.31 is amended by replacing the number "90" with the number "120."

Dated: May 7, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-12732 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 40453-4053]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce announces the closure of the non-Indian commercial salmon fishery in the fishery conservation zone (FCZ) between the U.S.-Canada border and Cape Falcon, Oregon at midnight May 7, 1984 to ensure that the quota for chinook salmon is not exceeded in 1984. The Director, Northwest Region, National Marine Fisheries Service, has determined in consultation with the Washington Department of Fisheries, the Oregon Department of Fish and Wildlife, and the Pacific Fishery Management Council that the commercial fishery quota of 14,000 chinook salmon for the area will be reached by midnight May 7. This action is intended to conserve chinook salmon stocks and does not apply to the treaty Indian troll fishery.

EFFECTIVE DATES: Closure of the FCZ from the U.S.-Canada Border to Cape Falcon, Oregon, to commercial salmon fishing for chinook salmon is effective to 2400 hours Pacific Daylight Time (P.D.T.), May 7, 1984.

FOR FURTHER INFORMATION CONTACT: Thomas E. Kruse (Acting Director, Northwest Region, National Marine Fisheries Service), 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115; telephone 206-526-6150.

SUPPLEMENTARY INFORMATION: Emergency regulations (effective for 90 days) to manage the ocean commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California were published in the Federal Register on May 3, 1984, 49 FR 18853.

The emergency regulations specify at § 661.42(a)(2) that when a quota for the commercial or the recreational fishery, or both, for any species in any portion of the fishery management area is projected by the Regional Director to be

reached on or by a certain date, the Secretary shall, by publishing a notice in the **Federal Register**, close the commercial or recreational fishery, or both, for all species as of the date the quota will be reached.

The chinook quota for the May non-Indian commercial fishery in the area from the U.S.-Canada Border to Cape Falcon, Oregon, is 14,000 fish, as shown in Table 3 of § 661.42(a)(1) of the emergency regulations. Based on the most recent catch and effort information supplied by the Washington Department of Fisheries (WDF) and the Oregon Department of Fish and Wildlife (ODFW), the non-Indian commercial fishery in the area is projected to reach the 14,000 chinook salmon quota by midnight May 7, 1984. The Secretary therefore issues this notice to close the ocean non-Indian commercial troll fishery from the U.S.-Canada Border to Cape Falcon, Oregon effective midnight, May 7, 1984. This notice does not apply to the treaty Indian troll fishery in the same area or other fisheries which may be operating in other areas.

The catch projections for this week-old fishery are, in part, based on the number of trip boats at sea and the estimated average catch per vessel per day. If, after the fishery is closed, actual catch data indicates that fewer than 14,000 chinook were taken, the remainder will be added to the 2,700 chinook quota for the August commercial all-species troll fisheries (1) north of Cape Alava, Washington, and (2) between Cape Falcon, Oregon, and the Columbia River. Correspondingly, if the actual catch exceeds the 14,000 chinook quota, the difference will be deducted from those August chinook quotas.

The Regional Director consulted with the Directors of WDF and ODFW and with representatives of the Pacific Fishery Management Council regarding this closure. The Directors of the WDF and the ODFW have indicated Washington and Oregon will close the non-Indian commercial troll fishery in state waters adjacent to the FCZ at the same time this action closes the specified parts of the FCZ. For the area south of Cape Falcon, Oregon to Cape Blanco, Oregon, the commercial troll fishery for all salmon except coho will remain open until June 15.

As provided under § 661.42(d), all information and data relevant to this notice of closure have been compiled in aggregate form and are available weekdays for public review at the above address from 8:00 a.m. to 4:30 p.m.

Other Matters

This action is taken under the authority of 50 CFR 661.42 and in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: May 8, 1984.

Samuel A. Lawrence,

Director, Office of Administrative and Technical Services.

[FR Doc. 84-12752 Filed 5-8-84; 2:45 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 49, No. 93
Friday, May 11, 1984

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 84-AGL-4]

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new controlled airspace area near Wadsworth, Ohio, to accommodate a new NDB Runway 2 instrument approach procedure at Wadsworth Municipal Airport, Wadsworth, Ohio. This controlled airspace area is being proposed on the basis of a request from the Wadsworth Municipal Airport officials to provide the airport with instrument approach capability.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before June 28, 1984.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 84-AGL-4, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

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

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

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

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AGL-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

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

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in FAA Order 7400.6, Part 1, dated January 3, 1984.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

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

Wadsworth, OH

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Wadsworth Municipal Airport (latitude 41°00'06" N., longitude 81°45'30" W.) excluding that portion overlying the Akron, Ohio, and Wooster, Ohio, 700-foot transition areas.

(Sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-499, January 12, 1983)

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to

keep them operationally current. Therefore, it is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 1, 1984.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 84-12707 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 84-AGL-3]

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Camp Ripley, Minnesota, transition area to accommodate two new instrument approach procedures into Ray S. Miller Army Airfield, i.e., an NDB Runway 31 procedure and an RNAV Runway 31 procedure.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before June 28, 1984.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 84-AGL-3, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

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

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

SUPPLEMENTARY INFORMATION: This action designates an additional amount of controlled airspace near Ray S. Miller Army Airfield to accommodate a new NDB Runway 31 procedure and a new RNAV Runway 31 procedure. The additional controlled airspace will extend the transition area radius ½ mile to 6.5 miles.

The development of the proposed procedures requires that the FAA alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700-foot controlled airspace.

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 84-AGL-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Camp Ripley, Minnesota.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in FAA Order 7400.6, Part 1, dated January 3, 1984.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 17) as follows:

Camp Ripley, MN

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Ray. S. Miller Army Airfield (lat. 46°05'00" N., long. 94°21'10" W.), excluding that portion overlying the Little Falls, Minnesota, 700-foot transition area.

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

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

only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on May 1, 1984.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 84-12706 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-360]

Oil and Gas Well Drilling and Servicing

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of informal public hearing.

SUMMARY: This notice schedules informal public hearings on OSHA's proposed rulemaking on oil and gas well drilling and servicing.

DATES: Notices of intenetion to appear at the informal public hearings must be postmarked by June 11, 1984. Written comments, testimony, and all evidence which will be offered into the hearing record must be postmarked by June 25, 1984. The hearings will begin at 9:30 a.m. and be held in the following cities on the following dates:

Washington, D.C. on July 24, 25, and 26, 1984.
Casper, Wyoming on July 31 and August 1 and 2, 1984.
Dallas, Texas on August 8, 9 and 10, 1984.

ADDRESSES: Notices of intention to appear and testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, NW., Washington, D.C. 20210

The informal public hearings will be held at the following locations:

1. July 24, 25, and 26, 1984, at the Frances Perkins Department of Labor Building Auditorium, 200 Constitution Avenue, NW., Washington, D.C. 20210.

2. July 31 and August 1 and 2, 1984, in the Mardi-Gras Room, Ramada Inn, I25 and Center Street, Casper, Wyoming 82601 (Telephone 307-235-5713);

3. August 8, 9, and 10, 1984, in the Junior Ball Room of the Sheraton-Dallas, 400 N. Olive Street, Dallas, Texas 75201 (Telephone 214-922-8000).

FOR FURTHER INFORMATION CONTACT:

Hearing: Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3662, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8024.

Proposal: Mr. James F. Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, Washington, D.C. 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION: On December 28, 1983, OSHA published a Notice of Proposed Rulemaking on Oil and Gas Well Drilling and Servicing (48 FR 57202). Written comments were to be received by March 5, 1984. A number of requests were received by OSHA asking for an extension of time to allow additional time to prepare comments. OSHA agreed to these requests and extended the comment period from March 5, 1984, to June 4, 1984 (49 FR 9913).

In response to the proposed rule, OSHA has received several requests for public hearings. This notice announces the schedule for informal public hearings which will be held to examine specific issues listed in the comments and hearing requests as well as other relevant issues. OSHA seeks additional information and specifically invites comments and testimony on the issues listed below.

Hearing Issues

Issue 1. Blowouts pose life-threatening situations which can cause serious bodily harm and extensive rig damage that can in turn lead to additional risks. In addition, fires are often an additional hazard associated with blowouts. The proposed regulation requires the use of blowout prevention equipment in certain instances. These requirements also include testing of the equipment and training of personnel in the proper use of this equipment. A number of commenters have objected to certain aspects of these tests, such as type and frequency of testing, and have suggested alternatives. Questions have been raised on OSHA's estimates as to costs of blowout prevention testing. Some commenters have stated that frequent testing is costly and shortens the service life of this equipment. OSHA is interested in the effects of testing on the operational readiness of the blowout prevention equipment. What parts (preventers, choke lines, kill lines, accumulators) of the blowout prevention system need to be tested? What kind of test (pressure, operational, other) should be required for each component part of the blowout prevention systems? How often should these tests be done? What tests or test sequences can be used to assure operational readiness of the blowout prevention system that also minimize accelerated wear on the component parts, subsequently compromising the proper functioning of the system in an emergency? What constitutes a proper blowout prevention training program? What constitutes a proper blowout prevention plan?

Issue 2. Kicks pose hazards during drilling and servicing. One method of controlling kicks is by using kelly cocks as required by the proposed standard. Most kelly cocks are located above the kelly, and the procedure to close the cock is to ascend (typically on the cat line or tugger line) to close the cock. An alternative kelly cock design, locating the kelly cock between the kelly and the uppermost drill joint, requires hoisting the drill string to allow access to the kelly cock—a procedure that may in itself add to the potential and real hazard of the kick by creating a swabbing action which increases flow. OSHA solicits information on the appropriate location of the kelly cock. Some commenters have suggested that "drill string float" valves be used as an alternative to kelly cocks. OSHA seeks more information on the use of drill string floats and their ability to control kicks.

Issue 3. A number of serious injuries have occurred from uncontrolled releases of mud under high pressure from pump and mud line leaks and escapes. Failures in this equipment have been caused by the use of incorrect shear pins (including substitution of high tensile tool steel for proper pins) in pressure relief valves; in the failure to cover or shield poppet valves to direct any flow away from employees; and from the whipping of lines following rupture. Although this hazard was not specifically addressed by the proposal, OSHA solicits information on how to prevent these occurrences and how to limit the extent of injuries in the event of failure of components during high pressure mud releases.

Issue 4. Temporary high pressure lines are frequently used to carry fluids in and around oil wells. Examples include lines carrying fracturing fluids, acid, and hot oil used to treat wells. Due to the extremely high pressures used, small volume leaks can present especially severe physical, corrosive and fire hazards to personnel. Although this hazard was not specifically addressed by the proposal, this issue has been raised and will be examined. How can

such leaks be eliminated or controlled so as to prevent injuries to employees?

Issue 5. Serious injuries and fatalities have occurred because equipment operators inadvertently activated the wrong control knob or the control lever was moved in the wrong direction. OSHA had posed questions regarding the standardization of distinctive knobs and the placement of controls on the rig. Several commenters have stated that such requirements should only be applied to new rigs. In addition, OSHA has become aware of problems related to one control lever performing several functions. Although not specifically addressed in the proposal, OSHA now requests additional information on this issue. This type of lever has been cited as a cause of accidents. OSHA, therefore, is considering imposing a requirement to require separate control knobs for those controls used to operate the breakout tongs, makeup tongs, and rotary table. OSHA requests any information commenters may have regarding the market availability of separate control as well as the costs associated with installation of these controls on new and existing rigs. Suggestions have been made to adopt the recommended practice of the American Petroleum Institute (API) for control panels on drilling and servicing rigs (API RP–7H). The API recommendations generally suggest the design of the control panel, the location of certain controls and the shape of control knobs. Comments on the applicability of the API recommendations or alternative approaches are invited. To what degree is the industry currently in compliance with the API recommendations? Comments on the feasibility and cost of retrofitting existing equipment should be included.

Issue 6. A number of facilities and serious injuries have resulted from overturned rigs following failure of ground anchors. Several factors associated with anchor failures include the failure of anchor components, inadequate design strength, corrosion, and improper installation.

OSHA proposed certain requirements regarding the inspection and testing of anchors. OSHA also proposed a prohibition on the use of trees, rocks, and other naturally occurring objects as anchors. In the preamble to the proposed rules, OSHA asked the following questions regarding anchors and testing and inspection programs to establish adequacy of anchors:

What experience factors are available to ascertain suitability of trees as anchors? What method of fastening guy lines to trees is suitable? Are the information and data developed for skyline logging anchors by the Forest Service, U.S. Department of Agriculture, applicable to evaluating and selecting trees as anchors for oil well worksites?

What methods are available to fasten fasten guy lines to rocks? What criteria are available for rock selection and fastening or attaching guy lines? How should such anchors be tested? Are there any comments on the use of rocks as anchors?

What frequency of testing of anchors is sufficient to ensure safety of workers? What kind of testing program and protocol should be used? What criteria should be established for rejection of an anchor? Should pull test records be required on anchors?

Several hearing requests were received presenting alternatives to the proposed rules that the commenters stated would provide at least equal levels of safety and lower cost or simpler application. In addition, a number of commenters provided specific answers to several of these questions. However, many of the questions were not answered at all. Therefore, the questions are repeated. Answers to the above questions and comments on the proposed rules on anchors and anchor testing are solicited.

Issue 7. OSHA believes that a significant amount of occupational noise exposure exists in the industry with the attendant potential for worker hearing loss. In response to the general problem of occupational hearing loss, OSHA promulgated a standard of general application that requires the establishment of a hearing conservation program (29 CFR 1910.95 (c) through (o). Because of several factors largely unique to the oil and gas well drilling and servicing industry, and because of the existence of an industry-specific OSHA rulemaking already in an advanced stage, OSHA temporarily exempted this industry from these requirements with the intention that, through this rulemaking, OSHA could develop hearing conservation requirements more specifically tailored to the needs of the industry. In keeping with this intention, in the preamble to the proposed rule OSHA discussed at length the extent of the problems evidenced by the existing record. Information regarding these problems was solicited through nine sets of questions. Although well over 100 comments have been received by OSHA to date, only a small fraction of these address the hearing conservation issues—and even fewer attempt to answer the questions. Since several hearing requests indicate that additional evidence on this issue was being developed and would be ready for presentation at the hearings, OSHA continues to seek information on the same questions which are repeated below:

1. What are the nature and extent of worker exposure to noise in this industry?

2. Which job tasks and locations on rigs expose employees to noise levels of 85 DBA or more (expressed in time weighted averages (TWAs))? How many employees does this represent? List job tasks and estimate the number of employees with exposures at 90 dB and 100 dB or more.

3. To what extent is monitoring necessary to ensure an effective hearing conservation program in this industry?

4. What alternatives to monitoring could provide information regarding when hearing protectors are needed and the degree of attenuation that hearing protectors need to provide?

5. What is the employee turnover rate? To what extent do employees tend to remain in the industry regardless of employer? What is the average number of years in the industry per employee? Can this be broken down by operation?

6. Would a requirement that baseline audiograms be obtained within one year rather than six months still provide for an effective hearing conservation program for long term workers in this industry? Should employers whose employees have eight hour TWA's between 85 and 90 dB be given longer to obtain baseline audiograms than employers whose employees have extremely high exposures?

7. Are there any alternatives to audiometric testing to ascertain that workers are not losing hearing and that the hearing conservation program is effective?

8. Describe the present effort of your company to conserve employee hearing including the specific elements of the hearing conservation program.

9. How can the various key elements of the hearing conservation program set forth in 29 CFR 1910.95 be adopted to fit the particular characteristics of the oil and gas well drilling and servicing industry? Would the three paragraph alternative set forth in the proposal at 48 FR 57206 in column 1 provide employers with enough flexibility for compliance and assure that employees are adequately protected?

Issue 8. OSHA proposed clearances or distances from the wellhead for light plants, vehicles, flammable liquid tanks and other equipment in an effort to reduce the risks of fires. A number of commenters have objected to these distances, arguing that space is not

available to meet these distances. They also commented that engines and other potential sources of ignition are by necessity located closer to the wellhead than the distances OSHA has proposed for other ignition sources. In addition, some commenters have stated that when proper well control procedures are followed and mud/gas separation equipment with a flare system is being used, flammable gas or vapor problems are not a hazard. Other commenters have suggested that hazards associated with flammable gas or vapor accumulations could be minimized by a backup system using flammable gas detection and early warning equipment to alert employees. What fire prevention measures are necessary to prevent the occurrence of fires on drilling or servicing rigs, inside doghouses, and around the shale shaker and mud tanks? What well control procedures should be recognized as assisting or supporting fire prevention measures? What costs are incurred by these procedures? What types of heaters should be permitted on the rig floor and in the doghouse that would not ignite the workers' oily clothing?

Issue 9. Hydrogen sulfide has been identified as causing numerous fatalities in and around oil and gas wells. OSHA has proposed several requirements to deal with the hazard, including monitoring, emergency escape and employee training. In some parts of the Nation, hydrogen sulfide has never been detected in oil and gas wells. However, new strata or new oil and gas fields (including exploratory drilling in new fields) always present the possibility of exposure to hydrogen sulfide. Because of the extremely deadly nature of the gas, OSHA's proposed rules are believed necessary to prevent fatalities. Several commenters believe these rules are unnecessary or excessively burdensome and restrictive. OSHA seeks information on whether there are circumstances under which H_2S precautionary measures are unnecessary. What are the costs of the H_2S monitoring system? How often should the system be tested?

Issue 10. Emergency conditions developing in the course of work require evacuation from elevated positions on the rig. The proposed standard requires means for emergency escape from the monkeyboard, rod basket, tubing board and stabbing board. Many commenters objected to providing emergency escape means from the stabbing board. Others questioned such a need from the rod basket. When the well is "dead," or well control has been established, it has been suggested that the derrick or mast ladder be acceptable as the emergency escape device from the stabbing board when casing is being handled. Should this mast ladder be acceptable as the means for emergency escape from the stabbing board? What controls or conditions should be established or required in order that the ladder be acceptable? What should be the acceptable procedures for emergency escape from the rod basket? Should the use of the ladder from the rod basket to the tubing board, and then the use of an emergency escape device from the tubing board be acceptable? What conditions should be required to permit this? What emergency escape devices and arrangements should be required on over-the-water rigs?

Issue 11. Falls from hoisting equipment have resulted in several fatalities and serious injuries. The proposed standard prohibits the riding of hoisting equipment except under special conditions. Many commenters have objected to the proposed restrictions. Some commenters have stated that neither the cat line, the elevators nor the traveling block should be used to hoist personnel unless an emergency condition exists. What types of emergencies would require the use of the cat line, elevators or traveling block to hoist personnel? What conditions, arrangements, and procedures should be required for drilling and well servicing crews to ride hoisting equipment in an emergency. What conditions, arrangements, and procedures should be required for well servicing crews to ride the elevators or traveling block in nonemergency conditions?

Some commenters have suggested that an air or hydraulic hoist line (tugger line) is one of the safer ways to position an employee in the derrick to perform maintenance and other special work that cannot be easily reached from the ladder. When should employees be permitted to ride such hoisting equipment? What conditions and controls should be required before employees are permitted to ride such hoisting equipment? What personal fall protective equipment (i.e., safety belt and lanyard, tree trimmer's saddle belt, work harness, full-body harness, etc.) and controls should be required for emergency use or during nonemergency use when personnel are riding on any type of hoisting equipment?

Issue 12. Slipping from ladders during climbing has resulted in numerous serious injuries. The risk of slipping is increased under adverse weather conditions. The proposed standard requires a ladder safety device on all fixed ladders that are longer than 20 feet in length. Many commenters have suggested that the ladder climbing assist device should be acceptable as a ladder safety device. Under what conditions or restrictions should this equipment be acceptable? Ladder climbing assist devices that can also be used as emergency escape devices, when switched over to an escape mode, have been recommended for use. What types of devices should be recognized for this dual purpose, and what conditions and arrangements should be prescribed?

Issue 13. OSHA has received reports of fatalities in both the drilling and servicing industries as a result of running the traveling block into the crown block. OSHA has proposed to include a travel limiting device (anti-two blocking device) on all new rigs for drilling, servicing, and special services. Several commenters from the servicing industry have described special circumstances unique to servicing which limit the effectiveness of the anti-two blocking device. These circumstances include increased difficulty of calibration due to frequent relocation of the rigs, and the changing conditions of operation. OSHA seeks additional information regarding the occurrence of two blocking in the servicing industry. To what extent does this industry experience calibration difficulties of the anti-two blocking devices? What is the cost of calibrating the anti-two blocking device? Are there any equally effective alternatives to the use of these devices? What is the cost of these alternatives?

Issue 14. OSHA has proposed various requirements concerning rig-up activities, but few related to rig-down activities. OSHA would like additional information on what hazards are associated with rigging down, and what safe work practices are currently used to protect employees from the hazards encountered during the rig-down activities.

Commenters and hearing participants may submit additional information on these and other relevant issues raised by the proposal following the requirements for submittal contained in this notice.

Economic Analyses

Several commenters have raised objection to the conclusions reached by OSHA's economic consultants. The consultants, Energy Resources Company, will be available to respond to questions during the hearings in Washington, D.C., and Dallas, Texas. OSHA continues to seek information on the cost of compliance and the economic impact of the proposal for oil and gas well drilling and servicing. Interested

persons are encouraged to submit relevant economic information to OSHA to facilitate a complete determination of the regulatory impact of the standard. It is most important that parties submitting economic analyses also provide all underlying data and assumptions on which these analyses are based so that OSHA may evaluate fairly the conclusions of each analysis. In addition, OSHA invites submission of any economic information regarding the impact of the standard on small businesses and other small entities, so that OSHA may fully carry out its responsibilities under the Regulatory Flexibility Act (Pub. L. 96–353, 94 Stat. 1164 (5 U.S.C. 601 et seq.))

Public Participation in Hearing

Notice of Intention of Appear: Persons desiring to participate at the hearing must file a notice of intention to appear by June 11, 1984. The notice of intention to appear must contain the following information:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The city where the person intends to appear;
4. The approximate amount of time required for the presentation;
5. The specific issues that will be addressed;
6. A detailed statement of the position that will be taken with respect to each issue addressed; and
7. Whether the party intends to submit documentary evidence and, if so, a detailed summary of the evidence.

Filing of Testimony and Evidence Before the Hearing

Any party requesting more than 10 minutes for presentation at the hearing, or who will submit documentary evidence, must provide, in quadruplicate, the complete text of testimony, including all documentary evidence to be presented at the hearing. This materials must be provided to the OSHA Division of Consumer Affairs by June 25, 1984.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the hearings.

Any party who has not substantially complied with the above requirement may be limited to a 10-minute presentation and may be requested to return for questioning at a later time. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notices of intention to appear, testimony and evidence will be available for inspection and copying at the Docket Office, Docket S–360, U.S. Department of Labor, Occupational Safety and Health Administration, Room S–6212, 200 Constitution Avenue, NW., Washington, D.C. 20210, (202) 523–7894.

The hearing will commence at 9:30 a.m. at the scheduled locations with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have the power necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the power:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The notice of proposed rulemaking will be reviewed in light of all testimony and written submissions received as part of the record, and the proposed standard will be modified or a determination will be made not to modify the proposed standard based on the entire record of the proceeding.

Authority

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

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911, Secretary of Labor's Order No. 9–83 (48 FR 35736))

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

Patrick R. Tyson,

Deputy Assistant Secretary of Labor.

[FR Doc. 84–12874 Filed 5–10–84; 8:45 am]

BILLING CODE 4510–26–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 152

[OPP–250048; PH–FRL 2582–2]

Pesticides; Notification to the Secretary of Agriculture of a Proposed Regulation for Procedures for Satisfaction of Data Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of transmission of proposed rule.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation which describes information that applicants for registration, amended registration, and reregistration of pesticides would be required to submit in order to comply with the provisions of FIFRA sec. 3(c)(1)(D) with respect to submission or citation of data. This action is required by section 25(a)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

FOR FURTHER INFORMATION CONTACT: By mail: Jean M. Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 1114C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–0592).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing if for publication in the **Federal Register.** If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register,** with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation

for publication in the Federal Register anytime after the 30-day period.

As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(Sec. 25, Pub. L. 92-516, 86 Stat. 973 as amended; (7 U.S.C. 136 et seq.))

Dated: April 25, 1984.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 84-12238 Filed 5-10-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 217

[Docket No. RSOR-8, Notice No. 1]

Railroad Operating Rules

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend the Railroad Operating Rules (49 CFR Part 217) to eliminate the annual report requirement (49 CFR 217.13) for railroads that employ 15 or fewer employees subject to the Hours of Service Act (45 U.S.C. 61-64b). This proposed action is an outgrowth of FRA's Special Safety Inquiry on small railroads and has the purpose of reducing the burden of Federal regulation on small entities. By this action, FRA also seeks to reduce the level of Federal paperwork requirements in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96-611).

DATE: Comments must be received on or before June 19, 1984. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESSES: Written comments should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590. Comments should identify the docket number and notice number and shall be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Philip Olekszyk, Office of Safety, FRA, Washington, D.C. 20590; Telephone (202) 426-0897.

Principal Attorney: Michael E. Chase, Office of Chief Counsel, FRA, Washington, D.C. 20590; Telephone (202) 426-8285.

Paperwork Reduction Act

This proposed rulemaking contains a revision to an information collection requirement in the following section: 49 CFR 217.13. It has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980. (44 U.S.C. 3501 *et seq.*). Persons desiring to comment on the information collection requirement should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, ATTN: Desk Officer, Federal Railroad Administration. Persons submitting comments to OMB are also requested to submit a copy of their comments to FRA as indicated under "ADDRESSES."

SUPPLEMENTARY INFORMATION: In late 1981, FRA initiated a Special Safety Inquiry on small railroads to assist in evaluating and improving its safety regulatory program as it applies to small railroads (46 FR 39461). One focus of the inquiry was identification of regulatory requirements that could be modified or eliminated for small railroads.

As result of the inquiry, FRA has identified two areas for immediate action. One area involves the recordkeeping requirements in the Locomotive Safety Standards (49 CFR Part 229) and is the subject of another rulemaking. This NPRM involves Railroad Operating Rules (49 CFR Part 217).

The rules in Part 217 are designed to ensure that the procedures for moving trains provide a high level of safety. This is accomplished in two ways. First, railroads are required to file their operating rules with FRA, to have a program of instruction on their rules, and to periodically conduct operational tests and inspections to determine the extent of compliance with the rules. Second, FRA reviews the operating rules of railroads, their programs of instruction, and their operational tests and inspections.

FRA's review of railroad's operational tests and inspections is made possible because a written record of each such test and inspection is required. These records are required to be retained for one year. In addition, an annual report must be filed which includes the railroad's total train miles, a summary of the operational tests and inspections, and the number of operational tests and inspections per 10,000 train miles. It is the annual report requirement FRA is proposing to modify.

In light of the information obtained about small railroad operation at the Special Safety Inquiry, FRA has concluded that the annual report requirement is unnecessary for small railroads. The burden on small railroads to fill out the report is disproportionate given their small size. The annual report is essentially a summary of the records of the individual tests and inspections. While such a summary is critical for FRA effectively to review the operating practices of larger railroads where a large number of tests and inspections are involved, a review of the operating practices of smaller railroads can be efficiently accomplished by simply visiting the railroads.

Specifically, FRA is proposing to eliminate the annual report under § 217.13 for all railroads that have 15 or fewer employees subject to the Hours of Service Act. The use of the 15-person dividing line to define a small railroad is proposed for several reasons. First, use of Hours of Service employees as opposed to all employees, for example, provides a reasonably precise relationship to the scope and magnitude of a railroad's operations. Second, the 15-person cutoff is found in the Hours of Service Act as the dividing line for purposes of applying a portion of that statute. Thus, it has a history in the railroad industry and reflects a legislative judgment of one reasonable dividing line between large and small railroads. Third, FRA believes that the disproportionate burden of preparing the report imposed on a small railroad is reduced where the operation involves more than 15 employees subject to the Hours of Service Act. Finally, the dividing line has significant practical impact since FRA estimates that approximately 200 railroads would no longer be required to file an annual report.

FRA recognizes, however, that there may be other reasonable criteria for establishing a dividing line between large and small railroads for purposes of providing relief from the annual report filing requirement. Therefore, FRA specifically invites comments on the issues of where to draw the dividing line, the factual and analytical bases for selection of a recommended dividing point, the burden imposed by the annual report filing requirement as a function of the size of a railroad, and the potential impact of eliminating the annual report filing requirement on a broader scale.

Notice and Public Procedure

Interested persons are invited to participate in this proceeding by submitting written comments.

Communications should identify the docket and notice numbers and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590. Persons desiring receipt of their communications to be acknowledged should attach a stamped pre-addressed postcard to the first page of each communication. Communications received before June 19, 1984, will be considered before final action is taken on the proposed rules. All comments received will be available for examination by interested parties at any time during regular business hours in Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590.

FRA has not scheduled a public hearing on this rulemaking because it is limited in scope and because the issues involved lend themselves to written analysis. If any person believes it necessary to make an oral presentation, the Docket Clerk should be contacted by phone at (202) 426–8285 before June 6, 1984.

List of Subjects in 49 CFR Part 229

Railroad safety.

Regulatory Impact

This NPRM has been evaluated in accordance with existing regulatory policies. It would not have an adverse or significant economic impact on any entity, including small entities, because it relieves a burden on the public and because the proposed change would have only a minor economic impact for any small entity. The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. Accordingly, the agency certified that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the environment and, therefore, an environmental impact statement is not required. The proposed amendment is considered to be non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

Proposed Rule

PART 217—[AMENDED]

In consideration of the foregoing, FRA proposes to revise the introductory text of § 217.13 of Part 217 of Title 49, CFR, to read as follows:

§ 217.13 Annual report.

Before March 1 of each year, each railroad to which this part applies, except for a railroad that employs 15 or fewer employees subject to the Hours of Service Act (45 U.S.C. §§ 61–64b), shall file with the Federal Railroad Administrator, Washington, D.C. 20590, a written report of the following with respect to its previous year's activities.

(Sec. 202, 84 Stat. 971 (45 U.S.C. 431); Sec. 1.49(m) of the Regulations of the Secretary of Transportation (49 CFR 1.49(m)))

Issued in Washington, D.C. on May 7, 1984.

John H. Riley,

Administrator.

[FR Doc. 84–12756 Filed 5–10–84; 8:45 am]

BILLING CODE 4910–06–M

49 CFR Part 229

[Docket No. LI–7, Notice No. 1]

Railroad Locomotive Safety Standards

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to revise the Railroad Locomotive Safety Standards (49 CFR Part 229) to eliminate or reduce certain reporting and recordkeeping requirements that are no longer necessary for safety. By this action, FRA seeks to reduce the Federal paperwork burden in accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–611).

DATE: Comments must be received on or before June 19, 1984. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESS: Written comments should be submitted to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should identify the docket number and notice number and shall be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Philip Olekszyk, Office of Safety, FRA, Washington, D.C. 20590; Telephone (202) 426–0897.

Principal Attorney: Michael E. Chase, Office of Chief Counsel, FRA, Washington, D.C. 20590; Telephone (202) 426–8285.

Paperwork Reduction Act

This proposed rulemaking contains information collection requirements, or revisions to information collection requirements, in the following sections: 49 CFR 229.15, 229.21, and 229.23. They have been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act of 1980. (44 U.S.C 3501 *et seq.).* Persons desiring to comment on these information collection requirements should submit their comments to: Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place, N.W., Washington, D.C. 20503, Attn: Desk Officer, Federal Railroad Administration. Persons submitting comments to OMB are also requested to submit a copy of their comments to FRA as indicated under **"ADDRESS."**

SUPPLEMENTARY INFORMATION: On March 31, 1980, FRA published in the **Federal Register** a comprehensive revision of its rules pertaining to railroad locomotive inspection (45 FR 21093). The revision established a new Part 229 in Title 49 of the Code of Federal Regulations (CFR), applicable to all locomotives except those propelled by steam power. The revision resulted in the consolidation or elimination of several reporting forms and a substantial reduction in the paperwork burden.

Since the revision in 1980, FRA has continued to review its reporting and recordkeeping requirements with an eye to reducing or eliminating requirements not necessary to the locomotive safety program. This continuing review is to further the purposes of the Paperwork Reduction Act of 1980, and is being carried out in consultation with the Office of Management and Budget (OMB).

FRA has identified several current requirements that can be modified or eliminated without adversely affecting locomotive safety.

§ 229.15 Final Report

Current § 229.15(a) requires a railroad to file with FRA Form FRA F6180–49A for a locomotive at the time of its retirement from service. While this information could be used to keep a count of the number and types of locomotives in service, FRA is not so using the information. Moreover, this type of information is available from other sources. Hence, FRA is proposing to delete paragraph (a) of § 229.15.

Current § 229.15(b) requires that a notification be made on Form FRA F 6180–49A when a locomotive steam generator is permanently retired. FRA estimates that fewer than fifty steam generators are in use; procedures in § 229.23(b) ensure that a retired steam generator poses no safety risk. Hence,

FRA is proposing to delete paragraph (b) of § 229.15.

§ 229.21 Daily Inspection

Current § 229.21 requires a one-year retention period for locomotive daily inspection reports both for MU locomotives (§ 229.21(b)) and for other locomotives (§ 229.21(a)). Proper records of the daily inspection are necessary for compliance purposes, safety assessments, and post-accident investigation. However, FRA does not believe a one-year retention period is necessary for safety. A 92-day interval, which corresponds to the maximum time period between periodic inspections under § 229.23, would result in retention of the daily inspection report at least as far back as the last periodic inspection, unless the locomotive has been out of service for an extended period. Hence, FRA is proposing to reduce the retention period to 92 days.

§ 229.23 Periodic Inspection: General

Section 229.23 contains several unneccessary recordkeeping requirements. Paragraph (e) of the current rule requires that Form FRA F 6180–49A from each locomotive be certified by the railroad official responsible for the locomotive and be filed with FRA. FRA is proposing to delete the requirement to file with FRA and require only that the railroad retain the form for one year. FRA is also proposing to revise the certification provision to require only that the railroad official responsible for the locomotive sign the form. The certification and filing requirements were retained in the 1980 revision of the Locomotive Safety Standards only because they were express requirements in the Locomotive Inspection Act (45 U.S.C. 29). They were eliminated as statutory requirements by the Federal Railroad Safety Authorization Act of 1980 (Pub. L. 96–423).

Paragraph (f) of the current rule requires that each railroad maintain a secondary record of the information on Form FRA F 6180–49A and retain the secondary records for at least two years. FRA proposes to eliminate the requirement to retain the secondary record once the Form FRA F 6180–49A for that locomotive is removed and filed in the office of the mechanical officer responsible for the locomotive, provided the information on the form is legible. Thus, the two-year retention period for the secondary record would be cut in half. Generally, retention of the secondary record would be required only during the year when the Form FRA F 6180–49A is on the locomotive.

Notice and Public Procedure

Interested persons are invited to participate in this proceeding by submitting written comments. Communications should identify the docket and notice numbers and be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, 400 Seventh Street, SW., Washington, D.C. 20590. Persons desiring receipt of their communications to be acknowledged should attach a stamped pre-addressed postcard to the first page of each communication. Communications received before June 19, 1984 will be considered before final action is taken on the proposed rules. All comments received will be available for examination by interested parties at any time during regular business hours in Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590.

List of Subjects in 49 CFR Part 229

Railroad safety.

Regulatory Impact

This NPRM has been evaluated in accordance with existing regulatory policies. It would not have an adverse or significant economic impact on any entity, including small entities, because it does not place any new requirements or burdens on the public and because the proposed changes would have little economic consequence for any small entity. Accordingly, the agency certified that the proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1164, September 13, 1980). It does not constitute a major Federal action significantly affecting the quality of the environment and, therefore, an environmental impact statement is not required.

The proposed amendments are considered to be non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). In its analysis of the paperwork burden, FRA estimates that approximately 725 person hours and $27,000 could be saved annually as a result of the proposed changes. In addition, FRA estimates a one-time saving of $145,000.

Proposed Rule

PART 229—[AMENDED]

In consideration of the foregoing, FRA proposes to amend Part 229 of Title 49, Code of Federal Regulations, as follows:

§ 229.15 [Removed]

1. Remove § 229.15 in its entirety.

2. Amend § 229.21 by revising the next to last sentence of paragraph (a) and the last sentence of paragraph (b) to read as follows:

§ 229.21 Daily Inspection

(a) * * * The report shall be filed and retained for at least 92 days in the office of the carrier at the terminal at which the locomotive is cared for. * * *.

(b) * * * The report shall be filed in the office of the carrier at the place where the inspection is made or at one central location and retained for at least 92 days.

* * * * *

3. Revise paragraphs (e) and (f) of § 229.23 to read as follows:

§ 229.23 Periodic Inspection: General.

* * * * *

(e) At the first periodic inspection in each calendar year the carrier shall remove from each locomotive Form FRA F 6180–49A covering the previous calendar year. If a locomotive does not receive its first periodic inspection in a calendar year before April 2 because it is out of use, the form shall be promptly replaced. The Form FRA F 6180.49A covering the preceding year for each locomotive, in or out of use, shall be signed by the railroad official responsible for the locomotive and filed as required in § 229.23(f). The date and place of the last periodic inspection and the date and place of the last test performed under §§ 229.27, 229.29, and 229.31 shall be transferred to the replacement Form FRA F 6180–49A.

(f) The mechanical officer of each railroad who is in charge of a locomotive shall maintain in his office a secondary record of the information reported on Form FRA F 6180–49A under this part. The secondary record shall be retained until Form FRA F 6180.49A has been removed from the locomotive and filed by the railroad office of the mechanical officer in charge of the locomotive. If the Form FRA F 6180.49A removed from the locomotive. If the Form FRA F 6180.49A removed from the locomotive is not clearly legible, the secondary record shall be retained until the Form FRA F 6180.49A for the succeeding year is filed. The Form FRA F 6180–49A removed from a locomotive shall be retained until the Form FRA F 6180–49A for the succeeding year is filed.

(Secs. 1, 2, 5, 9, 36 Stat. 913, 914 (45 U.S.C. 22, 23, 28, 34); Sec. 6(e) and (f), 80 Stat. 939, 940 (49 U.S.C. § 1655(e) and (f))

Issued in Washington, D.C. on May 7, 1984.

John H. Riley,

Administrator.

[FR Doc. 84-12755 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal to Determine Notropis simus pecosensis (Pecos bluntnose shiner), To Be a Threatened Species and To Determine its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes a fish, *Notropis simus pecosensis* (pecos bluntnose shiner) to be a threatened species and to determine its critical habitat under the authority contained in the Endangered Species Act of 1973, as amended. *Notropis simus* historically occurred in the Rio Grande in New Mexico from El Paso north to near Abiquiu Reservoir in the Chama River, and in the Pecos River in New Mexico from the upper reaches of Avalon Reservoir north to 1 mile above Santa Rosa. The Pecos River subspecies, *Notropis simus pecosensis*, is still extant in much of the Pecos River, but has severely declined in numbers. A 1982 study by the New Mexico Department of Game and Fish reported this fish in the Pecos River only from Fort Sumner to Artesia (282 stream kilometers). The largest collections were made from 35 kilometers south to Fort Sumner to Roswell. Population estimates were not made, but the abundance of this species appeared to be substantially lower than in previous years. No specimens were found in the northern and southern regions of the historic range. The most important factor in the species' decline is reduced flow in the main channels of the rivers due to water storage, irrigation, and water diverson. Some stretches of the Pecos River are frequently dry downstream from impoundments. A new impoundment (Brantley Dam) on the Pecos River, proposed by the U.S. Bureau of Reclamation, could further restrict flow in that river and would inundate Major Johnson Spring where one population of *Notropis simus pecosensis* occurs. This proposal, if finalized, would implement Federal protection provided by the Endangered Species Act of 1973, as amended, for *Notropis simus pecosensis*. The Service is seeking data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by July 10, 1984. Public hearing requests must be received by June 25, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, 421 Gold Avenue, S.W., Room 407, Albuquerque, New Mexico 87103. Comments and materials received will be available for public inspection during normal business hours, by appointment, at the Service's Office of Endangered Species at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. James E. Johnson, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Albuquerque, New Mexico (see ADDRESSES above) (505/766-3972).

SUPPLEMENTARY INFORMATION:

Background

Notropis simus was first collected in 1874 in the Rio Grande near San Ildefonso, New Mexico, and was first described by Cope in 1875 (Cope and Yarrow, 1875). It was originally thought that *Notropis simus* was a single species whose range extended throughout the entire Rio Grande to its mouth, and that there was an undescribed species of *Notropis* which occupied the Pecos River. However, in 1982, Chernoff, Miller, and Gilbert did extensive taxonomic analyses of the species and determined that *Notropis simus* acutally consists of two subspecies. The first of these, *Notropis simus simus*, was historically found in the Rio Grande drainage from the Chama River, north of Santa Fe, New Mexico, downstream in the Rio Grande to El Paso, Texas. The other subspecies, *Notropis simus pecosensis*, was historically found in the Pecos River from just south of the town of Santa Rosa, New Mexico, downstream to the town of Carlsbad, New Mexico. A third form, which was originally thought to be *Notropis simus*, was determined to be a related species, *Notropis orca* (phantom shiner), whose range historically overlapped with that of *Notropis simus* from near Isleta, New Mexico, downstream to El Paso. Additionally, *Notropis orca* occupied the remainder of the Rio Grande from El Paso downstream to its mouth. However, *Notropis orca* has been collected only once in the past 30 years, when a single specimen was taken in 1975 from the lower Rio Grande.

Because of various alterations to the Rio Grande and Pecos River systems, primarily the diversion of water from the streams and the construction of impoundments, both species of *Notropis simus* have undergone significant decline. *Notropis simus simus*, which was common in the mainstream Rio Grande throughout the 1930's and 1940's and was sufficiently common in 1957 to be used as a bait fish (Koster, 1957), has not been collected since 1964. *Notropis simus pecosensis* is still extant throughout a large portion of its range, and is now known to occupy the mainstream Pecos River from near the town of Fort Sumner, New Mexico, downstream to the town of Artesia, New Mexico, a distance of 282 kilometers. However, habitat for the species in this stretch is spotty and often marginal, and the present numbers of *Notropis simus pecosensis* are much reduced. A 1982 survey done by the New Mexico Department of Game and Fish in the Pecos River found only 76 specimens of this species in their single largest collection. This is in contrast to single collections of 1,482 specimens in 1939 and 818 specimens in 1944.

Lands along the Pecos River are primarily privately owned, with small areas of Bureau of Land Management lands scattered along the Pecos River between Fort Sumner and Roswell, New Mexico. A small portion of the Pecos River flows through the Bitter Lakes National Wildlife Refuge. The Pecos River is controlled by the Bureau of Reclamation and the U.S. Army Corps of Engineers.

Notropis simus pecosensis is a moderately large-sized shiner (adults reach lengths of up to 9 centimeters) of the family *Cyprinidae*. It has a deep, spindle-shaped, silvery body, and a fairly large mouth which is overhung by a bluntly rounded snout (Koster, 1957). In 1982, *Notropis simus pecosensis* was collected most frequently in the main stream channel, over a sandy substrate, low velocity flow, and depths between 17 and 41 centimeters. Backwaters, riffles, and pools were also used by younger individuals. Natural springs, such as those in the Santa Rosa and Lake McMillan areas, also serve as good habitat for *Notropis simus pecosensis*, and are sources of continuous water flow (New Mexico Department of Game and Fish, 1982).

Threats to the continued survival and recovery of *Notropis simus pecosensis* include the proposed Bureau of Reclamation's Brantley Dam project in Eddy County, New Mexico, which could detrimentally affect *Notropis simus* in that section of the Pecos River unless

plans to allocate and maintain minimum flow in the river below the dam are included in the plans for the reservoir. Restricted flow from other reservoirs, water diversions for irrigation, siltation, and contaminated run-off from feedlot operations near the river have also been detrimental to all fish species in the Pecos River, including *Notropis simus pecosensis*.

The Rio Grande Fishes Recovery Team (RGFRT), within whose jurisdiction *Notropis simus* falls, has been concerned about its status since 1978. The team believed at that time that *Notropis simus* was found only in the Rio Grande and that its range extended from near Santa Fe, New Mexico, to Brownsville, Texas. Since the last collection of *Notropis simus* known at the time was from 1964 near Santa Fe, New Mexico, it was feared that the species was likely already extinct. Efforts to list *Notropis simus* were then dropped until recent efforts determined that the species still existed. It has been determined recently that a previously unnamed form in the Pecos River is in fact a valid subspecies of *Notropis simus* (Chernoff *et al.*, 1982), and that it is still extant in the Pecos River (New Mexico Department of Game and Fish, 1982). Therefore, The RGFRT feels that sufficient information is now available, and in November 1980 recommended listing of *Notropis simus pecosensis*.

A 1982 status report by the New Mexico Department of Game and Fish also provided new biological and distribution data on the Pecos subspecies and recommended listing *Notropis simus pecosensis* as a threatened species with critical habitat in the Pecos River. Further search for the Rio Grande subspecies is documented in a 1982 study done for the U.S. Army Corps of Engineers (Molles, 1982). This study failed to locate any specimens of *Notropis simus simus* in the Rio Grande in the vicinity of Pena Blanca and Albuquerque, New Mexico.

Notropis simus is presently listed by the State of New Mexico as an endangered species, Group 1 (New Mexico State Game Commission, Reg. No. 599). It was included in the Service's December 30, 1982, Vertebrate Notice of Review (47 FR 58454) in category 1. Category 1 indicates that the Service has substantial information on hand to support listing the species as endangered or threatened. The Service was petitioned on April 12, 1983, by the Desert Fishes Council to list *Notropis simus pecosensis*. Evaluation of this petitioned by the Service revealed that substantial information was presented. A notice of this finding was published in the **Federal Register** on June 14, 1983 (48 (FR 27273). The deadline for action is April 12, 1984. Publication of this proposed rule constitutes the required 1-year finding in according with Section 4(b)(3)(b)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments) set forth the procedures for adding a species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Notropis simus pecosensis* (Pecos bluntnose shiner) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* In the Pecos River, habitat alteration and destruction threatens the Pecos bluntnose shiner. *Notropis simus pecosensis* was recently collected only in the middle portion of its historic range and its presence in recent collections is notably less than in previous years. Irrigational use of water determines the volume and timing of the Pecos River flow between April and October, and releases of water from Lake Summer fluctuate greatly during this time. In addition, flow downstream of the lake is also decreased by diversion from the main channel and by pumping of ground and river water. Average monthly flows between April and October may fluctuate from 23.0 to 0.42 cubic meter per second. Within any given month, daily flows may fluctuate from 42.5 to 0.14 cubic meters per second or less. In contrast, flows from November to March are consistently low, with the average monthly flow between 2.26 and 0.28 cubic meters per second. Of particular interest in the Pecos River is the Brantley Dam project, proposed by the Bureau of Reclamation, which would further restrict water flow. This project is located just north of Carlsbad, and would inundate a section of the river where *Notropis simus pecosensis* has been collected several time in recent years; the area of spring outflow from Major Johnson Spring in Eddy County, New Mexico. However, it is believed that with adequate cooperation and planning between State and Federal agencies, the listing of *Notropis simus pecosensis* as threatened and the determination of critical habitat in the Pecos River would not prevent the development of the Brantley Dam project.

Another factor that is detrimental to *Notropis simus pecosensis* is the presence of large feedlot operations along the Pecos River. Runoff from these feedlots enters the river and contains highly toxic nitrates and nitrites.

While severe reduction in water flow has obviously detrimental effects on fish, it is the opinion of some that similarly serious impacts have occurred from the prevention of yearly flooding of lowlands along the river. This has apparently reduced the spawning grounds of several species, including *Notropis simus pecosensis*. Even though spring flooding is a phenomenon of the past and not likely to occur in the future, the maintenance of a minimum flow below impoundments in the main channel is essential in maintaining favorable habitat for *Notropis simus pecosensis*, as well as other aquatic species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is not evidence to suggest overutilization of this fish for any of these purposes.

C. *Disease or predation.* Although it is unlikely that predation is a major factor in the decline of *Notropis simus pecosensis*, it has probably played a minor role with increasing importance as the populations come under greater stress from other factors. The presence of such predatory exotic fish as green sunfish, channel catfish, black bullheads, and flathead catfish in the same collections as *Notropis simus pecosensis*, would indicate that at least some predation is occurring. Predation, particularly by exotic fish, has been shown to be a factor in the decline of other native fish of the American Southwest.

D. *The inadequacy of existing regulatory mechanisms. Notropis simus* is listed by the State of New Mexico as an endangered species, Group 1. Group 1 includes those species" . . . whose prospects of survival or recruitment in New Mexico are in jeopardy." This provides the protection of the New Mexico Wildlife Conservation Act (Section 17–2–37 through 17–2–46 NMSA 1978), and prohibits taking of any State listed species except under the issuance of a scientific collecting permit. There are no State laws to protect the habitat upon which the bluntnose shiner depends.

U.S. Army Corps of Engineers and Bureau of Reclamation regulations protect species that are listed under the Act, as threatened or endangered, on lands and waters administered by them.

The endangered Species Act would offer needed protection for this species and its habitat through Section 7 (interagency cooperation) and Section 9 (prohibited acts) requirements.

There are presently no provisions in New Mexico's water law for the acquisition and protection of instream water rights for the preservation of fish and wildlife and their habitat. This deficiency has been a major factor in the decline of many aquatic organisms, and has made it difficult to protect such fishes as *Notropis simus pecosensis* against the habitat losses caused by water diversions and impoundments.

E. *Other natural or manmade factors affecting its continued existence.* The reduced numbers of populations and individuals make this subspecies more susceptible to extinction due to fluctuations in the populations caused by continued habitat modification.

The proposed action is the result of careful assessment of the best scientific and commercial information available, as well as the best assessment of the past, present, and future threats faced by this subspecies. Based on this evaluation, it was determined that the status of *Notropis simus pecosensis* was threatened, as defined in Section 3 of the Act. Theatened status seems appropriate because of the severely reduced range of the species, and because of the continually increasing threats to the species' habitat. Not to propose this subspecies could reasonably be expected to cause it to become endangered within the foreseeable future. *Notropis simus peconsensis* is known to be extant over a fairly large area, although with severely reduced numbers. In addition, there are no major imminent threats to its existence throughout its range; therefore, the species does not appear to be in danger of extinction. Thus, endangered status would not be appropriate at this time.

Critical Habitat

Critical habitat, as defined by Section 3 of the Act means: (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Act in Section 4(a)(3) requires that critical habitat be designated to the maximum extent prudent and determinable concurrent with the determination that a species is endangered or threatened. Critical habitat for *Notropis simus pecosensis* is being proposed in two sections of the Pecos River in New Mexico, including the mainstream and a 15 meter wide riparian zone on each side of the river. The first section begins approximately 16 kilometers south of Fort Sumner, De Baca County, and extends approximately 56 kilometers downstream into Chaves county. The second area is approximately 30 kilometers long, between Hagerman and Artesia in Chaves and Eddy Counties.

These areas were chosen for critical habitat designation because they presently support relatively abundant, self-perpetuating populations *Notropis simus pecosensis*. Both sections contain permanent flow sustained by substantial local ground water seepage, and thus are not dependent on irrigation and dam water releases. Although *Notropis simus pecosensis* is also present outside these areas, habitat there is marginal and it is thought that only inside these areas is reproduction occurring. The areas chosen for critical habitat designation provide all the ecological, behavioral, and physiological requirements necessary for the survival of *Notropis simus pecosensis*, and no smaller or alternative area would allow for the species' long term survival and recovery. The 15 meter riparian zone along each side of the stream is helpful in preventing runoff pollutants from entering the stream and reduces siltation. The Service believes that the riparian area is essential for the conservation of the Pecos bluntnose shiner and it is therefore included as critical habitat. This designation of critical habitat was proposed based on the best available information; however, if subsequent to this proposal some areas are found not to be critical to the species' needs, or if their designation is judged inappropriate they may be excluded from the final rule. If new information demonstrates additional necessary critical habitat areas for this species, they must be the subject of a new **Federal Register** proposal.

Section 4(b)(8) requires, for any proposed or final regulation which designates critical habitat, a brief description and evaluation of those activities (public and private) which may adversely modify such habitat or may be affected by such designation. All of the water in the Pecos River is legally allocated and is used for municipal and irrigational uses. Irrigational uses greatly affect the volume of the river, with the heaviest demand from April to October. The volume of water released from storage areas varies greatly and, at time, can result in little or no downstream flow. Water is also removed by diversion from the main channel and by ground and river water pumping (New Mexico Department of Game and Fish, 1982). The sporadic water supply is the greatest threat to *Notropis simus pecosensis* and its habitat. The section of the river between Acme and Dexter has been affected greatly by the lack of water; no flows have been recorded for 10 percent of each year (New Mexico Department of Game and Fish, 1982). Other threats to the critical habitat include water pollution from municipal sewage, feedlot run-off, and fish toxicants.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as critical habitat. The Service will reevaluate the geographic critical habitat designation prior to the issuance of any final rule, after considering all additional information obtained.

Available Conservation Measures

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

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to informally confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. When a species is listed, Section 7 requires Federal agencies to ensure that

activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such species, or to destroy or adversely modify its critical habitat. If a "may affect" determination is expected, the Federal agency must enter into consultation with the Service.

The Pecos River is under the jurisdiction of the U.S. Army Corps of Engineers and the Bureau of Reclamation. However, most of the lands along this river are privately owned, with only small portions of land under Federal ownership. No effect from this proposal is expected on activities on either Federal or private lands. This proposal may affect future water development activities planned for the Pecos River which is shown to have an extant population of *Notropis simus pecosensis*. Such proposals would be subject to Federal authorization under Section 404 of the Clean Water Act, and as such may be subject to consultation under Section 7 of the Endangered Species Act.

The Act and its implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of prohibitions and exceptions that generally apply to all endangered or threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale listed species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies. General regulations governing the issuance of permits for carrying out otherwise prohibited activities involving threatened species under certain circumstances are set out at 50 CFR 17.32.

The above discussion generally applies to threatened species of fish and wildlife. However, the Secretary has discretion under Section 4(d) of the Act to issue such special regulations as are necessary and advisable for the conservation of a threatened species. The Pecos bluntnose shiner is threatened primarily by habitat disturbance or alteration, not by intentional, direct taking of the species or by commercialization. Given this fact and the fact that the State regulates direct taking of the species through the requirement of State collecting permits, the Service has concluded that the State's collection permit system is more than adequate to protect the species from excessive taking, so long as such takes are limted to: educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Endangered Species Act. Therefore, the special rule allows takes to occur for the above-stated purposes without the need for a Federal permit if a State collection permit is obtained and all other State wildlife conservation laws and regulations are satisfied. It should be recognized that any activities involving the taking of this species not otherwise enumerated in the special rule are prohibited. Without this special rule all of the prohibitions under 50 CFR 17.31 would apply. The Service believes that this special rule will allow for more efficient management of the species, thereby facilitating its conservation. For these reasons, the Service has concluded that this regulatory proposal is necessary and advisable for the conservation of *Notropis simus pecosensis*.

Public Comments Solicited

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

(1) Biological, commercial trade or other relevant data concerning any threat (or lack thereof) to *Notropis simus pecosensis*;

(2) The location of any additional populations of *Notropis simus pecosensis* and the reasons why any habitat as provided by Section 4 of the Act;

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

(4) Current or planned activities in the subject area and their probable impacts on *Notropis simus peconsensis* and on the areas being considered for critical habitat; and

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

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

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

National Environmental Policy Act

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

References

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Koster, W.J. 1957. Guide to fishes of New Mexico. University of New Mexico Press, Albuquerque, New Mexico. 116 pp.

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New Mexico Department of Game and Fish. 1982. The status of *Notropis simus pecosensis* in the Pecos River of New Mexico, with notes on life history and ecology. Report to the U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico. 53 pp.

New Mexico State Game Commission. 1979. Regulation No. 599. New Mexico Department of Game and Fish, Santa Fe.

Authors

The authors of this proposed rule are Ms. Sandra Limerick and Dr. James E. Johnson, Endangered Species Staff, Region 2, Albuquerque, New Mexico (505/766–3972).

List of Subjects in 50 CFR Part 17

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

Proposed Regulations Promulgation

PART 17—[AMENDED]

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

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

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–362, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species							
Common name	Scientific name	Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
FISHES							
*	*	*	*	*	*	*	
Shiner, Pecos bluntnose	*Notropis simus pecosensis*	U.S.A. (NM)	Entire	T	17.95	17.44(e)	( )
*	*	*	*	*	*	*	

3. Also, the Service proposes that Title 50 CFR 17.44 be amended by adding a new paragraph as follows (the position of this special rule will be determined at the time the final rule is published in the **Federal Register**):

§ 17.44 Special rules—fishes.

* * * * *

( ) Pecos bluntnose shiner, *Notropis simus pecosensis:*

(1) No person shall take the species, except in accordance with applicable State fish and wildlife conservation laws and regulations in the following instances: (i) For educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act; or, (ii) incidental to State permitted recreational fishing activities, provided that the individual fish taken is immediately returned to its habitat.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of this species will also be a violation of the Endangered Species Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import, or export, by an means whatsoever any such species taken in violation of these regulations or in violation of applicable State fish and wildlife conservation laws or regulations.

(4) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (1) through (3) above.

* * * * *

4. Also, the Service proposes to amend § 17.95(e) by adding the critical habitat of *Notropis simus pecosensis* as follows (the position of the following critical habitat entry under § 17.95(e) will be determined at the time of publication of a final rule):

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

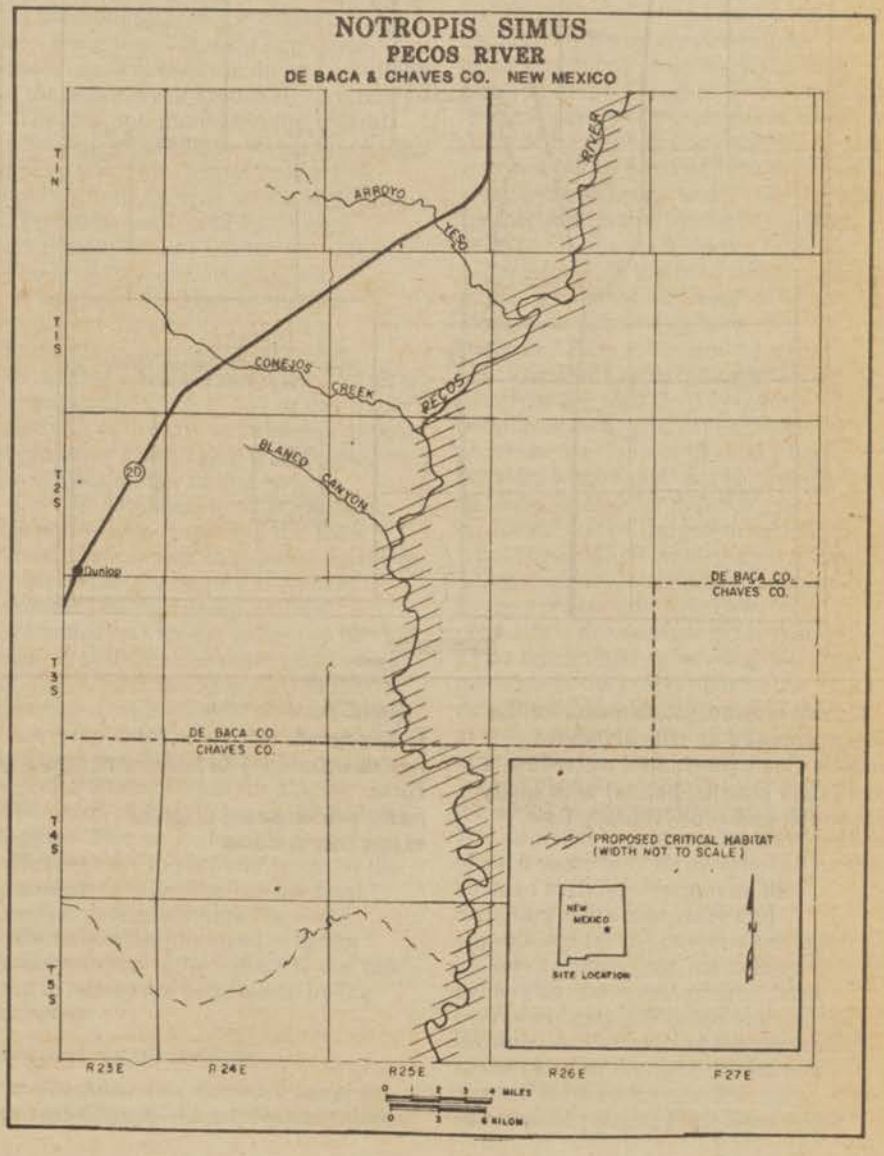
(e) *Fishes*

* * * * *

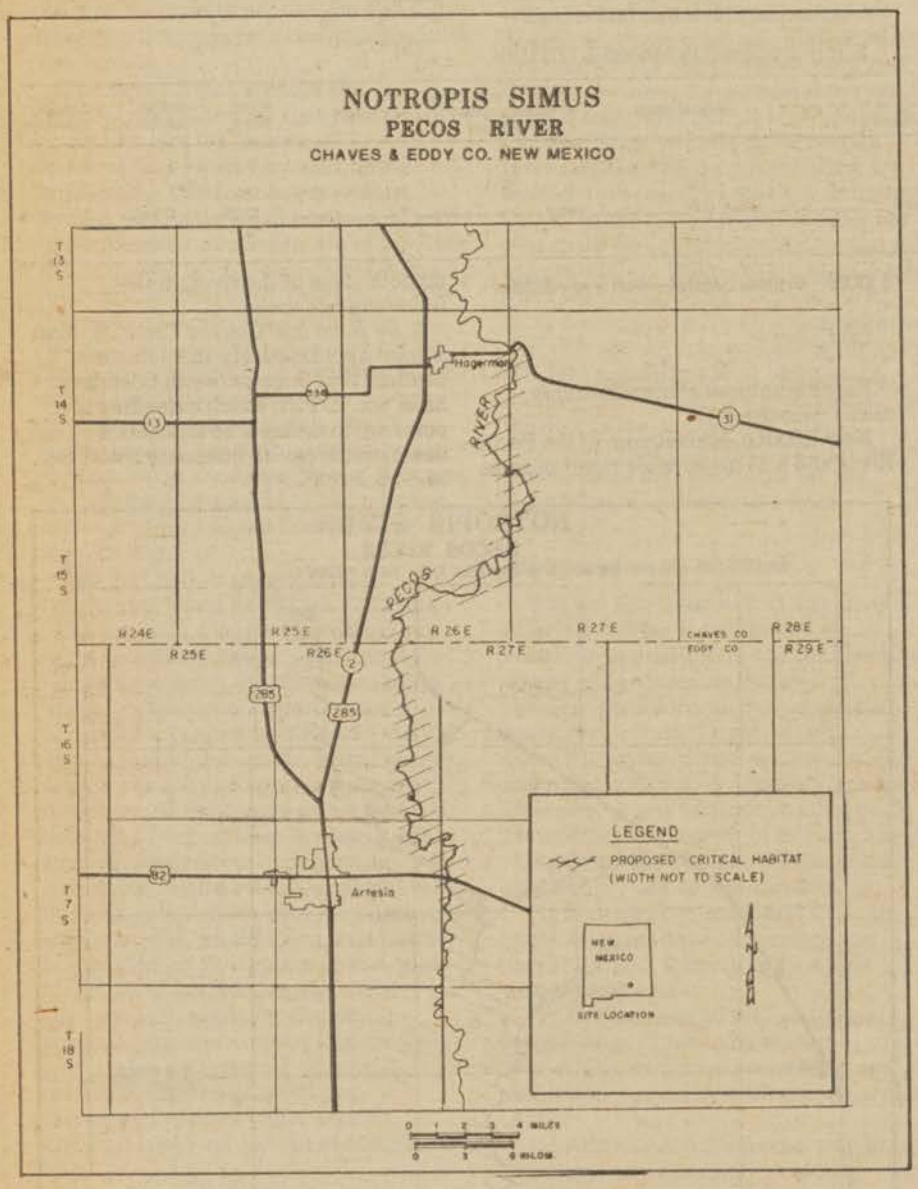
Pecos bluntnose shiner (*Notropis simus pecosensis*)

New Mexico. Mainstream of the Pecos River and a 15 meter wide riparian zone on both sides of the river, in the following two areas:

1. *De Baca and Chaves Counties;* from a point approximately 16 kilometers south of Fort Sumner (north boundary SE¼ Sec. 2, T1N, R26E) extending to a point approximately 56 kilometers downstream (south boundary SW¼ Sec. 35, T5S, R25E).



2. *Chaves and Eddy Counties;* from a point near the town of Hagerman (north boundary NW¼ Sec. 7, T14S, R27E) extending approximately 30 kilometers downstream to a point near the town of Artesia (south boundary SW¼ Sec. 18, T17S, R27E).



Known constituent elements for the areas proposed as critical habitat include clean, permanent waterflow, a main river channel habitat with sandy substrate, and a low velocity flow.

Dated: April 30, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 84-12748 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 49, No. 93
Friday, May 11, 1984

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Proposed Determinations With Regard to the 1985 Wheat Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed determinations.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1985 crop of wheat: (a) the loan and purchase level; (b) the established (target) price; (c) the method to be used in establishing acreage bases with respect to an Acreage Reduction Program (ARP) and the percentage of acreage reduction to be made in accordance with such program; (d) whether to permit haying and grazing of the land devoted to acreage conservation reserve (ACR); (e) the cash land diversion (CLD) program; (f) whether an optional land diversion program with Payment-In-Kind (PIK) compensation or cash payments should be established and, if so, the percentage of acreage diversion under the program; (g) provisions of the farmer-owned reserve (FOR) program; (h) whether to require offsetting compliance; (i) whether restrictions with respect to summer fallow acreage should be implemented; (j) whether binding contracts should be required for producers desiring to participate in the 1985 Wheat Program; and (k) other provisions. These determinations are to be made pursuant to the provisions of the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act") and the Commodity Credit Corporation (CCC) Charter Act, as amended.

EFFECTIVE DATE: Comments must be received on or before June 11, 1984 in order to be assured of consideration.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Agricultural Marketing Specialist, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4146. The Preliminary Regulatory Impact Analysis describing the options considered in developing this proposed determination and the impact of implementing each option is available on request from the above-name individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance programs to which this notice applies are: Title-Wheat Production Stabilization: Number 10.058 and Title-Commodity Loans and Purchases: Number 10.051, as found in the catalog of Federal Domestic Assistance.

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

Certain determinations set forth in this notice with respect to the 1985 Wheat Program are required to be made by the Secretary by July 1, 1984. In addition, it is necessary that the determinations for the 1985 crop be made in sufficient time to permit wheat producers to make timely plans for the planting of their 1985 crop. Accordingly, it has been determined that the public comment period should be limited to a period of 30 days from the date of publication of this notice in the **Federal Register**. This will allow the Secretary sufficient time to properly consider the comments received before the final program determinations are made.

The following proposed program determinations with respect to the 1985-crop of wheat are to be made by the Secretary:

Proposed Determinations

a. *The Loan and Purchase Level for the 1985 Crop of Wheat.* Section 107B(a) of the 1949 Act provides that the Secretary shall make available to producers loans and purchases for the 1985 crop of wheat at such level, not less than $3.55 per bushel, as the Secretary determines will maintain the competitive relationship of wheat to other grains in domestic and export markets after taking into consideration the cost of producing wheat, supply and demand conditions, and world prices for wheat. If the Secretary determines that the average price of wheat received by producers in any marketing year is not more that 105 percent of the level of loans and purchases for wheat for such marketing year, the Secretary may reduce the level of loans and purchases for the next marketing year by the amount the Secretary determines necessary to maintain domestic and export markets for grain, except that the level of loans and purchases shall not be reduced by more than 10 percent in any year nor below $3.00 per bushel. Loan and purchase levels under consideration for the 1985 crop of wheat range from $3.00 per bushel to $3.55 per bushel.

Comments on the level of loans and purchases for the 1985 crop of wheat, along with supporting data, are requested from interested persons.

b. *The Established (Target) Price Level for the 1985 Crop of Wheat.* Section 107B(b)(1)(C) of the 1949 Act provides that the established (target) price for wheat shall not be less than $4.38 per bushel for the 1985 crop. Any such established (target) price may be adjusted as the Secretary determines to be appropriate to reflect any change in (i) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made from (ii) the average adjusted cost of production per acre for the two crop years immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production for each of such years may be determined on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable cost, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop. The only established (target) price level under

consideration for the 1985 wheat crop is the minimum statutory level of $4.38 per bushel.

Comments are requested from interested persons as to the amount of the established (target) price for the 1985 crop of wheat along with supporting data.

c. *The percentage level of an Acreage Reduction Program (ARP) to be established and the method of establishing Acreage Bases.* Sections 107B(e)(1)(D) and (2) of the 1949 Act provide that the Secretary shall provide for a combination of an acreage reduction program and a land diversion program for the 1985 crop of wheat under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for farm reduced by not more than 30 percent, consisting of an acreage reduction program of not more than 20 percent and a reduction of 10 percent under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage reduction program and land diversion program. The Secretary shall announce any such wheat acreage reduction program not later than July 1 prior to the calendar year in which the crop is harvested. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each wheat-producing farm. Producers who knowingly produce wheat in excess of the permitted wheat acreage for the farm shall be ineligible for wheat loans, purchases, and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of a limitation shall be the acreage planted on the farm to wheat for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to wheat for harvest in the two crop years immediately preceding the year for which the determination is made. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. In addition, a number of acres on the farm determined by dividing (1) the product obtained by multiplying the number of acres required to be withdrawn from the production of wheat times the number of acres actually planted to wheat by (2) the number of acres authorized to be planted to wheat under a limitation established by the Secretary shall be devoted to conservation uses in accordance with regulations issued by the Secretary.

The level of acreage reduction for wheat in 1985 will depend on the outcome of the 1984 crop of wheat. It is estimated that plantings of the 1984 crop of wheat may be about 5 to 8 percent larger than the previous year. Total production of the 1984 crop of wheat will likely range from 2.4 to 2.8 billion bushels. The 1983 crop of wheat was 2.4 billion bushels.

It is estimated that domestic use of wheat will likely decrease from 1180 million bushels in 1983/84 to about 1100 million bushels in 1984/85. This decrease in the domestic use of wheat is largely attributable to a projected decrease in the use of wheat for feed. Domestic food use of wheat is projected to increase by a small amount.

World wheat trade in 1983/84 is projected to total around 100 million tons, somewhat improved from the preceeding year, but still below the record 1981/82 level. U.S. wheat exports, facing increased competition, are expected to decline to 38.1 million tons (1.400 million bushels) which would be the smallest export of U.S. wheat since 1979/80 and represents a 21-percent decline from the record 1981/82 shipment of 48.2 million tons (1,771 million bushels). World wheat trade is expected to grow only modestly in 1984/85 with wheat traded for use as feed accounting for part of the growth. Projected large exportable supplies by the major wheat exporters will again result in an intensely competitive international wheat market. Consequently, U.S. exports in 1984/85 may be hard pressed to exceed 1983/84's depressed level of 1,400 million bushels. The pattern of only a modest growth in world import demand matched against large exportable supplies is likely to continue into 1985/86. The major exporters can be expected to continue to explore numerous initiatives in order to maintain wheat exports. Any major developments in world wheat production or in import demand, particularly in countries such as the Soviet Union, China and India, could alter the outlook for U.S. wheat exports over the next two years. Given the 1984/85 outlook, ending carryover stocks of wheat will likely range between 1.3 to 1.6 billion bushels. This amount is considered to be excessive.

With the 1985 Wheat Program providing for not more than a 20 percent ARP combined with a 10 percent cash land diversion program, the harvested acreage for the 1985 crop of wheat is estimated to be about the same as for the 1984 crop. Based upon trend yields, production for the 1985 crop of wheat is estimated to be aproximately 2.6 billion bushels with total supplies of wheat for 1985/86 estimated to be over 4.1 billion bushels, approximately 4 percent more than the total supplies of wheat for 1984/85. Domestic use in 1985/86 is projected to decrease slightly. This decease will be largely due to decreased use of wheat as feed. Domestic food use is expected to increase, although only slightly.

World trade for 1985/86 is expected to remain similar to 1984/85. U.S. exports are estimated to be in the 1400 to 1500 million bushels range, which will be modestly above the expected 1984/85 levels but less than the record exports in 1981/82.

Therefore, total demand for the 1985/86 marketing year is projected to be in the range from 2.4 to 2.5 billion bushels. This would result in an ending carryover level of over 1.6 billion bushels, about 16 percent higher than the previous year.

This outlook reflects the implementation of a 20-percent acreage reduction program in conjunction with a 10-percent cash land diversion program for the 1985 crop of wheat. However, later crop developments throughout the world could materially change this outlook. The option under consideration at this time is a 20 percent ARP combined with a 10 percent cash land diversion program.

Interested persons are encouraged to comment on the method for establishing wheat acreage bases for the 1985 crop of wheat and the percentage reduction to be made in accordance with an acreage reduction program for the 1985-crop of wheat.

d. *Whether to Allow Haying and Grazing of land devoted to Acreage Conservation Reserve.* Section 107B(e)(4) of the 1949 Act provides that the regulations issued by the Secretary with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion. The Secretary may authorize haying and grazing of land devoted to acreage conservation reserve.

Interested persons are invited to comment on the provisions concerning the grazing and haying of ACR acreage.

e. *Cash Land Diversion Program.* The Agricultural Programs Adjustment Act of 1984 amended section 107B(e)(5) of the 1949 Act to provide that the Secretary shall implement a cash land diversion program for the 1985 crop of

wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of wheat (1) whose acreage planted to wheat for harvest on the farm for such crop is reduced so that it does not exceed the wheat acreage base for the farm, less an amount equivalent to 10 percent of the wheat acreage base, in addition to the ARP reduction, and (2) who devotes this acreage to approved conservation uses. Such payments shall be made in an amount computed by multiplying (1) the diversion payment rate by (2) the farm program payment yield for the crop by (3) the additional acreage diverted under the cash land diversion program. The cash land diversion payment rate for the 1985 crop of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 percent of the cash land diversion program payments to producers of the 1985 crop of wheat as soon as practicable after a producer enters into a cash land diversion contract and in advance of any determination of performance.

f. *Whether an optional land diversion program with Payment-In-Kind (PIK) compensation or cash payments should be authorized and, if so, the percentage of reduction which would be required.* The 1949 Act authorizes the Secretary to make diversion payments to producers of wheat if the Secretary determines that such payments are necessary to assist in adjusting the total national acreage of wheat to desirable goals. The CCC Charter Act (15 U.S.C. 714 *et seq.*) also gives the Corporation broad authority to support the price of agricultural commodities, stabilize agricultural commodity markets and remove and dispose of agricultural surpluses.

Although the acreage reduction and cash land diversion programs announced by the Secretary for the 1984 crop of wheat require that a producer reduce the farm acreage base by 30 percent, it was determined that these programs would not prevent additional surpluses of wheat from being added to existing excessive stocks. Accordingly, the Secretary determined that the diversion of additional acreage from the production of 1984 crop of wheat was necessary. In order to achieve this additional reduction, CCC will provide PIK compensation to producers who enter into a contract with the CCC to divert not less than 10 percent nor more than 20 percent of the wheat acreage base established for the producer's farm. The quantity of wheat which a producer is eligible to receive as PIK compensation under the 1984 program is equal to the acreage which was diverted multiplied by the farm's wheat yield multiplied by 85 percent. If the producer elected to participate in the PIK program and the producer has an outstanding quantity of wheat pledged as collateral for a FOR loan or for a regular CCC price support loan (1984 crop or earlier), the producer is required to redeem a quantity of such loan collateral equal to that quantity of wheat which the producer is entitled to receive as PIK compensation. The producer will sell to CCC that quantity of wheat which is redeemed for PIK purposes. In the case of FOR loans, the price at which CCC purchases the wheat from the producer is reduced by the amount of any unearned advance storage payments.

The Secretary is considering implementing an optional land diversion program providing for PIK or cash payments for the 1985 crop of wheat. Any such program would be in addition to the combination acreage reduction and cash land diversion programs required for the 1985 crop. The percentage of the farm's wheat yield which would be made available as PIK compensation under such a program would be not less than 75 percent. Cash diversion payments would be as determined appropriate by the Secretary.

Interested parties are invited to comment on the need for an optional land diversion program with PIK compensation or cash payments as well as the provisions of such a program. Comments should include supporting data.

g. *Provisions of the Farmer-Owned Reserve (FOR).* Section 110 of the 1949 Act provides that the Secretary shall formulate and administer a program under which producers of wheat will be able to store wheat when it is in abundant supply and extend the time for its orderly marketing . The Secretary shall provide for original or extended price support loans at such level of support as the Secretary determines appropriate, except that the loan rate shall not be less than the current level of price support provided for under the wheat program established in accordance with Section 107B of the 1949 Act. The program may provide for: (1) Repayment of such loans in not less than three years nor more than five years; (2) payments to producers for storage in such amounts and under such conditions as are determined to be appropriate to encourage producers to participate in the program; (3) a rate of interest not less than the rate of interest charged CCC by the United States Treasury, except that the Secretary may waive or adjust such interest as the Secretary deems appropriate; (4) recovery of amounts paid for storage, and for the payment of additional interest or other charges if such loans are repaid by producers before the market price for wheat has reached the trigger release level; and (5) conditions designed to induce producers to redeem and market the wheat securing such loans without regard to the maturity dates thereof whenever the Secretary determines that the market price for the commodity has attained a specified level (i.e., the "trigger release level"), as determined by the Secretary. The Secretary shall announce the terms and conditions of the producer storage program as far in advance of making loans as practicable. In such announcements, the Secretary shall specify the quantity of wheat to be stored under the program which the Secretary determines appropriate to promote the orderly marketing of wheat. The Secretary may place an upper limit on the amount of wheat placed in the reserve but such upper limit shall not be less than seven hundred million bushels of wheat.

The following options are under consideration with respect to the FOR for the 1985 crop of wheat: (a) Providing for an extended price support loan which is equal to the applicable regular price support loan for the 1985 crop of wheat; (b) providing for a storage payment rate in a range of 0 to 26.5 cents per bushel; (c) charging producers, who have pledged wheat as collateral for a loan under the FOR, interest for the first year at the prevailing rate the United States Treasury charges CCC for its borrowings and waiving interest for the second and third years; (d) providing for a trigger release level equal to the larger of the target price for wheat or $4.38 per bushel; (e) providing that a producer may not place wheat into the FOR until after maturity of the nine-month regular price support loan; and (f) placing an upper limit on the quantity of wheat entering the FOR at the minimum of 700 million bushels or placing no upper limit on the quantity of wheat entering the FOR.

Interested persons are encouraged to comment on these or other options with respect to the provisions of the FOR program for the 1985 crop of wheat.

h. *Whether to require Offsetting Compliance.* Section 107B(g) of the 1949 Act provides that the Secretary may issue such regulations as the Secretary determines to be necessary to carry out the wheat program. In some prior crop years, the Secretary has promulgated

regulations providing for offsetting compliance requirements. If offsetting compliance is required, operators and owners of farms would have to ensure that all of the farms in which they had an interest were either in compliance with the program requirements or the acreages of wheat planted to harvest on each of such farms did not exceed the wheat acreage bases which were established for such farms. Offsetting compliance was not in effect for the 1984 crop.

Interested persons are encouraged to comment on the need for offsetting compliance for the 1985 crop of wheat.

i. *Whether restrictions with respect to summer fallow acreage should be implemented.* The 1984 Wheat Program as announced on August 9, 1983, required wheat producers with established summer fallow practices to designate acreage that would have been planted to small grains or row crops in 1984 in the absence of the 1984 Wheat Program as ACR acreage. On February 18, 1984, the Secretary revised the summer fallow rules so that producers participating in the ARP or the PIK Program could designate 1984 summer fallow land as ACR acreage. This allowed producers who followed summer fallow practices to plant alternate crops on land that would have been planted to wheat and, with respect to wheat, maintain planted acreage credit. For the 1985 Wheat Program, both summer fallow rules are under consideration. Comments are requested from interested persons with respect to the implementation of summer fallow rules for the 1985 Wheat Program.

j. *Wheat contracts signed by the producer should be binding at the end of the enrollment period for the 1985 Wheat Program.* For the 1984 Wheat Program, contracts signed by program participants were considered to be binding contracts. These contracts also provide for liquidated damages in the event the producer does not fulfill the terms and conditions of the contract. This type of contract is also under consideration for the 1985 Wheat Program. Interested persons are requested to comment on the use of binding contracts for the 1985 Wheat Program.

k. *Other Related Provisions.* A number of other determinations must be made in order to carry out the wheat loan and purchase programs such as: (a) commodity eligibility; (b) premiums and discounts for grades, classes, and other qualities; (c) establishment of county loan and purchase rates; and (d) such other provisions as may be necessary to carry out the programs.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

Signed at Washington, D.C. on May 8, 1984.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 84-12761 Filed 5-10-84; 8:45 am]

BILLING CODE 3410-05-M

Food and Nutrition Service

Advisory Council on Maternal, Infant, and Fetal Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Council meeting:

Name: National Advisory Council on Maternal, Infant, and Fetal Nutrition

Date and Time: June 12-14, 1984; 9:00 a.m.

Place: U.S. Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Room 400, Alexandria, Virginia 22302.

Purpose of meeting: The Council will continue its study of the Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP). The Council will discuss a wide range of matters concerning the operations of these two programs.

Proposed agenda: The agenda items will include the following issues: formulation of recommendations for the Council's 1984 report to the President and Congress; and general program operations. Recommendations for the report will address administrative and legislative changes for the WIC and CSF Programs.

This meeting will be open to the public. As time permits, members of the public may participate in the meeting.

Persons wishing additional information about this meeting should contact Doris Dvorscak, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302. Telephone: (703) 756-3730.

Dated: April 18, 1984.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 84-12717 Filed 5-10-84; 8:45 am]

BILLING CODE 3410-30-M

Soil Conservation Service

Big Cedar Creek Watershed, Georgia; Availability of a Record of Decision

AGENCY: Soil Conservation Service.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: B. C. Graham, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Georgia, is hereby providing notification that a record of decision to proceed with the installation of the Big Cedar Creek Watershed project is available. Single copies of this record of decision may be obtained from B. C. Graham at the address shown below.

FOR FURTHER INFORMATION CONTACT: B. C. Graham, State Conservationist, Soil Conservation Service, 355 East Hancock Avenue, Athens, Georgia 30601, telephone 404-546-2273.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. State and local review procedures for Federal and federally assisted programs and projects are applicable)

Dated: May 2, 1984.

B. C. Graham,

State Conservationist.

[FR Doc. 84-12891 Filed 5-10-84; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Order 84-5-28]

Varig, S.A.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 84-5-28.

SUMMARY: The Board proposes to renew the foreign air carrier permit applications of Varig, S.A. and Transbrasil, S.A. Linhas Aereas for a period ending June 25, 1984.

Objections: All interested persons having objections to the Board's tentative findings and conclusions, as described in the order cited above, shall, NO LATER THAN May 15, 1984, file a statement of such objections with the Civil Aeronautics Board (20 copies, addressed to Dockets 42161 and 42163, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428) and mail copies to all affected carriers and the Departments of State and Transportation.

A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Board will issue an order which will make final the Board's tentative findings and conclusions and issue a final order renewing the foreign air carrier permit applications of Varig and Transbrazil.

To Get a Copy of the Complete Order, Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5432. Persons

outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
Don Hainbach, (202) 673–5035, Bureau of International Aviation, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: May 7, 1984.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 84–12783 Filed 5–10–84; 8:45 am]

BILLING CODE 6320–01–M

CIVIL RIGHTS COMMISSION

West Virginia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the West Virginia Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 3:30 p.m., on June 5, 1984, at the West Virginia Human Rights Commission, Conference Room, 1036 Quarrier Street, 215 Professional Building, Charleston, West Virginia 25301. The purpose of the meeting is to plan program activities for the remainder of the 1984 calendar year.

Persons desiring additional information, or planning a presentation to the Committee, should contact the Chairperson, Mr. Donald Pitts, at (304) 252–5309 or the Mid-Atlantic Regional Office at (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 7, 1984.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 84–12711 Filed 5–10–84; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Datasaab Contracting, A.B.; Order

Correction

In FR Doc. 84–12077 beginning on page 19090 in the issue of Friday, May 4, 1984, make the following corrections:

1. In the first column, "In the matter of Datasaab Contracting, A.B., Veddestavagen 13, S–175 62 Jarfalla, Sweden." should appear above the first paragraph.

2. On the same page, first column, first complete paragraph, lines four and five, "Veddestavagen 13, S–175 62 Jarfalle, Sweden" should be removed.

BILLING CODE 1505–01–M

[C–588–040]

Certain Fasteners From Japan; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On February 1, 1984, the Department of Commerce published the preliminary results of its adminstrative review of the countervailing duty order on certain fasteners from Japan. The review covers the period January 1, 1982 through December 31, 1982.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: May 11, 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 February 1, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 4022) the preliminary results of its administrative review of the countervailing duty order on certain fasteners from Japan (42 FR 23147, May 6, 1977; amended by 44 FR 31972, June 4, 1979). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of all Japanese fasteners currently classifiable under items 646.5400 and 646.5600 and non-metric Japanese fasteners currently classifiable under items 646.1700, 646.4000, 646.4100, 646.4920, 646.4940, 646.5100, 646.5300, 646.5800, 646.6020, 646.6040, 646.6320, 646.6340, 646.6500, 646.7200, 646.7400, 646.7500, 646.7600, and 646.7800 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1982 through December 31, 1982 and the following programs: (1) Benefits received under the "Temporary Measures Act for Small and Midsized Businesses with Regard to the High Yen Exchange Market"; (2) the deferral of income taxes on export earnings under the Overseas Market Development Reserve; and (3) other loans given at preferential rates by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business Finance Corporation, and the Japan Development Bank.

Final Results of the Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the aggregate net subsidy to be 0.09 percent *ad valorem* for the period January 1, 1982 through December 31, 1982. The Department considers any rate less than 0.50 percent *ad valorem* to be *de minimis*. Therefore, the Department will instruct the Customs Service not to assess countervailing duties on any shipments exported on or after January 1, 1982 and on or before December 31, 1982.

The Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, on any shipments of Japanese fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until publication of the final results of the next administrative review. The Department intends to begin immediately the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

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

Dated: May 5, 1984.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 84–12779 Filed 5–10–84; 8:45 am]

BILLING CODE 3510–DS–M

[A-588-020]

Preliminary Determination of Sales at Less Than Fair Value; Titanium Sponge From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that titanium sponge from Japan is being sold, or is likely to be sold, in the United States, at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise, except for Osaka Titanium Co., Ltd. which is excluded from this determination. We have directed the U.S. Customs Service to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margins, as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 23, 1984.

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, 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) 377-3464.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that titanium sponge from Japan is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We found that the foreign market value of titanium sponge from Japan exceeded the United States price on approximately 48 percent of sales. The margins ranged from zero percent to 66.87 percent. The overall weighted-average margin on all sales compared is 8.65 percent.

The weighted-average margins for each producer are presented in the "Suspension of Liquidation section of this notice.

Case History

On November 28, 1983, we received a petition from RMI Company on behalf of the domestic titanium sponge industry. In accordance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of titanium sponge from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threatening to materially injure, a United States industry. The petition also alleged that sales of titanium sponge in the home market were being made at less than the cost of production.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation. We notified the ITC of our action and initiated the investigation on December 16, 1983 (48 FR 56815). On January 12, 1984, we were informed by the ITC that there is a reasonable indication that imports of titanium sponge are materially injuring a United States industry.

We presented questionnaires to Osaka Titanium Co., Ltd. (OTC), Nippon Soda Company (Nisso) and Toho Titanium Co., LTD (Toho), on December 30, 1983. We received the responses on February 23, 24 and March 9, 1984.

Scope of Investigation

The merchandise covered by this investigation is titanium sponge. The term "titanium sponge" covers titanium sponge, unwrought, as currently provided for in items 629.1420 and 833 of the *Tariff Schedules of the United States Annotated* (*TSUSA*). Titanium sponge is a porous, brittle metal, that has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingot, slab, billet, bar, plate and sheet.

This investigation covers the period from June 1 to November 30, 1983. OTC, Nisso and Toho are the only known Japanese producers who export the subject merchandise to the United States. We examined virtually all United States sales made during the period of investigation.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated U.S. purchasers prior to its importation into the United States. We calculated the purchase price for Nisso based on the CIF price to United States purchasers. We deducted port charges, inland freight, ocean freight and insurance costs incurred in delivering the product.

We calculated purchase price for OTC based on the CIF price from Sumitomo Corporation (a related trading company) to the first unrelated United States purchaser. We deducted inland freight, home market brokerage, ocean freight and insurance and U.S. handling costs.

We calculated purchase price for Toho based on the CIF price from Mitsui & Co., Ltd. (a related trading company) to the first unrelated United States purchaser. We deducted inland and ocean freight and insurance costs.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we used home market prices or constructed value to determine foreign market value. The petitioner alleged that sales in the home market were at prices below the cost of producing titanium sponge. In order to determine the cost of production, we examined production costs, including materials, labor and general expenses.

Where sales of merchandise under investigation were made over an extended period of time in substantial quantities, and at prices that did not permit recovery of all costs within a reasonable period of time in the normal course of trade, we disregarded these sales in our analysis in accordance with section 773(b) of the Act. Where sufficient sales of the merchandise under investigation were made at or above the cost of production, we used them in making price-to-price comparisons with sales in the U.S. market. Where sales of the merchandise under investigation above the cost of production were inadequate to provide a basis for foreign market value, we used constructed value to determine foreign market value. In accordance with section 773 of the Act, we calculated constructed value, where appropriate, by adding the costs of materials, fabrication, general expenses, and profit. For materials and fabrication, we used the appropriate producer's actual cost figures. We used the statutory 10 percent for general expenses since actual expenses for each company did not meet the minimum of 10 percent of the sum of material and fabrication costs prescribed in section 773(e)(1)(B)(i) of the Act. We calculated profit using the statutory minimum of eight percent of the sum of the general expenses and material and fabrication cost prescribed in section 773(e)(1)(B)(ii) of the Act.

In calculating foreign market value, we made currency conversions from Japanese yen to United States dollars in

accordance with § 353.56(a)(1) of our regulations using the certified daily exchange rates.

We found that all sales of titanium sponge by Nisso were made at less than the cost of production. For purposes of this preliminary determination, we have disregarded those sales and used constructed value as the basis for foreign market value. However, we note that Nisso has only recently begun producing the merchandise under investigation. Under section 773(b) of the Act, Congress intended that we not disregard sales made at prices that will permit recovery of costs over a reasonable period of time. Therefore, we will attempt to ascertain whether Nisso's costs reflect possible "start-up" effects and to make any appropriate adjustments necessary in order to determine whether Nisso's prices are above cost in accordance with section 773(b).

We compared OTC's home market sales to its cost of production. We found that all sales were made at or above cost. Therefore, we used home market C&F sales to determine foreign market value. From the home market price we deducted discounts, and the costs of packing and freight. We made adjustments for the differences between U.S. commissions and indirect selling expenses in the home market used as an offset to U.S. commissions in accordance with 19 CFR 353.15(c). We also made a circumstance of sale adjustment for differences in credit terms in the two markets. We added U.S. packing costs to the home market price. A number of OTC's home market sales were made to related companies. Yet they were made at or above prices to unrelated parties. Therefore, we included them in our calculation of foreign market value.

We compared Toho's home market sales to its cost of production. We found that all sales were made at less than cost. Therefore, we used constructed value as the basis of foreign market value. We found that all U.S. sales were made at less than the constructed value.

Verification

As provided in section 776(a) of the Act, we will verify all data used in reaching our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of titanium sponge from Japan, with the exception of entries of OTC. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated amount of the weighted-average margin by which the foreign market value of the merchandise subject to this investigation, with the exception of that sold by OTC, 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	Weighted-average margins (percent)
Osaka Titanium Co., Ltd	0
Nippon Soda Co.	62.30
Toho Titanium Co., Ltd	15.90
All other manufacturers/producers/exporters	8.65

ITC Notification

In accordance with section 733(f) of the Act, we are notifying the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after the Department makes its preliminary affirmative determination or 45 days after the Department makes its final determination.

Public Comment

In accordance with § 353.47 of our regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on June 14, at the United States Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number, (2) the number of participants, (3) the reason for attending, and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 11, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Dated: May 7, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-12777 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-DS-M

[A-412-013]

Preliminary Determination of Sales at Less Then Fair Value; Titanium Sponge From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that titanium sponge from the United Kingdom is being sold, or is likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determination, and we have directed the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise. We have directed the U.S. Customs Service to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by July 23, 1984.

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-3464.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that titanium sponge from the United Kingdom is being sold, or is likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We found that the foreign market value of titanium sponge from the

United Kingdom exceeded the United States price on the only sale made during the period of investigation. The estimated margin is 93.91 percent.

Case History

On November 28, 1983, we received a petition from RMI Company on behalf of the domestic titanium sponge industry. In accordance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the petition alleged that imports of titanium sponge from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threatening to materially injure, a United States industry. The petition also made an insufficiently supported allegation that titanium sponge was being sold in the United Kingdom or to third countries at prices that are less than the cost of production.

After reviewing the petition, we determined that it contained sufficient grounds to initiate an antidumping investigation, but that the allegation regarding sales below cost was insufficiently supported to initiate a cost investigation at that time. We notified the ITC of our action and initiated the investigation on December 16, 1983 (48 FR 56817). On January 12, 1984, we were informed by the ITC that there is a reasonable indication that imports of titanium sponge are materially injuring a United States industry.

A questionnaire was presented to Billiton (U.K.) Ltd., the exporter of the merchandise and parent of the producer, Deeside Titanium Ltd., (DTL) on December 30, 1983. The response was received on March 2, 1984.

Scope of Investigation

The merchandise covered by this investigation is titanium sponge.

The term "titanium sponge" covers titanium sponge, unwrought, as currently provided for in items 629.1420 and 833 of the *Tariff Schedules of the United States Annotated (TSUSA)*. Titanium sponge is a porous, brittle metal, which has a high strength-to-weight ratio and is highly ductile. It is an intermediate product used to produce titanium ingot, slab, billet, bar, plate and sheet.

This investigation covers the period from June 1 to November 30, 1983. DTL is the only known U.K. producer that exports the subject merchandise to the United States. We examined the only United States sale made during the period of investigation.

Fair Value Comparisons

To determine whether the sale of the subject merchandise in the United States was made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to an unrelated purchaser prior to its importation into the United States. We calculated the purchase price based on the CIF price to the unrelated United States purchaser. We deducted brokerage charges, foreign and U.S. inland freight, handling charges, inland and marine insurance and ocean freight incurred in delivering the product to the purchaser.

Foreign Market Value

The petitioner made an inadequately supported allegation in the petition that sales were made in the home market or to third countries at less than the cost of production. We nevertheless requested cost data because, based on petitioner's information, we suspected that there would be insufficient sales in the home market or to third countries to form a basis for foreign market value. Subsequently, data contained in DTL's response to our questionnaire was compared to petitioner's cost data. This comparison led us to believe or suspect that sales were being made in the home market or to third countries at less than cost of production. DTL declined to provide the requested cost information. Therefore, we have used the best information available to calculate the foreign market value, in accordance with section 776(b) of the Act. The best information available is constructed value based on the cost estimate provided in the petition. Since petitioner's cost estimate included general expenses, we added the statutory eight percent profit to its estimate in order to obtain a constructed value in accordance with section 773(e)(1) of the Act.

Verification

As provided in section 776(a) of the Act, we will verify all data used in reaching the final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of titanium sponge from the United Kingdom. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The applicable margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
Deeside Titanium, Ltd	93.91
All other manufacturers/producers/exporters	93.91

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to this investigation. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after we make our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m. on June 15, at the United States Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by

June 11, 1984. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Dated: May 7, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-12778 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-05-M

[A-580-010]

Rectangular Welded Carbon Steel Pipes and Tubes From Korea; Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations, the United States Department of Commerce and the United States International Trade Commission (ITC) have determined that rectangular welded carbon steel pipes and tubes (RWPT) from Korea are being sold at less than fair value and that sales of light-walled RWPT from Korea are materially injuring a United States industry. Therefore, all entries, or warehouse withdrawals, for consumption of light-walled RWPT from Korea made on or after October 31, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries of light-walled RWPT, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register.**

The ITC also determined that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry is not materially retarded, by reason of imports from Korea of heavy-walled RWPT. Thus, heavy-walled RWPT are excluded from this Order.

EFFECTIVE DATE: May 11, 1984.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Telephone: (202)377-0189.

SUPPLEMENTARY INFORMATION: The merchandise covered by this order is certain rectangular welded carbon steel pipes and tubes, which are defined for purposes of this proceeding as: light-walled welded carbon steel pipes and tubes, of rectangular (including square) cross section, currently provided for in items 610.4975 of the *Tariff Schedules of the United States Annotated* (1983) (TSUSA). Heavy-walled RWPT, currently provided for in item 610.3955 of the TSUSA, are excluded from this Order.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 31, 1983, the Department published its preliminary determination that there was reason to believe or suspect that RWPT from Korea were being sold at less than fair value (48 FR 50132). On March 16, 1984, theDepartment published its final determination that these imports were being sold at less than fair value (49 FR 9936).

On April 30, 1984, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that imports of light-walled RWPT from Korea are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of light-walled RWPT from Korea. The antidumping duties will be assessed on all light-walled RWPT entered, or withdrawn from warehouse, for consumption on or after October 31, 1983, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register.**

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on light-walled RWPT, a cash deposit equal to the estimated weighted-average antidumping duty margins set forth below:

Manufacturers/producers/exporters	Weighted average margin (percent)
Union Steel Manufacturing Co., Ltd.	1.47
All other manufacturers/producers/exporters	1.47

In accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC also notified the Department, on April 30, 1984, that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry is not materially retarded, by reason of imports of heavy-walled RWPT from Korea. Consequently, the suspension of liquidation for heavy-walled RWPT is cancelled. All cash deposits, bonds, or other security posted as a result of suspension of liquidation should be released or refunded.

This determination constitutes an antidumping order with respect to light-walled RWPT from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). In accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)), we hereby give notice that we are commencing an administrative review of this order on May 11, 1984. For further information regarding this review, contact Barbara Victor at (20) 377-4366.

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Dated: May 7, 1984.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 84-12799 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-DS-M

Availability of Record of Decision for the 1984 Louisiana World Exposition/ Decision To Sponsor and Participate in the Exposition

AGENCY: Department of Commerce International Trade Administration (ITA), Office of World Fairs and International Expositions (OWFIE) announces availability of its Record of Decision for the 1984 Louisiana World Exposition.

SUMMARY: A Record of Decision (R.O.D.) has been prepared for the 1984 Louisiana World Exposition, scheduled to open May 12, 1984. The Department of Commerce's environmental review process indicates that holding the Exposition is the environmentally

preferred alternative. This finding, along with other considerations, is the basis for the Department's decision to sponsor and participate in the Exposition.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Wilczynski, Environmental Compliance Officer, NOAA/PP2/H6117, U.S. Department of Commerce, Washington, D.C. 20230.

Copies of the R.O.D. are available on request.

SUPPLEMENTARY INFORMATION: The Office of World Fairs and International Expositions, United States Department of Commerce, has decided to sponsor and participate in the 1984 Louisiana World Exposition (LWE) in New Orleans. The Exposition will be located in an area along the Mississippi River immediately adjacent to the New Orleans Warehouse District. This was the only site recognized by the Bureau of International Expositions (BIE) for this Exposition. A complete description of the proposed Exposition can be found in the Final Environmental Impact Statement (FEIS), April 1982.

The only alternative to the Exposition was the "no action" alternative.

Clearly, certain adverse impacts will occur during the construction and operation phases of the Exposition. However, during and after its operation, the Exposition would present numerous positive impacts which would be environmentally preferable to the "no action" alternative. On balance, the fair is viewed as the environmentally preferred alternative.

The decision to sponsor and participate in the Exposition was based on this factor as well as others including the Exposition's projected net positive economic benefit and its fulfillment of the Department's mission to promote expositions which foster international cooperation and trade.

In summary, the Exposition will provide an international forum for the exchange of ideas and viewing of new technologies that have been developed or are being developed relating to water usage and conservation. The Exposition will serve as a catalyst for changes in land use and redevelopment of the riverfront area along its proposed site and should also stimulate the economy of the City of New Orleans and the State of Louisiana. The Exposition's residual facilities may include landscaped open space along the riverfront of the Central Business District (CBD), improved access to the riverfront, a new multi-story structure above the Julia Street Wharf, upgrading and restoration of buildings in a portion of the historic Warehouse District, creation of an additional entertainment zone to complement business in the Vieux Carre, satellite parking areas, and miscellaneous street and infrastructure improvements.

Independent surveys indicate that numerous jobs will be created in this area during the construction and operation period. Economic projections predict the exposition will create $625 million in payrolls, $179 million for the purchase of materials and supplies, retail spending of $978 million, and additional tourist-related spending of $227 million. The project is also predicted to generate $53 million in state and local taxes, and $93 million in federal revenues from payroll and excise taxes.

Heavy marketing will be conducted in various countries to increase tourism. It is anticipated that 20 to 25 nations will participate, thus bringing an estimated $15 million to the United States from abroad.

Neither of the considered alternatives would have an impact upon threatened or endangered species of flora or fauna, since their presence has not been documented in the study area. The area is now devoted to port activities, warehousing, and open space of no particular natural, ecological, or scenic value.

The FEIS will be used during final design of the project to develop design features and construction procedures required to comply with state and federal regulations, permit requirements, and other design specifications pertaining to environmental protection and/or enhancement. The City of New Orleans, a cooperating agency, will monitor the final development of the LWE plan.

The Record of Decision is conditioned upon the agreement of Louisiana World Exposition, Inc., to: (a) Implement the Emergency Response and Evacuation Procedures as described in the *1984 Louisiana World Exposition Hazardous Materials Study* (Urban Systems, Inc., 1983); (b) adhere to the letter and intent of their (LWE, Inc.) concurrence with the "Memorandum of Agreement" between the Advisory Council on Historic Preservation, the Louisiana Historic Preservation Officer, and the U.S. Department of Commerce; and (c) adhere to any other measures contained within the EIS and the Environmental Assessment for the Proposed Change in Entrance Gates (January 23, 1984) concerning mitigation, enforcement, and monitoring.

Dated: May 9, 1984.

T. M. Chambers,

Director, Office of the World Fairs and International Expositions.

[FR Doc. 84-12886 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-DR-M

Minority Business Development Agency

Minority Business Development Center; Solicitation of Applications; California et al.

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for the following projects:

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning September 1, 1984, in the Santa Barbara SMSA.

I. D. Number: 09-10-84005-01:		
Maximum MBDA Contribution	$144,500	
SCS Contribution	14,450	
Total Federal Contribution		$158,950
Minimum Cost Sharing Contribution		28,050
Minimum Total Project Cost		187,000

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning October 1, 1984, in the Honolulu SMSA.

I. D. Number: 09-10-84017-01:		
Maximum MBDA Contribution	$348,500	
SCS Contribution	34,850	
Total Federal Contribution		$383,350
Minimum Cost Sharing Contribution		67,650
Minimum Total Project Cost		451,000

One Cooperative Agreement Under the Minority Business Development Center (MBDC) Program To Operate a project for a 12 month period beginning October 1, 1984, in the Phoenix SMSA.

I. D. Number: 09-10-84018-01:		
Maximum MBDA Contribution	$348,500	
SCS Contribution	34,850	
Total Federal Contribution		$383,350
Minimum Cost Sharing Contribution		67,650
Minimum Total Project Cost		451,000

The Cost Sharing Contribution can be a combination of cash, in-kind contributions and fees for service.

Legal Services are excluded.

The funding instrument for the MBDC will be a cooperative agreement and is open to all individuals, nonprofit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients in areas related to the establishment and operation of business. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from information and assistance to and about minority businesses are funneled.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 12 month period with a three-year noncompeting continuation option. MBDCs shall be required to contribute at least 25% of the total program costs through non-federal funds during each of the three option years.[1] The noncompeting continuation application kit will be sent to an MBDC (who is performing at a satisfactory level or better) approximately 120 days prior to the last day of the initial award period. The MBDC should fill out and mail the continuation application to their appropriate MBDA regional office. After receipt of the continuation application kit by MBDA, the MBDC's option will be reviewed and awarded each year at the direction of MBDA based on its needs, availability of funds and the applicant's satisfactory performance.

Closing Date: The closing date for applications is June 11, 1984. Applications must be postmarked on or before June 11, 1984. An application kit is available upon written request.

ADDRESS: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Room 13029, San Francisco, California 94102, May 25, 1984 at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/556-7234.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: May 2, 1984.

Powell McDaniel,

Regional Director.

[FR Doc. 84-12812 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-21-M

[1] Initial award year FY 1984 cost sharing will be 15%.

National Oceanic and Atmospheric Administration

Issuance of General Permit; International Trading and Shipping Agency, Inc.

On May 7, 1984, a general permit to incidentally take marine mamals during commercial fishing operations in 1984 and 1985 was issue to: International Trading and Shipping Agency, Inc., 19 Rector Street, New York, N.Y. 1000,in Category 1: Towed or Dragged Gear, to take 10 northern sea lions (*Eumetopias jubatus*) 5 harbor seals (*Phoca vitulina*) and 5 cetaceans.

All takings are incidental to commercial fishing operations within the U.S. Fishery Conservation Zone, pursuant to 50 CFR 216.24.

This general permit is available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street, NW., Washington, D.C.

Dated: May 7, 1984.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-12788 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-22-M

Modification No. 2 to Permit No. 413; Southwest Fisheries Center

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), and § 222.25 of the Regulations Governing Endangered Species Permits (50 CFR Part 222), Scientific Research Permit No. 413 issued to the Southwest Fisheries Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, California 92038, on April 20, 1983 (48 FR 17638), and modified on July 6, 1983 (48 FR 31062), is further modified by deleting and adding the following:

Section A-4 is deleted and replaced by:

"A-4 Seven hundred forty (740) pups and ten (10) yearlings may be taken by tagging at any location except Kure Island. Up to two hundred fifty (250) of the pups may be tagged at Frendh Frigate Shoals over two years."

Section A-6 is deleted and replaced by:

"A-6 Eight hundred five (805) seals, other than pups, may be marked at Kure Atoll, Pearl and Hermes Reef, Lisianski, Laysan, Necker and Nihoa Islands; one hundred twenty-five (125) weaned pups may be marked at French Frigate Shoals. Activities are to be conducted in one year at any one location, except that activities on Laysan Island may be conducted in 1983 and 1984."

Further, Section A-7 is added:

"A-7 Up to forty (40) seals found severely injured or prematurely abandoned at any location may be collected and temporarily maintained for rehabilitation and returned to the wild after tagging."

This modification becomes effective upon publication in the **Federal Register**.

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, NW., Washington, D.C.; and

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

Dated: May 7, 1984.

Richard B. Roe,

Dirtector, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 84-12787 Filed 5-10-84; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1984; Proposed Additions and Deletion

ACTION: Proposed Additions to and Deletion from Procurement List.

SUMMARY: The Committee has received proposals to add and delete from 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: June 13, 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.

Additions

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 7530

Folder Set, File: 7530–00–286–6926
Book, Memorandum: 7530–00–286–6952

Class 8340

Line, Tent: 8340–00–263–0254

SIC 7349

Janitorial Service, Federal Building and U.S. Courthouse, 316 North 26th Street, Motor Pool Building, 421 North 24th Street, Billings, Montana
Janitorial/Custodial Service, Griffiss AFB, New York
Janitorial/Custodial Service, Federal Building and Courthouse, 5th and W. Okmulgee, Muskogee, Oklahoma

SIC 7369

Commissary Shelf Stocking and Custodial, Lowry Air Force Base, Colorado.

Deletion

It is proposed to delete the following commodity from Procurement List 1984, October 18, 1983 (48 FR 48415):

Class 7350

Cup, Plastic: 7350–00–721–9003, 7350–00–082–5741, 7350–00–926–1661, 7350–00–145–6126, 7350–00–761–7467, 7350–00–914–5089, 7350–00–914–5088.

C. W. Fletcher,

Executive Director.

[FR Doc. 84–12767 Filed 5–10–84; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1984; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

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

EFFECTIVE DATE: May 11, 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 October 14, 1983, January 20, 1984, and February 17, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (48 FR 46832, 49 FR 2502, and 49 FR 6145) of proposed additions and deletion from Procurement List 1984, October 18, 1983 (48 FR 48415).

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

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

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

b. The actions will not have a serious economic impact on any contractors for the commodity and services listed.

c. The actions will result in authorizing small entities to produce or provide a commodity and services procured by the Government.

Accordingly, the following commodity and services are hereby added to Procurement List 1984:

(Class 2540)

Kit, Deep Water Fording: 2540–00–780–0844

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

SIC 7218

Laundry Service (Wiping Rags only), Hill Air Force Base, Utah

SIC 7349

Janitorial/Custodial, U.S. Army Reserve Facility 14631, S.E. 1092nd Street, Renton, Washington.
Janitorial/Custodial, Federal Building, U.S. Post Office and Courthouse, 825 Jadwin Avenue, Richland, Washington.

C. W. Fletcher,

Executive Director.

[FR Doc. 84–12766 Filed 5–10–84; 8:45 am]

BILLING CODE 6820–33–M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 80–4]

1979 Cable Royalty Distribution Determination

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice of Final Determination.

SUMMARY: The Copyright Royalty Tribunal (Tribunal) announces the adoption of its final determination in the proceeding concerning the remand issues of the distribution of royalty fees paid by cable systems for secondary transmissions during 1979.

FOR FURTHER INFORMATION CONTACT: Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 1111 20th Street, NW, Room 450, Washington, DC 20036. (202) 653–5175.

Introduction

The Tribunal on March 8, 1982 published in the **Federal Register** (47 FR 9879) its final determination in the proceeding for the distribution of the 1979 cable royalties. Appeals of this determination were taken by several parties. The United States Court of Appeals for the District of Columbia Circuit in Christian Broadcasting Network v. Copyright Royalty Tribunal, 720 F. 2d 1295 (D.C. Circuit 1983) affirmed the Tribunal's decision in nearly all respects, but remanded three issues for further tribunal proceedings. These issues related to the allocation of the royalties for sports programming, the Tribunal's zero awards to the Devotional Claimants, and the Tribunal's treatment of the commercial radio claims and the radio portion of the award to Music. By an order published in the **Federal Register** of December 13,

1983, (48 FR 55498) the Tribunal established procedures for the consideration of the remand issues. The sports royalty issue was resolved in an order published in the Federal Register of January 31, 1984 (49 FR 3899). With regard to the devotional and commercial radio issues, Opening Briefs were submitted on February 1, 1984, followed by the submission of Replies on February 15, 1984. Oral argument was held February 21, 1984, with supplemental Proposed Findings of Fact and Conclusions of Law submitted March 1, 1984. No additional evidence on these issues was taken.

The Tribunal issued on March 16, 1984 an interim order resolving that the Tribunal had determined to make an award to the Devotional Claimants, and requesting parties to submit proposals as to the amount of the award to the Devotional Claimants, and the justification for the proposed award. These proposals were submitted on April 4, 1984.

Distribution Criteria

In the Tribunal's 1978 determination we set forth the criteria by which we judged the evidence in that distribution proceeding and which we intended to apply in subsequent proceedings.[1] The 1979 proceeding was the first distribution proceeding in which the claimants had the opportunity to present evidence in support of their claim, subsequent to the adoption of the Tribunal's distribution criteria. Consequently the Tribunal was able to readjust awards in conformity with these criteria more closely in the 1979 proceeding. For this reason, together with the somewhat inherently subjective nature of these determinations, the Tribunal concluded that it was reasonable in the 1979 proceeding to alter awards made to claimants in the 1978 determination, given a greater refinement in our ability to assess a claimant's overall case and weigh even unchanged evidence more accurately. This approch of the Tribunal was one of many issues presented in the appeals of our 1979 determination. We adhere to our view that the approach is reasonable for the 1979 proceeding.

Devotional Claimants

Introduction

The Tribunal in reviewing all the evidence in the 1979 record relating to the case of the Devotional Claimants, the opinion of the U.S. Court of Appeals, the remand pleadings, and the oral argument has not been persuaded that any significant modification of our original assessment of the case of the Devotional Claimants is either required or justified by the record. Our initial determination to award no royalties was influenced by what we have viewed as the special factors of the Devotional claims—the purchase of broadcast time, and certain perceived benefits to such claimants from cable retransmission. We have resolved in this proceeding to give less weight to these factors. It is this decision which is the immediate basis of our determination to now make an award to the Devotional Claimants.

Benefit to Cable Systems and Marketplace Value

We have concluded, as in our consideration of other claims, that particular attention should be paid to the benefit and marketplace value criteria. The record does contain some evidence presented by the Devotional Claimants on the benefit issue. The Court cited in the record "what appears to be at least noteworthy of 'benefit to cable operators.'"[2] But none of this evidence, in our view, significantly bolsters the devotional claims on the benefit standard,[3] or can remotely be deemed similar to that which we have found to be supportive of the case of the sports claimants. We do not find in the record any basis for concluding that cable operators chose distant signals because of devotional programming, nor have we been persuaded, based on this record, that cable operators welcome the inclusion of devotional programs on distant signals to balance the carriage of secular programs.

We also fail to find in this record support for the contention of Devotional Claimants that their benefit to cable operators is similar to that of the Public Broadcasting System (PBS). Nether in the timing of the telecast or the program mix do we find that the Devotional Claimants can be viewed as affording the alternative to the commercial networks provided by PBS.

In our 1979 determination,[4] we found that "we have not discovered a marketplace value for the programs of these claimants." A second look at the evidence has not persuaded us to alter this conclusion.

The Devotional Claimants cite the "wide distribution received by Devotional programming" as a measure of marketplace value.[5] We find no basis in this record for "linkage" between the presence of devotional programs and the distant carriage of a particular station. We concur in the Proposed Findings of the Settling Parties, for example with regard to WOR–TV, Secaucus, New Jersey, that "there is considerable evidence that WOR was carried for various other reasons", that is because of non-devotional programming.[6]

Harm From Cable Retransmission

The Devotional Claimants in their Supplemental Proposed Findings assert that the "predominant thrust of the harm suffered; by the Devotional Claimants stems from the loss of control over the use of their copyrighted product that results from the compulsory licensing scheme."[7] A specific application of this harm is said to be "audience fragmentation." We stated in our 1979 opinion that in determining an award to Old Time Gospel Hour (OTGH) we did not find this theory "convincing." The Court of Appeals in its opinion quoted from the Tribunal's explanation in our 1978 opinion of the harm criteria [8] in which we spoke of "a further adverse economic impact on a copyright owner from the importation of competing distant works into the aggrieved party's local community." We find no conflict between this general language and the application of the harm standard to the specific claim of OTGH, but we need not base our position in this proceeding on such a distinction. We do not find in this record any evidence regarding the factors that would have to be considered in establishing such loss.

The Devotional Claimants assert that another harm to them is "viewer confusion caused by program duplication and the inherent problems in scheduling and promoting their product where duplicative material is impacted on a distant signal."[9] We find that the actual record in this proceeding is more correctly reflected in the Settling Parties Supplemental Proposed Findings that "no witness supported this claim with a single instance of viewer complaints or decreased contributions concerning Devotional Claimants' own duplicative local programming purchases."[10]

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[1] 45 FR 63035–37

[2] Christian Broadcasting Network v. Copyright Royalty Tribunal, 720 F 2d at 1310

[3] See analysis of this evidence in Settling Parties Proposed Findings, pp 28–29

[4] 47 FR 9896

[5] Devotional Claimants, Supplemental Proposed Findings, p 18

[6] Settling Parties, Supplemental Proposed Findings, p 23

[7] Devotional Claimants Supplemental Proposed Findings, p 4

[8] CBN v. CRT, 720 F. 2d at 1312

[9] Devotional Claimants Supplemental Proposed Findings, pp 5–6

[10] Settling Parties Supplemental Proposed Findings, p 11

A third application of the harm criteria cited by the Devotional Claimants is the assertion of harm to the satellite networks of PTL and CBN because of distant signal importation. The Court has stated: "To the extent that the Tribunal refused to recognize general revenue loss from these claimants' inability to 'place' their satellite networks—beyond the specific, marginal loss of prime time contributions from their copyrighted programs—we agree." But the Court held that if the "Devotional Claimants can prove (to the Tribunal's satisfaction) that cable retransmission has measurably diminished their ability to exploit the contribution potential of their particular works, whether by satellite or otherwise, we see no reason why such an opportunity loss would fall outside the scope of section 111 of the Act." We find no evidence in the 1979 record to support an award on this basis for harm to satellite networks.

Secondary Criteria

We find; nothing in the Court's opinion which requires further discussion as to the application to the Devotional Claimants of the secondary criteria of quality and time. We have rejected time-based formulas and we continue to believe that time is not a valid criterion of marketplace value.

Special Factors

The Court of Appeals recognized that the purchase of broadcast time by Devotional Claimants was "the basis for a reasonable inference that their programming is without recognizable value," but stated that the Tribunal had not discussed the contention "that their payments to broadcasters reflect a conscious, self-inflicted cost of commercial-free formatting rather than any external indication of market worthlessness." We continue to read the relevant evidence on this issue as consistent with the Tribunal's conclusion, but this issue is not central to our determination in this proceeding. If evidentiary hearings are necessary in subsequent distribution proceedings, the Tribunal will expect the parties to present a fuller record on this issue.

The Court also said that the Tribunal did not acknowledge the counter-argument of the Devotional Claimants that the market value of their programming is reflected in the value viewers place on it by making donations. We doubt that there is a direct relationship between donations and the value of the programs as distinguished from support of the full gambit of religious and other activities of these claimants, but again this issue is not a singificant factor in our award in this proceeding.

In our 1979 opinion we concluded that distant carriage may well benefit the Devotional Claimants by providing expanded coverage and the potential for increased contributions. We continue to believe that this is a plausible conclusion, and that our treatment of other claimants on this issue is not inconsistent. We reject the argument that the situation of the Devotional Claimants as to benefit from distant cable carriage is identical to that of PBS and NPR. This distinction is rooted, on the one hand on the practices of the Devotional Claimants to encourage cable carriage of their programs by satellite networks, and on the other by public broadcasting's mandate to encourage development of local public television, and radio stations.

This "negative harm" issue is not a significant factor in this determination, but if evidentiary hearings are necessary in subsequent distribution proceedings, the Tribunal will expect the parties to further develop the record on this issue. We cannot, however, leave unanswered the Court's language that "we are troubled by the unexplained vengeance" with which the Tribunal is said to have applied the "negative harm" test to the Devotional Claimants.[11] We have stated that the harm criteria has been of limited utility in allocating the cable fund. Our point has been that the commercial and public broadcasting claimants sustain some harm, however vaguely defined, from distant signal carriage, but that for the reasons discussed above the Devotional Claimants may not sustain a net loss. This conclusion is not motiviated by "vengeance" but by our analysis of the record. We leave "vengeance" to other authority.[12]

Treatment of Other Claimants

We now address matters which have been raised concerning our treatment of other claimants in relation to the Devotional Claimants. The Devotional Claimants assert that the most obvious comparison is with public broadcasting. We again reject this relationship. The Devotional Claimants present only a single program, while public broadcasting offers a range of programs, that in its diversity attracts a broad range of audience. The carriage of the public broadcasting signals indicates the appeal of their programing. Devotional programmming is but a small portion of a distant signal. Therefore, the carriage of that signal does not establish the appeal of devotional programming. As to contributions, the funds donated to public broadcasting have no purpose other than to support the programs, while contributions to the Devotional Claimants have a less direct connection to the programming.

In reponse to our order of March 16, 1984, PBS submitted an analysis of distant cable carriage of public and religious specialty stations. While we do not adopt the specific analyses, we believe that it provides a useful measure to judge our respective awards to these claimants.[13]

Mutual of Omaha

The Devotional Claimants have viewed Mutual of Omaha as one of the claimants "similarly situated." We do not agree that Mutual, because it does not receive money for its bartered program "Wild Kingdom," is similar to the Devotional Claimants. Mutual offers advertising availabilities to local stations, and must persuade the local station that the revenues from these availabilities will make it worthwhile to broadcast the program. In contrast, the purchase of time does not represent any determination as to the value of the programming, but only a business judgment as to the amount of money offered.

In response to our order of March 16, 1984, the Settling Parties presented an analysis of "Wild Kingdom" compared with the major program for each of the Devotional Claimants on the basis of Arbitron ADI ratings and ADI households for approximately 350 syndicated programs in 1979.[14] While we do not adopt the specific analysis as the basis for our award to the Devotional Claimants, it provides a measure of our respective awards to these claimants.

National Association of Broadcasters (NAB)

The Devotional Claimants claim that the "Tribunal's treatment of the Devotional Claimants versus NAB is similarly uneven and unfair."[15] Devotional Claimants call attention to the Tribunal's determination of the NAB claim both as to its Phase I local broadcaster entitlement and its Phase II program syndicator award. The Tribunal in both the 1978 and 1979 determinations was critical of the NAB showing under the primary criteria. While no formula was applied in determining our Phase I award to NAB, the award reflected a

[11] CBN v. CRT 720 F. 2d at 1311

[12] See Romans, XII, 19

[13] The Proposal of Public Broadcasting Service for an award to the Devotional Claimants, pp 6–8.

[14] Settling Parties Proposal, pp 3–4.

[15] Devotional Claimants Supplemental Proposed Findings, p 47.

very substantial downward adjustment in the 19% time and 8% viewing percentages attributable to local broadcasters in the Motion Picture Association of America (MPAA) Nielsen Report. In response to our order of March 16, 1984, the Settling Parties and PBS presented two analyses of our NAB award in relation to the distant viewing of local station programming and devotional programs. While we do not adopt these specific analyses as the basis for our award to the Devotional Claimants, they provide a measure of our respective awards to these claimants.

With regard to our Phase II award to NAB as a program syndicator, it is correct as noted by the Devotional Claimants that we found that "the data NAB presented with respect to the secondary carriage of station syndication was insufficient." We accordingly made a substantial reduction in the award sought by NAB.

Award to Devotional Claimants

In accordance with the above, the record evidence, and our review of awards made to other claimants, we award 0.5% of the Program Syndicators' share to the Devotional Claimants. The Devotional Claimants have informed the Tribunal that they have reached a voluntary agreement for the division among themselves of this award.

Adjustment of Phase II Program Syndicators Allocations

The Tribunal's award of 0.5% of the Program Syndicator's share to the Devotional Claimants has required the Tribunal to review the entire Program Syndicator allocation. In our 1979 determination we observed that our comparative analysis of Phase II claims was "restricted by the state of the record." [16] Because of the record in the 1979 proceeding, and its inherent impact on the consideration of claims during Phase II, we have resolved that the Tribunal's overall assessment of the Phase II issues and the cases presented is best preserved by reducing our award to MPAA and associated syndicators by 0.5%, and leaving other Phase II awards unchanged. This disposition applies only to the particular circumstances of the 1979 proceeding.

It is therefore ordered that the 1979 Program Syndicators allocation be revised to read as follows:

Motion Picture Association of America	96.3
Multimedia Program Productions, Inc.	1.6
National Association of Broadcasters	0.8
Spanish International Network	0.7
Devotional Claimants	0.5
Mutual of Omaha	0.1

Music and Commercial Radio Claimants

With regard to its awards to music and broadcasters for commercial radio, the Tribunal agrees with the Court's findings that the justification for our decision contained inconsistencies and imprecisions. The Tribunal was remiss in ineptly and inaccurately articulating in its 1979 decision views which we held then to be supported by the record evidence and which remain unshaken upon remand and an additional review of the record. The Tribunal regrets the imprecision of its earlier justification, accepts the Court's admonition, and welcomes the opportunity to present the foundations for its decision with greater clarity.

Commercial Radio

The Tribunal continues to believe that no award for the broadcaster's portion of distant signal commercial radio is justified based on the record evidence. In so judging, the Tribunal is referring only to that portion of commercial radio which is directly the creation of, and attributable to, the broadcasters. The Tribunal reviewed the record evidence and the arguments made on remand, and remains unable to discern any measurable marketplace value or benefit to the cable operator of the broadcasters' contribution on distant signal commercial radio, other than one so small as to be practically uncompensable. We find ourselves in agreement with the Court of Appeals, which rejected NAB's contention that its non-award is unsupported by substantial evidence, and, on the contrary, found there is substantial evidence in the record to support the Tribunal's conclusion that commercial radio's value in the cable marketplace is sufficiently *de minimus* as not to warrant an award. [17]

In reaching such a conclusion the Tribunal relied more than customarily upon time-based considerations. Normally the Tribunal has refrained from looking to time-based considerations as a justification for our decisions because of their failure to differentiate between the conditions in local broadcast markets and distant cable markets; but in the case of commercial radio no other useful measurable standard was provided. Concerning the relative significance of commercial radio as a distant signal, we relied on the testimony of Mr. Abrams. [18] But because of his lack of familiarity with the distant signal cable market itself [19] and because of the unavoidable subjectivity of his judgments concerning the contribution of broadcasters, [20] we were unable to rely on his testimony with regard to the value that should be placed upon the broadcasters' share and upon formatting. We concur in the finding of Music that the "claim for radio formatting is simply a compilation claim applied to radio," and we have consistently downgraded programming we have found duplicative.

The degree to which the broadcaster's share may also be strictly local in interest further clouds the value that may be attributable to non-music copyrighted programming. [21]

Music

Upon reviewing the 1979 record and arguments on remand, the Tribunal continued to find music justified to an award for distant cable radio carriage; however, because the value of commercial radio generally in the cable marketplace is *de minimus*, this award is very small.

The Tribunal considered only two tangible pieces of evidence in the record helpful as a basis upon which to make a judgment: (1) That commercial radio is in fact carried as a distant signal, and (2) that this carriage is overwhelmingly music. In addition, we relied on the testimony of Mr. Abrams concerning the preponderance of music on radio signals. [22] These considerations shed no light on the true worth of commercial radio programming in distant signal markets; however they left unassailable the simple fact that the vast bulk of that programming is music; just as the vast bulk of programming on distant cable television is that of the Program Suppliers, to whom no one has denied the right to the preponderant share of those royalties, including NAB. [23] In our findings, we wished to declare that for radio music is the proper recipient for whatever *de minimus* unquantifiable award there may be.

The inconsistency in our previous decision resulted from our failure to state that, although we judged that such an award was justified, we were unable to quantify it and found it incalculable and extremely small. Cable operators receive some benefit in being able to

[16] 47 FR 9895.

[17] TR. pp. 2567–71, testimony of Ms. Hall, Storer Cable; TR. p. 2708, testimony of Mr. Abrams, Radio Programming Expert.

[18] TR. p. 2708.

[19] TR. p. 2707.

[20] TR. p. 2611.

[21] TR. p. 2685–87.

[22] TR. p. 2610.

[23] National Association of Broadcasters 1979 Findings of Fact Calculation Appendix, pp. 1–7.

offer commercial radio as a distant signal, as evidenced by the fact that it is carried, but that value is undeterminable, and to the extent that it exists is overwhelming attributable to music by the only measure available—time.

In employing the time criterion, as a basis for our judgment, the Tribunal rejected a proposal by the music claimants that we employ the percentage of programming costs. [24] No inferences, therefore, may be drawn, as suggested by NAB, [25] that the percentages of programming costs are the means by which we determined music's commercial radio share. To do so would be to imply a rationale that we have consistently rejected in the past: The strict application of a formula. This is inconsistent with conclusions we have drawn from the record in the past and unsupported by any comparative reading of the programming expense figures for 1978 and 1979. [26]

Commissioner Brennan has separate views.

Thomas C. Brennan,

Chairman.

May 8, 1984.

Separate Views of Commissioner Brennan

I concur in that portion of the Tribunal's Commercial Radio/Music determination denying any award to commercial broadcaster claimants for distant cable carriage of commercial radio signals. The Court of Appeals has held that "there is substantial evidence in the record to support the Tribunal's conclusion that commercial radio's value in the cable marketplace is sufficiently *de minimus* as not to warrant an award."

In the 1979 proceeding I did not agree with the Tribunal's award to the Music claimants, nor with the justification advanced for that award. In the current proceeding I abstain on that portion of the Tribunal's Commercial Radio/Music determination relating to the award of the Music claimants.

[FR Doc. 84-12786 Filed 5-10-84; 8:45 am]

BILLING CODE 1410-06-M

[24] Music 1979 Findings of Fact, pp. 16–17.

[25] National Association of Broadcasters Supplemental Findings of Fact, p. 5.

[26] MPAA Findings of Fact, p. 132; Joint Sports Findings of Fact, p. 156; TR. p. 4143.

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Institute of Pathology Scientific Advisory Board; Meeting

In order to comply with section 10(a)(2) of the Federal advisory Committee Act (Pub. L. 92–463), notice is hereby given of the meeting of the Armed Forces Institute of Pathology's Scientific Advisory Board, June 7–8, 1984, 0830 hours in the Director's Conference Room, Armed Forces Institute of Pathology, Washington, D.C. 20306. This meeting will be open to the public.

The proposed agenda will include professional discussion of the mission of the Armed Forces Institute of Pathology relating to consultation, education and research. The Executive Secretary from whom substantive program information may be obtained is Colonel William R. Tuten, III, Executive Officer, Armed Forces Institute of Pathology, Washington, D.C. 20306, telephone 202–576–2900.

For the director.

Charles M. Edwards,

CPT, MSC, USA, Adjutant.

[FR Doc 84-12727 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers; Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Approximately 225 River Miles of Channel Clearing and Snagging Along San Joaquin River From Stockton to Friant Dam as Part of the Existing Lower San Joaquin River and Tributaries, California, Project

AGENCY: U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY:

1. *Background.*—The 1983 Supplemental Appropriations Act (Pub. L. 98–63) modified the Lower San Joaquin River and Tributaries Project, which was originally authorized by the Flood Control Act of 1944, to include channel clearing and snagging operations.

2. *Proposed Action.*—The California State Reclamation Board is expected to be the non-Federal sponsor for the project modification and would be responsible for maintaining the completed work. The project will consist of removing accreted sand and gravel deposits, debris and vegetation from the authorized project channel which has restricted riverflow. The proposed work will be conducted in a manner that will limit impacts to natural resource values, although there will be some loss of riparian vegetation.

3. *Alternatives.*—There are two plans presently being evaluated; a no action alternative, and an action alternative. The no action alternative will evaluate conditions of the river if the stream continues to deteriorate. The action alternative will evaluate various methods of channel clearing and snagging.

4. *Scoping of the DEIS.*—Close coordination will be maintained with local agencies, other federal agencies, and interested organizations and individuals to assist in analysis of potential impacts. Significant resources identified to date include riparian vegetation, fish and wildlife resources, endangered species, water quality, agricultural land, and cultural resources. Participation in scoping and review of environmental concerns by all organizations and individuals is invited.

ADDRESS: Questions concerning the potential project and the DEIS can be answered by Michael Welsh, Environmental Planning Section, Sacramento District, Corps of Engineers, 650 Capitol Mall, Sacramento, California 94814, telephone (916) 440–2356 FTS 448–2456).

Dated: April 18, 1984.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 84-12725 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-GH-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Flood Control Project on the L'Anguille River, Arkansas

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. Flood control improvements on the L'Anguille River, Arkansas and two of its tributaries were authorized by the Flood Control Act of 1948. The project was not constructed because there was not a legally constituted local sponsor until late 1979. Because of the lapse of time since project authorization, a complete reevaluation of the

engineering, economic, environmental and social aspects of the project must be conducted using current guidelines and policies. This is being accomplished in the reevaluation study presently underway. The project will be reformulated as appropriate and a recomended plan of improvement developed after evaluation of alternative plans.

2. Reasonable alternatives to alleviate flooding problems while minimizing adverse impacts on existing wetland-floodplain habitat include cleanout of the existing channel, clearing and snagging in the existing channel, construction of diversion channels to avoid environmentally sensitive areas and to minimize adverse environmental impacts, building a leveed floodway, and various combinations of these.

3.a. Interagency coordination and coordination with local interests will be provided by news releases, public notices, public meetings as well as other meetings throughout the course of the study as needed to fully coordinate with the project sponsors and other groups interested in the project. All interested parties are urged to respond to this notice, including representatives of Federal and non-Federal agencies, agricultural, commercial, industrial, business, transportation and utility interests; civic, ecological, environmental, recreational, and fish and wildlife organizations; concerned citizens, property owners and other interests.

3.b. Significant issues which will be analyzed in depth in the DEIS are impacts on migratory waterfowl habitat, impacts on other game and non-game species habitat, impacts on critical bottomland hardwood forests associated with the river, and socio-economic impacts.

3.c. In accordance with the 16 June 1980 "National Letter of Agreement Between the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers", Memphis District is providing information to and receiving input from the U.S. Fish and Wildlife Service. As authorized by Section 2(e) of the Fish and Wildlife Coordination Act, Memphis District is providing funds to the Fish and Wildlife Service to conduct field investigations and to prepare reports.

3.d. Consultation with U.S. Fish and Wildlife Service (FWS), Arkansas Game and Fish Commission (AGF), and other interested private groups and individuals is ongoing and will continue throughout the DEIS development process. Environmental review will be performed by FWS, AGF and the Environmental Protection Agency.

4. The scoping process which includes the above coordination has been ongoing since the study was initiated. A formal scoping meeting is not scheduled at this time. However, coordination with interested agencies and parties will continue throughout the study process.

5. The tentative date for the availability of the DEIS to the public is June 1984.

Please send your questions and comments about the proposed action and DEIS to the following address within 45 days of the notice date to facilitate proper consideration: Mr. Larry A. Sharpe, Study Manager; Memphis District, Corps of Engineers; B-314 Clifford Davis Federal Building; Memphis, Tennessee 38103.

(Anyone who wishes to have his name placed on our mailing list to receive future notices or to have address corrected, send his name and address to the above address.)

Dated: April 20, 1984.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 84-12726 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-GX-M

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Confined Disposal Facility at Green Bay, Wisconsin

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

Proposed Actions

The construction and maintenance of a confined disposal facility (CDF) at Green Bay Harbor, Wisconsin, is proposed for containment of contaminated sediments to be removed during maintenance dredging of the Federal navigation channel. To protect and improve the water quality of the Great Lakes, Congress authorized, the Army Corps of Engineers under section 123 of Pub. L. 91-611, to construct structures to confine contaminated maintenance dredged materials which have been determined by the Corps and the Administrator of the U.S. Environmental Protection Agency to be unsuitable for open-lake disposal. The proposed disposal facility would be designed to contain approximately 3,700,000 cubic yards of dredge material.

Alternatives

Two sites for construction of the CDF will be evaluated in detail in the DEIS—expansion of the existing Federally constructed "Kidney Shaped" CDF, and construction of a new offshore island disposal facility west of the Inner Bay Channel.

Other alternatives to be examined include: No action, disposal upland at the Schuster Sand and Gravel Pit, Village of Howard Industrial Site, Bayport Industrial Site, and the Green Bay Wildlife Sanctuary; as well as another offshore island facility in deep water east of the Inner Bay Channel. These alternatives are not candidates at this time due to a variety of reasons including: economics, Federal or State objections, environmental problems, lack of local sponsorship, and real estate concerns.

Six additional sites have been considered, but were eliminated prior to detailed analysis. These sites included a marshland development area, construction of other offshore islands and penninsulas, and restoration of Long Tail Point.

Scoping Process

a. Public Involvement—A public workshop was held in January 1984 in order to encourage public participation in the study, and to obtain information concerning potential disposal sites. Coordination with Federal, State and local officials has been, and will continue to be, maintained through a series of meetings and mailings.

b. Significant issues to be addressed in the EIS include the impacts of construction and operation of a CDF. The placement of Green Bay Harbor dredge material, which is high in some contaminants, at the selected CDF site is another significant issue that will be addressed.

c. Other Environmental Review and Consultation Requirements—This project will be reviewed for compliance with the following: Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Executive Order 11990, Wetlands Protection, May 1977; Clean Water Act of 1977; Corps of Engineers, Department of the Army 33 CFR Part 230, Environmental Quality; and Corps of Engineers, Department of the Army, Policy and Procedure for Implementing NEPA (ER 200-2-2).

Estimated Date of DEIS Release

It is anticipated that the DEIS will be available to the public in October 1984.

Address

Questions about the proposed action and DEIS can be answered by: Ms. Florence Bissell, Environmental Analysis Branch, U.S. Army Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231.

Dated: May 1, 1984.

Raymond T. Beurket, Jr.,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 84-12690 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-GA-M

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: Budget Committee, National Board for the Promotion of Rifle Practice.

Date of Meeting: 20 June 1984.

Place: 20 Massachusetts Avenue, Rm 8222C, Pulaski Building, Washington, D.C. 20314.

Time: 0900-1200

Proposed Agenda:

1. Installation of New Committee Members
2. Executive Officer's Report
3. Review the FYs 84-85 Budgets, Status and Funding Resolutions
4. Review the FY 84 End-Year Civilian Marksmanship Program Projects, Funding Impacts and Resolutions
5. Review FYs 86-90 Budget Requirments to Meet established Civilian Marksmanship Program Objectives and Funding Resolutions

This meeting is open to the public.

Person desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272-0810 prior to 20 June 1984 to arrange admission.

Mahatha M. Oliver, Sr.,

Colonel, Infantry, Executive Officer, NBPRP.

[FR Doc. 84-12758 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-08-M

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meetings:

Name of Committee: Executive Committee, National Board for the Promotion of Rifle Practice (NBPRP).

Date of Meeting: 21 June 1984.

Place: 20 Massachusetts Avenue, Rm 8222C, Pulaski Building, Washington, D.C. 20314.

Time: 0900-1700.

Proposed Agenda:

1. Installation of New Committee Members
2. Executive Officer's Report
3. Report by DCM on New Individual and Team Trophies for the National Trophy Matches
4. Status of DCM Procurement of Remote Scoring Rifle Target System
5. Revision of Army Regulations 920-30 and 920-15
6. FYs 84-85 Civilian Marksmanship Program Initiatives and Resources Required
7. Report by Budget Committee on Enhanced Funding Support of Civilian Marksmanship Program Objectives 1984 thru 1990
8. Report by USA Forces Command on Status of National Matches Support Detachment
9. Report on Enhanced Public Affairs Support to the Director of Civilian Marksmanship
10. Issue of Caliber .30 M1 Carbine to Senior Clubs with Junior Divisions for Junior Training Only
11. ADP Support Requirements for the ODCM
12. Status of Tile 10 Changes.

This meeting is open to the public.

Person desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272-0810 prior to 21 June 1984 to arrange admission.

Mahatha M. Oliver, Sr.,

Colonel, Infantry Director.

[FR Doc. 84-12762 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-08-M

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: National Board for the Promotion of Rifle Practice.

Date of Meeting: 22 June 1984.

Place: Quality Inn, Crystal City, Arlington, VA, The Terrance Room.

Time: 0900-1200.

Proposed Agenda

1. Open Prayer and Pledge of Allegiance to the Flag Led by BG Charles Bussey
2. Federal Register Notice of Meeting
3. Roll Call
4. Installation of New Board Members
5. Approval of Minutes of 20 April 1983
6. Special Introductions and Presentations
7. Reports
   a. Executive Officer Report
   b. Executive Committee Report
   c. Budget Committee Report
8. Announcement of Standing Committees
9. Unfinished Business
   a. Revision of AR 920-30
   b. Revision of Title 10, United States Code, Sections 4307-4313.
10. New Business
    a. Enhanced Funding Support of Civilian Marksmanship Program Objectives
    b. Enhance Public Affair Support for the Director of the Civilian Marksmanship
    c. National Match Support Detachment Backlog and Resolution
    d. Issue cal. .30M1 Carbine to Senior Clubs with Junior Divisions
11. Closing Prayer—led by BG Charles Bussey.

The meeting is open to the public.

Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272-0810 prior to 22 June 1984 to arrange admission.

Mahatha M. Oliver, Sr.,

Colonel, Infantry, Executive Officer, NBPRP.

[FR Doc. 84-12763 Filed 5-10-84; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Public Information and EIS Scoping Meeting for a Proposed Flood Control Project on Guadalupe River in the City of San Jose, County of Santa Clara, California

AGENCY: San Francisco District, U.S. Army Corps of Engineers, Department of Defense.

ACTION: Notice of Public Information and EIS Scoping Meeting.

SUMMARY: .

1. *Notice:* The San Francisco District, U.S. Army Corps of Engineers will be holding a public meeting on June 14, 1984, in the city of San Jose, California, to discuss the Corps Draft Feasibility Report and DEIS being prepared for a proposed flood control project for the Guadalupe River. The meeting will begin at 7:00 p.m. in the San Jose City Hall Council Chamber, Second Floor, 801 North First Street, San Jose, California.

2. *Purpose of Meeting:*

a. To provide the public with an update of the Corps Guadalupe River and Adjacent Streams Investigation authorized by the Flood Control Act of 1941. This investigation was comprised of flood control feasibility studies of the Guadalupe River and nearby streams in the Santa Clara Valley spanning many years. The more recent studies were summarized in a *Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Flood Control Project on Guadalupe River in the city of San Jose, county of Santa Clara, California* published in the **Federal Register**, Vol. 47, No. 169 (pg. 38381) dated August 31, 1982. At the public meeting the Corps will discuss the status and receive comments on

these studies and the Corps flood control proposals.

b. To receive public and agency input on the significant environmental issues identified and evaluated during the course of the Guadalupe River and Adjacent Streams Investigation. These issues include environmental impacts of project alternatives of fish and wildlife, social, and cultural resources, and on air quality and endangered species. Of particular interest to the Corps are issues which may have been omitted from previous impact evaluations or which may require additional analysis.

3. *Meeting Format:* Corps representatives will describe the present status of the Draft Feasibility Report and DESI, including the flood control alternatives considered, the tentatively selected plan, and the environmental studies conducted for the Guadalupe River and Adjacent Streams Investigation.

Following this, agency representatives, representatives of special interest groups, and members of the general public are invited to express their views and comment on the study and related significant environmental issues, as well as ask questions of the Corps.

4. *Study Status:* Persently, the Guadalupe River and Adjacent Streams Investigation is concentrating on flood control feasibility studies of the Guadalupe River between the State Highways 17 and 280 corssings in downtown San Jose. These focussed studies are the result of plan formulation and evaluation iterations which eliminated other portions of the Guadalupe and most other streams in the Santa Clara Valley from consideration for flood control improvement. These exercises were based primarily on examinations of economic feasibility, with only the downtown San Jose portion of the Guadalupe indicating a favorable benefit/cost ratio. The tentatively selected plan for this portion of the Guadalupe is the "Proposed Action" described in the August 1982 Notice of Intent. This plan consists of widening the existing Guadalupe channel between State Highway 17 and Park Avenue in downtown San Jose. This would increase the channel capacity of the river so that the 100-year and all lesser discharges would be contained within the channel to prevent future flooding in downtown San Jose from 100-year and lesser floods. Implementation of the tentatively selected plan involves the channelization of approximately two miles of the existing Guadalupe channel in the form of excavation of one side (or in selected areas both sides) of the channel; placement of riprap for slope protection in selected areas of high velocity; and construction of approximately 700 linear feet of open concrete channel in a portion of the project.

5. *Follow-On Activities:* Comments received at the public meeting will be considered in preparation of the Draft Feasibility Report and DEIS on the Guadalupe Investigation. It is presently estimated that the Draft Feasibility Report and DEIS will be circulated to concerned agencies and the public for review and comment in August 1984. This date is a revision of the January 1983 circulation date announced in the August 1982 Notice of Intent, due to a request by local interests for the Corps to analyze an additional project alternative. A final public meeting will be held at the conclusion of the review period to receive formal comments and testimony on the Draft Feasibility Report and DEIS.

Further Information

Questions and comments regarding the public meeting and the Guadalupe River and Adjacent Streams Investigation Draft Feasibility Report and DEIS may be directed to Mr. Arijs Rakstins, Plan Formulation Branch, San Francisco District, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105 (Commercial (415) 974–0379 or FTS 454–0379).

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 84–12764 Filed 5–10–84; 8:45 am]

BILLING CODE 3710–FS–M

DEPARTMENT OF EDUCATION

National Advisory Board on International Education Programs; Meetings

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

DATES: June 4–5, 1984.

ADDRESSES: FOB–6, The Barnard Auditorium, Horace Mann Learning Center, Room 1131.

FOR FURTHER INFORMATION CONTACT: Richard J. Rowe, Postsecondary Relations Staff, ROB–3, Room 3066, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202) 245–2715.

SUPPLEMENTARY INFORMATION: The National Advisory Board on International Education Programs is established under Section 621 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 (Pub. L. 96–374; 20 U.S.C. 1131). Its mandate is to advise the Secretary of Education.

This meeting of the National Advisory Board on International Education Programs is open to the public. The agenda includes reports of a recent meeting in Japan of the Assistant Secretary for Postsecondary Education with the Japanese Minister of Education, an update of plans for the United States-Japan Cultural and Education Organization (CULCON) to be held in Washington this summer, a discussion of the reauthorization process for the Higher Education Act, 1965, as amended, a review of the reorganization of the Office of Higher Education Programs, the plan for funding the 1984–85 grant cycle for programs administered by the Center for International Education, and a review of the Department of Defense Language and Area Programs by the Director of the Defense Language Institute.

The meeting will be held from 9:00 A.M. to 4:30 P.M. the 4th of June and will continue from 9:00 A.M. to 4:30 P.M. on the 5th of June.

Records are kept on the committee proceedings and are available for public inspection at the Office of Postsecondary Relations Staff, from 8:00 A.M. to 4:00 P.M., ROB–3, 7th and D Streets, SW., Room 3066, Washington, D.C.

Signed at Washington, D.C., on May 8, 1984.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 84–12731 Filed 5–10–84; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to United Western Technologies Inc. of Richland, Washington, an exclusive license to practice in the United States the inventions described in U.S. Patent No. 3,378,685, entitled "Infrared Nondestructive Testing Techniques Independent of Sample Surface Emmissivity" and U.S. patent No. 3,672,204, entitled "Transient Thermal Method and Means for Nondestructively Testing a Sample."

The patents are owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license, or

(ii) An application for a nonexclusive license to practice either or both inventions in the United States, in which applicant states that he has already brought either or both inventions to practical application or is likely to bring either or both inventions to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Signed at Washington, D.C., on this 30th day of April 1984.

Theodore J. Garrish,

General Counsel.

[FR Doc. 84-12800 Filed 5-10-84; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-410-000]

Central Maine Power Co.; Filing

May 7, 1984.

The filing Company submits the following:

The notice that on April 30, 1984, Central Maine Power Company (Central Maine) tendered for filing a service contract between Central Maine and Kennebunk Light & Power District (Kennebunk) for wholesale electric service to Kennebunk under Central Maine's Tariff W-1.

Central Maine requests partial waiver of the Commission's notice requirements to allow the service contract to become effective June 1, 1984, co-incident with the effectiveness of Central Maine's proposed rate changes under Tariff W-1 which are pending before the Commission in Docket No. ER84-349-000. Central Maine states that the service contract with Kennebunk provides for the June 1, 1984 effective date.

Copies of this filing were served upon Kennebunk, the Maine Public Utilities Commission and the Maine Public Advocate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the 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 May 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 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. 84-12790 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-411-000]

Central Maine Power Co.; Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on April 30, 1984, Central Maine Power Company (Central Maine) tendered for filing a service contract between Central Maine and Madison Electric Works (Madison) for wholesale electric service to Madison under Central Maine's Tariff W-1.

Central Maine requests partial waiver of the Commission's notice requirements to allow the service contract to become effective June 1, 1984, coincident with the effectiveness of Central Maine's proposed rate changes under Tariff W-1 which are pending before the Commission in Docket No. ER84-349-000. Central Maine states that the service contract with Madison provides for the June 1, 1984 effective date.

Copies of this filing were served upon Madison, the Maine Public Utilities Commission and the Maine Public Advocate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 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 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. 84-12791 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-408-000]

Dayton Power and Light Co.; Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on April 27, 1984, Dayton Power and Light Company (Dayton) tendered for filing an executed Purchase and Resale Agreement (Agreement) between Dayton and the Village of Jackson Center (Jackson Center), Ohio.

Dayton states that the proposed Agreement allows Jackson Center to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to Dayton for delivery to Jackson Center.

Dayton requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 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 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. 84-12792 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-409-000]

Dayton Power and Light Co.; Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on April 30, 1984, Dayton Power and Light Company (Dayton) tendered for filing an executed Purchase and Resale Agreement (Agreement) between Dayton and the Village of Lakeview (Lakeview), Ohio.

Dayton states that the proposed Agreement allows Lakeview to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to Dayton for delivery to Lakeview.

Dayton requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 May 23, 1984. Protests will be considered by the Commission in determining the approporiate 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. 84-12793 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-414-000]

Dayton Power and Light Co.; Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on May 1, 1984, Dayton Power and Light (Dayton) tendered for filing an executed Purchase and Resale Agreement (Agreement) between Dayton and the City of Tipp City (Tipp City), Ohio.

Dayton states that the proposed Agreement allows Lakeview to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to Dayton for delivery to Tipp City.

Dayton requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 May 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 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. 84-12794 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST81-260-002 and CP82-206-000]

Mustang Fuel Corp.; Proceeding

May 7, 1984.

Take notice that on May 30, 1984, at 10:00 a.m., a staff panel will be convened in the above-referenced proceeding to determine a fair and equitable rate pursuant to Section 311 of the Natural Gas Policy Act. The proceeding will be held in a hearing room at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12795 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-416-000]

Nevada Power Co.; Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on May 1, 1984, Nevada Power Company (Nevada) tendered for filing proposed changes in its FPC Electric Service Tariff, FPC Form No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $1,343,432 based on the 12 month period ending February 28, 1985.

Nevada states that the last rate increase applicable to this service was effective April 8, 1977. Since that time, Nevada has experienced tremendous growth with accompanying increases in its cost of service. Rate relief is necessary for the Company to continue to attract investors.

Copies of this filing have been served upon CP National Corporation, California Public Utilities Commission, and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 23, 1984. Protests will be considered by the Commission 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 must file a motion to intervene. Copies of this filing are on file with the Commission and are availabe for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12796 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-379-000]

United Gas Pipe Line Co.; Application

May 8, 1984.

Take notice that on May 1, 1984, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP84-379-000 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing Applicant to sell natural gas to all its present jurisdictional customers under an experimental discount rate schedule (Discount Rate Schedule), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that over the past two years, it has witnessed a drastic fall in its sales volume, and an upturn is not expected. It is said that from 1,062,000,000 Mcf in 1981, the sales level fell to 865,000,000 Mcf in 1982 and to 586,000,000 Mcf 1983. Applicant projects sales for 1984 to drop to 522,000,000 Mcf. Applicant states the momentum of this trend appears by comparing the sales in December of 1982 and December of 1983. It is stated that December of 1983 was a brutally cold month: temperatures were

colder than normal by 46 percent in the Applicant's Gulf Coast Service Area and by 4 to 46 percent in major markets served by Applicant's pipeline customers. Applicant asserts that December of 1982 was far more clement: temperatures in these areas were warmer than normal by, respectively, 43 percent and 20 to 31 percent and that nevertheless, Applicant sold 2,500,000 Mcf less in December of 1983 than it did in December of 1982.

This loss of markets, it is said, is only partially reflected in Applicant's currently effective rates determined by a settlement recently approved by the Commission. Applicant indicates the settlement determined rates for two periods. Applicant contends that rates for the first period (October 1, 1982, through September 30, 1983) covered by that settlement were calculated on an imputed sales volume of 700,000,000 Mcf, whereas actual sales were 640,000,000 Mcf. Applicant asserts it failed to recover approximately $17 million of the stipulated return for the period. It is stated that the same imputed sales level underlies rates for the second rate period (an open-ended period that commenced October 1, 1983), but the worsening trend of Applicant's sales suggests that Applicant would fall even further behind in recovering its costs. It is said Applicant's April Form 16 filing shows a projected sales volume of 538,000,000 Mcf for the 12 months ended September 1984.

This decline in sales, it is said, induces an additional untoward economic effect on Applicant because of the inverse correlation between sales level and take-or-pay liabilities. It is said that as sales decline, Applicant's exposure under take-or-pay provisions of existing producer contracts increases. It is stated that Applicant's estimate of its take-or-pay exposure for 1982–1983, calculated on the basis used by producers, was approximately one billion dollars, prior to various settlements. It is said that the precise level of Applicant's take-or-pay exposure for 1984 is not predictable; all evidence indicates continuing substantial exposure.

Applicant contends that the loss of sales is attributable to numerous factors, including increased competition from producers and intrastate and interstate pipelines. Applicant further contends that in some cases, Applicant's customers have obtained new sources of supply or have used Applicant as a swing supplier to absorb shifts in the level of their customers' demands or have done both. It is said that the new Discount Rate Schedule that Applicant is proposing is designed to increase Applicant's competitiveness in its traditional core market by offering all of Applicant's present jurisdictional customers the economic incentive to increase their purchases from Applicant. Applicant explains that customers may use the discounted gas for their general system supply or to serve discrete customers which would not otherwise be served. It is said that the aggregate volumes that Applicant sells to any customer under both the Discount Rate Schedule and that customer's otherwise applicable rate schedule would not exceed that customer's certificated maximum quantity. Applicant asserts that it would not include the volumes sold under the Discount Rate Schedule to determine minimum billing demands in future rate filings.

It is speculated that the Discount Rate Schedule would materially benefit Applicant's jurisdictional customers both directly and indirectly. Each customer, it is said, would be offered a price discount for purchases above a certain volume. The discount is alleged to be derived solely from a cut in Applicant's approved margin. It is said that no costs would be shifted among customer groups and no additional cost would be imposed on any customer. Applicant asserts that if the Discount Rate Schedule results in sales which would not otherwise have been made, the system in general would receive the salutary effects of less take or pay exposure and the retention of customers. Applicant asserts further that if the Discount Rate Schedule results in gas' being sold under the Discount Rate Schedule which otherwise would have been sold under Applicant's existing rate schedules, only Applicant would have been hurt.

The Discount Rate Schedule, it is said, would provide a discount price to those distribution and pipeline customers that purchase volumes in excess of specified threshold amounts (Threshold Volume) or purchase certain other qualifying volumes. It is said further that the Discount Rate Schedule would not permit a customer's total purchases under the Discount Rate Schedule and other applicable rate schedules on any day to exceed the total volumes such customer was authorized to purchase under those other applicable rate schedules on such day. Applicant states that the discounted gas would be delivered at existing delivery points and no new facilities would be constructed under the requested certificate. Applicant states further that the Discount Rate Schedule is an experimental program and would be effective the first day of the month following Commission authorization of the program through December 31, 1984. Each customer, it is said, would receive a price discount applicable on a monthly (DG and G rate schedule customers) or yearly (PL–N rate schedule customers) basis, for gas purchased under the rate schedule. It is further said that all volumes sold under the Discount Rate Schedule to G and DG customers would be sold at a rate equal to the DG rate schedule commodity rates for the zone in which the gas is purchased less 15.0 cents per Mcf. Applicant explains that volumes sold to PL–N customers under the Discount Rate Schedule would be sold at a rate equal to the PL–N rate schedule commodity rate less 15.0 cents per Mcf. It is said that the Threshold Volume, and the corresponding price discounts, would operate as follows:

For each customer under the DG and G rate schedules, the monthly Threshold Volume would be the volume of purchases by the customer from Applicant during the corresponding month of 1983. Once this volume has been purchased, any incremental volume purchased above this level during that month would be priced at the discount rate. There would be no end-use restrictions on the gas purchased under the Discount Rate Schedule. If the discounted gas is to be used to serve a specific user which would not otherwise be served with gas purchased from Applicant, the gas sold to Applicant customer may qualify for the discount price even if the Threshold Volume for the month is not purchased. In order to qualify for the discount price in such circumstances, the customer must file a notice of intent to purchase discounted gas not less than three days before the beginning of the month, and, within seven days after the close of the month, the customer must file an affidavit with Applicant affirming that the volumes covered by the affidavit could not have been sold, and would not have been purchased from Applicant, without the discount price. If the timing of a proposed sale is such that the notice of intent cannot be delivered within the stipulated period, then the purchaser may notify Applicant of such sale when practicable, but no later than the date of commencement of such sale. The notice of intent and the affidavit need not otherwise be filed, and if they are not filed, all volumes up to the Threshold Volume would be sold at the regular price under applicable G or DG rate schedule; all volumes above the Threshold Volume would receive automatically the discount price under the Discount Rate Schedule. If actual

data for the month are not available at the time the affidavit is filed, the affidavit may reflect the customer's best estimate of the qualifying volumes with a second affidavit showing actual volumes supplied as soon as actual volumes are available. Any adjustment of the bill required to reflect a difference between the actual and estimated qualifying volumes would be made on the next billing following receipt by Applicant of the affidavit showing the actual qualifying volume. The Threshold Volume would be determined and administered on a Billing Area Unit basis.

For each customer under the PL–N rate schedule, the Threshold Volume would be that customer's minimum bill volume computed in accordance with the minimum bill provision of the PL–N rate schedule in effect as of March 1, 1984. In addition any volumes purchased from Applicant above the Threshold Volume would receive the discount price. The minimum bill volume and thus the Threshold Volume for PL–N customers are annual volumes. The Discount Rate Schedule would, however, provide PL–N customers which expect to purchase the Threshold Volume operating flexibility to take discounted volumes on a monthly basis throughout the year. A PL–N customer may designate not later than the seventh day of each month the portion of the gas purchased during the prior month which it elects to have billed as discount gas. The discount rate would apply to such volume. If a PL–N customer does not file a designation as described above, all gas delivered to the customer during the prior month would be deemed delivered under Rate Schedule PL–N and priced at the applicable rates under that rate schedule. If a PL–N customer's purchases under Rate Schedule PL–N do not equal or exceed the Threshold Volume for the year but the customer has purchased discount gas under this rate schedule, then that customer must, on or before February 25, 1985, pay to Applicant, for each Mcf of gas purchased under the Discount Rate Schedule, up to the difference between the Threshold Volume and volume the customer purchased under Rate Schedule PL–N, the difference between the price paid for the gas under the Discount Rate Schedule and the applicable price under the Rate Schedule PL–N plus interest at the rate provided for pipeline refunds in Section 154.67 of the Commission's regulations. For purposes of computing amounts (including interest) owed to Applicant for such gas, the gas for which additional payment is due would be determined beginning with the first month in which deliveries were made under the Discount Rate Schedule and, if the deliveries under that rate schedule in such month are not sufficient to offset the deficiency, continuing with deliveries in each succeeding month until the efficiency is offset.

Applicant states that the proposed rate schedule has been developed to attempt to reverse the steep decline in Applicant's sales by providing existing jurisdictional customers economic incentive to purchase additional gas from Applicant.

Applicant further states that if successful, the program would materially benefit Applicant's customers but in any event it cannot adversely affect any of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 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 84–12797 Filed 5–10–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–415–000]

Wisconsin Electric Power Co.; Notice of Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on May 1, 1984, Wisconsin Electric Power Company (Wisconsin) tendered for filing an Amendment, effective February 15, 1984, to the Interconnection Agreement between Wisconsin and Commonwealth Edison Company (Edison).

Wisconsin states that this amendment modifies Service Schedule D-Short Term Power of the Interconnection Agreement to provide for optional daily transactions under said service schedule. The Interconnection Agreement is on file with the Commission and designated as Wisconsin Electric and Edison maintains that it is not practical to estimate with any degree of accuracy the quantities of daily Short Term power which will be transacted by the parties.

Wisconsin requests an effective date of February 15, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Edison, the Public Service Commission of Wisconsin and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 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 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. 84–12799 Filed 5–10–84; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84-413-000]

Wisconsin Public Service Corp.; Notice of Filing

May 7, 1984.

The filing Company submits the following:

Take notice that on May 1, 1984, Wisconsin Public Service Corporation (Wisconsin) tendered for filing an unexecuted service agreement to transfer, effective July 2, 1984, one of its all requirements customers, the City of Wisconsin Rapids, Wisconsin from all requirements service under a contract (FERC Rate Schedule No. 38 and the currently effective supplement thereto) to the same service under the Company's all requirements tariff, Original Volume No. 2. The filing does not affect the rate charged to Wisconsin Rapids nor the revenues paid by that customer to the Company. The Company makes this change so that Wisconsin Rapids' service will be under a tariff which is generally applicable to all customers.

Wisconsin requests an effective date of May 1, 1984, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Wisconsin Rapids and the Wisconsin Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 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 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. 84-12798 Filed 5-10-84; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[(OPTS-59156) TSH-FRL 2586-2]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by May 29, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-59156]" and the specific TME number should be sent to: Document Control Officer (TS-793), Information Management Division Office of Toxic Substances Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 84-47

Close of Review Period. June 14, 1984.

Importer. Confidential.

Chemical. (G) Amine salt of a substituted organic acid.

Use/Import. (G) Additive for aqueous cutting fluids. Import range: 5,000 kg—1 yr.

Toxicity Data. No data on the TME substance submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

TME 84-48

Close of Review Period. June 15, 1984.

Manufacturer. Lilly Industrial Coatings, Inc.

Chemical. (G) Polymer of carbomonocylic acid, carbomonocylic anhydride, alkanediols and alkane dioic acid.

Use/Production. (G) For use in industrial liquid paints. Prod. range: 40,000-80,000 kg/yr.

Toxicity Data. No data on the TME substance submitted.

Exposure. Manufacture and processing: dermal, a total of 28 workers, up to 12 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. Less than 1 kg to 15 kg/batch released to air. Disposal by incineration.

Dated: May 4, 1984.

Linda K. Smith,

Acting Director, Information Management Division.

[FR Doc. 84-12607 Filed 5-10-84; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51518 TSH-FRL 2586-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture of 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 thirteen PMNs and provides a summary of each.

DATES:

Close of Review Period:

PMN 84-661, 84-662, 84-663, 84-664, 84-665 and 84-666—July 25, 1984.
PMN 84-669—July 28, 1984.
PMN 84-670, 84-671, 84-673 and 84-674—July 29, 1984.
PMN 84-675—July 30, 1984.
PMN 84-676—July 31, 1984.

Written comments by:

PMN 84-661, 84-662, 84-663, 664, 84-665 and 84-666—June 25, 1984.
PMN 84-669—June 28, 1984.
PMN 84-670, 84-671, 84-673 and 84-674—June 29, 1984.
PMN 84-675—June 30, 1984.
PMN 84-676—July 1, 1984.

ADDRESS: Written comments, identified by the document control number "[OPTS-51518]" and the specific PMN number should be sent to: Document

Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M 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 84-661

Manufacturer. The Upjohn Company.

Chemical. (G) Polyurethane plastics.

Use/Production. (G) Industrial thermoplastics. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture dermal and inhalation, a total of 3 workers, up to 6 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. Less than 20 kg/batch released to land. Disposal by approved landfill via licensed commerical carting service.

PMN 84-662

Manufacturer. The Upjohn Company.

Chemical. (G) Polyol resin.

Use/Production. (G) Polyurethane resin. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-663

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) Halogenated vinyl monomer.

Use/Production. (G) Polymerizable monomer, closed use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, a total of 3 workers, up to 1 hr/da, up to 10 da/yr.

Environmental Release/Disposal. Less then .011 to 023 kg/batch released to air with less than 5 kg/batch to water. Disposal by navigable waterway.

PMN 84-664

Importer. Confidential.

Chemical. (G) Chromate, (substituted substituted phenolato) (substituted substituted substituted phenolato) sodium.

Use/Import. (S) Industrial colorant for acid dyeable fibers and fabrics. Import range: Confidential.

Toxicity Data. Acute oral: 6.1 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; IC_{50} (Pseudo fluorescence): 100 mg/1; TC 6 hr (Leuciscus idus): 500 mg/1; TC 48 hr (Leucisus idus): 200 mg/1.

Exposure. Import: dermal and inhalation, a total of 1 person/shift, less than 5 min/weighing.

Environmental Release/Disposal. No release to air, water and land. Disposal by publicly owned treatment works (POTW) and wastewater treatment facility.

PMN 84-665

Importer. Confidential.

Chemical. (G) Chromate, bis(substituted substituted substituted phenolato), sodium.

Use/Import. (S) Industrial colorant for acid dyeable fibers and fabrics. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; IC_{50} (Pseudo fluorescence): 100 mg/1; LC_{100} 96 hr (Brachydania rerio): 40 mg/1; LC_{50}—34 mg/1, LC_0—27 mg/1.

Exposure. Import: a total of 1 person shift, less than 5 min/weighing.

Environmental Release/Disposal. No release. Disposal by POTW and waste water treatment facility.

PMN 84-666

Manufacturer. Confidential.

Chemical. (G) Starch, 2 diethylaminoethylether hydrochloride, 2 acetamido-N-(2-substituted alkyl-) N-methylether.

Use/Production. (G) Highly dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral: >10 ml/kg; Acute dermal: 2 ml/kg; Irritation: Skin—Mild, Eye—Non-irritant; Skin sensitization: Non-sensitizer; 28—Day subchronic percutaneous test: No evidence of systemic toxicity; Cytotoxicity: None at 24 hrs but cytotoxic at 48 hrs; Intracutaneous: Essentially non-irritating; Acute systemic: Non-toxic; Vaginal irritation study: Slight; LC_{50} 96 hr (Lepomis macrochirus): >870 mg/1 and 890 mg/1; LC_{50} 48 hr (Daphnia magna): >1,000 mg/1; HA_{50} Bacteria: >369 mg/1; BOD_5: 0.369 g O_2/g starch, 0.355 g O_2/g starch; COD: 1,057 g O_2/g starch, 1,000 g O_2/g starch; Delayed contact hypersensitivity test: No evidence of primary irritation; 21 Day cumulative irritation test: No significant irritation.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 84-669

Manufacturer. Wener G. Smith, Inc.

Chemical. (S) Oleic, linoleic, palmitic acid ester of ethoxylated $C_{12}C_{14}$ alcohols.

Use/Production. (S) Industrial non-ionic emulsifier for metal working lubricants. Prod. range: 200,000-300,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, 24 hrs/da, estimate of 50 da/yr.

Environmental Release/Disposal. Trace amounts released to air and water. Disposal by POTW.

PMN 84-670

Manufacturer. Confidential.

Chemical. (G) Polymer with methyl methacrylate, butyl acrylate, methacrylic acid and hydroxy functional acrylic monomers.

Use/Production. (S) Coating for industrial applications. Prod. range: 100,000-250,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 9 workers, up to 8 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. .5 kg/batch released to water with .5 to 10 kg/batch to land. Disposal by POTW and landfill.

PMN 84-671

Importer. Confidential.

Chemical. (G) Substituted-[4, 5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1H-pyrazol-4-yl]azo]-benzenesulfonic acid.

Use/Import. (S) Industrial colorant for plastics. Import range: 5,000-50,000 kg/yr.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—No irritation, Eye—No-irritation; Ames Test: Negative.

Exposure. Processing: inhalation, a total of 1 or 2 workers, less than 10 hrs/mon.

Environmental Release/Disposal. Less than 50 kg/yr released to air. Disposal by incineration and landfill.

PMN 84-673

Importer. Confidential.

Chemical. (G) Chromate (substituted naphthalenolato) (substituted naphthalenolato) inorganic salts.

Use/Import. (S) Industrial colorant for acid dyeable fibers and fabrics. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; LC_{50} 18 hr (Leuciscus idus): 10 mg/1; LC_{50} 48 hr (Leuciscus idus): 2-5 mg/1.

Exposure. Processing: inhalation.

Environmental Release/Disposal. No release to air, water and land. Disposal by POTW and waste water treatment facility.

PMN 84–674

Importer. Confidential.

Chemical. (S) Cuprate (2), [substituted [[[3-dimethylamino) propyl]amino]sulfonyl]-29H, 31H-phthalocyanine-substituted-sulfonato(4-)-N^{29}-N^{30}, N^{31}, N^{32}]-, sodium, formate.

Use/Import. (S) Industrial basic dye for printing paper (napkins, toweling) and dying paper. Import range: 1,000–4,000 kg/yr.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin—Moderate, Eye—Minimal; Ames Test: Negative; BOD_5: 20 mg/g O_2; COD: 995 mg/g O_2; TL_o 48 hr (Zebra fish): >1,000 mg/1; TL_{50} 48 hr (Zebra fish): >1,000 mg/1; TL_{100} 48 hr (Zebra fish): >1,000 mg/1; TL_o 96 hr (Zebra fish): 300 mg/1; TL_{50} 96 hr (Zebra Fish): >1,000 mg/1; TL_{100} 96 hr (Zebra Fish): >1,000 mg/1.

Exposure. Processing: dermal, a total of 2 workers, up to 0.5 hr/da, up to 2 da/yr.

Environmental Release/Disposal. 0.3 kg/batch released to water. Disposal by POTW and biological treatment system.

PMN 84–675

Importer. Aceto Chemical Company Inc.

Chemical. (S) 4-Benzoyl-N,N,N-trimethylbenzenemethanaminium chloride.

Use/Import. (S) Industrial photoinitiator for the photografting of water soluble vinyl polymers onto suitable substrates and for the photocuring of U.V. curing compositions. Import range: Confidential.

Toxicity Data. Acute oral: >1 g/kg; Acute dermal: >500 mg/kg Irritation: Skin—Non-irritant, Ames Test: Non-carcinogenic.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 84–676

Manufacturer. Confidential.

Chemical. (G) Methacrylate copolymer.

Use/Production. (G) Polymer for use in coating formulations having highly dispersive use. Prod. range: 75,000–90,750 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 36 workers, up to 12 hrs/da, up to 73 da/yr.

Environmental Release/Disposal. 4 to 28 kg/batch released to land. Disposal by incineration and landfill.

Dated: May 4, 1984.

Linda K. Smith,

Acting Director, Information Management Division.

[FR Doc. 84–12610 Filed 5–11–84; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–53060; TSH–FRL 2585–2]

Premanufacture Notices; Monthly Status Report for March 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since the publication of the last monthly summary. This is the report for March 1984.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E–107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS–53060]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, D.C. 20460 (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–229, 401 M Street, SW., Washington, D.C. 20460 (202–382–3736).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during March; (b) PMNs received previously and still under review at the end of March; (c) PMNs for which the notice review period has ended during March; (d) chemical substances for which EPA has received a notice of commencement to manufacture during March and (e) PMNs for which the review period has been suspended. Therefore, the March 1984 PMN Status Report is being published.

Dated: May 3, 1984.

Linda K. Smith,

Acting Director, Information Management Division.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT; MARCH 1984

I. 81 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
84–327	Generic name: Epoxy ester resin	49 FR 9954 (3/16/84)	May 30, 1984.
84–466	Generic name: Polyurethane resin	49 FR 9016 (3/9/84)	May 29, 1984.
84–468	Generic name: Functionalized polyacrylic acid derivative	49 FR 9016 (3/9/84)	Do.
84–469	Generic name: Polyalkyl ester	49 FR 9954 (3/16/84)	May 30, 1984.
84–470	Generic name: Salt of aminoethylethanolamine phosphonic acid	49 FR 9954 (3/16/84)	Do.
84–471	Generic name: Alkyl copolyether	49 FR 9954 (3/16/84)	June 2, 1984.
84–472	Generic name: Acrylic copolymer	49 FR 9954 (3/16/84)	Do.
84–473	Generic name: Isocyanate modified phenolic resin	49 FR 9954 (3/16/84)	Do.
84–474	Generic name: Chromophore substituted poly(oxyethylene)	49 FR 9954 (3/16/84)	June 3, 1984.
84–475	Generic name: Complex of a substituted oxazoline and a metal substituted pyrazol	49 FR 9954 (3/16/84)	Do.
84–476	Generic name: Alkyl tri ester	49 FR 9954 (3/16/84)	Do.
84–477	Generic name: Styrene, alpha olefin, 2,5-furandione copolymer	49 FR 9955 (3/16/84)	June 4, 1984.
84–478	Generic name: Ammonium salt of styrene, alpha olefin, 2,5-furandione polymer	49 FR 9955 (3/16/84)	Do.
84–479	p-(Methylthio)aniline	49 FR 9955 (3/16/84)	Do.
84–480	Generic name: Monocyclic acetate	49 FR 9955 (3/16/84)	Do.
84–481	Generic name: Polyester urethane polymer	49 FR 9955 (3/16/84)	Do.
84–482	Urea, condensate with poly[oxy(methyl-1,2-ethanediyl), alpha-(2-aminomethylethyl)-omega-(2-aminomethylethoxy)	49 FR 9955 (3/16/84)	June 5, 1984.
84–483	Generic name: Modified styrene/acrylic polymer	49 FR 11010 (3/23/84)	June 6, 1984.
84–484	Generic name: Monoether of polycyclic polyphenol	49 FR 11010 (3/23/84)	Do.
84–485	Generic name: Poly(oxy-1,2-ethandeiyl)alpha-acyl-w-alkyl	49 FR 11010 (3/23/84)	June 10, 1984.
84–486	Generic name: Unsaturated oxime	49 FR 11010 (3/23/84)	Do.

I. 81 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-487	Generic name: Polyether ester	49 FR 11010 (3/23/84)	Do.
84-488	On the inventory		
84-489	Generic name: Modified acrylic polymer	49 FR 11010 (3/23/84)	Do.
84-490	Generic name: Substituted aminofluorane	49 FR 11010 (3/23/84)	Do.
84-491	Generic name: Substituted aliphatic acid halide	49 FR 11010 (3/23/84)	Do.
84-492	Generic name: Substituted hydroxylamine	49 FR 11010 (3/23/84)	Do.
84-493	Generic name: Cyclic diheteroatomic carbonyl compound	49 FR 11010 (3/23/84)	Do.
84-494	Generic name: Isophorone diisocyanate adduct of a polyether diol and a substituted alkanol	49 FR 11010 (3/23/84)	June 11, 1984.
84-495	Generic name: Vegetable oil, ester with aromatic carboxylic acid	49 FR 11010 (3/23/84)	Do.
84-496	2-amino-6-nitrobenzonthiazole, sulfate salt	49 FR 13746 (4/6/84)	June 13, 1984.
84-497	Polymer of: adipic acid, azelaic acid, 1,4 butanediol, Desmodur W	49 FR 13746 (3/30/84)	Do.
84-498	Generic name: Fatty alcohol, ethoxylated, propoxylated, fatty acid ester	49 FR 13746 (4/6/84)	Do.
84-499	Generic name: Alkyl furan	49 FR 13746 (4/6/84)	Do.
84-500	Generic name: Alkyl tetrahydrofuran	49 FR 13746 (4/6/84)	Do.
84-501	Polymer of: Benzene, 1-ethenyl-4-methyl-,benzene, 1-ethenyl-3-methyl-, 2-propenoic acid, 2-ethylhexyl ester	49 FR 13746 (4/6/84)	June 16, 1984.
84-502	Generic name: Modified epoxy based resin	49 FR 13747 (4/6/84)	Do.
84-503	Generic name: Modified styrene/acrylic polymer	49 FR 13747 (4/6/84)	Do.
84-504	Generic name: Substituted phenylenediimino-bis (chlorotriazinylimino-substituted phenylene azo-naphthalenetrisulfonic acid, mixed sodium-lithium salt.	49 FR 13747 (4/6/84)	June 17, 1984.
84-505	Generic name: Alkyl aromatic sulfonic acid, compound with amine	49 FR 13747 (4/6/84)	Do.
84-506	Generic name: Quinoline isoindole derivative	49 FR 13747 (4/6/84)	Do.
84-507	Polymer of: dodecane, 1-amine (laurylamine), ethyleneimine, hydrochloric acid	49 FR 13747 (4/6/84)	June 18, 1984.
84-508	Generic name: Polyesterimide resin	49 FR 13747 (4/6/84)	Do.
84-509	Generic name: Polyurethane elastomer	49 FR 13747 (4/6/84)	Do.
84-510	Generic name: Halogenated aromatic ester	49 FR 13747 (4/6/84)	Do.
84-511	Generic name: Bis-butyl quaternary ammonium bromide salt	49 FR 13747 (4/6/84)	Do.
84-512	Generic name: Heterocyclic butanesulfonate	49 FR 13747 (4/6/84)	Do.
84-513	Generic name: Aminoalkyldisulfide	49 FR 13747 (4/6/84)	Do.
84-514	Generic name: Polyquaternaryammonium chloride	49 FR 13747 (4/6/84)	June 19, 1984.
84-515	Generic name: Vinylic copolymer	49 FR 13748 (4/6/84)	Do.
84-516	Generic name: Sulfonated vinylic (co)polymer	49 FR 13748 (4/6/84)	Do.
84-517	Generic name: Alkyl phosphate amine salt	49 FR 13748 (4/6/84)	Do.
84-518	....do	49 FR 13748 (4/6/84)	Do.
84-519	....do	49 FR 13748 (4/6/84)	Do.
84-520	....do	49 FR 13748 (4/6/84)	Do.
84-521	....do	49 FR 13748 (4/6/84)	Do.
84-522	....do	49 FR 13748 (4/6/84)	Do.
84-523	....do	49 FR 13748 (4/6/84)	Do.
84-524	Generic name: Substituted sulfonated naphthalene salt	49 FR 13748 (4/6/84)	Do.
84-525	Generic name: Sulfo substituted phenyl azo-naphthyl dye	49 FR 13745 (4/6/84)	June 20, 1984.
84-526	Generic name: Sulfophenyl azo naphthyl dye	49 FR 13745 (4/6/84)	Do.
84-527	Generic name: Unsaturated amino alkyl ester salt	49 FR 13745 (4/6/84)	Do.
84-528	Generic name: Polyamino ester salt	49 FR 13745 (4/6/84)	Do.
84-529	Generic name: Mixed mono and di-amides of an organic acid	49 FR 13745 (4/6/84)	June 23, 1984.
84-530	Generic name: Polyester polymer derived from glycols and cyclic and alkyl dicarboxylic acids	49 FR 13745 (4/6/84)	Do.
84-531	Generic name: Cyanoethylated isophoronediamine	49 FR 13745 (4/6/84)	Do.
84-532	Generic name: Polyesterimide resin	49 FR 13745 (4/6/84)	June 24, 1984.
84-533	Generic name: Acrylated polyurethane-polyester/polyether backbone	49 FR 13745 (4/6/84)	Do.
84-534	Generic name: Polyquaternary ammonium chloride	49 FR 13745 (4/6/84)	Do.
84-535	Generic name: Alkali metal polycarboxylate	49 FR 13745 (4/6/84)	June 25, 1984.
84-536	Generic name: Short oil coconut alkyd resin based on phthalic anydride and mixed polyols	49 FR 13745 (4/6/84)	Do.
84-537	Generic name: Unsaturated amino ester salt	49 FR 13745 (4/6/84)	Do.
84-538	Generic name: Disubstitutedsulfamoylcarbomono-cycle azo substituted naphthalene sulfonic acid	49 FR 13745 (4/6/84)	June 26, 1984.
84-539	Generic name: Pentacoordinate siliconate	49 FR 13746 (4/6/84)	Do.
84-540	Generic name: Siloxanes and silicones, dimethyl, methylfiroroalkyl	49 FR 13746 (4/6/84)	Do.
84-541	Invalid		
84-542	Benzenesulfonic acid, 2,4,6-trimethyl, sodium salt	49 FR 14802 (4/13/84)	June 27, 1984.
84-543	Glycine N-[4-[2[4-[1-amino-8 hydroxy-7-phenylazo-3,6-disulfonaphth 2-yl]azo]phenyl]-1,3 benzodiazole-6-yl]azo-3 hydroxy-phenyl]-, a trisodium salt.	49 FR 14802 (4/13/84)	Do.
84-544	Generic name: Polymer of substituted benzenes and tetrasubstituted propane	49 FR 14802 (4/13/84)	Do.
84-545	Generic name: Mixed acrylic ester copolymer with monobasic acid modified alkyd resin	49 FR 14803 (4/13/84)	Do.
84-546	Generic name: Modified acrylic polymer	49 FR 14803 (4/13/84)	Do.

II. 94 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity/generic name	FR citation	Expiration date
84-358	Generic name: Polyaromatic urethane poly (unsaturated) ester	49 FR 6991 (2/24/84	May 13, 1984.
84-363	Generic name: Polyimide-anhydride-olefin polymer	49 FR 6991 (2/24/84)	May 9, 1984.
84-374	Polymer of: Neopentyl glycol; phthalic anhydride; adipic acid; isophthalic acid; benzoic acid; trimethylol propane	49 FR 4981 (2/9/84)	Apr. 30, 1984.
84-375	Generic name: Sodium salt of alkyl dithiocarbamates	49 FR 4981 (2/9/84)	Do.
84-376	Generic name: Aryl esters of alkyl dithio+carbamates	49 FR 4981 (2/9/84)	Do.
84-377	Generic name: Organotungsten compound	49 FR 4981 (2/9/84)	May 1, 1984.
84-378	Generic name: Aromatic Sulfonate of substituted heteropolycycle	49 FR 6161 (2/17/84)	May 2, 1984.
84-379	....do	49 FR 6161 (2/17/84)	Do.
84-380	....do	49 FR 6161 (2/17/84)	Do.
84-381	Generic name: Polyphenyl ether	49 FR 6161 (2/17/84)	Do.
84-382	2-propenoic acid 3-(2-hydroxyethoxy) 3-oxypropyl ester	49 FR 6161 (2/17/84)	May 5, 1984.
84-383	Generic name: Linseed based alkyd	49 FR 6161 (2/17/84)	May 6, 1984.
84-384	Generic name: Substituted cyclohexane and cyclohexene esters	49 FR 6161 (2/17/84)	Do.
84-385	Generic name: Substituted phenylmagnesium chloride	49 FR 6161 (2/17/84)	Do.
84-386	Generic name: Substituted phenylmagnesium chloride	49 FR 6161 (2/17/84)	Do.
84-387	Generic name: Substituted benzyl alcohol	49 FR 6161 (2/17/84)	Do.
84-388	Generic name: Reaction product of a phenolformaldehyde polymer, a carbocyclic anhydride, and an amine	49 FR 6161 (2/17/84)	Do.
84-389	Generic name: Urethane acrylate	49 FR 6161 (2/17/84)	Do.
84-390	Generic name: Benzoic acid, 2-((6-((4-chloro-6-((4-((substituted)azo)phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3-sulfo-2-naphthalenyl)azo-, chromium complex.	49 FR 6161 (2/17/84)	Do.
84-391	Generic name: Cuprate(5-), [5-hydroxy-2-[[4-[[5-hydroxy-6-[[2-methoxy-5-(substituted)phenyl]azo]-7-sulfo-2-naphthalenyl]amino]-6-[(3-sulfophenyl)amino)]-1,3,5-triazin-2-yl]amino]-6-[(2-hydroxy-5-sulfophenyl)]azo-1,7-naphthalenedisulfonato(7-)], pentasodium.	49 FR 6162 (2/17/84)	Do.

II. 94 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6162 (2/17/84)	May 7, 1984.
84-393	Generic name: 2-Chloro-N-methyl-N-substituted acetamide	49 FR 6162 (2/17/84)	Do.
84-394	Generic name: Polymer of ethylene oxide, propylene oxide, and aliphatic isocyanate	49 FR 6162 (2/17/84)	Do.
84-395	Generic name: Dimer acids, dicarboxylic acid, diamines polyamide resin	49 FR 6162 (2/17/84)	May 8, 1984.
84-396	Dipentaerylthritol, adipic acid ester	49 FR 6162 (2/17/84)	Do.
84-397	Polymer of: Hydroxy ethyl acrylate, isophorone diisocyanate, Duracarb 122	49 FR 6991 (2/24/84)	May 9, 1984.
84-398	Generic name: Starch, 2 diethylaminoethylether hydrochloride	49 FR 6991 (2/24/84)	Do.
84-399	Generic name: Blocked amine	49 FR 6991 (2/24/84)	Do.
84-400	Generic name: Titanium (4+) alcohol complex	49 FR 6991 (2/24/84)	May 12, 1984.
84-401	.....do	49 FR 6992 (2/24/84)	Do.
84-402	.....do	49 FR 6992 (2/24/84)	Do.
84-403	Generic name: Rosin-modified phenolic resin	49 FR 6992 (2/24/84)	Do.
84-404	Generic name: Modified alkyd resin	49 FR 6992 (2/24/84)	Do.
84-405	Generic name: Ammonium salt of substituted phosphoric acid	49 FR 6992 (2/24/84)	Do.
84-406	Lead cyanamide	49 FR 6992 (2/24/84)	May 13, 1984.
84-407	On the inventory		
84-408	Generic name: 4-(alkylphenylcarbonyloxy)-benzoic acid, alkylphenyl ester	49 FR 6992 (2/24/84)	Do.
84-409	Generic name: 4'-alkylbiphenylcarboxylic acid, (4-alkylphenyl) ester	49 FR 6992 (2/24/84)	May 13, 1984.
84-410	Generic name: Alkylbenzoic acid, 4-alkylphenyl ester	49 FR 6992 (2/24/84)	Do.
84-411	.....do	49 FR 6992 (2/24/84)	Do.
84-412	.....do	49 FR 6992 (2/24/84)	Do.
84-413	.....do	49 FR 6992 (2/24/84)	Do.
84-414	.....do	49 FR 6993 (2/24/84)	Do.
84-415	Chemically exfoliated vermiculite	49 FR 6993 (2/24/84)	Do.
84-416	Dimethylbis(N-ethylacetamido)silane	49 FR 6993 (2/24/84)	Do.
84-417	Generic name: Substituted phenol	49 FR 6993 (2/24/84)	May 15, 1984.
84-418	Generic name: Methyl ester of dicarboxylic acid	49 FR 7654 (3/1/84)	May 16, 1984.
84-419	Generic name: Triazine derivative	49 FR 7654 (3/1/84)	Do.
84-420	4-(4,5-dihydro-4-(5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H-pyrazol-4-yl)methylene)-3-methyl-5-oxo-1H-pyrazol-1-yl-benzenesulfonic acid-tripotassium salt.	49 FR 7655 (3/1/84)	Do.
84-421	Generic name: Bis(alkyl-carbomonocycle)spiroheterocycle	49 FR 7655 (3/1/84)	May 20, 1984.
84-422	Generic name: Blocked isocyanate	49 FR 7655 (3/1/84)	May 21, 1984.
84-423	Generic name: Polyamideimide resin	49 FR 7655 (3/1/84)	Do.
84-424	Generic name: Polyester resin	49 FR 7655 (3/1/84)	Do.
84-425	Generic name: Alkyl arylphosphonium salt	49 FR 7655 (3/1/84)	Do.
84-426	Generic name: Modified rosin, metal salt	49 FR 7655 (3/1/84)	Do.
84-427	Generic name: Saturated aromatic and aliphatic polyester polols	49 FR 7655 (3/1/84)	Do.
84-428	.....do	49 FR 7655 (3/1/84)	Do.
84-429	.....do	49 FR 7655 (3/1/84)	Do.
84-430	.....do	49 FR 7655 (3/1/84)	Do.
84-431	.....do	49 FR 7655 (3/1/84)	Do.
84-432	.....do	49 FR 7655 (3/1/84)	Do.
84-433	.....do	49 FR 7655 (3/1/84)	Do.
84-434	On the inventory		
84-435	Generic name: Formulation of naphthoquinone, diazidesulphonic acid esters and henolformaldehyde resins	49 FR 7655 (3/1/84)	June 6, 1984.
84-436	Cyano ethyl pullulan	49 FR 7656 (3/1/84)	May 21, 1984.
84-437	Generic name: Amine adduct of epoxy resin	49 FR 7656 (3/1/84)	Do.
84-438	Generic name: Alkyl butanamide	49 FR 7656 (3/1/84)	May 22, 1984.
84-439	Generic name: Substituted cyclopropanecarboxylic acid	49 FR 7656 (3/1/84)	Do.
84-440	Generic name: Styrene acrylic polymer	49 FR 7656 (3/1/84)	Do.
84-441	Generic name: Amine adduct of epoxy resin	49 FR 9014 (3/9/84)	May 3, 1984.
84-442	Generic name: Epoxy-modified urethane polymer	49 FR 9014 (3/9/84)	May 26, 1984.
84-443	On the inventory		
84-444	Generic name: Modified, maleated metal resinate	49 FR 9014 (3/9/84)	Do.
84-445	Generic name: Substituted ketone	49 FR 9014 (3/9/84)	Do.
84-446	.....do	49 FR 9014 (3/9/84)	Do.
84-447	Generic name: Substituted amine	49 FR 9014 (3/9/84)	Do.
84-448	Generic name: Substituted aldehyde	49 FR 9014 (3/9/84)	Do.
84-449	Generic name: Terpene ester	49 FR 9014 (3/9/84)	Do.
84-450	Generic name: Hydrolysis product of terpene	49 FR 9014 (3/9/84)	Do.
84-451	Generic name: Phenoxazin imine	49 FR 9014 (3/9/84)	Do.
84-452	Generic name: Poly(vinyl-acryulate)	49 FR 9015 (3/9/84)	Do.
84-453	Generic name: Thiadiazole derivative	49 FR 9015 (3/9/84)	Do.
84-454	Generic name: Substiluted mercapto triazole	49 FR 9015 (3/9/84)	Do.
84-455	Generic name: Substituted tetrazole	49 FR 9015 (3/9/84)	Do.
84-456	Generic name: Substituted benzimidazole/benzoxazole	49 FR 9015 (3/9/84)	Do.
84-457	Generic name: Alkyd resin	49 FR 9015 (3/9/84)	Do.
84-458	Generic name: Carboxylic acid derivatives of polyalkylene glycols	49 FR 9015 (3/9/84)	Do.
84-459	Generic name: Modified metal carboxylate	49 FR 9015 (3/9/84)	Do.
84-460	Copper ferrocyanide salt of C. I. basic green I and C. I. basic yellow I	49 FR 9015 (3/9/84)	Do.
84-461	Copper ferrocyanide salt of C. I. basic blue II	49 FR 9015 (3/9/84)	Do.
84-462	Generic name: Substituted urethane ester	49 FR 9015 (3/9/84)	May 28, 1984.
84-463	Generic name: Modified alkyd resin from fatty acids, carbomonocyclic acids and alkane diols	49 FR 9015 (3/9/84)	Do.
84-464	Generic name: Halogenated aromatic ether	49 FR 9015 (3/9/84)	Do.
84-465	Generic name: Substituted urea	49 FR 9015 (3/9/84)	Do.

III. 70 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)

PMN No.	Identity/generic name	FR citation	Expiration date
83-820	Generic name: Disubstituted heterocylic azo disubstituted benzene	48 FR 29049 (6/24/83)	Mar. 4, 1984.
83-821	Generic name: Trisubstituted phenyl azo disubstituted heterocyle	48 FR 29049 (6/24/83)	Do.
84-1033	Generic name: C_{8-9} carboxylic acid	48 FR 37700 (8/19/83)	Mar. 7, 1984.
84-161	Reaction of: diethylene triamine, Cardura E, Cardura glycidyl ether, urea	48 FR 50949 (11/4/83)	Mar. 14, 1984.
84-209	Generic name: Pentasubstituted phenyl fatty acid ester	48 FR 53162 (11/25/83)	Mar. 4, 1984.
84-243	Generic name: Ester-amide	48 FR 55917 (12/16/83)	Do.
84-244	Generic name: Alkyl ester	48 FR 55917 (12/16/83)	Do.
84-245	Generic name: Zinc amino acid complex	48 FR 55917 (12/16/83)	Mar. 4, 1984.

III. 70 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)—Continued

PMN No.	Identify/generic name	FR citation	Expiration date
84-246	....do	48 FR 55917 (12/16/83)	Do.
84-247	....do	48 FR 55917 (12/16/83)	Do.
84-248	....do	48 FR 55917 (12/16/83)	Do.
84-249	Generic name: 1H-indole, 2,3 dihydro-1,3,3 trimethyl-2-[2-2,4,6-trisubstituted phenyl)ethenyl]-	48 FR 55917 (12/16/83)	Mar. 5, 1984.
84-250	Nickel fluorotitanate	48 FR 55917 (12/16/83)	Do.
84-251	Mixture of alpha, beta, gamma-cyclodextrin, other cyclodextrins and oligosaccharides	48 FR 56846 (12/23/83)	Mar. 7, 1984.
84-252	Generic name: Modified polymer of styrene with alkyl methacrylates	48 FR 56846 (12/23/83)	Mar. 10, 1984.
84-253	Generic name: Blocked isocyanate modified epoxy resin	48 FR 56846 (12/23/83)	Mar. 25, 1984.
84-254	Polymer of: 1,3-benzenedicarboxylic acid, 1,4-benzenedicarboxylic acid, hexanedioic acid, 2,2'-oxybis(ethanol), 1,3-dihydro-1,3-dioxo-5-iso benzofuran carboxylic acid, 2,2-dimethyl-1,3-propanediol, 2,2,4-trimethyl-1,3-pentanediol.	48 FR 56846 (12/23/83)	Mar. 10, 1984.
84-255	Withdrawn		
84-256	Polymer of: methyl methacrylate, 2-ethyl hexyl acrylate, dimethyl amino ethyl methacrylate	48 FR 56846 (12/23/83)	Mar. 11, 1984.
84-257	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanedioic acid, and a diisocyanate	48 FR 56846 (12/23/83)	Do.
84-258	Generic name: Modified polyester polyurethane from substituted alkanediols, alkanedioic acid, and a diisocyanate	48 FR 56846 (12/23/83)	Do.
84-260	Generic name: Alkyleneamine methylene phosphonic acid	48 FR 56847 (12/23/83)	Do.
84-261	Generic name: Polyester/alkyd from alkanediols, carbomonocyclic anhydride and mixed acids	48 FR 56847 (12/23/83)	Do.
84-262	Polymer of: safflower oil, 1,2,3-propanetriol, 2,5-furandione, 4,5,6,8,8-Hexachloro-3a,4,7,7,a-tetrahydro-4,7-methanoisobenzofuran	48 FR 56847 (12/23/83)	Mar. 12, 1984.
84-263	Generic name: Alkyl phosphate ester amine salt	48 FR 56847 (12/23/83)	Do.
84-264	Generic name: Alkyl sulfonate	48 FR 57618 (12/30/83)	Mar. 14, 1984.
84-265	Generic name: Copolymer of acrylic acid with alkyl methacrylates and an alkyl acrylate	48 FR 57618 (12/30/83)	Mar. 18, 1984.
84-266	Generic name: Modified fluoroalkyl urethane	48 FR 57618 (12/30/83)	Do.
84-267	Generic name: Alkenyl modified oxyalkylene polymer	48 FR 57618 (12/30/83)	Do.
84-268	Generic name: Isocyanate-terminated polyurethane	48 FR 57618 (12/30/83)	Do.
84-269	....do	48 FR 57618 (12/30/83)	Do.
84-270	....do	48 FR 57619 (12/30/83)	Do.
84-271	Generic name: Polyurethane dispersion	48 FR 57619 (12/30/83)	Do.
84-272	....do	48 FR 57619 (12/30/83)	Do.
84-273	....do	48 FR 57619 (12/30/83)	Do.
84-274	Poly (OXY-1,4-butanediyl)-X-(1-OXO-2-propenyl)-w-[(1-OXO-2-propenyl)OXY]-	48 FR 57619 (12/30/83)	Do.
84-275	Generic name: Modified acrylate polymer	48 FR 57619 (12/30/83)	Do.
84-276	Generic name: Diarylazomethine N-oxide	48 FR 57619 (12/30/83)	Do.
84-278	11-Bromoundecanoyl chloride	48 FR 57619 (12/30/83)	Mar. 19, 1984.
84-279	Cholest-5-en-3-ol(3Beta)-, 11-bromoundecanoate	48 FR 57619 (12/30/83)	Mar. 20, 1984.
84-280	Cholest-5-en-3-ol(3Beta)-, 11-(1-oxo-2-propenyl)oxy undecanoate	48 FR 57619 (12/30/83)	Do.
84-281	Cholest-5-en-3-ol(3Beta)-, 4-(1-oxo-2-propenyl)oxy butanoate	48 FR 57619 (12/30/83)	Do.
84-282	Cholest-5-en-3-ol(3Beta)-, 4-chlorobutanoate	48 FR 57619 (12/30/83)	Do.
84-283	Generic name: Polymer of polysubstituted alkyl acrylates	48 FR 57619 (12/30/83)	Do.
84-284	Generic name: Mercaptocarboxylic acid ester reaction product with olefin	49 FR 930 (1/6/84)	Mar. 21, 1984.
84-285	Generic name: Methyl-oxo-ethyl-disubstituted heteromonocycle	49 FR 930 (1/6/84)	Do.
84-286	Generic name: 3-methyl substituted aliphatic nitrile	49 FR 930 (1/6/84)	Do.
84-287	....do	49 FR 930 (1/6/84)	Do.
84-288	Generic name: 2-methyl substituted aliphatic nitrile	49 FR 930 (1/6/84)	Do.
84-289	Generic name: Alkylated onium salt, substituted sulfur compound, substituted sulfide	49 FR 931 (1/6/84)	Do.
84-290	Generic name: Reaction product of glycerin, ethylene oxide and hydrocarbyl halide	49 FR 931 (1/6/84)	Do.
84-291	Generic name: Reaction product of alkenyl-succinic anhydride and substituted alcohol	49 FR 931 (1/6/84)	Do.
84-292	Naphthalene sulfonic acid, diisononyl-, compound with morpholine	49 FR 931 (1/6/84)	Do.
84-293	Generic name: Di-alkyl methyl amine	49 FR 931 (1/6/84)	Do.
84-294	1-cyclopentylidene-4-ethoxycarbonylpiperazinium tetrafluoroborate	49 FR 931 (1/6/84)	Do.
84-295	Generic name: Disubstituted piperazine salt	49 FR 931 (1/6/84)	Do.
84-296	2-methyl-3-(3-sulfopropyl)naphtho(2,3-d)thiazolium hydroxide inner salt	49 FR 931 (1/6/84)	Do.
84-297	Generic name: Polyurethane polymer	49 FR 931 (1/6/84)	Do.
84-298	....do	49 FR 931 (1/6/84)	Do.
84-299	....do	49 FR 931 (1/6/84)	Do.
84-300	....do	49 FR 931 (1/6/84)	Do.
84-301	....do	49 FR 931 (1/6/84)	Do.
84-302	....do	49 FR 931 (1/6/84)	Do.
84-303	....do	49 FR 931 (1/6/84)	Do.
84-304	Generic name: Benzyl dialkyl methyl quaternary ammonium chloride	49 FR 932 (1/6/84)	Do.
84-305	2-propenoic acid, 2-methyl-,2-(((((1-methyl-propyllidene)amino)oxy)carbonyl)amino)ethyl ester	49 FR 932 (1/6/84)	Do.
84-308	Generic name: Benzenamine, 2-substituted-4-[2-(5-substituted-2,3-dihydro-1,3,3-trialkyl-1H-indol-2-yl)ethenyl]-	49 FR 932 (1/6/84)	Mar. 27, 1984.
84-309	Generic name: Polyether acid phosphate	49 FR 1787 (1/13/84)	Do.
84-311	Generic name: Cyclic alkene-yne	49 FR 1786 (1/13/84)	Do.
84-312	Methyltris(2-methyl-3-butyn-2-oxy)silane	49 FR 1788 (1/13/84)	Do.

IV. 36. Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

PMN No.	Chemical identification	FR citation	Date of commencement
80-51	Generic name: Polymer formed from phenol formaldehyde resin and diazo oxonaphthalene sulfonyl chloride	45 FR 21024 (3/31/80)	Apr. 1982.
81-3	Generic name: Methyl, bis (hydroxypropyl) tallow alkyl ammonium methyl sulfate	46 FR 11350 (2/6/81)	Mar. 8, 1984.
82-535	Generic name: Modified phenol formaldehyde substituted alkylamine	47 FR 34189 (8/6/82)	Feb. 20, 1984.
83-100	Generic name: Copolymer of styrene with substituted alkanoic derivatives	47 FR 52222 (11/19/82)	Feb. 2, 1984.
83-487	Generic name: Alkyl sulfide	48 FR 8343 (2/28/83)	Feb. 6, 1984.
83-657	Generic name: Pentasubstituted benzimidazolium salt	48 FR 20489 (5/6/83)	Feb. 20, 1984.
83-671	Generic name: Tetrasubstituted benxothiazole salt	48 FR 20491 (5/6/83)	Feb. 28, 1984.
83-672	Generic name: Trisubstituted benzothiazole salt	48 FR 20491 (5/6/83)	Feb. 20, 1984 1984.
83-692	....do	48 FR 21371 (5/12/83)	Feb. 7, 1984.
83-711	Generic name: Metal oxide, reaction products with fatty alcohol and mineral acid	48 FR 22794 (5/20/83)	Nov. 1983.
83-835	Generic name: Substituted benzoate salt	48 FR 29055 (6/24/83)	Feb. 8, 1984.
83-879	Generic name: Epoxy modified acyrlic copolymer	48 FR 31462 (7/8/83)	On or about Mar. 7, 1984.
83-919	Generic name: Trisubstituted pyrimidine	48 FR 32384 (7/15/83)	Feb. 15, 1984.
83-957	Generic name: Spiro[isobenzofuran xanthene]	48 FR 33534 (7/22/83)	On about Feb. 20, 1984.
83-1008	Generic name: Dihydro-(substituted)-(substituted)-(substituted)-1H/indole	48 FR 36648 (8/12/83)	Mar. 21, 1984.
83-1078	Generic name: Unsaturated polyester	48 FR 39690 (9/1/83)	Feb. 29 1984.

IV. 36. Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
83-1164	Generic name: Trisubstituted pyrmidine	48 FR 41643 (9/16/83)	Feb. 13, 1984.
83-1165	Generic name: Monosubstittued benzenesulfonyl isocyanate	48 FR 41643 (9/16/83)	Feb. 22, 1984.
83-1252	Generic name: Potassium salt of a substituted propyl sulfonic acid	48 FR 43401 (9/23/83)	Feb. 8, 1984.
84-35	Generic name: (Substitutedphenyl) (heterocycle substituted alkyl) ketone	48 FR 46865 (10/21/83)	Feb. 7, 1984.
84-47	Generic name: Ester urethane copolymer	48 FR 50952 (11/4/83)	Feb. 21, 1984
84-59	Generic name: Copolyester polymer	48 FR 50953 (11/4/83)	Feb. 23, 1984.
84-187	Generic name: Yttrium aluminum gallium oxide	48 FR 52504 (11/18/83)	Mar. 5, 1984.
84-202	Generic name: Chromophore substituted polyoxyalkylene	48 FR 52506 (11/18/83)	Feb. 27, 1984.
84-203	Generic name: Trisubstituted amino thiophene	48 FR 52506 (11/18/83)	Do.
84-208	Generic name: Vegetable oil polyamide resin	48 FR 53162 (11/25/83)	Mar. 19, 1984.
84-217	Generic name: Phosphonium catalyst	48 FR 54394 (12/2/83)	Feb. 16, 1984.
84-220	Generic name: Benzenesulfonic acid, 4-[[4-substituted]-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt	48 FR 54395 (12/2/83)	Mar. 9, 1984.
84-239	Generic name: Amine derivative of a fatty acid condensation polymer	48 FR 55333 (12/12/83)	Feb. 29, 1984.
84-241	Generic name: Trisubstituted benzoxaolim salt	48 FR 55333 (12/12/83)	Mar. 7, 1984.
84-245	Generic name: Zinc amino acid complex	48 FR 55917 (12/16/83)	Mar. 1984.
84-246	.....do	48 FR 55917 (12/16/83)	Do.
84-247	.....do	48 FR 55917 (12/16/84)	Do.
84-248	.....do	48 FR 55917 (12/16/84)	Do.
84-268	Generic name: Isocyanate-terminated polyurethane	48 FR 557618 (12/30/83)	Mar. 19, 1984.
84-273	Generic name: Polyurethane dispersion	48 FR 57619 (12/30/83)	Mar. 19, 1984.

V. 71 Premanufacture Notices for Which the Review Period Has Been Suspended

PMN No.	Identity/generic name	FR citation	Date suspended
80-146	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
82-60	Generic name: Zinc, O,O-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982.
82-387	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982.
82-388	Phosphorodithioic acid, O,O', secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371 (10/18/82)	Oct. 22, 1982.
83-333	Generic name: Reaction product of polycyclesulfonic acid salt with phosphorus halide/halogen subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 73 (1/3/83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorotriazinylamino-methoxymethylphenylazo-	48 FR 5304 (2/4/83)	Aug. 18, 1983.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthaleneazo-	48 FR 5306 (2/4/83)	Do.
83-461	Generic name: Substituted alkoxy silane	48 FR 7300 (2/18/83)	Apr. 25, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4/22/83)	July 5, 1983.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol	48 FR 20490 (5/6/83)	Aug. 5, 1983.
83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone	48 FR 20491 (5/6/83)	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6/3/83)	Aug. 17, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24968 (6/3/83)	Aug. 15, 1983.
83-771	Generic name: Chromium complex of substituted phenolazoalkylarylamino-formimidphenol with sulfonaphthylazosulfonaphthol	48 FR 24968 (6/3/83)	Do.
83-831	Generic name: Disazo solvent red dye	48 FR 29055 (6/24/83)	Sep. 9, 1983.
83-845	Generic name: Tetrasodium salt of -[2-(2-hydroxy-3-nitro-5-sulfo-phenylazo)-2'-(2-hydroxy-5-substituted-3-sulfphenylazo)-3,3'-disulfo-6,6'-iminodi-1-naphtholate-(0,0',0'',0''') (8—)]dicopper[II]acid.	48 FR 30434 (7/1/83)	Sept. 16, 1983.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30435 (7/1/83)	Sept. 21, 1983.
83-875	Generic name: 4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino]benzene	48 FR 31462 (7/8/83)	Do.
83-876	Generic name: 4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31462 (7/8/83)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32363 (7/15/83)	Oct. 1, 1983.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36648 (8/12/83)	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36648 (8/12/83)	Do.
83-1012	Generic name: Bis(sulfophenylchlorotriazineaminosulfophenylazo) hydroxyaminodisulfo-naphthalene	48 FR 36648 (8/12/83)	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative	48 FR 36649 (8/12/83)	Do.
83-1029	Generic name: Substituted heterocycle	48 FR 37699 (8/19/83)	Nov. 3, 1983.
83-1033	Generic name: C_{6-9} carboxylic acid	48 FR 37700 (8/19/83)	Dec. 8, 1983.
83-1157	Generic name: Substituted oxirane	48 FR 41642 (9/16/83)	Feb. 2, 1984.
83-1162	Generic name: Substituted pyridine	48 FR 41643 (9/16/83)	Nov. 29, 1983.
83-1163	.....do	48 FR 41643 (9/16/83)	Do.
83-1222	Generic name: Substituted alkyl halide	48 FR 43399 (9/23/83)	Feb. 2, 1984.
83-1227	Generic name: Perhalo alkoxy ether	48 FR 43399 (9/23/83)	Do.
83-1228	.....do	48 FR 43399 (9/23/83)	Do.
83-1229	.....do	48 FR 43399 (9/23/83)	Do.
83-1238	Generic name: Substituted anthraquinone	48 FR 43400 (9/23/83)	Dec. 9, 1983.
83-1274	Acetamide, 2-chloro-N-chloromethyl-N-(2-ethyl-6-methylphenyl)	48 FR 44901 (9/30/83)	Do.
84-7	N,N,N', N'-tetraglycidyl-1,3-bisaminomethyl cyclohexane	48 FR 46853 (10/14/83)	Dec. 21 1983.
84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48864 (10/21/83)	Jan. 3, 1984.
84-17	.....do	48 FR 48864 (10/21/83)	Mar. 1, 1984.
84-18	1(1,1 dimethylethoxy)-propan-2-ol	48 FR 48864 (10/21/83)	Jan. 6 1984.
84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48866 (10/21/83)	Mar. 1, 1984.
84-50	.....do	48 FR 50592 (11/4/83)	Do.
84-64	Generic name: Substituted-phenylamino mono-chloro-triazinylamino sulfophenylazo-substituted disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50953 (11/4/83)	Jan. 5, 1984.
84-68	Generic name: Substituted anthraquinone aryl amine	48 FR 50953 (11/4/83)	Dec. 28, 1984.
84-93	Generic name: Substituted-1H-isoindol-1-one	48 FR 50955 (11/4/83)	Jan. 12, 1984.
84-99	Generic name: Hydroxylalkyl ether	48 FR 50945 (11/4/83)	Jan. 11 1984.
84-102	Generic name: Substituted aromatic	48 FR 50945 (11/4/83)	Jan. 16, 1984.
84-105	Generic name: Halogenated alkene	48 FR 50945 (11/4/83)	Jan. 12, 1984.
84-106	Generic name: Halogenated alkane	48 FR 50945 (11/4/83)	Do.
84-107	.....do	48 FR 50945 (11/4/83)	Do.
84-111	Generic name: Substituted aromatic polymer	48 FR 50946 (11/4/83)	Jan. 9, 1984
84-112	.....do	48 FR 50946 (11/4/83)	Do.
84-113	.....do	48 FR 50946 (11/4/83)	Do.
84-114	.....do	48 FR 50946 (11/4/83)	Do.
84-115	.....do	48 FR 50946 (11/4/83)	Do.
84-116	.....do	48 FR 50946 (11/4/83)	Do.
84-117	.....do	48 FR 50946 (11/4/83)	Do.
84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50946 (11/4/83)	Mar. 1, 1984.
84-176	Generic name: Aliphatic triol ester methacrylate	48 FR 50950 (11/4/83)	Jan. 13 1984.

V. 71 Premanufacture Notices for Which the Review Period Has Been Suspended—Continued

PMN No.	Identity/generic name	FR citation	Date suspended
84-180	Generic name: Polyether acrylate ester	48 FR 50951 (11/4/83)	Do.
84-181	Generic name: Aliphatic acrylate ester	48 FR 50951 (11/4/83)	Do.
84-182	Generic name: Polyether acrylate	48 FR 50951 (11/4/83)	Do.
84-183	Generic name: Aliphatic ester methacrylate	48 FR 50951 (11/4/83)	Do.
84-184	....do	48 FR 50951 (11/4/83)	Do.
84-259	Generic name: Bis(polyalkylaminotriphenyl)-bis (alkylamino)benzene	48 FR 56846 (12/23/83)	Mar. 8, 1984.
84-277	Generic name: Spiroglycol	48 FR 57619 (12/30/83)	Mar. 26, 1984.
84-306	Benzoic acid, 2-(((2-((2-methyl-1-oxo-2-propenyl)oxy)ethyl)amino)carbonyl)oxy-, methyl ester	49 FR 932 (1/6/84)	Mar. 22, 1984.
84-307	2-propenoic acid, 2-methyl-, 2-(((hexahydro 2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	49 FR 932 (1/6/84)	Do.
84-310	Generic name: Amine salt of a substituted organic acid	49 FR 1787 (1/13/84)	Mar. 23, 1984.
84-467	Generic name: Hydrogen 2-[alpha-(2-hydroxy-3-sulfo-5-ethenylsulfonyphenylazo)-benzilidene-hydrazino]-5-=substututed, cuprate, sodium salt.	49 FR 9016 (3/9/84)	Mar. 26, 1984.

[FR Doc. 84-12508 Filed 5-8-84; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-2581-1]

Availability of Environmental Impact Statements Filed April 30, Through May 4, 1984 Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

EIS No. 840184, Draft, BLM, ID. Monument Resource Management Plan, Blaine, Butte, Gooding, Jerome, Lincoln, Minidoka, and Power Cos., Due: August 9, 1984. Contact: Erwin Cowley (208) 886-2206

EIS No. 840185, Draft, FHW, WA. Washington State convention and trade center, construction, King County, Due: June 25, 1984. Contact: R.E. Bockstruck (206) 764-4020.

EIS No. 840187, Final, FHW, Va. Temple Avenue Extension, Conduit Road in Colonial Heights to VA-36, Chesterfield and Prince Georges Cos., Due: June 11, 1984. Contact: J.M. Tumlin (804) 771-2371.

EIS No. 840188, Final, COE, MI, Paw Paw Lake Flood Control Project, Berrien County, Due: June 11, 1984, Contact: Florence Bissell (313) 226-6753.

EIS No. 840189, Final, COE, IL, North Branch Chicago River Watershed Flood Control Plan, Lake and Cook Counties, Due: June 25, 1984, Contact: Rose Austin (312) 353-6464.

EIS No. 840190, Draft, EPA, FL, South Escambia/Santa Rosa Wastewater management facilities, Grant, South Escambia and Santa Rosa Counties, Due: June 25, 1984. Contact: Robert Cooper (404) 881-3776.

EIS No. 840191, Draft, FHW, OH, OH-79 Improvements, OH-79 to OH-16 Expressway, Licking County, Due: June 25, 1984. Contact: Marvin Espeland (614) 469-6896.

Amended Notices

EIS No. 840167, Dsuppl, AFS, UT, Uinta National Forest Land and Resource Management Plan, Utah, Wasatch, Juab and Tooele CDS., Due: July 27, 1984. Published FR 04/27/84, Review Extended.

EIS NO. 840186. Final, BLM, CA, Honey Lake-Beckwourth Planning Units, Domestic Livestock Grazing Management Program, Lassen, Plumas, and Sierra COS., Due: May 21, 1984. Contact: Mark Morse (916) 484-4701, Inadvertently omitted from 04/20/84 notice of availability.

Dated: May 8, 1984.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 84-12810 Filed 5-10-84; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-51515; TSH-FRL 2568-3]

Toxic and Hazardous Substances Control; Premanufacture Notice Receipts

Correction

In FR Doc. 84-10704, beginning on page 16833, in the issue of Friday, April 20, 1984, on page 16835, in the first column, in the second line from the top "polyamido" should read "polyamino".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 84-173]

The Lottery Proceeding for Selection Among Competing 800 MHz SMR Applications in the Detroit, Michigan and Cleveland, Ohio Areas; Memorandum Opinion and Order

Adopted: April 26, 1984.
Released: May 3, 1984.

By the Commission; Commissioner Quello concurring and issuing a statement.

1. On December 15, 1983, the Commission, in accordance with procedures set forth in the *Second Report and Order* in General Docket No. 81-768, 48 FR 27182 (June 13, 1983), initiated by Public Notice an expedited paper hearing proceeding to select licensees from among competing applicants for Specialized Mobile Radio (SMR) 800 MHz channels in the Detroit, Michigan and Cleveland, Ohio areas.[1] The Detroit and Cleveland areas have been consolidated in one proceeding because spacing rules preclude co-channel grants at proposed transmitter sites which are within 70 miles of each other. Only those applications which met the filing requirements as set forth in our *Second Report and Order* in PR Docket No. 79-191, *et al.*, 90 FCC 2d 1281 (1982), are being considered.

2. The Public Notice, citing the comparative criteria established in our *Memorandum Opinion and Order* terminating PR Docket No. 79-191, *et al.*, 48 FR 51917 (November 15, 1983), noted that applicants will be awarded comparative points based upon the following:

(1) Applications proposing to expand an existing, loaded trunked system will be awarded two comparative points.

(2) Applications proposing to operate a new trunked system will be awarded one comparative point.

(3) Applications proposing to operate a conventional system will be awarded no comparative points.

3. In accordance with Rule 1.221, applicants were required to file a Notice of Appearance and Statement and serve copies on all other applicants within 30 days. The purpose of the information furnished in the statement was to

[1] The Public Notice (No. 1328) also included a selection proceeding for SMR applications in the Boston, Massachusetts area. A Boston applicant subsequently requested dismissal, which permitted the grant of the remaining applications. The proceeding was terminated by Public Notice (No. 1609) released December 30, 1983.

determine each applicant's comparative points. The Public Notice, sent to each applicant by certified mail, stated that an untimely filing of appearance or failure to respond could result in dismissal for failure to prosecute pursuant to Rules 1.221(c) and 1.961(b). Applicants were given 20 days to submit rebuttals or informal complaints concerning the qualifications or statements of competing applicants.

4. The Public Notice indicated that we would review the information submitted and make a final decision concerning the proper comparative points for each applicant. After the paper proceedings, those applications with the highest number of comparative points would be granted. If sufficient channels were not available to grant all applications with the same number of comparative points, grants in that group would be made in accordance with the Commission's lottery procedures.

5. The Public Notice initiating this proceeding listed 92 applications for SMR stations in the Detroit and Cleveland areas. Of these applications the following were dismissed for the reasons shown:

Applicant	File No.	Dismissed	Reason for dismissal
General Electric Radio Service Corp.	513447	Jan 25, 1984	At its request.
Worldwide Mobile Telephone Co.	507134 507137	Feb. 3, 1984	At its request.
Domer Communication, Inc	509125	Jan 31, 1984	Application for system within 40 miles of existing station in Canton, Ohio prohibited by Rule 90.627(b).
Communication Leasing, Inc	509203	Jan 11, 1984	Application for system within 40 miles of proposed station in Newbury, Ohio prohibited by Rule 90.627(b).
Leader Communications, Inc	509226	Jan 13, 1984	Application for system within 40 miles of proposed station in Arkon, Ohio prohibited by Rule 90.627(b).

6. The following application are also dismissed by this order, for the reasons show:

Applicant	File No.	Reason for dismissal
Solomon Electric, Inc	513553	Correspondance returned—address unknown.
Fred Kuhlman, Bulider	509184	Failure to respond.
Stephen J. Bassett	508753	Do.
Erwin Geis	507461	Do.

7. Based on the Notices of Appearance and Statements and clarifying information furnished by several applicants pursuant to our request, we have determined that the remaining 82 applications listed in the attachment are for new trunked systems and are therefore each assigned one comparative point. Since sufficient channels are not available grants will be made in accordance with the Commission's lottery procedures.

8. Accordingly, it is ordered, pursuant to Section 309(i) of the Communications Act of 1934, as amended, (47 U.S.C. 309(i)) and § 1.972 of the Commission's Rules (47 CFR 1.972), that a lottery will be conducted to select from among the 82 remaining competing applications for SMR systems in the Detroit and Cleveland areas. A Lottery Notice will be issued shortly providing the date and procedures for this random selection process.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Competing Application to be Selected by Lottery for SMR Systems in the Detroit/Cleveland Areas

1. Fred G. Bell & Daniel F. Bell, d.b.a. Allen Electronics, 1307 Souter Blvd., Troy, MI 48084—506610
2. Andover Trunking, Inc., 607 Sehlby, Detroit, MI 48226—508749
3. Apex Communications, Inc., 5500 Elizabeth Lake Road, Pontiac, MI 48054—513445
4. Walter J. Bell, 20 Bay Pointe, Battle Creek, MI 49017—513306
5. Walter J. Bell, 20 Bay Pointe, Battle Creek, MI 49017—513307
6. Boylan & Cannon Electronics, Inc., 2099 South Main Street, Akron, OH 44301—506766
7. Gary F. Broberg, 14237 Detroit Ave., Lakewood, OH 44107—507458
8. Gray Broberg, 14237 Detroit Ave., Lakewood, OH 44107—509170
9. Ken Wyatt Enterprises, Inc., d.b.a. Business-Industrial Communications, 14435 N. Scottsdale Rd., No. 600, Scottsdale, AZ 85254—513386
10. Ken Wyatt Enterprises, Inc., d.b.a. Business-Industrial Communications, 14435 N. Scottsdale Rd., No. 600, Scottsdale, AZ 85254—513387
11. Cellular Communications, Inc., 39 West 55th Street, New York, NY 10019—513446
12. Everett Chitester, 9521 Park Heights, Garfield, OH 44125—507460
13. Cleveland Mobile Radio Inc., 5533 State Rd., Cleveland, OH 44134—507779
14. Communications Leasing, Inc., P.O. Box 129, Newbury, OH 44065—509216
15. Comtran Associates, Inc., 980 E. 35th Street, Brooklyn, NY 11210—513552
16. Comven, Inc., 2629 N. Scottsdale Rd., Suite 104, Scottsdale, AZ 85257—513388
17. Comven, Inc., 2629 N. Scottsdale Rd., Suite 104, Scottsdale, AZ 85257—513389
18. Control Data Corporation, Syntonic Technology Div., 7611 Derry Street, Harrisburg, PA 17111—507126
19. Crescent Cardboard Co., c/o Crescent Communications, 112 East 100 North, Logan, Utah 84321—508849
20. Crescent Cardboard Co., c/o Crescent Communications, 112 East 1900 North, Logan, UT 84321—508865
21. Leo Denslow, 340 Cognewaugh, Cos Cob, CT 66807—513554
22. Electrocom Corporation, 17001 Broadway Avenue, Cleveland, OH 44137—506994
23. Electronic Communications Co., 22191 Camelot Court, Birmingham, MI 48010—506628
24. Eric's Enterprises, Inc., 1441 Bonner, Ferndale, MI 48220—507782
25. Gene A. Folden, 55 Shiawassee Avenue, Akron, OH 44313—508762
26. Mike Gruss & Ron Gesci, dba G–Comm, Box 666, Fremont, OH 43420—509233
27. General Electric Radio Services Corp., c/o General Electric Company, Mobile Communications Division, 6501 Loisdale Ct., Suite 1100, Springfield, VA 22150—513545
28. Howard S. Heller, dba General Mobile Radio Service, 2189 Lee Road, Cleveland Heights, OH 44118—513250
29. Holbrook Industries, Inc., 600 River Street, Grand River, OH 44045—513251
30. Harry Soukiassian, dba J–4 Communications, 16934 Plumer, Sepulveda, CA 91343—513548
31. Harry Soukiassian, dba J–4 Communications, 16934 Plumer, Sepulveda, CA 91343—513549
32. Jon Marcinko and Rand Giesey, dba J–Mar Communications, 1401 S. 276th Place, Kent, WA 98032—513451
33. Jon Marcinko and Rand Giesy, dba J–Mar Communications, 1401 S. 276th Place, Kent, WA 98032—513452
34. Jecca Towers, Inc., P.O. Box 1779, Kilgore, TX 75662—513544
35. Jecca Towers, Inc., P.O. Box 1779, Kilgore, TX 75662—513547
36. Frederick L. Kahle, 501 Ballantine, Grosse Point Shores, MI 48236—506648
37. Frederick B. Kahle, 21769 South Brandon, Farmington Hills, MI 48024—506647
38. Lowell Katz, 5451 N. Marginal Rd., Cleveland, OH 44114—509215
39. L-Tronics Inc., 220 Alpha Park, Highland Heights, OH 44143—509124
40. Leader Communications, Inc., 3003 W. Madison, Bellwood, IL 60104—508264
41. Leader Communications, Inc., 3003 W. Madison, Bellwood, IL 60104—509119
42. Leader Communications, Inc., 3003 W. Madison, Bellwood, IL 60104—509115
43. MCI Airsignal, Inc., 2000 M Street, NW., Washington, DC 20036—512540
44. MCI Airsignal, Inc., 2000 M Street, NW., Washington, DC 20036—512539
45. Media Broadcasting, Inc., 2055 Scottwood Ave., Toledo, Ohio 43620—506763
46. Media Broadcasting, Inc., 2055 Scottwood Ave., Toledo, OH 43620—506764
47. Metro Communications, Inc., 24350 Capital, Detroit, MI 48239—509183

48. Motorola, Inc., 1776 K Street, NW., Washington, DC 2006—507326
49. Motorola, Inc., 1776 K Street, NW., Washington, DC 20006—507332
50. Motorola, Inc., 1776 K Street, NW., Washington, DC 20006—507334
51. NUR Corporation, P.O. Box 6010, Los Osos, CA 93402—506655
52. NUR Corporation, P.O. Box 6010, Los Osos, CA 93402—506662
53. NUR Corporation, P.O. Box 6010, Los Osos, CA 93402—509173
54. Northeastern International Communications Company, 24200 Chargin Blvd. No. 330, Beachwood, OH 44122—509217
55. Pacific Communications, 310 N. Russell Avenue, P.O. Box 992, Santa Maria, CA 93454—513542
56. Privus Communication Co., Inc., 59 Clinton St., Malden, MA 02148—508836
57. Professional Communications, Inc., 1611 Peach Street, Erie, PA 16501—519333
58. Radio Communication Specialists, Inc., 12717 Inkster, Livonia, MI 48150—513543
59. Radio East, Inc., P.O. Box 924, Dearborn, MI 48121-0924—508107
60. Renaissance Trunking Corporation, 4260 Washtenaw Ave., Ann Arbor, MI 48104—506646
61. Renaissance Trunking Corporation, 4260 Washtenaw Ave., Ann Arbor, MI 48104—508740
62. Reo-Cap, Inc., P.O Box 738, Ashtabula, OH 44004—508700
63. Don Rice & Robert Stafford, d.b.a. S & R Communications, 6403 W. Pierson, Flushing, MI 48433—506711
64. Southwide Mobile Telephone Company, 200 Park Offices, Suite 200, P.O. Box 13219, Research Triangle Park, NC 27709—512785
65. Southwide Mobile Telephone Company, 200 Park Offices, Suite 200, P.O. Box 13219, Research Triangle Park, NC 17709—512791
66. Staley Co., Inc., P.O Box 747, New Philadelphia, OH 44663—508802
67. Swartzlander Radio, Inc., 1524 Oak Harbor Road, P.O. Box 666, Fremont, OH 43420—513540
68. TACTEC Systems, Inc., 6862 Elm St., Suite No. 310, McLean, VA 22101 ATTN: Kathryn Buie—506196
69. TACTEC Systems, Inc., 6862 Elm St., Suite No. 310, McLean, VA 22101 ATTN: Kathryn Buie—506222
70. Teletech, Inc., P.O. Box 924, Dearborn, MI 48121-0924—507527
71. Tra Electronic Communications, Inc., P.O. Box 924, Dearborn, MI 48121-0924—506193
72. Ultra Vision, Inc., 716 N. Westwood Ave., Toledo, OH 43607—506713
73. Ultra Vision, Inc., 716 N. Westwood Ave., Toledo, OH 43607—506765
74. United Paging Corporation, Denver Technological Center, 4700 South Syracuse Parkway, Denver, CO 80237—513453
75. Venus Contract Carriers, 10950 McCabe Rd., Brighton, MI 48116—508750
76. WTK Comm., Inc., P.O. Box 68, Alvada, OH 44802—506596
77. WTK Comm., Inc., P.O. Box 68, Alvada, OH 44802—506704
78. WTK Comm., Inc., P.O. Box 68, Alvada, OH 44802—506706
79. Western Union Telegraph Company, 1 Lake Street, Upper Saddle River, NJ 07458—508351
80. Western Union Telegraph Company, 1 Lake Street, Upper Saddle River, NJ 07458—508355
81. Western Union Telegraph Company, 1 Lake Street, Upper Saddle River, NJ 07458—508357
82. Western Union Telegraph Company, 1 Lake Street, Upper Saddle River, NJ 07458—508826

April 26, 1984.

Concurring Statement of Commissioner James H. Quello

In re: Random selection proceeding for 800 MHz Specialized Mobile Radio (SMR) licenses in the Detroit, Michigan and Cleveland, Ohio areas

This Memorandum Opinion represents a slight variation on a now familiar theme of fervently embracing the lottery process to resolve mutually exclusive applications. Instead of moving directly to the lottery, the Commission has gone through the motions of an oversimplified comparative process designed not to select the best prospective licensees but to eliminate those whose level of interest was extremely low.

Ten applicants were eliminated, of which seven either asked that they no longer be included or declined to respond to Commission inquiries. The remaining eighty-two were deemed equally qualified largely because they retained sufficient interest to either respond to inquiries or, at least, not to actively request withdrawal.

I continue to have misgivings about what I consider to be misuse of the random selection process. *See* Report and Order Cellular Lottery Rulemaking, CC Docket No. 83-1096, —— FCC 2d —— (adopted April 11, 1984) (Quello, Comm'r, dissenting in part). In this instance, however, I bow to the will of the majority and anxiously await the outcome.

Therefore, I concur.

[FR Doc. 84-12710 Filed 5-10-84; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 9474-10.

Title: Thailand-Pacific Freight Conference.

Parties:

American President Lines, Ltd.

A.P. Moller-Maersk Line

Sea-Land Service, Inc.

Synopsis: The proposed amendment would specify that service contracts, as defined by the Shipping Act of 1984, are under the control and jurisdiction of the conference.

Filing Party: John J. Meade, Esquire, Hill, Betts & Nash, 1220 Nineteenth Street NW., Suite 320, Washington, D.C. 20036.

Agreement No.: 10502.

Title: Lykes/American President Lines/Sea-Land Settlement Agreement

Parties:

Lykes Bros. Steamship Co., Inc.

American President Lines, Ltd.

Sea-Land Service, Inc.

Synopsis: The proposed agreement provides that Lykes will file an amendment to its operating differential subsidy contract and withdraw its request for subsidized operation of any containerships on Trade Routes 17/29 on any voyage after December 31, 1986. In the interim period, the Lykes contract would be further amended to allow only for subsidy payments for containership voyages on trade routes 17/29 as made by four specified ships purchased by Lykes in 1984 and two ro/ro vessels already deployed there. Other provisions address various contingencies: vessel substitution, changes in the maritime subsidy program, etc. In consideration of the foregoing, Sea-Land and American President Lines would relinquish their hearing rights under § 605(c) of the Merchant Marine Act, 1936 to contest Lykes' subsidy on these ships in accordance with the terms of the agreement.

Filing Party: Samuel B. Nemirow, Esquire, Hill, Betts & Nash, 1220 Nineteenth Street NW., Suite 302, Washington, D.C. 20036.

Dated: May 8, 1984.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 84-12766 Filed 5-10-84; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

May 7, 1984.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Reviewer—Judy McIntosh—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880).

Request for Extension, With Minor Revision

1. Report title: Officer's Questionnaire
Agency form No.: FR 410
Frequency: On occasion
Reporters: State member banks
Small businesses are affected
General description of report:
Repondent's obligation to reply is mandatory (12 U.S.C. 325); a pledge of confidentiality is promised (5 U.S.C. 552(b)(8)).

The questionnaire is completed by an official of a state member bank and provides information regarding past, present, or potential lawsuits that the bank has been or may become involved in regarding consumer credit protection laws and regulations.

2. Report title: Community Reinvestment Act Questionnaire
Agency form No.: FR 1283
Frequency: On occasion
Reporters: State member banks
Small businesses are affected
General description of report:
Repondent's obligation to reply is mandatory (12 U.S.C. 2901 et. seq.); a pledge of confidentiality is promised (5 U.S.C. 502(b)(8)).

The questionnaire is completed by an official of a state member bank. When completed, it provides information regarding the bank's effort to serve the credit needs of its local community.

Board of Governors of the Federal Reserve System, May 7, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 84-12718 Filed 5-10-84; 8:45 am]

BILLING CODE 6210-01-M

Southeastern Banking 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. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 1, 1984.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Southeastern Banking Corporation,* Folkston, Georgia; to acquire 100 percent of the voting shares or assets of The Camden County State Bank, Woodbine, Georgia.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *St. Croix Banco, Inc.,* New Richmond, Wisconsin; to acquire 56.61 percent of the voting shares or assets of Polk County Banco, Inc., Balsam Lake, Wisconsin.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *United New Mexico Financial Corporation,* Albuquerque, New Mexico; to acquire 100 percent of the voting shares or assets of United New Mexico Bank at Las Cruces, N.A., Las Cruces, New Mexico, a *de novo* bank.

Board of Governors of the Federal Reserve System, May 7, 1984.

Wiliiam W. Wiles,

Secretary of the Board.

[FR Doc. 84-12719 Filed 5-10-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages if 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 May 4.

Public Health Service

Office of Assistant Secretary for Health

Subject: Longitudinal Study on Aging: Pretest—New
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello.

National Institutes of Health

Subject: Evaluation of the Senior International Fellowship Program—NEW
Respondents: Individuals; research institutions
Subject: Case—Control Study of Oral and Pharynx Cancers—New
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello.

Health Care Financing Administration

Subject: Independent Renal Dialysis Facility Cost Report (0938–0236)—Reinstatement
Respondents: Freestanding dialysis facilities
Subject: Medicare Reimbursement Settlement Data for Hospitals and Skilled Nursing Facilities (0938–0159)—Extension/No Change
Respondents: Hospitals and skilled nursing facilities participating in Medicare
Subject: Requests for Medicare Payment by Municipal Health Services Program (MHSP) Clinics (0938–0091)—Extension/No Change
Respondents: Clinics participating in MHSP
Subject: Medicare Reimbursement Settlement Data for Outpatient Therapy Providers (0938–0142)—Extension/No Change
Respondents: Outpatient therapy providers participating in Medicare
OMB Desk Officer: Fay S. Iudicello.

Social Security Administration

Subject: Quarterly Application for Grant Award (0960–0239)—Extension/No Change
Respondents: State agencies
Subject: Application for Benefits Under the Federal Republic of Germany–U.S. International Social Security Agreement (0960–0175)—Revision
Respondents: Individuals
Subject: State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act (0960–0253)—Revision
Respondents: State agencies
Subject: Student Reporting Form (0960–0088)—Revision
Respondents: Student social security beneficiaries
Subject: Notice Regarding Substitution of Party Upon Death of Claimant (0960–0288)—Extension
Respondents: Individuals
Subject: Grantee Survey of Low-Income Home Energy Assistance Program (LIHEAP) (0960–0330)—Reinstatement
Respondents: State LIHEAP offices
Subject: Community Work Experience Financial Records (0960–0256)—Reinstatement
Respondents: State agencies
Subject: Quarterly Statement of Family Assistance Management Information System (FAMIS) Expenditures (SSA–1172)—New
Respondents: State agencies administering title IV–A programs
Subject: Streamlined State Plan for Aid to Families with Dependent Children (AFDC) (0960–0252)—Extension No Change
Respondents: State AFDC agencies
Subject: Declaration of Citizenship by Social Security Beneficiary Outside the United States—New
Respondents: Beneficiaries residing in American Samoa
OMB Desk Officer: Milo Sunderhauf.

Office of the Security

Subject: Application for Waiver of the two-year Foreign Residence Requirement of the Exchange Visitor Program—Extension (0990–0001)
Respondents: Non profit institutions; state and local governments
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: May 7, 1984.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 84–12738 Filed 5–10–84; 8:45 am]
BILLING CODE 4150–04–M

Food and Drug Administration

[Docket Nos. 81P–0323 et al.]

Availability of Approved Variances for Sunlamp Products

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that variances from the performance standard for sunlamp products have been approved by the Deputy Director, Center for Devices and Radiological Health (CDRH), for certain specified sunlamps and sunlamp products manufactured or imported by 11 organizations. The intended use of the products is to produce ultraviolet radiation for tanning the skin.

DATES: The effective dates and termination dates of the variances are listed in the table below under "Supplementary Information."

ADDRESS: The applications and all correspondence on the various applicatons have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (formerly National Center for Devices and Radiological Health) (HRZ–84, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), each of the 11 organizations listed in the table below has been granted a variance from certain requirements of the performance standard for sunlamp products (21 CFR 1040.20). Approval has been granted for the listed products to vary as specified from that portion of § 1040.20(c)(2)(ii) requiring the maximum timer interval for a sunlamp product to be 10 minutes or less, or from § 1040.20(d)(2) that specifies the exact warning statement to be on the sunlamp product. All other provisions of § 1040.20

remain applicable to the listed sunlamp products and ultraviolet lamps.

Each of the variances for the nominally ultraviolet-A (UVA) sunlamp products permits the listed manufacturer or importer to introduce into commerce sunlamp products that have less than 5 percent of their ultraviolet radiation at wavelengths shorter than 320 nanometers. FDA's experience with this kind of sunlamp product indicates that the relatively lengthy exposure recommended by the manufacturer does not result in severe, acute skin burns or corneal injury. Therefore, some of the requirements of § 1040.20 are not appropriate for these UVA products. Even though the skin hazard is reduced, there is still a need to wear protective eyewear to eliminate the unnecessary risk to chemically sensitized lenses or of cornea damage or of long-term development of lens opacities.

Suitable and/or alternate means of radiation protection will be provided by constraints on the physical and optical design and by warnings in the user manual and on the products for all of the variances in lieu of the requirements listed in the table that were determined to be inappropriate. Therefore, on the dates specified in the table below, FDA approved the requested variances by letter to each manufacturer or importer from the Deputy Director, CDRH.

So that the product will bear evidence of the variance approved for the manufacturer of that product, each product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) the docket number and effective date of the variance as specified in the table below.

Docket	Organization granted the variance	Sunlamp prodcuct	Paragraph in 21 CFR 1040.20 pertaining to variance	Effective date and termination date
81P-0323 (Amendment)	Silver Group, Inc., 2 Kansas St., San Francisco, CA 94103.	Silver solariuim UVA-A sunlamp products	(c)(2)(ii)	Dec. 16, 1983; Mar. 22, 1987
83P-003	UVATEC, Inc., 8430 Santa Monica Blvd., Suite 200, Los Angeles, CA 90069.	Osram Ultraviolet lamps used in UVATEC sunlamp products.	(d)(2)	Feb. 24, 1984; Feb. 24, 1989.
83V-0330	Tan American Imports, Inc., Corporate Offices, 2081 Hutton, Carrollton, TX 75006.	UVA sun-tanning equipment manufactured by Sunal Solartechnick, Dortmund, West Germany.	(c)(2)(ii)	Feb. 2, 1984; Feb. 2, 1989.
83V-0351	Sun World Doveopen, Ltd., 16 Grimrod Place, East Gillibrands, Skelmersdale, Lancashire, England.	UVA-A sunlamp products manufactured by Sun World Doveopen, Ltd..	(c)(2)(ii)	Dec. 7, 1983; Dec. 7, 1988.
83V-0364	Silgmann GmbH & Co. KG, 34561 Hiawatha TR, McHenry, IL 60050.	UVA suntanning canopy and bed manufactured by Silgmann GmbH & Co. KG.	(c)(2)(ii)	Jan. 30, 1984; Jan. 30, 1989.
83V-0392	D.P.R.M. Inc., 163 Central Ave., Suite 137, Lynn, MA 01901.	UVA suntanning booth	(c)(2)(ii)	Feb. 2, 1984; Feb. 2, 1989.
83V-0405	Futuretan, Inc., 600 West Gray, Houston, TX 77019.	UVA sun-tanning equipment	(c)(2)(ii)	Feb. 24, 1984; Feb. 24, 1989.
83V-0427	Senator Leisure Products, Ltd., Woodfold Mills, Lloyd St., Darwen, Lancashire, England BB3 1EH.	Sun Worshipper Series and Tanseeker 6'models 6CP, 6CM, 6BP, 6BM, 6SU, 6M.C.U. and 6B.P.U..	(c)(2)(ii)	Jan. 27, 1984; Jan. 27, 1989.
84V-0001	Sunshine Alternatives, 520 University, Madison, WI 53704.	UVA sunlamp and sunlamp products manufactured by Sunshine Alternatives.	(c)(2)(ii)	Feb. 14, 1984; Feb. 14, 1989.
84V-0002	Verre et Quartz, 254, avenue Aristide—Briande, 93320 Pavillons-sous-Bois, France.	UVA solaria manufactured by Verre et Quartz	(c)(2)(ii)	Feb. 22, 1984; Feb. 22, 1989.
84V-0005	The Sunbed Shop, Centurion Industrial Estate, Farington Leyland, Lancashire, PR5 2GU, England.	UVA sunbed manufactured by the Sunbed Shop	(c)(2)(ii)	Feb. 24 1984; Feb. 24, 1989.

In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on the various applications have been placed on public display in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 4, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-12712 Filed 5-10-84; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Dallas District Office, chaired by James E. Anderson, District Director. The topic to be discussed is Drug Use and the Elderly.

Date: Monday, May 21, 1984, 8 a.m. to 11:30 a.m.

Address: Martin Luther King Center, 2922 Martin Luther King Blvd., Dallas, TX 75215.

For Further Information Contact: Hazel Wallace, Consumer Affairs Officer, Food and Drug Administration, 1200 Main Tower Bldg., Rm. 15-45, Dallas, TX 75202, 214-767-5433.

San Antonio Resident Inspection Post, chaired by Anthony J. Whitehead, Chief, Houston Station. The topic to be discussed is Food Irradiation.

Date: Monday, May 21, 1984, 2 p.m. to 4 p.m.

Address: Firehouse Station, Devine, TX 78016.

For Further Information Contact: Juan A. Tijerina, Consumer Affairs Officer, Food and Drug Administration, 727 East Durango St., Rm. B-406, San Antonio, TX 78206, 512-229-7637.

Cincinnati District Office, chaired by James C. Simmons, District Director. The topics to be discussed are Food Irradiation, Ethylene Dibromide, and Sulfiting Agents.

Date: Tuesday, June 5, 1984, 10 a.m. to 12 m.

Address: Federal Bldg., Rm. 5409, 550 Main St., Cincinnati, OH 45202.

For Further Information Contact: Theresa C. Hoog, Consumer Affairs Officer, Food and Drug Administration, 1141 Central Parkway, Cincinnati, OH 45202, 513-684-3501.

Cincinnati District Office, chaired by James C. Simmons, District Director. The topic to be discussed is Drug Use and the Elderly.

Date: Wednesday, June 6, 1984, 1 p.m. to 3 p.m.

Address: Federal Bldg., Rm. 206, 200 North High St., Columbus, OH 43215.

For Further Information Contact: Ruth W. Weisheit, Consumer Affairs Officer, Food and Drug Administration, 601 Rockwell Ave., Cleveland, OH 44114, 216-522-4844.

Cincinnati District Office, chaired by James C. Simmons, District Director. The topic to be discussed is Drug Use and the Elderly.

Date: Thursday, June 7, 1984, 10 a.m. to 12 m.

Address: Dayton Senior Citizen Center, 150 South Wilkinson St., Dayton, OH 45402.

For Further Information Contact: Theresa C. Hoog, Consumer Affairs Officer, Food and Drug Administration, 1141 Central Parkway, Cincinnati, OH 45202, 513-684-3501.

New Orleans District Office, chaired by Robert O. Bartz, District Director. The topic to be discussed is Food Irradiation.

Date: Monday, June 25, 1984, 1:30 p.m.

Address: Arkansas State Department of Health Board Room, 4815 West Markham St., Little Rock, AR 72201.

For Further Information Contact: Frances G. Brysson, Consumer Affairs Officer, Food and Drug Administration, 4298 Elysian Fields Ave., New Orleans, LA 70122, 504-589-2420.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set

priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: May 7, 1984.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 84-12714 Filed 5-10-84; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Cancer Institute; Meetings for the Review of Contract Proposals

Pursuant to Pub. L. 92-463, notice is hereby given for meeting of several committees of the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or others issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below 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, for the review, discussion and evaluation of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals, the disclosure of which constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institute of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: Cancer Resources and Repositories Contracts Review Committee.

Dates: June 6-7, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 9 (on June 6), Buidling 31C, Conference Room 7 (on June 7), 9000 Rockville Pike, gBethesda, MD 20205.

Times

Open: June 6, 9:00 a.m.-9:30 a.m.

Agenda: A review of administrative details.

Closed: June 6, 9:30 a.m.—recess. June 7, 9:00 a.m.—adjournment.

Closure reason: To review contract proposals.

Executive secretary: Dr. Margaret E. Holmes, Westwood Building, Room 805, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-7421.

Name of Committee: Developmental Therapeutics Contracts Review Committee.

Dates: May 31-June 1, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 8, 9000 Rockville Pike, Bethesda, MD 20205.

Times

Open: May 31, 9:00 a.m.-9:30 a.m.

Agenda: A review of administrative details.

Closed: May 31, 9:30 a.m.—recess. June 1, 9:00 a.m.—adjournment.

Closure reason: To review contract proposals.

Executive secretary: Dr. Kendall G. Powers, Westwood Building, Room 805, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-7575.

Dated: May 7, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-12862 Filed 5-10-84; 8:45 am]

BILLING CODE 4140-01-M

National Cancer Institute; Meetings for the Review of Grant Applications

Pursuant to Pub. L. 92-463, notice is hereby given for meetings of several committees of the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below 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, 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.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of meetings and rosters of committee members upon request. Other information pertaining to the meetings can be obtained from the Executive Secretary indicated.

Name of Committee: Cancer Preclinical Program Project Review Committee.

Dates: July 17-18, 1984.

Place: National Institutes of Health, Building 31C, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20205.

Times

Open: July 17, 9:00 a.m.-9:30 a.m.

Agenda: A review of administrative details.

Closed: July 17, 9:30 a.m.—recess. July 18, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Edwin M. Bartos, Westwood Building, Room 836, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-7565.

(Catalog of Federal Domestic Assistance Number 13.392, project grants in cancer construction, National Institutes of Health)

Name of Committee: Cancer Research Manpower Review Committee.

Dates: May 17-18, 1984.

Place: National Institutes of Health, Building 31A, Conference Room 4, 9000 Rockville Pike, Bethesda, MD 20205.

Times

Open: May 17, 8:30 a.m. to 9:00 a.m.

Agenda: A review of administrative details.

Closed: May 17, 9:00 a.m.—recess. May 18, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. Leon J. Niemiec, Westwood Building, Room 832, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-7978.

(Catalog of Federal Domestic Assistance Number 13.398, project grants in cancer research manpower, National Institutes of Health)

Name of Committee: Clinical Cancer Program Project Review Committee.

Dates: July 16-17, 1984.

Place: Bethesda Marriott Hotel, 2 Pooks Hill Road, Bethesda, MD 20014.

Times

Open: July 16, 8:30 a.m.-10:00 a.m.

Agenda: Reports by the Director, Division of Extramural Activities; the Chief, Grants Review Branch; the Executive Secretary; and the Chairman; and a review of administrative details.

Closed: July 16, 10:00 a.m.—recess. July 17, 8:30 a.m.—adjournment.

Closure reason: To review grant applications.

Executive Secretary: Dr. M. Wayne Hurst, Westwood Building, Room 848, National Institutes of Health, Bethesda, MD 20205, Phone: 301/496-7924.

(Catalog of Federal Domestic Assistance Number 13.397, project grants in cancer center support, National Institutes of Health)

Dated: May 7, 1984.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 84-12863 Filed 5-10-84; 8:45 am]

BILLING CODE 4140-01-M

Meeting of the Animal Resources Review Committee

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources on May 22, 1984 from 8:30 a.m. to recess and on May 23, 1984 and 8:30 a.m. to adjournment in Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on May 22 from approximately 3:00 p.m. to 5:00 p.m. for a brief staff presentation on the current status of the Animal Resources Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 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 May 22 from approximately 8:30 a.m. to 3:00 p.m. for the review, discussion, and evaluation by the Subcommittee on Animal Resources of individual grant applications dealing with laboratory animal resources and on May 23 from 8:30 a.m. to approximately 5:00 p.m. for the review, discussion, and evaluation by the Subcommittee on Primate Research Centers of individual grant applications dealing with nonhuman primates. 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 5B13, Bldg. 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, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences and Primate Research, National Institutes of Health)

Dated: May 1, 1984.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 84-12864 Filed 5-10-84; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

San Carlos Irrigation Project, Indian Works, Arizona; Annual Operations and Maintenance Charges

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The purpose of this public notice is to change the per acre assessment rate for the operation and maintenance of the irrigation facilities of the Indian Works of the San Carlos Irrigation Project to properly reflect the cost of labor, materials, equipment and services. The change is from $34.00 to $44.00 per acre per year.

EFFECTIVE DATE: This notice shall become effective on date of publication of this document in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Edmund L. Thompson, Superintendent, Bureau of Indian Affairs, Pima Agency, Sacaton, Arizona 85247, telephone number (602) 562–3326.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior Affairs in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Directors in 10 BIAM 3.

An analysis of the costs of operation and maintenance of the Indian Works of San Carlos Irrigation Project was presented to the Tribe's water conservation committee. The intent to increase the rates was published in three local newspapers and letters were sent to the leasees on the project. No comments were received.

The Notice Shall Read as Follows

San Carlos Irrigation Project, Indian Works Annual Operations and Maintenance Charges

Charges: Pursuant to Section 5 of the Act of June 7, 1924 (.43 Stat 476) and in accordance with the public notice issued on December 1, 1932, operation and maintenance charges are assessable against 50,000 acres of tribal lands and trust patent Indian lands of the San Carlos Indian Irrigation Project within the boundaries of the Gila River Indian Reservation, Arizona. For the calendar year 1984 and subsequent years, unless changed by further order, the basic rate assessed Indian owned land leased and operated by non-Indians is hereby fixed at $44.00 per acre. The basic charge shall entitle each acre of such leased land to have delivered for use thereon two (2) acre-feet of water per acre or its proportionate share of the available water supply. Charges for project operation and maintenance costs on account of Indian owned land used by Indians shall not be imposed on the Indian owners of such land. (See Interlocutory Order of the Indian Claims Commission dated January 10, 1974, Gila River Pima-Maricopa Indian Community et al. v. The United States of America, Docket No. 236–E)

For water delivered in excess of two (2) acre-feet per acre of Indian land leased to a non-Indian, there shall be charged $0.50 per acre-foot per acre for the first acre-foot of excess water or fraction thereof delivered, and $1.50 per acre foot or fraction thereof per acre of water delivered in excess of three (3) acre-feet per acre. There shall be no charge for free water delivered in accordance with existing regulations.

Payment: Basic charges shall become due when this notice is published and payable within 30 days for 1984 and on January 1 of each year thereafter and shall be payable on or before March 1st. No water shall be delivered to lands leased to non-Indians prior to payment of said basic charge. Payment for excess water as provided shall be made at the time of request or prior to the delivery thereof. Payment of these assessments and charges shall be made at the office of the Pima Agency Superintendent, Sacaton, Arizona.

Delivery: An application for water service shall be made to and approved by the Superintendent prior to the first delivery of water. For all subsequent deliveries of water, the water user will notify the watermaster or ditchrider when delivery is made.

Distribution and Apportionment: The stored and pumped water of the project is a common water supply in which all project lands are entitled to share equitably. Water users will be notified at the beginning of the season of the amount of stored and pumped water available and at later dates of additional apportionments as they are made. Waste of water by users must be avoided as far as physically possible in order that the supply shall be sufficient for the entire area in crop. When floods produce a supply of water in excess of demands or available storage facilities, free water shall be declared available and all water users will be promptly notified thereof. Such water shall not be counted as a part of the apportioned share to the lands on which it is used. The diversion right of six-acre feet per acre less system losses establishes the duty of water to the land.

Water Users Responsibility: Water users will be required to keep their farm ditches in suitable condition to take water from project laterals and to carry it to the lands being irrigated. Failure to do so may result in refusal of delivery of water to lands on which the farm ditches are not in condition to take the water ordered if this condition prevents proper operation of project laterals and structures and causes waste of water.

Walter R. Mills,

Acting Area Director.

[FR Doc. 84-12580 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alaska Off-Road Vehicle Designation Decisions

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decisions.

Decision

Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of E.O. 11644 and 11989 and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use.

The 466,000 acre area affected by the designations is known as the Tangle Lakes Archeological District in the Denali Block of the Southcentral Planning Unit. Comments received from three public meetings and numerous written responses influenced these designation decisions. The interim designations will remain in effect until evaluations and subsequent justifications for adjustment of the boundaries of the Tangle Lakes Archeological District are developed. These designations are published as final (43 CFR 4.21). An appeal may be filed within 30 days with Interior Board of Land Appeals.

The Bureau has consulted with the State Historic Preservation Officer and the Advisory Council on Historic Preservation to assure compliance with Sec. 106 of the National Historic Preservation Act of 1966.

A. Limited Designation.

1. Limited Season of Use—466,000.

The Tangle Lakes Archeological District is located west of Paxson, Alaska on the Denali Highway. This area is open to motorized vehicle use from October 16 through May 15 and closed to use from May 16 through October 15, except on designated roads and trails (see list below) to protect cultural resource values.

2. Use Limited to Designated Roads and Trails.

Vehicle use in this area is permitted on designated roads and trails which are identified with signs and on maps.

Within the Tangle Lakes Archeological District, the following roads and trails will be open to off-road vehicle use year-around.

1. Maclaren River Road.
2. Sevenmile Lake Trail.
3. Osar Lake Trail (south of Denali Highway to Osar Lake).
4. Swede Lake Trail (to Middle Fork Gulkana River).
5. Landmark Gap Trail (north of Denali Highway to a designated point approximately midway).
6. Glacier Lake Trail (to Glacier Lake).
7. Middle Fork Gulkana River Trail to Dickey Lake.
8. Landmark Gap Trail (south of Denali Highway, both forks to current termini).
9. Alphabet Hills Trail (to edge of Archeological District).
10. Maclaren Summit Trail (also known as Osar Lake trail north of Denali Highway to a point 2.5 miles from trailhead).

Landmark Gap Trail, north of Denali Highway from the midpoint to Landmark Gap Lake and the Yost/Top of the World Trail will be opened in the future as archeological clearances and appropriate mitigations are completed.

Additional trails may be opened in the future as archeological clearances and appropriate mitigations are completed.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the offices listed below.

ADDRESSES:

District Manager, Anchorage District Office, 4700 East 72nd Avenue, Anchorage, Alaska 99507.

Area Manager, Glennallen Resource Area, P.O. Box 147, Glennallen, Alaska 99588.

Kurt J. Kotter,

Glennallen Resource Area Manager.

Wayne Boden,

Anchorage District Manager.

[FR Doc. 84-12722 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-JA-M

Combined Hydrocarbon Development; Intent To Prepare an Environmental Assessment for Tar Sand Development on Asphalt Ridge in the Diamond Mountain Resource Area, Vernal District, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental assessment for Tar Sand Development on Asphalt Ridge in the Diamond Mountain Resource Area, Vernal District, Utah.

SUMMARY: This notice announces the intent of the Utah, Vernal District, Bureau of Land Management to prepare an Environmental Assessment for potential combined hydrocarbon (tar sand) development in the Asphalt Ridge Special Tar Sand Area. The developer would be the Sohio Shale Oil Company. The Sohio proposal includes three open-pit mines, a pilot processing plant, and a commercial processing plant. The mines would be located respectively in the NW¼ of Section 24, T4S, R20E; the NW¼ of Section 31, T4S, R21E; and the SW¼ of Section 31, T5S, R22E, SLBM. The pilot plant would be located in the latter quarter section, and the commercial plant would be located somewhere within the above locations. The purpose of the proposed project would be to develop Sohio's solvent assisted extraction process, and to prove design information for a commercial plant.

The possible effects of the proposal upon the following resources will be analyzed: Wildlife, including threatened and endangered fauna; soils; watershed; cultural resources; paleontology; vegetation, including threatened and endangered flora; air quality; minerals; visual resources; and socioeconomics.

The above constitutes a tentative list of the general issues to be addressed.

Written commnets, including those involving additional general or specific issues will be received through June 20, 1984. The address for comments or information is as follows: Bureau of Land Management, Ralph Heft, Area Manager, 170 South 500 East, Vernal, Utah 84078, (801) 789-1362.

The Draft Environment Assessment is scheduled for publication on October 19, 1984. Copies will be available upon request.

Lloyd H. Ferguson,

District Manager.

May 3, 1984.

[FR Doc. 84-12765 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-DQ-M

Fish and Wildlife Service

1984 Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") Contest

Introduction

The U.S. Fish and Wildlife Service hereby announces the dates and location for the 1984 Migratory Bird Hunting and Conservation Stamp ("Duck Stamp") Contest. The regulations governing the contest (50 CFR Part 91) have been amended since the closing of the 1983 contest. Persons intending to submit an entry in the contest may request a copy of the complete contest regulations as provided for in 50 CFR 91.11(b).

Dates and Location

1. In accordance with 50 CFR 91.11(a), the 1984 contest will open on July 1, 1984. As required by 50 CFR 91.11(b), entries accompanied by the non-refundable deposit required by 50 CFR 91.12, which has been increased to $25.00, may be received by the Service after July 1, 1984, but must be received or postmarked no later than midnight of October 1, 1984.

2. Pursuant to 50 CFR 91.14, the following five species of migratory birds are ineligible for portrayal in any entry because they have been selected for the Migratory Bird Hunting and Conservation Stamp during the preceding five years:

Mallard *(Anas platyrhynclias)*
Ruddyduck *(Oxyura jamaicensis)*
Canvasback *(Aythya valisneria)*
Pintail *(Anas acuta)*
Wigeon *(Mareca americana)*

3. In accordance with 50 CFR 91.22, the 1984 contest will be held on November 6 and 7, 1984, beginning at 9 a.m., in the Main Auditorium of the Department of the Interior, 18th and C Streets, NW., Washington, D.C.

Dated: May 7, 1984.

G. Ray Arnett,

Assistant Secretary, for Fish and Wildlife and Parks.

[FR Doc. 84-12733 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Alaska Outer Continental Shelf; Dates, Times, and Locations of Public Scoping Meetings Regarding the Environmental Impact Statements for Proposed Oil and Gas Lease, Sale No. 100 (Norton Basin) and Sale No. 107 (Navarin Basin)

The March 5, 1984, **Federal Register** contained a Notice of Intent to prepare an environmental impact statement (EIS) for proposed oil and gas Lease Sale No. 100, Norton Basin. A similar Notice appeared in the April 24, 1984, **Federal Register** for Lease Sale No. 107, Navarin Basin.

The Notice of Intent for each proposed sale announced the scoping process that will be followed for the preparation of each EIS. The scoping process will involve Federal, State, and local governments and other interested parties aiding the Minerals Management Service (MMS) in determining the significant issues and alternatives to be analyzed in the EIS. This will be done through a series of scoping meetings.

Since the onshore areas that could be affected by these two proposed lease sales overlap, we are soliciting comments on both sales at the scoping meetings noted below. The area included in each sale is described in the **Federal Register** Notices mentioned above. It is hoped that the information received at the scoping meetings will aid in identifying specific proposals and alternatives.

The scoping meetings will be held on the following dates at the locations and times indicated:

May 14, 1984
Community Center
Kipnuk, Alaska
(7:00 p.m.)

May 15, 1984
Community Center
Toksook Bay, Alaska
(7:00 p.m.)

May 16, 1984
Community Center
Hooper Bay, Alaska
(7:00 p.m.)

May 17, 1984
Community Center
Emmonak, Alaska
(7:00 p.m.)

Additional information concerning these meetings can be obtained from the Alaska Region, Leasing and Environment Office, Minerals Management Service, P.O. Box 101159, Anchorage, Alaska 99501, telephone (907) 261-2414.

It is possible that additional scoping meetings will be held during June 1984 in Unalaska, Cold Bay, St. George, and St. Paul. If the additional scoping meetings will be held, the times and locations will be announced at a future date in the **Federal Register** and by press release.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 84-12757 Filed 5-10-84; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-190]

Certain Softballs and Polyurethane Cores Therefor; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint and motion for temporary relief were filed with the U.S. International Trade Commission on April 3, 1984, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C 1337), on behalf of Lannom Manufacturing Co., Inc., Tullahoma, Tennessee 37388. The complaint alleges unfair methods of competition and unfair acts in the importation of certain softballs and polyurethane cores therefor into the United States, or in their sale, by reason of alleged (1) direct infringement of claims 3, 4, 5 and 10 of U.S. Letters Patent 3,976,295; (2) contributory infringement of said claims of the '295 patent; (3) infringement of complainant's federal trademark Registration No. 1,028,767; (4) false and deceptive advertising in violation of 15 U.S.C. 1125(a) and state law; (5) product disparagement in violation of 15 U.S.C. 1125(a) and state law; and (6) false designation of origin, false description of goods or false representations on goods or containers of goods in violation of 15 U.S.C. 1125(a). The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation, conduct temporary relief proceedings, and issue as temporary exclusion order prohibiting importation of the articles in question into the United States, except under bond, and a temporary cease and desist order. After a full investigation, the complainant requests that the Commission issue a permanent exclusion order and a permanent cease and desist order.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on May 1, 1984, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain softballs and polyurethane cores therefor into the United States, or in their sale, by reason of alleged (1) infringement of claims 3, 4,

5 and 10 of U.S. Letters Patent 3,976,295; (2) contributory infringement of said claims of the '295 patent; (3) infringement of complainant's federal trademark Registration No. 1,028,767; (4) false and deceptive advertising; and (5) false representation, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) Pursuant to section 210.24(e) of the Commission's rules, the motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930, which was filed on April 3, 1984, shall be forwarded to the presiding officer for an initial determination pursuant to section 210.53(b) of the rules.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Lannom Manufacturing Co., Inc., Tullahoma, Tennessee 37388.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Complete Merchants Corporation, 9th Floor, No. 319 Chung-Hsiao East Rd., Sec. 4, Taipei City, Taiwan

Success Chemical Co., Ltd., Room 403, San Chin Bldg. 31–1, Sec. 2, Shin Sheng North Rd., Taipei City, Taiwan

Diamond Sports Company, P.O. Box 637, 10602 Humbolt Street, Los Alamitos, California 90720

Regent Sports Company, Hauppauge, New York 11787

Keith Kleppe & Associates, 23272 Vista Grande Drive, Unit B, Laguna Hills, California 92653

Team West, P.O. Box 62, Redmond, Washington 98052

George Tyler Enterprises, 2950 South Jamaca Court, Suite 100, Aurora, Colorado 80014

B.O. Mickelson & Associates, 4111 Trail Ridge Circle, Ames, Iowa 50010

Dan Spika & Associates, 1121 Dallas Drive, Suite 5, Denton, Texas 76201

Mets-Rupp, Inc., 4901–05 Distribution Drive, Tampa, Florida 33605

Dave Middleton & Associates, P.O. Box 473, Willow Grove, Pennsylvania 19090

Paul Shaughnessy & Associates, 36 Grove Circle, Braintree, Massachusettes 02184.

(c) Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street, NW., Room 16, Washington,D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(4) For the investigation so instituted, Donald K. Duvall, chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Officer. Pursuant to § 210.24(e) Of the Commission's Rules of Practice and Procedure, the presiding officer shall determine as expeditiously as possible whether or not temporary relief proceedings should be instituted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 210.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Responses to the motion for temporary relief may be submitted by the named respondents in accordance with § 210.24(e)(3) of the Commission's rules. Any such responses must be filed within 20 days after service of the motion. Extensions of time for submitting responses to the complaint and/or the motion for temporary relief will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Room 156, Washington, D.C. 20436, telephone 202/423–0471.

FOR FURTHER INFORMATION CONTACT: Harold Brandt, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202/523–8498.

Issued: May 7, 1984.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 84–12705 Filed 5–10–84; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–52 (Sub–27)]

The Atchison, Topeka and Santa Fe Railroad Co.—Abandonment—In Pawnee and Payne Counties, OK; Notice of Findings

The Commission has found that the public convenience and necessity permit The Atchison, Topeka and Sante Fe Railway Company to abandon its 25.47 mile rail line between Camp (milepost 59.38) and Cushing (milepost 84.85) in Pawnee and Payne Counties, OK. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered 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 1152.27.

James H. Bayne,

Secretary.

[FR Doc. 84–12751 Filed 5–10–84; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–14,924]

Clark Equipment Co.; Notice of Revised Determination on Reconsideration

On April 2, 1984, the Department issued a Notice of Affirmative Determination Regarding Application for Reconsideration for former workers producing axles for forklift trucks, front-end loaders and dozers at Clark Equipment Company, Buchanan, Michigan. This determination was published in the **Federal Register** on March 2, 1984 (49 FR 7885).

The United Auto Workers' application for reconsideration states that the

Clark's Buchanan plant shipped axles not only to Clark's Battle Creek plant whose workers were certified for trade adjustment assistance (TA–W–14,512) but also shipped axles to Clark's Benton Harbor plant. Workers at Clark's Benton Harbor plant produce front-end loaders and dozers and were certified for trade adjustment assistance on May 19, 1983 (TA–W–14,171).

Findings in the investigation case file identify the articles produced at the Buchanan plant as axles for forklift trucks and construction equipment. The Department found in its initial determination that there was no basis for certification under the "integration of production" principle since the amount of axles shipped to Clark's plant was not significant. The Buchanan plant closed at the end of 1983.

On reconsideration, the Department realized that it should have considered Buchanan's axles shipped to Clark's Benton Harbor plant to be incorporated into front-end loaders and dozers. The Department found that the amount of axles produced at the Buchanan plant that were shipped to Clark's Battle Creek and Benton Harbor plants was enough to show a substantial integration of production for import-impacted forklift trucks, front-end loaders and dozers in 1981 and 1982. The Buchanan plant closed at the end of 1983.

U.S. imports of forklift trucks, in units, increased absolutely and relative to domestic shipments from 1980 to 1981 and increased relative to domestic shipments from 1982 compared to the prior year. Clark Equipment's share of domestic consumption of forklift trucks decreased from 1980 to 1981 and from 1981 to 1982. During the same period, imported forklift trucks captured an increasing share of domestic consumption. U.S. imports of front-end loaders and backhoes increased absolutely and relative to domestic shipments in 1982 compared to 1981.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of forklift trucks produced at Battle Creek and front-end loaders and dozers produced at Benton Harbor contributed importantly to the decline in sales and production of axles and to the total or partial separation of former workers at the Clark Equipment Company, Buchanan, Michigan. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Clark Equipment Company's Buchanan, Michigan plant who became totally or partially separated from employment on or after August 10, 1982 and before February 15, 1984 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of May 1984.

Robert A. Schaerfl,

Director, Office of Program Management, UIS.

[FR Doc. 84–12802 Filed 5–10–84; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–14,977]

Georgia Boot-Durango Boot Co.; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

According to Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a certification of eligibility to apply for worker adjustment assistance on March 9, 1984 to former workers of the Georgia Boot-Durango Boot Company, Gainesboro, Tennessee. The Notice of Certification was published in the **Federal Register** on March 20, 1984 (49 FR 10383).

The company informed the Department that several workers were retained after the November 1, 1983 termination date set in the certification. The workers were retained to close out the plant. The last layoff occurred on December 5, 1983. It was the Department's intent to include all workers as eligible to apply for adjustment assistance who were laid off from the Georgia Boot-Durango Boot plant in Gainesboro, Tennessee.

The amended certification for TA–W–14,977 is hereby issued as follows:

All workers of Georgia Boot-Durango Boot Company, Gainesboro, Tennessee who became totally or partially separated from employment on or after August 31, 1982 and before December 31, 1983 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 3rd day of May 1984.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 84–12803 Filed 5–10–84; 8:45 am]

BILLING CODE 4510–30–M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Stuck Mould Works, Inc., et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 30, 1984–May 4, 1984.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–15, 102; Stuck Mould Works, Inc., Stuck Castings Div., Lancaster, OH

TA–W–15, 100; Rockwell International Corp., Flow Control Div., Barberton, OH

TA–W–15, 155; Taylor Machine Works, Inc., Louisiana, MS

TA–W–15, 134; Cyprus Specialty Steel Co., Phoenix, AZ

TA–W–15, 118; Howmet Turbine Components Corp., Crucible Steel Casting Div., Milwaukee, WI

TA–W–15, 119; Moltrup Steel Products Co., Beaver Falls, PA

TA–W–15, 121; Union Carbide Corp., Linde Div., Lackawanna, NY

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–15,202; Banner Iron Works, Steel Fabrication Div., St. Louis, MO

TA–W–15, 098; Ohio Ferro Alloys Corp., Powhatan Point, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA–W–15, 171; Swepco Tube Corp., Clifton, NJ

Aggregate U.S. imports of stainless steel pipe and tubing did not increase as required for certification.

TA–W–15, 169; Lindberg Heat Treating Co., Oakland, CA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–15, 141; Comdial, Charlottesville, VA

The investigation revealed that criterion (2) has not been met. Sales and production increased in 1983 compared to 1982 and in January 1984 compared to January 1983.

TA–W–15, 151; Gary Works, U.S. Steel Corp., Gary IN

The investigation revealed that criterion (2) has not been met. Sales and production, or both, did not decline as required for certification.

TA–W–15, 144; G. H. Bass and Co., Wilton, ME

The investigation revealed that criterion (1) has not been met. Employment did not decline as required for certification.

Affirmative Determinations

TA–W–15, 142; G. H. Bass and Co., Rumford, ME

A certification was issued covering all workers separated on or after December 6, 1982.

TA–W–15, 143; G. H. Bass and Co., North Jay, ME

A certification was issued covering all workers separated on or after December 6, 1982.

TA–W–15, 156; United States Shoe Corp., Wilmington, OH

A certification was issued covering all workers separated on or after April 1, 1983.

TA–W–15, 160; Rubin Grais and Sons, Inc., Chicago, IL

A certification was issued covering all workers separated on or after December 16, 1982.

TA–W–15, 173; United States Steel Corp., Atlanta District Sales Office, Atlanta, GA

A certification was issued covering all workers separated on or after January 3, 1983.

TA–W–15, 177; Basic Microelectronics, Div. of Textron, Inc., Lake Park, FL

A certification was issued covering all workers separated on or after January 13, 1983.

TA–W–15, 125; Bertlyn Industries, Clifton, NJ

A certification was issued covering all workers separated on or after March 1, 1983 and before March 31, 1984.

TA–W–15, 126; Bertlyn Industries, New York, NY

A certification was issued covering all workers separated on or after Marh 1, 1983 and before March 31, 1984.

TA–W–15, 158; North American Philips Lighting Corp., Reform, AL

A certification was issued covering all workers separated on or after October 1, 1983 and before March 31, 1984.

TA–W–15, 199; Young Squire, Inc., Togs Plant, Hookerton, NC

A certification was issued covering all workers separated on or after January 20, 1983 and before May 1, 1983.

TA–W–15, 138; Sherwood Medical Co., Jackson, WI

A certification was issued covering all workers separated on or after August 1, 1983 and before February 15, 1984.

TA–W–15, 122; Cook Machinery Co., Div. of Wire Technology and Machinery Co., Hackensack, NJ

A certification was issued covering all workers separated on or after October 21, 1982 and before March 15, 1984.

TA–W–15, 081; Rexnord, Inc., Heavy Machinery Sector, Milwaukee, WI

All workers related to the production of parts for rock crushing equipment at Rexnord, Inc., Heavy Machinery Sector, Miwaukee, WI separated on or after January 1, 1983 and before March 31, 1984.

TA–W–15, 079; Laredo Manufacturing Co., Inc., Laredo, TX

A certification was issued covering all workers separated on or after September 28, 1982 and before April 30, 1983.

TA–W–15, 097; Levi Accessories, Inc., A Div. of Levi Strauss and Co., Cincinnati, OH

A certification was issued covering all workers excluding workers in the Distribution Centers separated on or after January 1, 1983.

I hereby certify that the aforementioned determinations were issued during the period April 30, 1984–May 4, 1984. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 8, 1984.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 84–12804 Filed 5–10–84; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–84–74–C]

Beckley Coal Mining Company; Petition for Modification of Application of Mandatory Safety Standard

Beckley Coal Mining Company, P.O. Box 145, Glen Daniel, West Virginia 25844 has filed a petition to modify the application of 30 CFR 75.321 (stoppage of fans) to its Beckley Mine (I.D. No. 46–03092) located in Raleigh County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that when any mine fan stops, immediate action be taken to withdraw all persons from the working sections and that power in the mine be cut off in a timely manner.

2. As an alternate method, petitioner proposes to continue the normal operations of the mine during periods when the auxiliary slope fan is shut down for scheduled maintenance or adjustment, uncontrolled stoppage, or fan failure.

3. In support of this request, petitioner states that:

a. The auxiliary slope belt fan is a surface installation to the slope belt entry to the underground mine workings which is used to regulate the volume of air by reversing the airflow descending from the slope collar, and to exhaust unneeded quantities of air as well as coal dust which may be created by varying pressures due to the export of coal from the belt compartment as it contacts the outside airflow;

b. The auxiliary slope belt fan is not used to increase the quantity of air taken into the working areas of the mine;

c. Airflow tests illustrate that during periods when this fan is stopped, the volume of air in the slope belt entry is actually increased; and

d. MSHA and mining officials agree that the auxiliary slope fan is unnecessary, and removal of the fan would not result in any safety hazard.

4. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health

Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 11, 1984. Copies of the petition are available for inspection at that address.

Dated: April 18, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-12806 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-84-103-C]

Sandy Fork Mining Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Sandy Fork Mining Company, Inc., Route 4, Box 30, Beverly, Kentucky 40913 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its No. 8 Mine (I.D. No. 15-11978) located in Bell County, Kentucky, its No. 11 Mine (I.D. No. 15-13455) and its No. 12 Mine (I.D. No. 15-14160), both located in Leslie County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment.

2. Coal is transported by a belt system and the track is used to transport supplies and personnel only. One car is used at a time on lightweight rails. The mines have narrow radius curves and much of the mine floor is uneven.

3. Petitioner states that the cars are too lightweight to guarantee coupling upon impact with automatic couplers.

The stress and strain on these lightweight mine car chassis may cause structual failure and result in coupler misalignment, accidental uncoupling and supply car runaways. The automatic couplers lack the flexibility to negotiate the curves in the mines and the use of such couplers could result in derailments, which could cause roof falls and injuries to personnel working along the track.

4. As an alternate method, petitioner proposes to use a pin and link coupling system. The supply cars will be brought to a complete stop before coupling and uncoupling. The cars will also be blocked to prevent movement. All employees will be trained in the procedure for coupling and uncoupling the cars.

5. Petitioner states that the proposed alternate method will provide the same measure of protection for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 11, 1984. Copies of the petition are available for inspection at that address.

Dated: May 2, 1984.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 84-12805 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Construction Safety and Health Advisory Committee; Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on May 30, 1984 in Room N5437 of the Department of Labor Building, 300 Constitution Avenue, NW., Washington, D.C. 20210. The meeting is open to the public and will begin at 9:30 a.m.

The agenda for the meeting will include a discussion of Voluntary Protection Programs, an update on OSHA health standards, a presentation of a NIOSH program called "Fatal Accident Circumstances and Epidemiology", and a general discussion of construction safety and health matters.

Written data, views or comments may be submitted, preferably with 20 copies to the Division of Consumer Affairs. Any such submission received prior to the meeting will be provided to the members of the Committee and will be included on the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline and the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman depending on the extent to which time permits. Communications may be mailed to Ken Hunt, Committee Management Officer, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3662 Washington, D.C. 20210; Telephone: 202-523-8024.

Material provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C., the 9th day of May 1984.

Patrick R. Tyson,

Deputy Assistant Secretary.

[FR Doc. 84-12824 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-26-M

Pension and Welfare Benefit Programs

[Application No. D-4379 et al.]

Proposed Exemptions; Bell System Pension Plan Trust et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for

public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Wahington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Bell System Pension Plan Trust; Bell System Management Pension Plan Trust; Bell System Trust (the Trust) Located in New York, New York

[Application Nos. D–4379, D–4380 and D–4381]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

(a) *General Exemption.* The restrictions of section 406(a)(1)(A) through (D) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any transaction arising in connection with the acquisition, ownership, management, development, leasing or sale or real property (including the acquisition, ownership or sale of any joint venture or partnership interest in such property) and the borrowing or lending of money in connection therewith, between a party in interest, with respect to the Trust, or any successor trust (Successor Trusts), as described herein, in which American Telephone and Telegraph Company (AT&T) serves as the named fiduciary, and the Trust or such Successor Trusts, provided that the following conditions are satisfied:

(1) The decision to invest the assets of the Trusts, directly or indirectly, in such transaction is made by AT&T or the Vice President and Treasurer of AT&T as a fiduciary of the trust;

(2) Any such party in interest is not—

(i) AT&T, any person directly or indirectly controlling, controlled by, or under common control with AT&T, any officer, director, or employee of AT&T or any of its subsidiary or affiliated companies, or any partnership in which AT&T is a 10 percent or more (directly or indirectly in capital or profits) partner; or

(ii) A person who exercises discretionary authority, responsibility or control or who provides investment advice with respect to the investment of Trust assets involved in the particular transaction;

(3) At the time the transaction is entered into, and at the time of any subsequent renewal or modification thereof that requires the consent of the Vice President and Treasurer of AT&T of any person to whom such responsibility has been delegated, the terms of the transaction are at least as favorable to the Trusts as the terms generally available in arm's-length transactions between unrelated parties.

(4) AT&T shall maintain for a period of six years from the date of each transaction mentioned above the records necessary to enable the persons described in subparagraph (5) of this section (a) to determine whether the conditions of this exemption have been met, except that (i) a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of AT&T, the records are lost or destroyed prior to the end of the six-year period, and (ii) no party in interest shall be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975(a) and (b) of the Code, if the records are not maintained, or are not available for examination as required by subparagraph (5) below; and

(5)(1) Except as provided in subdivision (ii) of this subparagraph (5) and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to in subparagraph (4) of this section (a) are unconditionally available at AT&T's headquarter's offices, or, upon prior arrangement with AT&T, at any other customary location for the maintenance and/or retention of such records, for examination during normal business hours by:

(A) Any duly authorized employee or representative of the Department of Labor or the Internal Revenue Service.

(B) Any fiduciary of a plan which is funded, in whole or part, by the Trust or any Successor Trust with respect to which AT&T is a named fiduciary or any duly authorized employee or representative of such fiduciary,

(C) Any participant or beneficiary of any plan which is funded, in whole or part, by the Trust or any Successor Trust with respect to which AT&T is a named fiduciary or any duly authorized representative of such participant or beneficiary.

(ii) None of the persons described in subdivisions (i)(B) and (i)(C) of this subparagraph (5) shall be authorized to examine AT&T's trade secrets or commercial or financial information which is privileged, confidential or of a properietary nature.

(b) *Specific Exemption.* The restrictions of sections 406(a)(1)(A) through (D) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to:

Transactions Involving Places of Public Accommodation. The furnishing of services, facilities and any goods incidential thereto by a place of public accommodation which is or may be considered an asset of the Trusts to a party in interest with respect to the Trusts if the services, facilities or incidental goods are furnished on a comparable basis to the general public, and if the requirements of subparagraphs (a)(4) and (5) of this proposed exemption are met.

Effective Date: If granted, this exemption will be effective December 1, 1984.

Summary of Facts and Representations

1. Prior to January 1, 1984, the effective date of the divestiture of AT&T and split-up of the Trust (Divestiture Date), the Trust had the following structure: The Trust was a tax-exempt trust established pursuant to the Bell

System Trust Agreement dated October 1, 1980. The Trust held assets as a group trust to hold, manage and invest assets held by trusts created under the Bell System Pension Plan and the Bell System Management Pension Plan (the Plans). As of December 31, 1981, the Plans covered approximately 1,150,000 participants, and had approximately $36 billion in assets.

2. The board of directors of AT&T had adopted an investment policy which has been implemented through the delegation of investment responsibility to outside trustees and registered investment managers for most of the assets of the Trust. However, certain investment responsibility has been retained by AT&T with respect to the management of specific investments or specific types of investments. This authority has been delegated to the Vice President and Treasurer of AT&T, Ms. Virginia A. Dwyer, who discharges this responsibility with the assistance of an in-house investment management staff and, under certain circumstances, a number of independent consulting firms. Under this delegation of authority, a certain portion of the real estate portfolio of the Trust is directed in-house by the Vice President and Treasurer of AT&T with the assistance of the staff of the Investment Management Division of AT&T (Investment Management Division) and, under certain circumstances, with the advice of independent professional advisors. AT&T serves as the overall administrator and named fiduciary of the Trust.

3. The Investment Management Division is comprised of 53 management employees, whose sole function is to assist in the administration and management of the assets of AT&T's funded pension and profit-sharing plans. More than 80 percent of the time and efforts of these employees is devoted solely to the administration and management of the Trust assets. Approximately $4 billion, or in excess of 7 percent of the total portfolio of the Trust, is currently invested or committed for specific investment in real estate and real estate related investments. Approximately $1 billion of this is directed in-house by the Vice President and Treasurer of AT&T.

4. As of the Divestiture Date, each regional holding company (RHC) which has become operative as a result of the break-up of AT&T has established one or more trusts for the investment and maintenance of funds associated with its newly created pension plans (RHC trust). Accordingly, the assets of the Trust have been divided and allocated among these new trusts and the Successor Trusts. The applicant has represented to the Department that, as of the Divestiture Date, the following trusts exist: (1) a Telephone Equity Real Estate Trust (Real Estate Trust) which holds Trust real property investments held as of December 31, 1983, or to be held pursuant to commitments to acquire real property made by the Trust on or before December 31, 1983; (2) a trust holding all assets not yet distributed to the RHC trusts (AT&T Divestiture Trust); (3) a new master pension trust known as the AT&T Master Pension Trust which provides benefits solely for post-divestiture AT&T and its affiliates' employees; and (4) the newly created RHC trusts. The assets of the Divestiture Trust and the Real Estate Trust are allocable in indivisible form to its participating plans and trusts. The applicant represents that exemptive relief will only apply prospectively to the Real Estate Trust, the AT&T Divestiture Trust, the AT&T Master Pension Trust (the Successor Trusts), or to any other trusts to which AT&T serves as the named fiduciary. Exemptive relief will not apply to the RHC trusts.

AT&T represents that after divestiture the Investment Management Division has not materially changed as it employs approximately the same number of employees performing similar functions as before divestiture.

5. The applicant requests an exemption to allow the Successor Trusts to engage in certain real property transactions which may otherwise be prohibited under the Act. The applicant also requests exemptive relief, effective from December 1, 1982, for certain real property transactions, to be described below, involving the Trust which may otherwise have been prohibited under the Act. AT&T represents that all past and prospective transactions have been and will be effected on behalf of the Trust and the Successor Trusts by the Investment Management Division, and involve parties in interest who have not had, and will maintain no formal authority over the investments.

6. The applicant requests such relief because due to the size and complexity of the sponsor of the Trust, AT&T, the normal operation of the Trust and Successor Trusts in real property investments may involve party in interest transactions as described in the Act. The Department recognizes this situation and, to date, has proposed and granted a number of individual exemptions on behalf of the Trust involving real estate investments where parties in interest who maintain no formal authority over the investments have been involved.

7. AT&T has described general prototypes n which the Trust has and will continue to invest in real property. The applicant represents that typically real property investments are made through a limited partnership between the Trust, as a limited partner, and another party experienced in real estate acting as a general partner. This partnership either directly invests in property or enters into another partnership with a real estate developer to acquire and own fee or leasehold interests in property, and to construct, own, and/or operate the improvements. As a result of such real property investment arrangements prohibited transactions by and between the Trust and party in interest bank lenders, lessees, joint venturers, and partnership partners may occur. Such parties would maintain no authority with respect to the Trust's investment.

8. The past transactions for which the applicant requests relief are similar in nature to the prototype investment vehicles. These transactions identified by the applicant involve three partnerships which have been formed between the Trust, as limited partner, and Corporate Property Investors (CPI), a Massachusetts business trust qualifying as a real estate investment trust, as the general partner.

The first partnership involves EMI Cambridge Limited Partnership (EMI Cambridge) which was formed as of december 13, 1982. Subsequent to its formation, EMI Cambridge entered into an agreement dated December 17, 1982, with Charles Square Associates (CSA), a Massachusetts joint venture comprised of third party joint venturers, in which EMI Cambridge agreed to purchase land for $4,000,000 from CSA and to lease such land back to CSA (the Ground Leases). CSA will construct on the Cambridge Property a hotel, a parking facility, a retail facility and an office building (the Cambridge Improvements). Construction financing for the Cambridge Property will be provided by one or more construction lenders, the identity of which is not yet known. EMI Cambridge has agreed to supply permanent financing up to a maximum principal amount of $57,000,000. EMI Cambridge will participate in the gross receipts from the Cambridge Improvements pursuant to the terms of the Ground Lease.

The second partnership involves the EMI Two Limited Partnership (EMI Two) which was formed as of December 15, 1982. Subsequent to its formation, EMI Two formed Crystal Mall

Associates Limited Partnership (Crystal), a Connecticut limited partnership, with Waterford Associates, L.P., a Massachusetts limited partnership, formed pursuant to an agreement dated as of December 20, 1982 (the Crystal Partnership Agreement). The principal purposes of Crystal are to develop and operate a shopping center complex in Waterford, Connecticut (the Crystal Mall Project). The Crystal Partnership Agreement provides the EMI Two has a 50 percent limited partnership interest, all or any part of which may be converted into a general partnership interest in Crystal. Construction financing for the Crystal Mall Project will be provided by the First National Bank of Boston (NFB of Boston). EMI Two will enter into a Buy-Sell Agreement with FNB of Boston to enable EMI Two to assume the unpaid principal amount of the FNB of Boston construction loan and to make a permanent loan to Crystal in the maximum principal amount of $45,738,858.

The third partnership involves Santa Rosa Associates, a California limited partnership (Associates) which, on December 23, 1982, entered into an agreement (the Purchase Agreement) with CPI providing for the acquisition by CPI of all Associates' right, title and interest in and to Santa Rosa Plaza (and property related thereto), a regional, enclosed mall shopping center located in Santa Rosa, California (the Santa Rosa Property). On such date, the Santa Rosa Property was subject to a construction loan made by the Bank of America National Trust and Savings Association, a national banking association, to Ernest W. Hahn, Inc., a California corporation and general partner of Associates. On January 17, 1983 pursuant to the terms of the Purchase Agreement, Associates caused such construction loan to be paid in full. In order to consummate the purchase of the Santa Rosa Property, EMI Santa Rosa Limited Partnership (EMI Santa Rosa) was formed as a limited partnership under the laws of the State of California pursuant to an agreement dated january 18, 1983, between the Trust as limited partner and CPI as general partner. On January 20, 1983, CPI assigned to EMI Santa Rosa all its right, title and interest as purchaser under the Purchase Agreement, and EMI Santa Rosa assumed all the liabilities and obligations of CPI arising under the Purchase Agreement. On January 21, 1983, EMI Santa Rosa purchased the Santa Rosa Property from Associates pursuant to the terms of the Purchase Agreement.

9. Such transactions may have involved prohibited transactions between the Trust and certain parties in interest. The applicant represents that CPI is completely independent of AT&T, and has had no discretion, authority or control with respect to the exercise of AT&T's fiduciary responsibility relating to these transactions.

10. The applicant states that it is possible that the investment by the Trust in places of public accomodation may result in the use of such facilities by parties in interest. Therefore, such transactions involving these places of public accommodation may constitute prohibited transactions as described in the Act.

11. All transactions which are the subject of this exemption request will be subject to the discretion and control of the Investment Management Division. The Investment Management Division operates as follows:

Potential directed real estate investments are generally brought to the attention of AT&T by major real estate institutional investors, brokers or investment advisors seeking to form an investment joint venture or consortium. Such potential real estate investments are subjected to various evaluations, including whether the proposed investment satisfies the objectives of the Trust, such as diversification, etc. Less that 20 percent of the proposed investments pass this initial screening stage.

12. Those potential real estate investments that pass the initial screening are presented to the Committee on Special Investments (the Committee) of the Investment Management Division for its further review and disposition. The Committee, comprised of the principal management personnel of each section of the Investment Management Division, reviews each proposal to assure that the fundamental assumptions upon which the detailed analyses were performed are reasonable; that the investment does in fact contribute to attaining the diversification and allocation objectives established for the Trust; and that, in general, the investment is prudent, is consistent with the fundamental plan of investment for the Trust, including timely provision for cash flow, and is in the best interests of the Trust and the Plans' participants and beneficiaries.

13. As mentioned above, the Committee has established rigorous financial standards and procedures to ensure sound real estate investments with appropriate rates of return. These standards include, among other things, inspections and appraisals of the property under consideration, analyses of major existing and prospective tenants and evaluations of numerous other financial and non-financial considerations such as size, location, actual and potential use, financing, taxes, insurance, title requirements and compliance with zoning and other applicable laws. It is only after the foregoing intensive analysis and review that a recommendation to made to the Vice President and Treasurer of AT&T with respect to the proposed investment. Fewer than 10 percent of the investments initially reviewed by the Investment Management Division are ultimately approved for investment by the Vice President and Treasurer.

14. The applicant represents that any covered transactions will be on terms not less favorable to the Trusts than those available between the trusts and unrelated parties. The applicant represents that given the size and scope of the trusts and their investments, and its relationship to numerous financial institutions, denial of the exemption would substantially inhibit the trusts from investing in many prime quality real estate projects of substantial size.

15. In summary, the applicant represents that the transactions meet the criteria for an exemption as provided in section 408(a) of the Act because (a) all investments will be subject to the discretion and control of the Investment Management Division which has extensive experience in real property investments and makes complete analyses whth respect to Trust investments; (b) the Trust has been and the Successor Trusts will be able to enter into transactions which, although prohibited, are necessary for the prudent conduct of the trusts' operation; (c) all transactions will involve parties who are completely independent from AT&T and will have no discretion, authority or control with respect to the exercise of AT&T's fiduciary responsibility relating to the transactions; and (d) all transactions will be conducted on an arm's-length basis on terms not less favorable to the Trusts than those available in arm's-length transactions with unrelated parties.

Notice to Interested Persons: Notice will be provided to interested persons within 20 days of the date of publication of this notice in the **Federal Register**. Comments and hearing requests are due within 50 days from the date of publication.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Radiology Medical Group Profit Sharing Plan (the Plan) Located in San Diego, California

[Application No. D-4475]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed continuation past June 30, 1984 of a lease of certain real property by the Plan to Radiology Medical Group, Inc. (the Employer), the sponsor of the Plan, provided that such lease is on terms and conditions at least as favorable to the Plan as those obtainable by the Plan in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a qualified profit sharing plan with 51 participants and total assets of $5,537,027.71 as of January 31, 1983. The Employer is a California professional corporation engaged in the general practice of radiological medicine in San Diego, California, with total net assets of $3,439,682 as of January 31, 1983. Among the Plan's assets is a parcel of real property (the Property) located at 2466 First Avenue in San Diego, California. The Property represents approximately 22 percent of the Plan's assets as of January 31, 1983. The Employer owns a medical office building and other improvements on the Property which are maintained as the Employer's principal place of business. The Employer currently leases the Property from the Plan under a lease (the Original Lease) dated June 24, 1974. The Employer asserts that the Original Lease is a lease involving a party in interest pursuant to a binding contract in effect on July 1, 1974, as defined under sections 414(c)(2) and 2003(c)(2)(B) of the Act, and therefore, is statutorily exempt until June 30, 1984 from the prohibitions of sections 406 and 407 of the Act and section 4975 of the Code by virtue of sections 414(c)92) and 2003(c)(2)(B) of the Act.[1] The Employer recognizes that the statutory exemption for the Original Lease would expire on June 30, 1984, and therefore proposes that upon grant of an administrative exemption the Plan and the Employer terminate the Original Lease and enter into a new lease (the New Lease) of the Property by the Plan to the Employer that would extend beyond that date.

2. The New Lease would be a triple net lease for a term of twenty years. The interest of the Plan under the New Lease for all purposes will be represented by the California First Bank (the Trustee) located in San Diego, California. The Trustee represents that it is independent of and unrelated to the Employer and that it has substantial fiduciary experience under the Act. The annual rental under the New Lease will be payable in equal monthly installments. The initial annual rental under the New Lease will be $126,000, such amount having been determined to be the fair market rental value of the Property on May 1, 1983 by Charles L. Kendrick, MAI (Kendrick), a professional real estate appraiser whose office is located in San Diego, California and who is unrelated to and independent of the parties to the New Lease. The New Lease provides for a review of the annual rental every five years on the anniversary date of the commencement of the New Lease to provide for increases in annual rental under the New Lease commensurate with any increases in the fair market rental value of the Property. Such review will be conducted by an independent, unrelated professional real estate appraiser selected by the Trustee. The New Lease provides that any adjustment of rental resulting from such review shall be upward only and that any decrease in the fair market rental value of the Property shall not result in any decrease in the rental under the New Lease. The New Lease requires the Employer to pay all repair and maintenance costs of the Property, to pay all real estate taxes on the Property, and to carry fire, extended coverage and public liability insurance on the Property to the full extent of the insurable value of the Property with the Plan as the named insured. Under the New Lease the Employer will indemnify the Plan and hold the Plan harmless from all claims, demands, liens, losses and liabilities of any nature arising from the Employer's use of the Property. The New Lease will provide that upon the expiration of the initial 20-year term of the New Lease, with the approval of the Trustee, the Employer may extend the New Lease for up to two additional terms of five years each upon written notice to the Trustee at least six months prior to the expiration of the initial term or the expiration of the first five-year renewal term, whichever is applicable. Rental under such extended five-year term(s) will be determined through appraisal by an independent professional appraiser selected by the Trustee under the same procedure required by the New Lease for rental review every five years during the initial 20-year term of the New Lease.

3. The Trustee will monitor on behalf of the Plan the performance of the Employer under the New Lease and will represent the Plan in the enforcement of the terms and conditions of the New Lease. The Trustee represents that it has examined the terms and conditions of the New Lease, including appraisals of the Property's fair market value and fair market rental value, and has determined that the terms are equivalent to an arm's-length transaction between unrelated parties. The Trustee represents that the New Lease contains adequate protections for the participants and beneficiaries of the Plan and that the lease constitutes a prudent investment for the Plan. The Trustee further represents that the Plan's investment in the Property does not adversely affect the Plan's liquidity needs and that with the investment in the Property the Plan is appropriately diversified. The fair market value of the Property has been appraised by Ronald C. Horndorf, MAI (Horndorf), an independent professional real estate appraiser whose office is located in La Mesa, California. Horndorf represents that as of October 4, 1982, the Property had a fair market value of $1,200,000. The Employer represents that, other than the Property, there are no Plan assets to which the Employer has any relationship or of which the Employer is lessee or user.

4. In summary, the Employer represents that the New Lease will satisfy the statutory criteria of section 408(a) of the Act because: (1) The New Lease is a triple net lease requiring the Employer to pay all costs of repair and maintenance and all taxes and insurance on the Property; (2) the interests of the Plan under the New Lease will be represented by the Trustee, an independent fiduciary which is unrelated to the Employer and who will monitor performance of the terms and conditions of the New Lease on behalf of the Plan; (3) the New Lease will require periodic assessments to ensure that the rental remains at least

[1] The Department expresses no opinion as to whether the Original Lease constituted a lease pursuant to a binding contract in effect on July 1, 1974 as defined under sections 414(c)(2) and 2003(c)(2)(B) of the Act or whether the Original Lease is statutorily exempt until June 30, 1984 from the prohibitions of sections 406 and 407 of the Act and section 4975 of the Code by virtue of sections 414(c)(2) and 2003(c)(2)(B) of the Act.

the fair market rental value of the Property; and (4) the Trustee has evaluated the New Lease on behalf of the Plan and has determined that it is on terms and conditions which are equivalent to an arms-length transaction between unrelated parties and that it contains adequate protections for the Plan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

For further information contact: Ronald Willlett of the Department, telephone (202 523–8194. (This is not a toll-free number.)

Western Printing Ink Profit Sharing Retirement Plan and Trust (the Plan) Located in San Francisco, California

[Application No. D–4624]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 1871, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the loan (the Loan) by the Plan of $80,000 to 777 Tennessee Street Partnership (the Partnership), provided the terms and conditions of the Loan are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a profit sharing plan providing individual accounts for its participants. As of March 1, 1983, the Plan had six participants and assets having a fair market value of $909,000. (No part of this amount is currently lent to the participants pursuant to the terms of the Plan.) The trustees of the Plan (the Trustees) are Messrs. Harold S. Wayne and Edward R. Burk. These individuals are also the principal officers and directors of Western Printing Ink (the Employer). Investment decisions for the Plan are made by the Trustees following consultation as to investment possibilities with a representative of the Investment Trust Department of the Hibernia Bank (Hibernia), a California banking corporation.

2. The Employer is a California corporation that is engaged in the business of manufacturing commercial printing ink. The Employer maintains its principal place of business at 777 Tennessee Street, San Francisco, California.

3. The Partnership is a general partnership having the Trustees as the sole partners each with 50 percent partnership interests. The Partnership was formed by the Trustees on May 20, 1977 for the purposes of "acquiring, owning, operating, improving, leasing, disposing of and otherwise managing for investment purposes such real or other property (including personal property used in conjunction therewith) and interests therein as shall be acquired by the Partnership, and to engage in any and all general business activities related or incidental to those purposes." The Partnership is also located at 777 Tennessee Street, San Francisco, California.

4. The Plan proposes to lend the Partnership the sum of $80,000. The Loan, which will be evidenced by a promissory note, will be for a period of five years at an interest rate of 15 percent per annum. The Loan will be repaid by the Partnership in monthly installments of $1,053 representing interest plus principal payments according to a 20 year amortization schedule. At the end of the five year period, the outstanding principal balance will be $75,266. This amount will be paid in one lump sum. The exemption application states that the Employer is currently paying the Partnership monthly rental in the amount of $3,500 and the Partnership will use a portion of the rental to pay the monthly installments.

5. The Loan will be secured by a duly recorded second deed of trust on a parcel of real property (the Real Property) located at 777 Tennessee Street. The Real Property consists of a commercial office, warehouse and service facilities. The Real Property has an appraised value of $400,000 according to an appraisal report of April 4, 1983 prepared by Mr. Michael Shafer (Mr. Shafer), a senior real estate appraiser who is affiliated with Hibernia. Mr. Shafer is in no way related to the Employer or the Partnership. The balance due on the first deed of trust, which was made by Hibernia (the Hibernia Loan), was $132,390 as of August 30, 1983. The loan was obtained in 1977 for $143,000 and bears interest at 9¾ percent per annum for 25 years. The Partnership represents that the value of the collateral will at all times equal 150 percent of the outstanding balance of the Hibernia Loan and the Loan. If the value of the collateral falls below the 150 percent level during the life of the Loan, the Partnership will pledge additional collateral. The Partnership also represents that it will also keep the collateral adequately insured against casualty loss for the benefit of the Plan at no cost to the Plan.

6. According to the exemption application, two San Francisco mortgage bankers, Messrs. James B. McConnico (Mr. McConnico) of JBM Associates and Robert Cushman III (Mr. Cushman) of Embarcadero Mortgage Corporation have represented that the proposed Loan is fair and equitable in light of the current market conditions. Mr. Cushman has indicated that loans similar to the Loan described herein are being made at interest rates of 14½ to 15½ percent per annum. Mr. McConnico states that similar-type loans are being made at interest rates of 14½ percent per annum.

7. Mr. Gene Adams (Mr. Adams) of Gene Adams and Associates, which is located in San Francisco, California, will serve as the independent fiduciary for the Plan with respect to the Loan. Mr. Adams has substantial experience in the administration of pension and profit sharing plans including the plans of the Employer. Of the total fees received by Mr. Adams, the percentage representing the fee Mr. Adams receives from the Plan is .0057 percent.

Mr. Adams believes the Loan is an appropriate transaction for the Plan and thinks it is in the best interests of the Plan's participants and beneficiaries. Mr. Adams feels the interest rate for the Loan is a fair and just interest rate that will give the Plan as great a return on its investment as it would receive if it were to invest the proceeds in a comparable investment. Mr. Adams indicates he has been advised that the Partnership has sufficient cash on hand to make the required monthly installments for the Loan since the Partnership will utilize a portion of the rental payments presently received from the Employer to pay the monthly installments. Mr. Adams also believes the Loan is permitted under Article 12 of the Trust Agreement for the Plan.

As the independent fudiciary, Mr. Adams will be empowered and directed to enforce the terms of the Loan including, making demand for timely payment, bringing suit or other appropriate process against the

Partnership in the event of material default, keeping accurate records, and reporting at least annually to the Trustees on the performance of the Loan, specifically including whether the value of the collateral securing the Loan remains equal to at least 150 percent of the outstanding balances of the first trust deed loan and the Loan.

8. In summary, the applicants represent that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) the Loan will be secured by Real Property having an appraised value of almost double the encumbrances on the Real Property; (b) the Partnership will insure the collateral in favor of the Plan and guarantee that the value of collateral securing the Loan is always at least 150 percent of the outstanding balance of the Hibernia Loan and the Loan; (c) the Loan will be administered by Mr. Adams, an independent fiduciary; and (d) Mr. Adams has determined that the transaction is appropriate for the Plan and it is in the best interests of the Plan's participants and beneficiaries.

For further information contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Ronald L. Chez, Inc. Pension Plan (the Plan) Located in Berkeley, California

[Application No. D-5100]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to: (1) The proposed loan (the Loan) of $75,000 by the Plan to Petrelli Enterprises, Inc. (Petrelli), a corporation which will be a disqualified person with respect to the Plan; and (2) the proposed guarantee of the Loan by Ronald L. Chez (Chez), a disqualified person with respect to the Plan, provided that the terms of the proposed transactions are no less favorable to the Plan than those which the Plan could obtain at arm's length with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined benefit pension plan in which Chez is the sole participant. Chez and his wife, Marilyn Chez (together, the Trustees), are the trustees of the Plan, which had total assets of approximately $875,000 as of December 31, 1983. The Plan sponsor is Ronald L. Chez, Inc., a California corporation engaged in a variety of business consultation services and of which Chez is the sole owner.[1]

2. Chez is currently engaged in the organization and formation of a new business enterprise in which he will hold substantial interests. Chez and an independent co-investor, Robert Moffett (Moffett), will form a Texas closely-held corporation, Petrelli, in which Chez will own 65% of the only class of stock and will be an active manager. Petrelli will specialize in marketing Italian-inspired American cuisine through retail outlets. Chez and Moffett project initial capitalization of Petrelli to total approximately $255,000. Chez and Moffett will be the sole initial shareholders of Petrelli.

3. Trustees propose for the Plan to invest in the initial capitalization of Petrelli by making the Loan of $75,000 to Petrelli. The terms of the proposed Loan will provide for interest at the rate of one percent over the prime rate being charged by the Westamerica Bank of San Raphael, California, adjusted daily, per annum, compounded and paid quarterly over seven years. Principal will be payable in sixteen equal quarterly installments at the end of each calandar quarter during the fourth through the seventh years of the Loan. The final payment of interest and principal will be due on the seventh anniversary of the Loan. Petrelli's obligations under the Loan will also be personally guaranted by Chez and Moffett, who represent that they have a combined net worth in excess of $1,000,000.

4. Chez represents that all terms and conditions of the Loan were negotiated at arm's length between himself and Moffett, who was previously unrelated to Chez. Chez represents that the terms of the proposed Loan conform to the standards commonly followed by commercial lenders in similar transactions. Chez further represents that the Loan represents an opportunity for the Plan to make an investment with excellent potential for gain and very small risk of loss.

5. The Trustees represent that it is their intention that Chez will remain the only participant in the Plan for the duration of the Loan. The Trustees represent that in the event other individuals become eligible for participation in the Plan, a separate plan with the same provisions of the Plan will be established for such future participants. Thus, Chez is the only person who will be affected by the subject transaction.

6. The proposed terms and conditions of the Loan have been reviewed and evaluated by L. Arthur Boyd (Boyd), Vice President and Loan Supervisor for Westamerica (the Bank) in San Raphael, California, who represents that he is independent of and unrelated to the parties to the proposed Loan. Boyd represents that the proposed Loan is on terms and conditions under which the Bank would approve a loan under the same circumstances to Petrelli.

7. In summary, the applicant represents that the proposed transactions satisfy the criteria of section 4975(c)(2) of the Code because: (1) The Loan represents a favorable investment opportunity for the Plan with a very small risk of loss, due to the personal guarantees of Chez and Moffett who represent a combined net worth far in excess of the Plan's investment in the Loan;(2) the Loan provides the Plan a favorable return of one percent per annum over the prime rate of the Bank, paid quarterly; and (3) Chez as the sole Plan participant is the only person to be affected by the proposed Loan, and the Trustees, including Chez, have determined that the proposed Loan will be in the best interests of the Plan.

Notice to Interested Persons

Because Ronald L. Chez is the sole shareholder of the Plan sponsor and the only participant in the Plan, it has been determined that there is no need to distribute the notice of pendency to interested persons. Comments and requests for a hearing must be received by the Department within 30 days of the date of publication of this notice of proposed exemption.

For further information contact: Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404

[1] Since Ronald L. Chez is the sole stockholder of the Plan sponsor and the only participant in the Plan, there is no jurisdiction under title I of the Act purusant to 29 CFR 2510.3-3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 8th day of May 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-12749 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 84-42; Exemption Application No. D-4150 et al.]

Grant of Individual Exemptions; Five Star Chemical Corporation Profit Sharing Retirement Plan et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employment Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Five Star Chemical Corporation Profit Sharing Retirement Plan (the Plan) Located in Oklahoma City, Oklahoma

[Prohibited Transaction Exemption 84-42; Exemption Application No. D-4150]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale by the Plan of certain real property (the Real Property) to Five Star Chemical Corporation for the cash consideration of $225,000, provided the price paid for the Real Property is not less than fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 13, 1984 at 49 FR 9509.

For further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

MFA Employees Retirement Plan (the Plan) Located in Columbia, Missouri

[Prohibited Transaction Exemption 84-43; Exemption Application No. D-4375]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) The proposed purchase by the Plan of certain real property (the Property) from the First Missouri corporation, a party in interest with respect to the Plan, for cash in the amount of $900,000, provided that this amount is not more than the fair market value of the Property at the time of such purchase; and (2) the proposed leasing of portions of the Property to MFA, Inc. (MFA), MFA Oil Company (MFA Oil), Global Travel Service, Inc. (Global) and MFA Employees Credit Union, parties in interest with respect to the Plan, provided that the terms and conditions of such leasing are at least as favorable to the Plan as those which the Plan could receive in similar transactions with unrelated parties; (3) the guarantee by MFA of the lease payments of MFA Oil and Global for a period of 5 years; and (4) the guarantee of MFA of the rental of the portion of the Property that will be occupied by MFA Oil and Global for an additional 5 years at the conclusion of the 5 year Lease of MFA Oil and Global.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 16, 1984 at 49 FR 9981.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Arizona State Trailer Sales, Inc. Profit Sharing Plan; and Arizona State Trailer Sales, Inc. Pension Plan (the Plans) Located in Mesa, Arizona

[Prohibited Transaction Exemption 84-44; Exemption Application No. D-4762]

Exemption

The restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) Loans (the Loans) by the Plans of no more than 25% of either of the Plans' assets to Arizona State Trailer Sales, Inc. (the Employer), provided that the terms and conditions of the Loans are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party; and (2) the guarantee of repayment of the Loans by Roy L. Sampson, the principal shareholder of the Employer.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 13, 1984 at 49 FR 9510.

For Further Information Contact: David M. Cohen of the Department, telephone (202) 523-8671. (This is not a toll-free number.)

Verne Kallejian, Ph.D., A Psychological Corporation Pension Plan (the Plan) Located in Los Angeles, California

[Prohibited Transaction Exemption 84-45; Exemption Application No. D-4898]

Exemption

The sanctions resulting from the applicationof section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the borrowing by the Plan of the maximum loan values on life insurance policies held by the Plan and issued by John Hancock Life Insurance Co., which provides services to the Plan. Because Verne Kallejian, Ph.D. is the sole participant in the Plan and is also the sole owner of Verne Kallejian, Ph.D., A Psychological Corporation, the Plan is not subject to Title I of the Act, including section 406, pursuant to 29 CFR 2510.3-3 (b) and (c)(1). However, the Plan is subject to Title II of the Act, which includes section 4975 of the Code.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 3, 1984 at 49 FR 13220.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provision of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 8th day of May 1984.

Elliot I. Daniel,

Acting Assistant Administrator for Fiduciary Standards, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 84-12750 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given of the thirty-fourth meeting of the National Commission for Employment Policy at the Westgate Hotel, 1055 Second Avenue, San Diego, California.

DATE: June 7, 1984, 3:30 pm-5:00 pm and June 8, 1984, 9:00 am-12:30 noon.

Status: This meeting will be open to the public.

Matters to be discussed: In connection with site visits and presentations, the Commission will discuss the California experience in developing and implementing employment policy and how that experience can assist the Commission in its plan to develop and American employment policy. They will also discuss recommendations on the older workers' project and hear updates on the changes in the work place and programs and policies projects.

FOR FURTHER INFORMATION, CONTACT: Ms. Patricia Hogue, director, National Commission for Employment Policy, 1522 K Street NW., Suite 300, Washington, D.C. 20005, (202) 724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97-300). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questioning of the Commissioners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for

public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C., this seventh day of May 1984.

Patricia W. Hogue,

Director.

[FR Doc. 84-12810 Filed 5-10-84; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel Meeting

AGENCY: National Endownment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

1. Date: May 31—June 1, 1984.
Time: 9:30 a.m. to 5:00 p.m.
Room: 415
Program: This meeting will review applications submitted to the Humanities, Science and Technology Program, Division of Research Programs, for projects beginning after September 1, 1984.

2. Date: June 4, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in American LIterature, submitted to the Division of Fellowships and Seminars, for projects beginning after Octobeer 1, 1984.

3. Date: June 5, 1984.
Time: 8:30 a.m to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in History I, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1984.

4. Date: June 6, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in Classical, Medieval and Renaissance Studies, submitted to the Disivision of Fellowships and Seminars, for projects beginning after October 1, 1984.

5. Date: June 7, 1984.
Timne: 8:30 a.m. to 5:30 p.m.
Room 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in History II, submitted for the Division of Fellowships and for projects beginning after October 1, 1984.

6. Date: June 7-8, 1984.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted by state humanities committees, Division of State Programs, for activity beginning after November 1, 1984.

7. Date: June 11, 1984.
Time: 9:00 a.m. to 5:30 p.m.
Room : 415
Program: This meeting will review Summer Seminars for Secondary School Techers, applications in Comparative Literature and Arts II, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1984.

8. Date: June 12, 1984.
Time: 8:30 a.m. to 5:30 pm.
Room: 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications on Comparative Literature and Art I, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1984.

9. Date: June 13, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in Philosophy and Religion, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1984.

10. Date: June 14-15, 1984.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted by state humanities committees, Division of State Programs, for activity beginning after November 1, 1984.

11. Date: June 15, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2
Program: This meeting will review Summer Seminars for Secondary School Teachers, applications in English Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after October 1, 1984.

12. Date: June 28-29, 1984.
Time: 9:00 a.m. to 5:30 p.m.
Room: 415
Program: This meeting will review applications submitted by state humanities committees, Division of State Programs, for activity beginning after November 1, 1984.

13. Date: May 31, 1984.
Time: 8:30 a.m. to 5:30 p.m.
Room: 315.
Program: This meeting will review Centers for Advanced Study applications submitted to the Division of Fellowships and Seminars, for projects beginning after January 1, 1985.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506; or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 84-12885 Filed 5-10-84; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket 50-289]

Metropolitan Edison Company, et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), for operation of the Three Mile Island Nuclear Station, Unit No. 1, located in Dauphin County, Pennsylvania.

In accordance with the licensees' application for amendment dated January 26, 1984, the proposed amendment would remove the present limits on receipt, possession, and use of byproduct, source, or special nuclear material for sample analysis and instrument calibration, and would permit receipt, possession, and use of such material in amounts as required for such purposes and for testing and uses associated with radioactive apparatus.

Before issuance of the proposed license amendment, the Commission

will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means the operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment, which is similar to the license requirements already in place at most operating plants, does not affect plant design or operation, and does not involve modifications to plant equipment or changes that would affect plant safety analyses. In addition, the proposed amendment permits receipt, possession, and use, subject to all applicable provisions of 10 CFR Parts 30, 40, and 70, only of amounts of radioactive material required for the identified purposes. This amount is not expected to be significantly greater than amounts previously used for the same purposes. The radiological protection program at TMI–1 has previously been found acceptable, and the Commission's staff will continue to assure that the licensee's procedures regarding such possession, use, and transfer are adequate. Therefore, based on all of the above, operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that the amendment request involves no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

By June 11, 1984, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700).

The Western Union operator should be given Datagram Identification Number. 3737 and the following message addressed to John F. Stolz: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036, Attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 7th day of May, 1984.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 84-12780 Filed 5-10-84; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-244]

Rochester Gas and Electric Corp.; Exemption

I

Rochester Gas and Electric Corporation (the licensee) is holder of Provisional Operating License No. DPR-18 which authorizes operation of the R. E. Ginna Nuclear Power Plant (Ginna). This provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect. The facility is a pressurized water reactor rated at 1520 megawatts (thermal) and is located at the licensee's site located in Wayne County, New York.

II

A change to the regulation 10 CFR 50.54, issued on July 11, 1983, requires that, effective January 1, 1984, the minimum shift staffing for an operating, single unit nuclear power plant include: (1) An individual holding a senior reactor operator (SRO) license who is assigned responsibility for overall plant operation (the Shift Supervisor); (2) a second SRO who must be present at all times in the control room from which the nuclear unit is being operated (this SRO may be relieved by the Shift Supervisor or another qualified SRO, but an SRO presence in the control room must be maintained); (3) and individual with a reactor operator (RO) license or an SRO license at the plant controls; and (4) an additional RO assigned to the unit. Previously, individual plant technical specifications had established the minimum shift crew staffing for each nuclear unit, and generally required one SRO and two ROs to be present on shift when the unit was operating. The rule change codifies the previously established general requirements and, for most plants, adds the requirement for the second SRO to be stationed in the control room.

The licensee initially met the regulation. However, as a result of deficiencies noted in the licensee's requalification program identified during a programmatic review of the program conducted by the NRC Region I office, the licensee decided that some of the Ginna operators should receive additional training and reevaluation, which would require more than the normal number of operators to be off shift.

On February 10, 1984, Rochester Gas and Electric Corporation, (RG&E) the licensee for Ginna, requested a temporary exemption from the requirement to have two SROs on shift and from the requirement for the continuous presence of an SRO in the control room while the plant was being operated. The requested exemption would have permitted reactor operation, during plant conditions other than cold shutdown or refueling, with only one SRO who would be permitted to be absent from the control room during portions of the shift. All other requirements of 10 CFR 50.54(m)(2) would continue to be met. The requested exemption was for the period until July 3, 1984. After discussions between the staff and the licensee, it appeared that the additional operator training could be accomplished during the Spring-1984 refueling outage, when the regulations would require only one SRO to be on shift. Accordingly, on February 22, 1984 a letter was sent to the licensee confirming that no action was required at that time on the exemption request, but leaving open further consideration of an exemption should the licensee request it.

At that time, the licensee had initiated an intensive training program, designed to run for three four-week cycles to accommodate three goups of operators. The program start on March 5, 1984, coincided with the start of the refueling outage (March 3, 1984) and it was anticipated that the first two groups of operators would have completed the training prior to the scheduled May 3, 1984, end of the refueling outage, which would have allowed the plant to restart with operating crews in conformance with the requirements of 10 CFR 50.54(m)(2). However, upon completion of the first four-week cycle, it appeared that an additional week was necessary to enable the operators to throughly assimilate the training. Accordingly, each cycle was extended to five weeks.

This extended training cycle meant that the second class could not be completed by the end of the refueling outage. Accordingly, on April 3, 1984, the licensee reinitiated a request for an exemption. The April 3, 1984, letter requested the same exemption conditions as the earlier, February 10, 1984 letter, but requested that the exemption be effective only until May 21, 1984 instead of July 3, 1984, as requested by the earlier letter. The requested May 21, 1984, date allows one week for contingencies following the scheduled completion of the second five-week training cycle and it coincides with a normal shift rotation. If granted, the exemption would allow the licensee to operate the Ginna plant with one SRO on shift, instead of the two SROs required by the regulation, for a period of about two and one-half weeks following completion of the refueling outage.

Alternatives to the exemption, considered by the licensee, include a four-shift operation instead of the established five-shift operation, and using SRO-licensed plant staff members on shift. However, the licensee believes, and the staff agrees, that reduction to a four-shift operation would adversely impact the current requalification and retraining program. It could also result in considerable overtime requirements. The staff does not believe that adoption of this alternative would be in the overall interest of plant safety. The licensee also indicated that the licensed plant staff members, in general, are intimately involved in various facets of the Spring refueling outage and that

their involvement in these matters will continue for some time following restart from the outage. Assignment of these individuals to shift duties would detract from their ability to perform their normal assignments. The staff agrees that these individuals are needed in their regular assignments and should not be assigned shift duty. As compensating measures, the licensee proposes that when only one SRO is on shift, three ROs will be assigned instead of the required two ROs thus maintaining the minimum number of licensed operators. Further, the licensee notes that during periods of plant operation a shift technical advisor (STA) will be on shift. Of the ten STAs at Ginna, three currently hold SRO licenses and a fourth has taken the SRO examination but has not yet received the results. The STAs at Ginna work 24-hour duty watches rather than rotating with the shift crews. During normal day shifts and during some back shifts immediately following the outage, additional SRO licensed individuals will be present at the plant and available to assist the shift crew if necessary. Thus, the total time during which the plant might have only one SRO available at the site during the period of the requested exemption would be limited. Finally, the licensee states that the Ginna ROs generally have significant experience such that highly experienced and dedicated ROs will be in the control room at all times.

The licensee considers that during the period of the requested exemption when only one SRO (the shift supervisor) might be on shift, the SRO must have freedom to move about the plant where his services may be needed. The staff agrees. The licensee's letter states that absence of the SRO from the control room would be minimized and that it would be expected not to exceed 10% of the time, although this is not a firm number. Further, the licensee notes that the SRO could return to the control room within five to ten minutes from any point in the plant.

In the Statement of Consideration accompanying the July 11, 1983 changes to 10 CFR 50.54, the Commission stated that any licensee unable to meet the January 1, 1984 deadline for implementation of the shift staff criteria was to submit a request for an extension which would address five criteria. These five criteria are addressed as follows:

Criterion 1—Whether the licensee is firmly committed to hire and train the necessary number of operators.

The licensee is committed to hire and train the necessary number of operators, as evidenced by the fact that the licensee did comply with the rule on January 1, 1984. Granting of this exemption will permit the licensee to provide additional training to which the licensee has committed. The current period of non-compliance is only a temporary one created by the upgrading of the operator training.

Criterion 2—Whether the licensee has set a reasonable target date by which it would meet the requirements.

The length of this exemption is approximately 2½ weeks, until May 21, 1984. This target date is reasonable in that it occurs one week after completion of the second training class. It also coincides with a scheduled shift change so that there is a smooth transition between shifts.

Criterion 3—Whether the licensee has an active recruitment program to hire the necessary number of operators.

The licensee has taken the initiative to hire sufficient numbers of operators, as evidenced by its compliance with the rule on January 1, 1984.

Criterion 4—Whether the licensee has an adequate training program to assure that it has well-trained operators readily available.

As mentioned previously, this exemption request resulted from questions raised during a staff review of the training program. The licensee has taken interim measures, which have been discussed with the staff, to upgrade the training program. Long term modifications to the training program are being developed. The staff considers the interim measures to be acceptable. The long term changes will be reviewed by the staff when they are submitted.

Criterion 5—Whether implementation of the rule would adversely affect the licensee's training program, overtime practices, number of shifts, or length of shift.

The licensee considered alternatives to the exemption request including a reduction to a four-shift operation and the use of overtime. The licensee concluded and the staff agrees that such alternatives would not be beneficial to the overall safety of the plant.

Accordingly, the staff concludes that the aforementioned criteria weigh in favor of granting the exemption request.

The staff has evaluated the licensee's request and has concluded that granting the temporary exemption would be in the overall interest of increased plant safety since it will allow the licensee to fully staff the operating shifts at an early date with operators who have been through an intensive training and re-evaluation program, and who, therefore, should be better able to cope with both normal and off-normal plant conditions. During the period of the exemption, when the plant is operating, the staff requires that the third RO be present in the control room to perform duties as normally would be performed by the SRO in the control room. Absences of the Shift Supervisor from the control room during this period should be limited to the extent feasible and, when the Shift Supervisor must leave the control area, the STA must be present and immediately available to advise the operator at the controls. Further, to the extent feasible, during the period of the exemption, the licensed STAs should be assigned the STA duties. During periods of planned plant evolutions involving a change of power level, the Shift Supervisor must be present in the control room.

III

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. Therefore, the Commission hereby approves the exemption described in Section II above.

The NRC Staff has determined that 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.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 4th day of May, 1984.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 84-12781 Filed 5-10-84; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, June 7, 1984
Thursday, June 14, 1984
Thursday, June 21, 1984
Thursday, June 28, 1984.

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management

Building, 1900 E Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202) 632-9710.

Dated: May 10, 1984.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 84-12716 Filed 5-10-84; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Coal Options Task Force; Regular Meeting Notice

AGENCY: Coal Options Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Review of the task force charter
- Discussion of important issues to be considered
- New business
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Coal Options Task Force.

DATE: Friday, May 25, 1984. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 700 SW., Taylor; Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Jeff King, (503)222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-12745 Filed 5-10-84; 8:45 am]

BILLING CODE 0000-00-M

Fish Propagation Panel; Meeting Notice

AGENCY: Fish Propagation Panel of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C Appendix I, 1-4. Activities will include:

- Integration of natural and hatchery production, John D. McIntyre, U.S. Fish and Wildlife Service
- Comments on reprogramming
- Program scheduling
- Enhancement Planning Team meeting
- Other
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Fish Propagation Panel.

DATE: May 14, 1984. 9:00 a.m.

ADDRESS: The meeting will be held in the Columbia East Room of the Seattle Airport Hilton, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Schneider at 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 84-12746 Filed 5-10-84; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13925; 812-5819]

BMC Fund, Inc.; Application

Notice is hereby given that BMC Fund, Inc. ("Applicant"), Broyhill Park; N.C. Highway 321, Lenoir, North Carolina; 28633, a closed-end investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 9, 1984, and amendments thereto on April 25, and 30, 1984, with an amendment to be filed subsequent to this Notice, for an order pursuant to Sections 17(b) and 23(c)(3) of the Act, exempting from Sections 17(a)(2) and 23(c) of the Act Applicant's acquisition of up to 298,797 shares ("Shares"), of its common stock form the Broyhill Foundation, Inc. (the "Foundation"), an "affiliated person" of Applicant as that term is defined in Section 2(a)(3) of the Act, for a purchase price consisting primarily of certain real estate and marketable securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of those provisions from which exemption is being sought.

According to the application, Applicant, a North Carolina corporation, is registered with the Commission as a closed-end investment company and qualifies as a regulated investment company under Subchapter M of the Internal Revenue Code (the "Code"). Applicant states that its portfolio, the net asset value of which on December 31, 1983, was $139,606,928, is internally managed and is invested primarily in securities that are exempt from federal income tax. Applicant further states that as of January 1, 1984, it has 157 shareholders, and that there is no established market for its stock.

Applicant states that it was engaged in the furniture manufacturing business until 1978. Applicant further states that in 1976 it became involved in a merger with several corporations owned primarily by the family of J.E. Broyhill, and that the Foundation was a shareholder of several of the merging corporations. Applicant further states that Paul H. Broyhill ("Mr. Broyhill"), the son of J.E. Broyhill, is the chief executive officer, chairman of the board of directors and the largest shareholder of Applicant.

Applicant states that in 1980, its operating assets (exclusive of cash, securities and certain real estate) were transferred to a subsidiary, and it became an investment company under the name Broyhill Management Corporation, which until March 19, 1981, was excepted from the Act's definition of an "investment company" by reason of Section 3(c)(1) of the Act. Applicant further states that after the asset transfer, it sold the operating subsidiary, and that incident to the sale Applicant redeemed its shares owned by the operating subsidiary, and the operating subsidiary redeemed its shares owned by Applicant. Applicant states that as a result of the cross redemption, the Foundation's percentage ownership of stock of Applicant increased to 5.7%. Applicant changed its name to BMC Fund, Inc. in 1982.

According to the application, the Foundation is a nonprofit corporation formed under the laws of the State of North Carolina, and had assets valued at $18,601,718 as of December 31, 1983. Applicant states that the Shares constituted approximately 42 percent of the value of the Foundation's assets as of that date. Applicant states that Mr. Broyhill is a director and officer of the Foundation. Applicant further states that the Foundation's other directors and officers include E.D. Beach, who is also a director and president of Applicant and exercises voting and investment power with respect to 5.3 percent of Applicant's stock, and J.E. Broyhill, who is also the beneficial owner of 9.3 percent of Applicant's stock. According to the application, the Broyhill family, and businesses controlled by the family, are the principal contributors to the Foundation, which supports educational, religious, and other organizations dedicated to teaching, strengthening and promoting the Christian religion, the democratic system of government or the free enterprise economic system.

According to the application, the Shares constitute "excess business holdings" under Section 4943(c) of the Code, and under certain provisions of the Code applicable to excess business holdings, must be disposed of by the Foundation before May 25, 1984; otherwise, the Foundation will incur an excise tax of 5 percent of the value of the Shares in 1984 (or approximately $395,000, based on a valuation of Applicant's stock as of September 30, 1983), and a 200 percent excise tax (or approximately $15,836,000, based on the 1983 valuation) in each year thereafter that it holds the Shares. Applicant states that on January 17, 1984, the Foundation filed with the Internal Revenue Service ("Service") a request for a ruling confirming that the Shares constitute excess business holdings that must be disposed of to avoid imposition of the excise tax. Applicant states that the Service has responded on a temporary basis, and has stated there is a question of whether the Foundation may sell all of the Shares back to Applicant, or just the amount owned by the Foundation prior to the 1980 cross-redemption, which is 4.09 percent of Applicant's stock. Applicant requests, however, that the order permit it to acquire up to the full amount of the Shares from the Foundation in the event the Service should permit such a purchase.

The application represents that no prospective investor would be interested in purchasing the sizable block of stock that the Shares represent. Moreover, according to the applicant, whether the enitire block were sold to one investor or divided among several, purchasers of the stock would acquire a security for which there is no market, and this absence of liquidity is a major obstacle to locating a willing investor. Similarly, Applicant states no prospective investor would purchase a block of the Shares of a size equal to the excess beyond the 4.09 percent, discussed above. Applicant states that, therefore, the Foundation has offered to sell the Shares to Applicant at their fair market value as determined by what Applicant asserts was an independent professional appraisal made on September 30, 1983, to assist Applicant's board in determining Applicant's investment policies. Applicant further states that it expects to have an appraisal update within 15 days of the transaction, the cost of which would be borne by the Foundation. Applicant states that the appraisal update will be performed by Prudential-Bache Securities ("Pru-Bache"), which also performed the September 30 appraisal. According to the application, E. D. Beach is a director of five investment companies sponsored by Pru-Bache, but neither Applicant nor the Foundation believes this fact will affect Pru-Bache's independence. Applicant further states that if the appraised value of the Shares remains at $26.50 per share, the purchase price for the Shares would be $7,918,120.50. Applicant represents that the Foundation could not sell the Shares to Applicant for less than their fair market value or else a penalty tax would be imposed on Applicant because it is a "disqualified" person of the Foundaion under the Code.

Applicant proposes to transfer parcels of unproductive real estate (including timberland), marketable securities and a nominal amount of cash to the Foundation in payment of the purchase price for the Shares. Applicant states that the real estate will aslo be valued based on appraisals performed by qualified independent appraisers, at a price to paid by the Foundation, and will constitute approximately 95 percent of the purchase price if the 4.09 percent is sold (and 80 pecent of the price if all the Shares are sold). Applicant further states that the marketable securities will be valued based on the most recent monthly valuation made by Applicant's custodian, or based on reliable published quotations of the current value of the securities where such quotations are available. Applicant states that the purchase price for the Shares may include a small amount of cash, which would equal the difference, if any, between the appraised value of the Shares and the aggregate value of the real estate and marketable securities to be transferred.

Applicant notes that its proposed purchase of the Shares from the Foundation does not satisfy Rule 23c–1 because the proposed purchase price of the Shares is to be paid principally with certain real estate and marketable securities of applicant, not cash. In addition, the proposed purchase does not satisfy the conditions of rule 23c–1(a)(4), which provides that the seller of the security being acquired by the registered closed-end company shall not, to the knowledge of the issuer, be an affiliated person of the issuer. Accordingly, Applicant requests an order of the Commission permitting the purchase pursuant to Rule 23c–1(c) and Section 23(c)(3) of the Act.

Applicant submits that the proposed acquisition is consistent with standards of fairness and prudence evidenced by Sections 17(b) and 23(c)(3) of the Act. Applicant contends that the terms of the proposesd purchase of the Shares from the Foundation, including the consideration to be paid to the Foundation, will be reasonable and fair and will not involve overreaching.

Applicant also contends that the proposed purchase of the Shares from the Foundation is consistent with Applicant's investment policies.

Applicant submits that the proposed sale is a unique opportunity to dispose of unproductive real estate without generating income that would endanger its status as a regulated investment company under Subchaptepr M of the Code or that would violate its investment policies, which are to invest in high grade municipal obligations. Applicant states that it policies, like Subchapter M, require that at least 90 percent of Applicant's gross income be derived from dividends and interest on and gains from the sale of securities. Applicant represents that a conventional sale of the real estate to a third party would produce income that would cause Applicant to fall short of the prescribed 90 percent level, but that the proposed sale of the real estate to the Foundation would not produce income for tax purposes because the sale would constitutue a redemption of the Shares under the Code. Applicant also submits thst the proposed transaction would not violate its investment policy with respect to real estate because the real estate to be transferred to the Foundation does not produce rental income, and Applicant would continue to own sufficient income-producing reral estate to ensure that it will avoid personal holding company status; Applicant states that its policy with respect to the buying, holding and selling of real estate provides that Applicant may purchase, sell or hold real estate to the extent of 10 percent of its assets for the purpose of producing rental income that is not personal holding company income, and the purpose of this investment policy is to enable Applicant to avoid becoming a personal holding company under the Code, which also would disqualify Applicant as a regulated investment company under Subchapter M of the Code. Applicant states that it retained the real estate, despite its transfer in 1978 of operating assets to its former subsidiary, because it was exempt from the definition of investment company under the Act and had not then determined to be a regulated investment company under Code and, therefore, was not aware that it might be subject to restrictions that would later impede disposition of the real estate. Further, Applicant represents that the real estate is not expected to appreciate significantly.

Applicant also states that the disposition of the marketable securities to be transferred to the Foundation is consistent with Applicant's investment policies and would have no adverse effect on Applicant's investment performance. Appliant also states that it will incur no expenses in connection with the dispositon of the securities.

Applicant asserts that its proposed purchase of the Shares is consistent with the general purposes of the Act. Applicant submits that neither the proposed purchase price nor the liquidity to be afforded the Foundation unfairly discriminates against other shareholders of Applicant. Applicant states that it has adopted a policy to offer all shareholders a degree of liquidity under certain circumstances; the proposed purchase would be made pursuant to a provision of Applicant's bylaws, which must be approved at a special meeting of shareholders to be held in May 1984, by the holders of a majority of Applicant's stock who are not "interested persons" of Applicant as that term is defined in Section 2(a)(19) of the Act. Applicant states that the primary purpose of the bylaw provision is to permit Applicant to acquire its stock held in estates of deceased shareholders pursuant to Section 303 of the Code, which accords favorable tax treatment to corporate redemptions of stock from illiquid estates that need cash with which to pay taxes and estate administration expenses. The provision, however, also requires Applicant to grant requests by any other shareholder, including any corporation, foundation, church or other entity not eligible for a Section 303 redemption, and to seek an order of the Commission approving purchases of its stock from such shareholders if, among other things, the board of directors determines that the transaction would not have an adverse effect on Applicant or any other shareholder. Applicant states that the bylaw amendment may be amended or repealed only by a vote of the majority of the shares of Applicant's stock held by persons who are not "interested persons" of Applicant as that term is defined in Section 2(a)(19) of the Act.

Applicant states that it anticipates that interest income per share will increase as a result of Applicant's disposition of unproductive real property and the retirement of the Shares. Applicant states that the purchase price of the Shares will be their appraised fair market value determined as of a date as close to the purchase as reasonably possible. Applicant submits that, because the appraised fair market value of the Shares is expected to be less than their net asset value, the purchase price will not dilute the interests of other shareholders (and in fact will enhance their equity by the amount of the discount). Applicant states that to further prevent dilution of the interests of other shareholders, the Foundation has undertaken to pay Applicant's expenses in connection with the preparation and filing of this application and any necessary amendments.

Applicant submits further that it has taken steps to ensure that no adverse effects on its shareholders will result from the proposed transaction. Applicant states that its board of directors unanimously approved the transaction, including the specific securities to be transferred. The board also directed the president of Applicant to submit to the board his selection of specific parcels of real estate to be transferred to the Foundation in payment for the Shares. Thereafter, Applicant states, the transaction will be consummated only following approval of its terms by the board, including a majority of the directors who are not "interested persons" of Applicant as that term is defined in Section 2(a)(19) of the Act, and following a finding by the board and such directors that the transaction will not have an adverse effect on Applicant or its shareholders. The application also states that the proposed transaction will not have adverse tax consequences for Applicant and will not adversely affect Applicant's ability to pay dividends.

Finally, Applicant undertakes to comply with subsections (2), (5), (6), (10) and (11) of Rule 23c–1(a) of the Commission in connection with the proposed purchase. Applicant asserts that Subsections (1), (3), (7) and (8) are inapplicable.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 25, 1984, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-12739 Filed 5-10-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20931; File No. SR-MCC-84-3]

Self-Regulatory Organization; Effectiveness of a Proposed Rule Change by the Midwest Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 4, 1984, the Midwest Clearing Corporation ("MCC") filed with the Securities and Exchange Commission the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change form interested persons.

MCC's Dividend Settlement Service ("DSS") provides participants with a system for reallocating cash dividends and bond interest paid to one participant but due another. Ordinarily, participants are responsible for making payments directly to other participants, and MCC's DSS only facilitates this process by conveying claims and setting payment due dates.[1]

This proposal establishes DSS procedures which require MCC to act when the ordinary process fails in one of three ways. First, the proposal provides that if an addressee participant fails to respond to a claim by the due date, MCC will debit the addressee participant's money settlement account for the amount due and credit this amount to the claiming participant's money settlement account. In addition, MCC will charge the addressee participant a fee for this service. Second, MCC will not make a debit or credit if the addressee participant rejects the claim prior to the due date. Third, if an addressee participant files a reclamation notice after the due date, MCC will reverse the debit and credit. MCC will not make any further debits or credits relating to rejected claims or reclaimed payments until the dispute is settled by agreement of the parties or arbitration pursuant to MCC Rule 13.

MCC believes that the proposal provides more efficient and effective clearance procedures, as required by Section 17A of the Act. Specifically, MCC believes that the proposal will improve the timeliness with which cash dividend and interest payments on securities held by participants are made.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed 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.

Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register.** Persons desiring to make written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MCC-84-3.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-12742 Filed 5-10-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20929; File No. SR-NSCC-84-9]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of a Proposed Rule Change by National Securities Clearing Corp.

The National Securities Clearing Corporation ("NSCC") on April 17, 1984, submitted a proposed rule change to the Commission pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), that amends NSCC Rules 24 and 26 to enable NSCC to charge and to bill Municipal Comparison Only Members ("MCO Members") [1] for comparison services. NSCC proposes to charge MCO Members fees identical to those currently charged Settling Members for comparing corporate and municipal bond transactions.[2] Unlike Settling Members, MCO Members do not settle daily with NSCC. For that reason, NSCC will require MCO Members to pay their monthly bills immediately. NSCC believes that the proposed rule change will provide for the equitable allocation of fees among participants in accordance with the requirement of Section 17A of the Act.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed rule change if if 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 Act.

Interested persons are invited to submit written data, views and agruments concerning the submission within twenty-one days from the date of publication in the **Federal Register.** Persons desiring to make a written submission should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-84-9.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

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[1] Under MCC Rule 13 and MCC procedures, a participant entitled to receive a payment ("claiming participant") must notify the participant from whom the payment is due ("addressee participant") of the claiming participant's intention to make a claim. This notice is sent through MCC, which sets a due date, at least ten business days later, for response to the claim. Prior to the due date, the addressee participant may repond by either paying the claim or rejecting the claim. After the due date, the addressee participant may file a reclamation notice against the claiming participant, seeking return of the dividend or interest amount.

[1] The Commission temporarily approved an NSCC proposal to establish the MCO Membership category in Securities Exchange Act Release No. 20795 (March 28, 1984), 49 FR 13614 (April 5, 1984). The Commission simultaneously sought public comment on the proposal; none has been received to date. The 45-day temporary authorization period ends on May 20, 1984. Under the proposal, each MCO Member must enter into an agreement with NSCC to comply with applicable NSCC rules, including prompt payment of charges for services as specified by NSCC.

[2] NSCC also currently charges identical fees for processing corporate and municipal bond transactions.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-12741 Filed 5-10-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20930; File No. SR-OCC-84-5]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Options Clearing Corp.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 11, 1984, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described below. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposal reduces OCC's margin requirements for debt security options and foreign currency options by lowering the required "minimum amount" in the margin calculation formulae under OCC Rule 601(h) and (j).[1] Although the proposal authorizes OCC to reduce margin requirements on all debt security options and all foreign currency options,[2] OCC has stated that at the present time only the margin requirements for Treasury Bill options, British Pound options, and Canadian Dollar options will be reduced to the full extent allowed by the proposal. Because of greater volatility in the underlying securities markets, margin requirements for other debt security and foreign currency options will be reduced to a lesser extent.

OCC states in its filing that its previous margin requirements for treasury securities and foreign currency options were higher than necessary to protect OCC. This statement is based on studies performed by OCC. OCC has found that the proposal's reduced margin requirements for Treasury Bill options yield a cushion which was about 40% of that provided previously. For British Pound and Canadian Dollar options, the proposal's reduced margin requirements yield cushions which are about 35% and 70% as of those provided previously. OCC believes that these reduced cushions will continue to protect OCC against the risks of market volatility, especially in light of OCC's policy of imposing "variation margin" if margin cushions are reduced by 75% during any trading day.[3]

OCC believes that the proposal is consistent with Section 17A of the Act, which requires OCC to assure the safeguarding of securities and funds in its control or for which it is responsible, while removing impediments to the development of a national clearance and settlement system. Specifically, OCC believes that the proposal should reduce clearing member costs, without adversely affecting OCC's safeguarding mechanisms.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the proposed rule change if it appears to the Commission that such action is necessary of appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to file No. SR-OCC-84-5.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-12740 Filed 5-10-84; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20928; SR-Phlx-83-26]

Self-Regulator Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, PA, 19103, submitted on December 19, 1983, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to utilize, on a nine month pilot basis, special procedures regarding the delivery and pricing of orders in Phlx traded securities in connection with a Designated Underlying Index Transaction ("DUIT"). The Phlx's existing computer facilities would enable Phlx members to transmit electronically, directly to the specialist posts, market orders in certain designated securities after the opening of trading in such securities. The market orders would include: (i) Round-lot, odd-lot, and combined round-lot and odd-lot ("PRL") orders up to 599 shares, all of which would be executed at the best bid/offer quotation among the American, Boston, Cincinnati, Midwest, New York, Pacific, or Philadelphia Stock Exchanges or the ITS/CAES quote [1]; and (ii) round-lot and PRL orders over 599 shares which would be executed in accordance with arrangements agreed upon by the Phlx specialist and the Phlx member organization transmitting the order. Orders to sell short would not be permitted within these procedures.

The Phlx states that the purpose of the procedures would be to permit member organizations to put together a package of securities proportioned in such a fashion so as to form a hedge, with a

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[1] The "minimum amount" is margin in addition to 100% of the highest asked premium quotation on the option at the close of trading on the previous business day, and therefore represents OCC's "cushion."

[2] For debt security options, the previous "minimum amount" was the greater of (i) $250, or (ii) $1,000 minus a credit of 25% for each whole point an option is out-of-the-money. The proposal has reduced this to the greater of (i) $125, or (ii) $500 minus a credit of 25% for each whole point an option is out-of-the-money.

For foreign currency options, the previous "minimum amount" was the greater of (i) $75, or (ii) $300 minus a 25% credit for each whole point an option is out-of-the-money. The proposal has reduced this to the greater of (i) $50, or (ii) $200 minus a 25% credit for each whole point an option is out-of-the-money.

[3] OCC can require a clearing member to deposit additional margin at any time during any trading day to cover increased financial risk to OCC and its clearing members. *See* OCC Rule 609.

[1] The Phlx has recently amended Phlx Rule 229 to include the ITS/CAES quote as part of the PACE quote. Securities Exchange Act Release No. 20863, April 13, 1984. *See* letter from Michael A. Finnnegan, Senior Vice President, Phlx, to Richard G. Ketchum, Associate Director, Division of Market Regulation, dated March 26, 1934.

high degree of mathematical accuracy, against equity securities. The Phlx states that by using such techniques its members will be able to use equity securities to hedge index related transactions (*e.g.*, index options, index futures, and options on index futures).

The Phlx further states that the proposal would provide its members with an efficient method of order entry, execution, and report for such a hedge transaction or DUIT. Members participating in the DUIT program would need a personal computer that interacts with PACE for the purpose of the delivery, execution, and reports of orders under 599 shares. As noted above, orders over 599 shares would be handled pursuant to agreements with Phlx specialists.[2]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 20236, February 9, 1984) and by publication in the **Federal Register** (49 FR 6195, February 17, 1984). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.[3]

[2] The Phlx has indicated to the Commission staff that the pilot will begin with one member firm participant in the DUIT program, and that additonal firms could be added during the course of the pilot, depending on the Exchange's experience with the program. The Exchange has indicated further that only market orders can be entered through the DUIT program, that the composition of the "market basket" of stocks for which orders will be entered will be left entirely with the firm entering the order, and that the Phlx expects to limit the DUIT program to broader-based stock indices during the pilot.

[3] In its filing with the Commission, Phlx requested a temporary exemption from Rule 10a-1 under the Act, the short sale rule, for certain principal transactions effected by specialists in order to fill orders entered into the PACE system through the DUIT program. The Commission has granted such an exemption, effective until the earlier of October 1, 1984, or the completion of enhancements to PACE that Phlx is currently undertaking. Phlx has indicated that these enhancements to PACE, once completed, would permit a specialist to avoid violating the short sale rule by executing manually round-lot and PRL market orders entered into PACE after the opening, which if executed automatically would have resulted in a short sale on a minus tick. *See* letter to Michael A. Finnegan, Senior Vice President, Phlx, from Brandon Becker, Assistant Director, Division of Market Regulation, dated May 1, 1984.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 84-12743 Filed 5-10-84; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2128]

California; Declaration of Disaster Loan Area

The counties of Santa Clara and Santa Cruz in the State of California constitute a disaster area because of damage resulting from an earthquake which occurred on April 24, 1984. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on July 2, 1984, and for economic injury until the close of business on February 4, 1985 at the address listed below:

Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158, Sacramento, California 95825

or other locally announced locations. Interest rates for this disaster are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	10.500

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: May 2, 1984.

James C. Sanders,

Administrator.

[FR Doc. 84-12782 Filed 5-10-84; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-84-8]

Petitions for Exemption; Summary of Petitions Received, Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: June 1, 1984.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ——, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on May 7, 1984.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24034	ARCA Airlines	14 CFR 91.303	To allow petitioner to operate three DC-8-50 series aircraft until Jan. 1, 1988, in noncompliance with operating noise limits.
24032	Aerolineas Nacionales Del Ecuador	14 CFR 91.303	To allow petitioner to operate one DC-8 aircraft until Jan. 1, 1988, in noncompliance with the operating noise limits.
24031	Korean Air Lines	14 CFR 91.303	To allow petitioner, until Jan. 1, 1988, to make one technical stop per week at Anchorage, Alaska, with a Boeing 707 aircraft that does not comply with the operating noise limits.
24028	Lineas Aereas Del Caribe Airlines	14 CFR 91.303	To allow petitioner to operate two DC-8-55 aircraft until Jan. 1, 1988, in noncompliance with the operating noise limits.
24027	Servicio De Carga Aerae S.A., d.b.a. Central America Air Cargo.	14 CFR 91.303	To allow petitioner to operate Stage I four-engine aircraft to/from Miami Airport until Jan. 1, 1988, in noncompliance with the operating noise limits.
23968	Cargolux Airlines, International, S.A.	14 CFR Portions of Parts 21 and 91	To allow petitioner to maintain U.S.-registered aircraft using a continuous maintenance and inspection program and to use an FAA-approved minimum equipment list for the applicable aircraft.
23960	Air National	14 CFR 121.371(a) and 121.378	To allow petitioner to contract with Swissair, KLM, SAS, and UTA for the inspection, repair, and overhaul of its B747-200 aircraft, airframe, engine, appliances, and parts.
23980	U.S. Hang Gliding Association, Inc.	14 CFR 91.17	To allow an unpowered ultralight (hang glider) to be towed aloft by a powered ultralight under the guidelines of Part 103 of the FAR and U.S. Hang Gliders Association rules. The exemption would apply only to recreation and instructional use.
23962	Norman L. Coffelt	14 CFR 65.91(c)(1)	To allow petitioner to apply for an Inspection Authorization without having held a mechanic certificate with Airframe and powerplant ratings for the 3-year period immediately before the date of application.
24008	U.S. Parachute Association	14 CFR 91.47	To allow the use DC-3/C-47 aircraft in passenger-carrying operations for hire for carriage of parachutists.
23946	First Security Bank	14 CFR 91.181	To allow petitioner to conduct operations under § 91.181 in aircraft having a gross weight under 12,500 pounds.
24038	IMB Corp.	14 CFR 21.181, 91.27, and 91.29	To allow petitioner to operate three Sikorsky S.76A helicopters using an minumum equipment list.
24055	Ports-of-Call	14 CFR 91.303	To allow petitioner to operate State 1 Boeing 707 aircraft in noncompliance with the operating noise limits for six months after certification of the B707 quiet nacelle or Jan. 1, 1986, whichever occurs sooner.
24053	Fast Air Carrier LTDA	14 CFR 91.303	To allow petitioner to operate one Stage 1 B707 aircraft into Miami International Airport until the aircraft is modified to meet the operating noise limits.
23970	Atkins Aviation	14 CFR 91.3(a)	To allow petitioner to operate a DC-6B aircraft with a 5 percent increase in zero fuel weight and landing weight.
24005	Tenneco, Inc.	14 CFR 91.45	To allow petitioner to conduct ferry flights with one engine inoperative without having to obtain a ferry permit for each flight.
24007	U.S. Parachute Association	14 CFR 105.43	To allow foreign parachutists to compete in 1984 National Skydiving Championships without meeting the parachute equipment and packing requirements.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
23890	Markair, Inc.	14 CFR 121.343(a)	To permit petitioner to operate two leased B-737 aircraft, using a flight recorder which has not been certified by the FAA. *Denied Apr. 17, 1984.*
23217	Cal-West Aviation	14 CFR 135.261	To permit petitioner to construe duty time to begin when a crewmember is dispatched on a flight and that telephone availability does not constitute duty in connection with flight operations. *Denied Apr. 25, 1984.*
23503	American Airlines Flight Academy	14 CFR 121.333(c)(2)	To permit petitioner to operate its B-767 aircraft up to and including flight level 430 (43,000 feet) without requiring at least one pilot at the controls to wear and use an oxygen mask. *Denied Apr. 23, 1984.*
23888	Ryan Aviation Corp.	14 CFR 121.623 and 121.645	To permit petitioner to conduct flight operations under the fuel planning requirements of §§ 121.619 and 121.639 instead of §§ 121.623 and 121.645. *Denied Apr. 30, 1984.*
23867	Executive Helicopters	14 CFR 141.41(a)(iii)	To permit petitioner to use the Helicopter Training Systems, Inc. HTS-100 primary helicopter training system in its Part 141 pilot school. *Partial grant Apr. 27, 1984.*
22531	Pyramid Airlines	14 CFR Portions of Parts 21 and 91	To extend Exemption 3532 to permit petitioner to operate certain leased, U.S.-registered aircraft using FAA-approved minimum equipment lists. *Granted Apr. 30, 1984.*
24041	Butler Aircraft Co.	14 CFR 313(a) and 601(c)	To extend Exemption 2989 to allow petitioner to continue to operate its Douglas DC-6 and DC-7 aircraft without a flight engineer during flightcrew training, ferry, and test flights conducted in preparation for firefighting operations under Part 137 of the Federal aviation Regulations. *Granted Apr. 30, 1984.*
21168	Executive Air Fleet	14 CFR 135.297(a)	To extend Exemption 3203A which permits petitioner to use pilots in command who have completed an instrument proficiency check within the proceding 12-calendar months and, in addition, who have satisfactorily completed either an instrument proficiency check or training to proficiency in an approved aircraft simulator within the proceding 6 months. *Granted Apr. 26, 1984.*
23933	Flight Dynamics, Inc.	14 CFR 21.195(b)	To permit petitioner to conduct market surveys and sales demonstrations while operating under an experimental certificate. *Granted Apr. 20, 1984.*
23691	Paul W. Hornack, Pennsylvania State University.	14 CFR 141.35(c) (4)(i) and (5)(i)	To permit petitioner to become the chief flight instructor for an FAA-approved instrument rating-airplane flight school course at the university's Park Airport, without meeting the experience requirements. *Granted Apr. 13, 1984.*
20049	T.B.M., Inc.	14 CFR 91.211(a)(1)	To extend Exemption 2956B, which expires Apr. 30, 1984, to permit petitioner to operate DC-6 and DC-7 aircraft without a flight engineer during flightcrew training, ferry, and test flights conducted in preparation for firefighting operations under Part 137. *Granted Apr. 25, 1984.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
NM-12	Aerospatiale	4 CFR 25.571(e)(2)	To allow type certification of the Model ATR 42 without showing that the airplane is capable of successfully completing a flight during which likely structural damage occurs as a result of propeller blade impact. *Granted Apr. 19, 1984.*
22523	Mobil Oil Exploration & Producing Southeast, Inc..	14 CFR 91.23(a)(3)	To extend Exemption 3472 which permits petitioner to operate its helicopters under IFR conditions with a 30-minute fuel reserve instead of the specified 45-minute fuel reserve. *Granted Apr. 20, 1984.*
21255	Midway Airlines	14 CFR 91.307	To amend Exemption No. 3111h to change the termination date for eight airplanes. The present exemption allows the operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits. The amendment would allow the operation of 17 DC-9 aircraft until Jan. 1, 1988. *Granted Apr. 5, 1984.*
23386	Mid Pacific Airlines	14 CFR 121.371(a) and 121.378	To revise Exemption 3710 to permit petitioner to also use All Nippon Airways Co., Ltd., and Air Asia Co., Ltd., FAA-certificated foreign repair stations for inspection, overhaul and repair of its YS-11 aircraft, including certain airframe accessories and appliances, subject to certain limitations. *Granted Apr. 24, 1984.*
24023	CPAir	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988: 1 B737-200: N706. *Granted Apr. 20, 1984.*
24035	Funk Exploration	14 CFR 91.307	To allow operation in the United States, under a service to small communities exemption, of specified two-engine airplanes identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits as follows: Until not later than Jan. 1, 1988: 1 DC-9-10: N5NE. *Granted Apr. 24, 1984.*
21245	New York Air	14 CFR 91.307	To amend Exemption No. 3110e to change the termination date for seven airplanes. The present exemption allows the operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits. The amendment would allow the operation of 7 DC-9 aircraft until Jan. 1, 1985, and 7 DC-9 aircraft until Jan. 1, 1988. *Granted Apr. 27, 1984.*
23657	Air Hamilton Ltd.	14 CFR 91.307	To amend Exemption No. 2771 to change the company name from Air St. George Limited to Air Hamilton Limited. The present exemption allows the operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits. The amendment would allow the operation of 1 BAC 1-11 until Jan. 1, 1988. *Granted Apr. 27, 1984.*
21173	Handlingair Ltd.	14 CFR 91.307	To amend Exemption No. 3090 to change the company name from Hadlingair Establishment to Handlingair Limited and change the registeration of the aircraft. The present exemption allows the operation in the United States, under a service to small communities exemption, of specified two-engine airplanes, identified by registration and serial number, that have not been shown to comply with the applicable operating noise limits. The amendment would allow the operation of 1 DC-9-15 aircraft until Jan. 1, 1988. *Granted Apr. 24, 1984.*
20044	Air Transport Association of America	14 CFR 121.437(c)	To extend Exemption No. 2965b to allow a pilot to be issued any of additional category and class rating to that person's pilot certificate, subject to certain conditions and limitations. *Granted Apr. 30, 1984.*

[FR Doc. 84-12709 Filed 5-10-84; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. 84-05; Notice 1]

Highway Safety Programs; Standards for Devices to Measure Breath Alcohol

AGENCY: National Highway Traffic Safety Administration, (NHTSA), DOT.

ACTION: Notice of proposal change in standard.

SUMMARY. This notice proposes to convert the standard for devices to measure breath alcohol from a mandatory standard to guidelines. The standard established requirements for the performance and testing of evidential breath testers. NHTSA is proposing this change to provide flexibility to the States and because the benefits of the standard can be maintained without the existence of a mandatory standard. If the conversion takes place, NHTSA would rescind the mandatory standard and, in its place, issue the standard as model guidelines for use by State and local governments. These guidelines will be in the same format as the standard; however, they will provide an alternative laboratory method to evaluate the breath sampling capability of evidential breath testing devices, thereby eliminating the need to test with human subjects. This method represents state-of-the art technology and will further the Agency's goals of promoting an effective alcohol countermeasures program by simplifying and improving testing procedures.

NHTSA will continue to test evidential breath testers to determine whether they comply with performance criteria suggested in the NHTSA model guidelines. Results of this testing will be published by NHTSA. State and local governments will be free to rely on the test results and adopt the model guidelines, or else conduct their own tests according to their own procedures. In this way the integrity of the States' alcohol contermeasures programs will not be compromised. It is the Agency's belief that the States will continue to give the programs high priority.

DATE: If the agency decides to rescind the standard, the recission would become effective on the date of its publication in the **Federal Register.**

Comments are due on or before June 11, 1984.

ADDRESS: Comments should refer to the docket number and be submitted to the Docket Section, Room 5109, 400 Seventh Street, SW, (Docket hours are 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Engle, Office of Alcohol Countermeasures, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone: (202) 426-9581.

SUPPLEMENTARY INFORMATION: The Highway Safety Act of 1966 provides that each State shall have a highway safety program designed to reduce motor vehicle accidents and deaths, injuries and property damage resulting therefrom. The Secretary of Transportation is charged with the responsibility for developing uniform standards for highway safety programs pursuant to section 402(a) of the Act, and for carrying out a research and demonstration program pursuant to section 403 of the Act.

The alcohol countermeasure program has long been a high priority with the Agency. It has been accepted that accurate devices to measure breath alcohol content must be used in order for alcohol programs to be effective. To this end, on November 5, 1973, NHTSA published performance standards against which breath alcohol devices were to be tested and announced plans for the publication of a qualified products list (QPL). The QPL was to include those devices which the States were authorized to purchase with Federal funds. The program has continued effectively since that date and the qualified products list has been updated periodically.

In the past, if a State wanted to purchase an alcohol breath testing device with Federal funds, it was required to purchase a device listed on the qualified products list. A survey of State purchasing decisions has led the agency to conclude that almost all evidential devices purchased by States and localities with *and* without Federal funds have been on the list. Since the States appeared to be relying upon what NHTSA believed was the best available state-of-the-art and in order to provide States with the maximum amount of flexibility, the Agency, on September 16, 1982, issued new NHTSA 402 funding requirements (47 FR 40791).

These requirements state that the use of 402 funds for the purchase of alcohol testing devices is no longer limited to the purchase of devices on the qualified products list. Therefore, while the standard continues in existence and the qualified products list continues to be updated, it is utilized by States and localities as guidelines for their purchasing decisions and is no longer mandatory.

To conform Agency regulation with Agency practice, NHTSA is proposing to convert the standard for evidential breath testers to a voluntary standard. The Agency believes that the benefits associated with the existing standard will be retained without a Federal standard. Should this action be implemented, it is the Agency's intention to rescind the mandatory standard and, in its place, issue these standards as model guidelines for evidential breath alcohol devices. This issuance will also provide an alternative laboratory method to evaluate the breath-sampling capability of evidential breath-testing devices, thereby eliminating the need to test with human subjects. Additionally, the notice will incorporate by reference the existing test protocol which utilizes human subjects (38 FR 30459). By retaining the human subject test protocol, the Agency is suggesting that either method may be used for precision and accuracy testing. Further, the Agency will continue to evaluate and test breath alcohol devices, and release its findings so that States which choose not to conduct their own testing will have adequate information upon which to base their purchasing and certification decisions.

Simultaneously with this notice, NHTSA is publishing in the notice section of the **Federal Register** the model guidelines it intends to recommend for use by State and local governments if the standard is rescinded. Also being published is a list of evidential breath testing devices which have been tested to the proposed guidelines utilizing either the laboratory or human subject procedures described in the model specifications (Conforming Products List). This publication will allow persons interested in commenting on the proposed conversion of the standard to have the maximum amount of information regarding the guidelines so that they will be able to comment appropriately.

NHTSA expects that all States will continue to actively combat the problem of drunk driving and will either implement the model guidelines, utilize the Agency's Conforming Products list or else establish methods of their own to insure the accuracy of evidential breath testing devices.

NHTSA has analyzed the impact of this action and has determined that it is neither "major" within the meaning of Executive Order 12291, nor "significant" within the meaning of Department of Transportation regulatory policies and procedures. Because the purchase of alcohol testing devices with Federal money is allowable notwithstanding their compliance with Federal standards, the rescission of this rule will have no economic impact on State or local governments nor on the manufacturers of evidential breath testing devices. Because there will be virtually no economic or other impact from this proposal, full regulatory evaluation is not necessary.

In accordance with the Regulatory Flexibility Act, the Agency has evaluated the effects of this action on small entities. Based on that evaluation, the Administrator certifies that the rescission of the testing device standard will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. While some manufacturers of evidential breath-testers may be small businesses as defined by the Regulatory Flexibility Act, they would not be significantly affected by this action. The standard set forth testing procedures to determine equipment accuracy and precision. However, since the States have been permitted to purchase these devices with Federal funds whether or not they comply with the standard. This action will, therefore, have no effect on the manufacturers of these products and will not impose any cost or other burden.

The Agency has also analyzed this proposed action for the purpose of the National Environmental Policy Act. The Agency has determined that the proposed rescission of the breath testing standards will not have any effect on the human environment.

Interested persons are invited to comment on this proposal. It is requested but not required that 10 copies be submitted.

Comments must not exceed 15 pages in length (49 CFR 553.221). Necessary attachments may be appended to those submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address, both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, any comments received after the closing and too late for

consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date. It is recommended that interested persons continue to examine the docket for new material.

Those persons who desire to be notified upon receipt of their comments in the rules docket should enclose, a self addressed stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501)

Issued on May 7, 1984.

Diane K. Steed.

Administrator.

[FR Doc. 84-12876 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-59-M

Highway Safety Programs; Standards for Calibrating Units for Breath Alcohol Testers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice.

SUMMARY: This notice proposes to convert the standard which establishes requirements for the performance and methods of testing of calibrating units from a mandatory standard to guidelines. These devices provide known concentrations of ethanol vapor for the calibration or califbration checks of instruments which measure breath alcohol used by law enforcement officials.

NHTSA is proposing this change to provide flexibility to the States and because the benefits of the standard can be maintained without the existence of a mandatory standard. If the conversion takes place, NHTSA would rescind the mandatory standard and, in its place, issue the standard as model guidelines for use by State and local governments. These governments will be free to rely on the test results and adopt the guidelines, or else conduct their own tests according to their own procedures. In this way the integrity of the States' alcohol countermeasures program will not be compromised. It is the Agency's belief that the States will continue to give the programs high priority.

DATES: If the Agency decides to rescind the standard, the rescission would become effective on the date of its publication in the **Federal Register.** Comments are due on or before June 11, 1984.

ADDRESSES: Comments should refer to the docket number and be submitted to the Docket Section, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are 8 a.m. 4 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald E. Engle, Office of Alcohol Countermeasures, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Telephone: 202-426-9581.

SUPPLEMENTARY INFORMATION: The Highway Safety Act of 1966 provides that each State shall have a highway safety program designed to reduce motor vehicle accidents and deaths, injuries and property damage resulting therefrom. The Secretary of Transportation is charged with the responsibility for developing uniform standards for highway safety programs pursuant to section 402(a) of the Act, and for carrying out a research and demonstration program pursuant to section 403 of the Act. The alcohol countermeasure program has long been a high priority with the Agency and it has been accepted that in order for alcohol programs to be effective, accurate devices to measure breath alcohol content must be used. To this end, on August 19, 1975, NHTSA published the details of a program for the development of a performance standard against which calibrating units for breath alcohol testers were to be tested for performance and accuracy. (40 FR 36167). The standard was developed for use in qualification testing and the Agency published a qualified products list which included those devices which the States were authorized to purchase with Federal funds (41 FR 235). A review of State purchasing decisions has led the Agency to conclude that most devices purchased by States and localities with and without Federal funds have been included on the list. On September 16, 1982, the Agency issued new NHTSA 402 funding requirements which stated that the use of 402 funds for the purchase of alcohol testing devices is no longer limited to the purchase of devices on the qualified products list (47 FR 40791). While the notice did not address calibrating units, the Agency feels that since there is no basis for a distinction, the purchase of the devices should be treated similarly. Therefore, NHTSA is proposing to convert the standards to guidelines. States and localities would thus be free to purchase whichever calibrating devices they choose whether or not they appear on the government's list of devices which were tested and conformed to the model specification.

The Agency believes that the benefits associated with the existing standard will be retained without a Federal standard. Should this action be implemented, it is the Agency's intention to rescind the mandatory standard, and in its place, issue this standard as model guidelines which would be published in the **Federal Register.** These guidelines would closely resemble the standard for Calibrating Units which appears in 40 FR 36167. NHTSA expects that all States will continue to actively combat the problem of drunk driving and will either implement the model guidelines, utilize the government's list of conforming products, or else establish methods of their own to insure the accuracy of the calibrating units.

NHTSA has analyzed the impact of this action and has determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of Department of Transportation regulatory policies and procedures. Because States and localities have been purchasing units on the approved list with and without Federal funds, there is no reason to believe that these practices will change if the standards become model specifications.

The rescission of this rule will have no economic impact on State or local governments nor on the manufacturers of calibrating units. Because there will be virtually no economic or other impact from this proposal, full regulatory evaluation is not necessary.

In accordance with the Regulatory Flexibility Act, the Agency has evaluated the effects of this action on small entities. Based on that evaluation, I certify that the rescission of the calibrating unit standards will not have significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. While the manufacturers of calibrating units may be small businesses as defined by the Regulatory Flexibility Act, they would not be significantly affected by this action. It is fully expected that States and localities will not alter their purchasing practices as a result of this proposed action.

This action will, therefore, have no effect on the manufacturers of these products and will not impose any cost or other burden.

The Agency has also analyzed this proposed action for the purpose of the National Environmental Policy Act. The Agency has determined that the proposal rescission of the breath testing standards will not have any effect on the human environment.

Interested persons are invited to commenton this proposal. It is requested

but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to those submissions without regard to the 15 page limit. (49 CFR 553.21). This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, any comments reeived after the closing and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the evelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501)

Issued on May 7, 1984.

Diane K. Steed,

Administrator.

[FR Doc. 84-12747 Filed 5-10-84; 8:45 am]

BILLING CODE 4910-59-M

Highway Safety Programs; Guidelines for Devices To Measure Breath Alcohol

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notification of proposed guidelines for devices to measure breath alcohol and publication of a conforming products list.

SUMMARY: This notice proposes model specifications for the performance and testing of evidential breath testing devices. These specifications would replace the Standards for Devices to Measure Breath Alcohol which the Agency is currently proposing to rescind. These specifications would be issued as guidelines for use by State and local governments at their own discretion.

This notice further publishes a conforming products list which is a list of evidential breath testing devices which have been found to meet or exceed the proposed guidelines.

DATE: If the agency rescinds the Standards for Devices to Measure Breath Alcohol, these guidelines will become effective as of the date of the publication of the rescission in the **Federal Register.** Comments are due on or before June 11, 1984.

ADDRESSES: Comments may be sent to the NHTSA's, Office of Alcohol Countermeasures at the address indicated below.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Engle, Office of Alcohol Countermeasures, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 Telephone: (202) 426-9581.

SUPPLEMENTARY INFORMATION: Since November 5, 1973, NHTSA has conducted a program to test evidential breath alcohol devices (EBTs) for accuracy in accordance with specifications set forth in a performance standard (38 FR 30459) and has published a qualified products list (QPL) of devices which met those performance requirements. In the past, States and localities wishing to use Federal funds to purchase EBTs were required to select from those devices listed on the QPL. Beginning in fiscal year 1983, States and localities were no longer limited to those devices on the QPL (47 FR 40791). Therefore, while the standard continues in existence and the qualified products list is updated, it is utilized by most States and localities only as guidelines.

To conform Agency regulations with Agency practice, NHTSA is publishing in the Notices section of this **Federal Register** a proposal to rescind the standards. Thus, the purpose of this notice is to publish the new model specifications which the Agency will adopt if the standards are rescinded and to publish a revised list of evidential breath testing devices which have been tested in accordance to the model specifications and which have been found to meet or exceed the proposed guidelines.

The Agency will continue to evaluate and test breath testing devices and will release its findings so that States which choose not to conduct their own testing will have adequate information upon which to base their purchasing decisions.

This program will therefore assist the State and local communities by providing a centralized qualification test program for breath-testing devices designed to collect evidence in law enforcement programs. Those model specifications are not intended to replace the current qualification programs required in certain States for this equipment or to directly regulate the manufacture of breath-testing equipment. However, some States may wish to make use of this program in addition to setting their own requirements. While the Agency will not impose its findings on State and local governments, NHTSA encourages each State to consider adoting the NHTSA model specifications as its own.

Finally, it is hoped that these specifications can assist industrial organizations in producing breath test equipment by establishing minimum national performance criteria against which they can develop their designs.

Guidelines

In addition to converting the standards to guidelines the Agency is proposing a major change to the test methods themselves. The Standards presently in effect require determination of breath sampling characteristics of evidential breath-alcohol testers through direct correlation of blood analysis with instrument readings of breath alcohol concentration. Human subjects are used for these tests. The new guidelines would permit the incorporation of a simulation procedure to evaluate the breath-sampling capability of evidential breath-alcohol testing devices thus eliminating the need for human subjects. This method utilizes an instrument called a Breath Alcohol Sample Simulator (BASS) which was developed by the Department of Transportation's Transportation System Center in cooperation with the National Bureau of Standard's Law Enforcement Standards Laboratory. The work of both groups was funded by NHTSA. The BASS is a mechanical device which simulates human breath when evaluating the performance of evidential breath-alcohol testing devices.

There are distinct advantages to the replacement of intoxicated human subjects with a mechanical system. The analysis of alcohol concentration in a given subject is accomplished by using a sample collected from a single breath which the subject delivers to the testing device. Since there are large physiological differences between individuals resulting in a wide range of vital capacities and breath pressures, the testing devices must be evaluated for their ability to analyze breath samples at the high and low ends of these ranges.

It is impractical to obtain a sample of intoxicated human subjects for testing that is (a) representative of the drinking-driving population and (b) large enough to account for the physological variability among individuals, yet at the same time small enough to manage within the limits of available fiscal and laboratory resources. Further, it is very difficult to assert complete scientific control over all possible physiological variables to achieve reproducible and accurate testing. Human subject testing is an expensive procedure requiring payment for on-site medical staff, clinical facilities and test subjects.

Use of the BASS eliminates these problems. Although human breath cannot be reproduced in every aspect, the key physical parameters relevant to breath alcohol content measurement can be accurately and reliably simulated in a controlled laboratory environment. The result is a more accurate and reliable evaluation of EBTs using a simpler, more cost-effective technique.

The National Bureau of Standards disseminated a copy of the proposed amended standard in early 1981. A total of 138 copies were circulated for external review. Recipients included State law enforcement agencies, local police departments and scientific and forensic experts in breath alcohol measurement. Twenty-three responses were received. Fifteen of those were either supportive of the standard without change or had no specific comment to offer. Other respondents submitted suggestions for improvement which have been considered.

Especially supportive of the BASS is the State of California which adopted a Resolution calling for its incorporation into the standard.

By eliminating need for human blood-breath correlations through the incorporation of a breath alcohol sample simulator, the model specifications will represent the state-of-the-art in the area of breath-alcohol testing evaluations.

It is important to note that BASS is intended for evaluation purposes only and is not intended to replace the conventional calibration units currently used by local agencies to calibrate evidential breath testers.

The agency is proposing the use of the BASS as the preferred method for evaluating evidential breath testing devices. However, it intends to incorporate into the guidelines by reference the existing test protocol which utilizes human subjects. The agency does not wish to impose the BASS upon any State which might wish to continue with human subject testing.

Procedures

Testing to these model specifications of products submitted by manufacturers, will be conducted by the DOT Transportation Systems Center (TSC) (DTS–77) 55 Broadway, Cambridge, Massachusetts 02142. Tests will be conducted semiannually. Manufacturers wishing to submit devices for evaluation must apply for a test date to the Department's Transportation Systems Center. Nomally, at least 30 days will be required from the date of notification until the test can be scheduled. One week prior to the scheduled initiation of the test program, the manufacturer will deliver at least one unit of its equipment to TSC. The manufacturer shall be responsible for ensuring that its device is operating properly. If the manufacturer wishes to submit a duplicate, backup device, it may do so. In addition to the Operator's Manual and the Maintenance Manual normally supplied with the purchase of this equipment, the manufacturer shall deliver to TSC specifications and drawings which fully describe these units. Proprietary information will be respected.

The manufacturer will have the right to check its units between the arrival in Cambridge and the start of the test, but will have no access to the units during the tests. Any malfunction of the device which results in failure to complete any of the tests satisfactorily will result in failure of the qualification program. If a device fails, it may be resubmitted for the next testing series.

On the basis of these results, NHTSA will publish a conforming products list identifying the evidential breath-testing instruments which meet or exceed the model specification.

Retesting of devices will be conducted when necessary. NHTSA intends to modify and improve these model specifications as new data and test procedures become available. (The test procedures may be altered, if necessary, to meet unique design features of a specific device.) Notification will be provided in the **Federal Register** of each such modification. The manufacturer whose equipment has already been tested to the model specifications will be notified to resubmit the equipment for testing to the new specification only.

NHTSA and TSC shall certify that the listing does, in fact reflect whether a given device meets the performance criteria set forth in the model specifications.

If at any time a manufacturer changes the design of a device currently on the NHTSA conforming products list, the manufacturer should submit the proposed changes to the DOT Transportation Systems Center for review. Based on this review, the NHTSA will decide whether the change will require retesting of the unit. Normally, such retesting will be accomplished at the next annual testing period. In special cases, however, NHTSA may, at its option, permit an earlier retesting of the device.

The DOT Transportation System Center will, on behalf of NHTSA, be the point of contact for information about acceptance testing and field performance of equipment already on the list. When it is available, NHTSA requests that State and local agencies provide both acceptance and field performance data to TSC. Information from users will be used to: (1) Help NHTSA determine whether devices continue to perform according to the NHTSA model specifications, and (2) ensure that field use does not indicate an excessive breakdown or maintenance problems.

If information gathered indicates that an instrument on the conforming products list is not performing in accordance with the NHTSA guidelines, the Transportation Systems Center will initiate a special investigation. This study may include visits to users and additional tests of the device obtained from the open market. It this investigation indicates that the devices actually sold on the market are not meeting the NHTSA model specifications, then the manufacturer will be notified that the instrument may be dropped from the list. In this event the manufacturer shall have 30 days to reply.

Based on the DOT Transportation Systems Center investigation and the data presented in reply by the manufacturer, NHTSA will make a determination as to whether the instrumentation should remain on the list. Upon resubmission, the manufacturer must submit a statement describing what has been done to overcome the problems which led to the dropping of the device in questions from the list.

Conforming Products List

The conforming products list which appears as Appendix C to this notice represents those devices which have been found to meet or exceed the model guidelines. The fact that a device does not appear on the list does not automatically mean that it failed to meet the model specifications. It may indicate that a product was simply not tested.

Comments

Interested parties are invited to submit comments on the guidelines for future consideration, however, the Agency currently intends to adopt the guidelines as they appear in this notice.

Accordingly the DOT model performance specifications for evidential breath testers to measure alcohol content shall be as set forth below.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.50 and 501)

Issued on: May 7, 1984.

George Reagle,

Associate Administrator for Traffic Safety Programs.

Model Specification for Evidential Breath Testers

1. Purpose and Scope

The purpose of this standard is to establish model specifications for performance and methods of testing evidential breath testers. Evidential breath testers (EBT) are instruments that measure the alcohol content of deep lung breath samples with sufficient accuracy for evidential purposes. These guidelines are intended primarily for use in the qualification testing of EBT's.

2. Classification

2.1 Mobility

2.1.1 Mobile Evidential Breath Testers

EBT that are designed to be transported to non-fixed operational sites in the field.

2.1.2 Nonmobile Evidential Breath Testers

EBT that are designed to be operated at a fixed location.

2.2 Power Source

2.2.1 Battery Powered Evidential Breath Testers

EBT that are powered by batteries.

2.2.2 AC Powered Evidential Breath Testers

EBT that are powered from the AC power lines.

3. Definitions

3.1 Alcohol

Ethanol; ethyl alcohol.

3.2 BAC

Blood alcohol concentration, expressed in percent weight by volume (% w/v) based upongram of alcohol per 100 cubic centimeters of blood orper 210 liters of breath in accordance with the Uniform Vehicle Code and Model Traffic Ordinance [1]. Section 11–902.1(a) (Supplement III, 1979). A BAC of 0.10% w/v means 0.10 gram of alcohol per 100 cubic centimeters of blood (0.01 g/100 cc or 1.0 mg/cc) or 0.10 gram of alcohol per 210 liters of breath. Alcohol concentrations in either breath or in vapor mixtures can also be expressed in milligrams of alcohol per liter of vapor (mg/l); to convert mg/l to units of percent weight by volume, multiply by 0.21 [2].

3.3 Qualification Tests

Tests performed to check the compliance of a product with the recommendation of the guidelines.

3.4 Standard Deviation

A common indication of precision among repeated measurements of a single quantity given by:

$$\text{Standard Deviation} = \sqrt{\frac{\text{Sum } (X-\bar{X})^2}{N-1}}$$

where:

N = the number of measurements.
X = the value of single measurement, and
$\bar{X}$ = the mean (average) of all X's.

An equivalent formula which is often more convenient for performing calculations is:

$$\text{Standard Deviation} = \sqrt{\frac{SS}{N-1}}$$

$$\text{where } SS = \text{Sum of } X^2 - \frac{(\text{Sum of } X)^2}{N}$$

3.5 Systematic Error

As used in these guidelines, the difference between the mean measured value and the known value, expressed as a percentage of the known value.

4. Requirements

4.1 Precision

Evidential breath testers shall measure the alcohol content of vapor mixtures with an average standard deviation of no more than 0.020 mg/l (0.0042% w/v) when tested in accordance with paragraph 5.2

[1] Copies of the Uniform Vehicle Code and Model Traffic Ordinance are available from the National Committee on Uniform Traffic Laws and Ordinances, 801 N. Glebe Rd., Suite 400, Arlington, VA 22203.

[2] The conversion factor of 0.21 is a commonly used value recognized by the Committee on Alcohol and Other Drugs of the National Safety Council; that is, 210 liters of "deep lung" air at 34°C contains approximately the same quantity (mass) of ethanol as 100 cc of pulmonary blood. See, for example, R. N. Harger, R. B. Forney and R. S. Baker, "Estimation of the Level of Blood Alcohol from Analysis of Breath," Quarterly Journal of Studies on Alcohol, *17*, 1–18 (1956).

4.2 Accuracy

Evidential breath testers shall measure the alcohol content of vapor mixtures with a systematic error of no more than ±5% or 0.005% w/v, whichever is greater, when tested in accordance with paragraph 5.3.

4.3 Blank Reading

Evidential breath testers shall indicate an average instrument reading of no more than 0.048 mg/l (0.010% w/v) and no single reading shall exceed 0.096 mg/l (0.020% w/v) when tested in accordance with paragraph 5.4.

4.4 Breath Sampling

The ability of evidential breath testers to analyze the appropriate portion of the breath sample shall be determined by testing in accordance with paragraph 5.5. Evidential breath testers shall indicate instrument reading of 0.48 mg/l (0.101% w/v) ±5% for each of 10 tests conducted with each of the three specified sample volume/delivery rates.

4.5 Power

4.5.1

When AC powered evidential breath testers are operated at line voltages of 108 V and 123 V (rms) in accordance with paragraph 5.6, the systematic errors shall not exceed ±5%, and the standard deviations shall not exceed 0.020 mg/l (0.0042% w/v).

4.5.2

The operator's manual supplied with evidential breath testers that operate from internal battery power shall state the maximum period of time or the number of breath tests that can be performed before battery replacement or recharging is necessary. When tested in accordance with paragraph 5.7.1, the systematic errors shall not exceed ±5%, and the standard deviations shall not exceed 0.020 mg/l (0.0042% w/v).

4.5.3

When battery powered evidential breath testers that are designed to operate from a 12 V DC vehicle power supply are operated at voltages of 11 and 15 V DC in accordance with paragraph 5.7.2, the systematic errors shall not exceed ±5%, and the standard deviations shall not exceed 0.020 mg/l (0.0042% w/v).

4.5.4

When battery powered evidential breath testers that have an indicator that warns when the accuracy and precision requirements (pars. 4.1 and 4.2) cannot be met because of battery condition are tested in accordance with

paragraph 5.7.2.5, the indicator shall function as intended.

4.6 Ambient Conditions

4.6.1

Evidential breath testers should meet the requirements of these guidelines when operated within the following ambient conditions.

a. Temperature: 20 to 30° C (68 to 86° f)

b. Pressure: 73 to 105 Kilopascals (548 to 788 mm Hg)

c. Relative Humidity: 10 to 90%

4.6.2

Evidential breath testers should be tested in accordance with paragraph 5.8 for their ability to operate properly at low and at high temperatures. The low temperature tests should be conducted at 20° C (68° F) or at the lowest temperature at which the manufacturer states (par. 4.9.) that the unit will operate properly, whichever is lower, and the high temperature tests should be conducted at 30° C (86° F) or the highest temperature at which the manufacturer states that the unit will operate properly, whichever is higher. The systematic errors should not exceed ±5% and the standard deviations should not exceed 0.020 mg/l (0.0042% w/v.

4.7 Vibration Stability of Mobile EBT.

Mobile evidential breath testers should measure the alcohol content of vapor mixtures with a systematic error or no more than ±5% and a standard deviation of no more than 0.020 mg/l (0.0042% w/v) after they have been subjected to the vibration test in accordance with paragraph 5.9.

4.8 Electrical Safety

Evidential breath testers should meet the following safety requirements of the American National Standard Electrical Safety Requirements: ANSI C 39.5–1974[3], sections 6. Marking; 8.1. Unsafe Temperature, 9.2. Accessible Parts; 9. Precautions Against Spread of Fire; 11. Protection Against Electric Shock (pars. 11.1 and 11.2); 13. Components, Parts and Accessories; 14. Terminal Devices; and 15. External Supply Cords.

4.9 Operator's Manual

An operator's manual shall be supplied by the manufacturer or distributor with each evidential breath tester. This manual shall clarily state the instructions for operation and maintenance of the instrument.

[3] Copies of this ANSI publication may be obtained from the American National Standards Institute, Inc., 1420 Broadway, New York, New York 10018

5. Test Methods—Bass

All tests should be conducted under environmental conditions meeting the requirements of paragraph 4.6.1. Each evidential breath tester under test should be operated in accordance with manufacturer's instructions. All instrument readings (equivalent BAC) shall be recorded to three decimal places (i.e., 0.XXX % BAC).

With the exception of the tests described in paragraph 5.6, all AC powered evidential breath testers should be operated directly off of laboratory power lines that provide nominal 120 V AC.

5.1 Equipment

5.1.1 Breath Alcohol Sample Simulator

The breath alcohol sample simulator, used to determine the sampling capability of evidential breath testers, should be capable of delivering a total sample volume ranging from 2.0 liters to 6.0 liters during time intervals from 6 to 12 seconds at a temperature of 34 ± 0.1° C. When used to generate an ethanol vapor profile, the test sample should consist of three successive ethanol mixture steps as follows: 0.060% w/v; 0.090% w/v; and 0.101% w/v. The delivery duration of each ethanol mixture should be adjustable to 2.0, 3.3 and 4.0 ± 0.1 s. The ethanol vapor mixture of the last step should meet the requirements of the NHTSA Model Specifications Calibrating Units [4] and the simulator should have sufficient capacity to deliver a minimum of 12 complete 6-liter samples with no more than 1% degradation of the ethanol vapor concentration from the final reservoir. A suitable simulator is described in appendix B.

5.1.2 Power Supply

The DC power supply should be adjustable from zero to 15 V, or such other higher operating voltage as may be specified by the manufacturer, have a maximum peak-to-peak ripple of 75 mV and be capable of providing an output current equal to 1.5 times the operating current of the EBT under tests.

5.1.3 Calibration Device

The calibration device and the ethanol mixture used therein should meet the requirements of the NHTSA Model Specifications for calibrating units. [4]

[4] NHTSA intends to publish in the Federal Register model specifications for calibrating units. These model guidelines will closely resemble the Standard for Calibrating Units which appears in 40 FR 36167.

5.2 Precision and Accuracy Test

5.2.1

Allow the intrument to warm up for a period of 30 min, or as specified by the manufacturer. Connect the evidential breath tester, in accordance with the instructions in the operator's manual, to a calibration device that supplies known concentrations of ethanol vapor.

5.2.3

Using the evidential breath tester, measure each of the three known ethanol vapor concentrations listed below 10 times:

a. 0.24 mg/l (0.50% w/v)

b. 0.48 mg/l (0.101% w/v)

c. 0.72 mg/l (0.151% w/v)

5.2.4

For each of the three sets of 10 measurements made in accordance with paragraph 5.2.3, calculate the standard deviation to two significant figures. (See sample calculation in appendix A). Add the three standard deviations and divide by three to obtain the average standard deviation.

5.3 Accuracy Test Using Known Ethanol Vapor Concentrations.

Use the test data obtained in accordance with paragraph 5.2 to calculate the systematic error at each of the three known vapor concentrations.

5.4 Blank Test

Rinse each of the three vapor mixture reservoirs of the breath alcohol sample simulator (par. 5.1.1) with water to remove all traces of ethanol from the reservoirs. Place distilled water in each reservoir, and install the exhaust manifold on the reservoir assembly. Turn on the heaters and allow the system to stabilize at 34.0°C. Drive the piston of the delivery cylinder to the bottom of its travel. Adjust the timer for each reservoir to provide a step duration of 3.3±0.1 seconds. Connect the air supply cylinder to a source of test gas containing five parts CO_2, 0.004 parts CO, 80 parts N_2 and 14 parts O_2. Operate the simulator through three complete cycles to flush the system and fill it with the specified gas mixture.

Connect the evidential breath tester to the output of the simulator. If it is possible, connect the output of the evidential breath tester to a spirometer to measure the volume of gas delivered through it. If the breath tester vent port is not accessible, place the unit under test in an air tight laboratory glove box of sufficient size to provide at least 15 cm (6 in) clearance between the sides and top of the interior surfaces of the

glove box. The glove box should be equipped with internal outlets for 110 V AC power, or connections for DC power as appropriate for the instrument under test and a transparent viewing window that allows observation of all controls and displays of the breath tester. Connect the output of the simulator to the input of the breath tester by means of an air tight feed in the wall of the glove box and install a fitting on a vent port in a wall of the glove box and connect the 9 L vitalometer to it. Measure directly the sample volume delivered to the breath tester as the volume of air displaced from the glove box.

Adjust the cylinder driver pressure to deliver a total sample volume of 2 liters in a total delivery time of 10 s.

Subject the evidential breath tester to 10 complete cycles, noting the instrument BAC indication for each of the 10 tests.

5.5 Breath Sampling Test

Fill the ethanol vapor reservoirs of the breath alcohol sample simulator (par. 5.1.1) with a mixture of ethanol and water that will yield ethanol vapor concentrations of 0.060; 0.90 and 0.101% w/v respectively in reservoir numbers 1, 2, and 3. Install the exhaust manifold and turn on the heaters. Allow the system to stabilize at a temperature of 34.0±0.1°C. Adjust the drive pressure as determined in paragraph 5.4, and set the timer for each reservoir profile step to 3.3±0.1 seconds.

Attach the evidential breath tester to the output of the simulator. Run the simulator through 10 complete cycles, allowing sufficient time for the evidential breath tester to recover between cycles, if required, and record the indicated instrument reading for each test.

Adjust the profile step timers for each reservoir to 2.0 seconds. Using the procedure outlined in paragraph 5.4, adjust the initial drive pressure to provide a total delivery volume of 2.0 liters. Conduct 10 tests as above and record the instrument readings for each test.

Adjust the profile step timers for each reservoir to 4.0 seconds, using the procedure outlined in paragrap 5.4, adjust the initial drive pressure to provide a total delivery volume of 6.0 liters. Conduct 10 tests as above and record the BAC readings for each test.

Throughout the above test sequence, monitor the ethanol vapor concentration in solution reservoir number 3, and replace the mixture as required to ensure compliance with the requirements of the NHTSA Model Specifications for Calibrating Units.[4]

5.6 Power Line Voltage Tests

5.6.1

Apply line power to each AC powered EBT under test through a variable autotransformer having a nominal input voltage of 117 V AC and an output adjustable between 0 and 130 V, and having a current rating as required by the instrument under test. Any voltage regulating device used with the instrument should be connected between the variable autotransformer and the instrument under the test.

5.6.2

Monitor the autotransformer output voltage with an rms AC voltmeter having an accuracy of ±2% in the range of 105 to 125 V.

5.6.3

Adjust the voltage to the EBT to 108 V. Wait at least 30 min, readjusts the voltage if necessary and then immediately measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v) 10 times, as in the precision tests (par. 5.2).

5.6.4

Increase the voltage to the EBT to 123 V, wait at least 30 min, readjust the voltage if necessary and again measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v) 10 times (par. 5.2).

5.6.5

Calculate the systematic errors and the standard deviations in accordance with paragraphs 5.2 and 5.3, for each of the two sets of 10 measurements (obtained with line voltages of 108 V and 123 V).

5.7 Battery Powered Tests

5.7.1 Internal Power Supplies

Install new disposable batteries or fully charged rechargable batteries in the EBT under test if it is designed to operate from an internal battery power supply.

5.7.1.1

Turn the EBT under test on, and allow it to warm up as specified by the manufacturer and measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v). If the manufacturer specifies a maximum number of tests that can be conducted before recharging or replacing the batteries, repeat the test until that number of measurements have been made. If the manufacturer does not specify the number of tests that can be made, but instead specifies a maximum period of operation during which the EBT will provide accurate analysis, allow the unit to operate continuously for that period of time; measure a known ethanol vapor concentration periodically during the time of continuous operation at intervals equal to approximately one-tenth of the manufacturer specified time (the last measurement taken at the maximum time limit) to obtain a total of ten measurements.

5.7.1.2

Calculate the systematic error and the standard deviation for the set of measurements obtained in paragraph 5.7.1.1 in accordance with paragraphs 5.2 and 5.3.

5.7.2 External Battery Power Supplies

Connect an EBT that is designed to operate from a vehicle power supply to a variable laboratory dc power supply that meets the requirements of paragraph 5.1.2.

5.7.2.1

Monitor the power supply voltage with a voltmeter having an accuracy of ± 2% in the range from 10 to 16 V dc.

5.7.2.2

Adjust the voltage to the EBT to 11+0.25 V. Wait at least 30 min., adjust the voltage if necessary and then immediately measure a known ethanol vapor concentration of 0.48 mg/l (0.101% v/v) 10 times, as in the precision test (par. 5.2).

5.7.2.3

Increase the voltage to the EBT to 15±0.25 V, wait at leasts 30 min. readjust the voltage if necessary and again measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v) 10 times, as in the precision test (par. 5.2).

5.7.2.4

Calculate the systematic error and standard deviation for each of the two sets of 10 measurements obtained at 11 and 15 V.

5.7.2.5

If the battery powered EBT under test incorporates an indicator to warn the operator when the power has been depleted such that the accuracy and precision required can no longer be met, operate the unit from the internal batteries continuously and note whether the indicator functions properly. If the manufacturer specifies the voltage level at which the indicator operates, remove the internal batteries and connect the EBT to a variable DC power supply (par. 5.1.2) and adjust the input voltage to the

level; note whether the indicator functions as intended.

5.8 Ambient Temperature Test

Maintain the test temperatures constant and accurate within ±0.5°F) throughout the duration of the testing period.

5.8.1

Allow at least 1 hour for the evidential breath tester to come to temperature equilibrium at each requirement test temperature.

5.8.2

Measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v) 10 times at each test temperature.

5.8.3

Calculate the systematic error and the standard deviation for each set of 10 measurements.

5.9 Vibration Test for Mobile EBT's [5]

5.9.1

Subject the mobile EBT to simple harmonic motion having an amplitude of 0.38 mm (0.015 in) [total excursion 0.76 mm (0.030 in)] applied initially at a frequency of 10 Hz and increased at a uniform rate to 30 Hz in 2½ min, then decreased at a uniform rate to 10 Hz in 2½ min.

5.9.2

Subject the unit to simple harmonic motion having an amplitude of 0.19 mm (0.0075 in) [total excursion 0.38 mm (0.015 in)] applied initially at a frequency of 30 Hz and increased at a uniform rate to 60 Hz in 2½ min, then decreased at a uniform rate to 30 Hz in 2½ min.

5.9.3

Perform the tests described in paragraph 5.9.1 and 5.9.2 in each of three directions, namely in the directions parallel to both axes of the base and perpendicular to the plane of the base.

5.9.4

Measure a known ethanol vapor concentration of 0.48 mg/l (0.101% w/v) 10 times, and calculate the systematic error and the standard deviation.

6. Alternate Test Method Human-Subject Testing

Incorporated herein, by reference, is Section 5, Test Methods, appearing in 38 FR 39459, November 5, 1973, Standards for Devices to Measure Evidential Breath Testers for Alcohol Content. This test method may be used as an alternative to that method described in Section 5 of this notice.

[5] The test was taken from EIA Standard RS-204-A (July 1972) which is available from Electronic Industries Association, Engineering Department, 2001 Eye Street, N.W., Washington, D.C. 20006.

Appendix A—Sample Calculations of Precision and Accuracy

The results of 10 sample measurements made in accordance with 5.1 at three known ethanol vapor concentration levels are as follows:

TABLE A-1

Measurement No.	0.24 mg/l (0.50% w/v)	0.48 mg/l (0.101% w/v)	0.72 mg/l (0.151% w/v)
	% w/v	% w/v	% w/v
1	0.045	0.092	0.148
2	0.046	0.097	0.149
3	0.049	0.100	0.145
4	0.046	0.105	0.148
5	0.045	0.094	0.146
6	0.049	0.098	0.147
7	0.047	0.098	0.152
8	0.050	0.102	0.147
9	0.047	0.093	0.154
10	0.046	0.094	0.152
Average	0.047	0.097	0.149
Standard deviation	0.0018% w/v	0.0042% w/v	0.0029% w/v
Average standard deviation		0.0030% w/v	
Systematic error	−6% w/v	−4% w/v	−1% w/v

Appendix B—Breath Alcohol Sample Simulator

The concentration of alcohol in a single expired breath from a human subject, following the ingestion of alcohol, is asymmetric with time as shown in figure B-1, a typical alcohol sample profile.

Figure B-2 shows a block diagram of a breath alcohol sample simulator that is suitable for use in a laboratory to evaluate the deep lung sampling capability of instruments used to measure the alcohol concentration of human breath. For a full discussion of the development of this equipment, refer to NBS Special Publication 480-41,* issued in July 1981.

The breath alcohol sample simulator consists of three ethanol vapor chambers connected to a common exhaust manifold. In use, air from a large piston and cylinder is routed sequentially through each of the ethanol vapor chambers (each adjusted to a different and higher ethanol vapor concentration) to produce at the exhaust manifold in a series of concentration steps joined together to form a single asymmetric profile.

The discussion that follows identifies equipment by manufacturer and model; however, this does not constitute an endorsement of their products. Any equipment meeting the requirements as specified in paragraph 5.1.1. of this standard may be used to construct a breath alcohol sample simulator.

* Available from the Law Enforcement Standards Laboratory, National Bureau of Standards, Washington, D.C. 20234.

The three ethanol vapor chambers are grouped together as shown in figure B-3. The input and output valves (Model 53C18HN14-2, Valcor Engineering, Kenilworth, NJ) are automatically controlled so that the air passes through each solution at the proper time and for the proper duration. Heaters, thermoregulators, and the stirers used in the solution reservoirs were taken from MK II Simulators (Smith and Wesson Electronics, Springfield, Mass.), the shafts of which were extended. The air diffusers (double) were taken from Model 999 Air Pump (Lew Childre and Sons, Inc., Foley, AL). High precision thermometers (±0.1° C) are used to monitor the temperature. Initial pressures are variable from 0 to 200 inches of water. Although maximum final delivery pressure is only 64 in of water, higher initial pressures are needed to overcome the high flow resistance of the air diffusers.

The air supply for the breath alcohol sample simulater is provided by a 7 liter air driven piston and cylinder assembly. The duration of the step for each ethanol vapor chamber is controlled by a relay timer (Model W21LMASOX-2, Magnecraft Electric Co., Chicago, IL).

When used to evaluate the deep lung sampling capability of breath alcohol instruments, the solution reservoirs are filed with water and ethanol in the proper proportions to result in ethanol vapor concentrations of 0.060, 0.090, and 0.101% w/v, respectively in reservoir numbers 1, 2 and 3. The heaters are then turned on and the reservoirs and exhaust manifold allowed to stabilize at

a temperature of 34.°C. The concentration of the ethanol vapor in reservoir number 3 is tested in accordance with the procedures of the NHTSA Model Performance Specifications for Calibrating Units for Breath Alcohol Testers to ensure that the concentration is 0.101% w/v as required.

The relay timers for each of the three reservoirs are adjusted to provide an individual profile step each equal to one-third of the total delivery duration, such as 4.0 seconds at a concentration of 0.060% w/v, 4.0 seconds at a concentration 0.90% w/v, and 0.101% w/v. The instrument to be tested is then connected to the output of the exhaust manifold.

The 7 liter air supply cylinder piston is driven to the bottom position of its travel. The pressure regulator on the input of air supply is adjusted to the predetermined test pressure for the instrument under test to deliver the total sample volume in the required time. The pressure valve to the piston is then opened, and the timers are allowed to cycle automatically to deliver the required alcohol vapor concentration profile to the unit under test.

APPENDIX C.—CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES

Manufacturer model	Mobile	Non-mobile
Alcohol Countermeasures, Systems, Inc., Port Huron, Mich.; Alert J3AD.	×	×
BAC System, Inc., Ontario, Canada; Breath Analysis Computer.		×
CAMEC Ltd., North Shields, Tyne and Ware, England; IR Breath Analyser.	×	×
CMI, Inc., Minturn, Colo.; Intoxilyzer.		
1. 4011	×	×
2. 4011A	×	×
3. 4011AS	×	×
4. 4011AS-A	×	×
5. 4011AW	×	×
6. 4011A27-10100	×	×
7. 4011A27-10100 with filter.	×	×
8. 5000	×	×
Decator, Electronics, Decator, Ill.; Alco-Tector Model 500.		×
Intoximeters, Inc., St. Louis, Miss.:		
Photo Electric Intoximeter		×
GC Intoximeter Mk II	×	×
GC Intoximeter Mk IV	×	×
Auto Intoximeter AI-1000	×	×
Intoximeter 3000	×	×
Alco-Sensor III	×	×

APPENDIX C.—CONFORMING PRODUCTS LIST OF EVIDENTIAL BREATH MEASUREMENT DEVICES—Continued

Manufacturer model	Mobile	Non-mobile
Komyo Rikagaku, Kogyo, K.K; Kitagawa Alcolyzer DAP-2.	×	×
Luckey Laboratories, San Bernadino, Calif..		
Alco-Analyzer 1000		×
Alco-Analyzer 2000		×
National Dreager, Inc., Pittsburgh, Pa.; Alcotest 7010.	×	×
Omicron Systems, Palo Alto, Calif.:		
Intoxilyzer 4011	×	×
4011 AW	×	×
Smith and Wesson Electronics, Springfield, Mass.:		
Breathalyzer 900	×	×
900 A	×	×
	×	×
2000	×	×
Verax Systems, Inc., Fairport, N.Y.; The Verifier.	×	×

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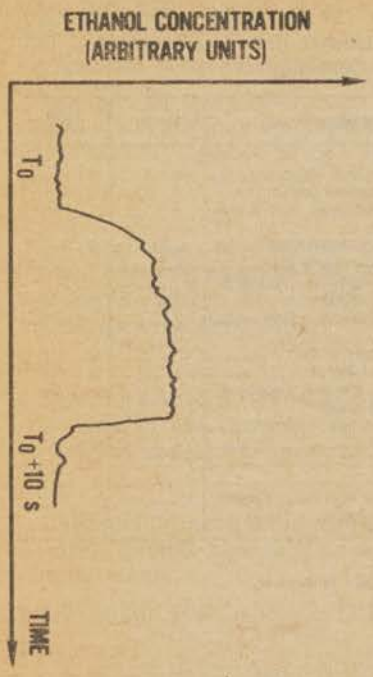


Figure B-1

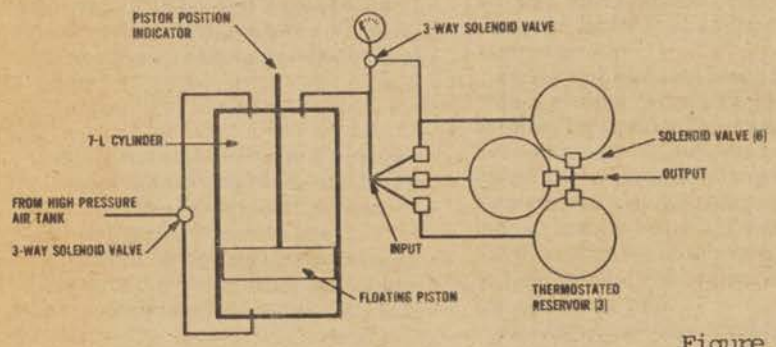


Figure B-2

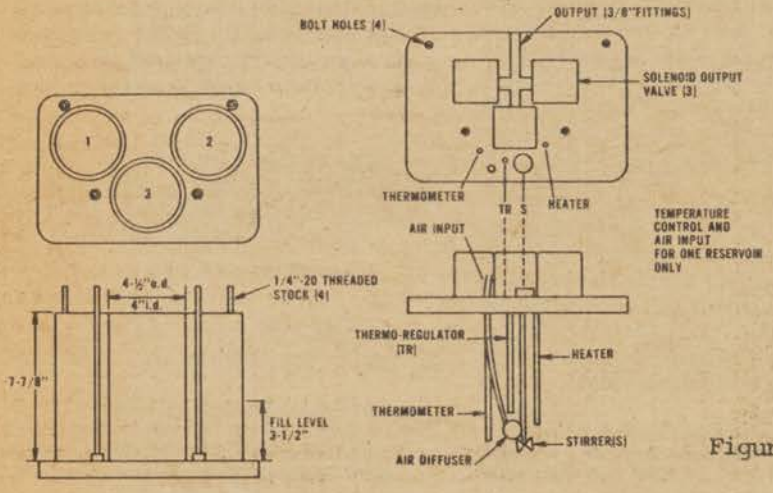


Figure B-3

[FR Doc. 84-12675 Filed 5-10-84; 8:45 am]
BILLING CODE 4910-59-C

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 84-110]

May 7, 1984

Reimbursable Services—Excess Cost of Preclearance Operations

Notice is hereby given pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning May 13, 1984.

Installation	Biweekly excess cost
Montreal, Canada	$21,940
Toronto, Canada	32,441
Kindley Field, Bermuda	11,989
Nassau, Bahama Islands	13,367
Vancouver, Canada	14,695
Winnipeg, Canada	2,662
Freeport, Bahama Islands	7,294
Calgary, Canada	8,320
Edmonton, Canada	4,876

John L. Heiss,

Acting Comptroller.

[FR Doc. 84-12753 Filed 5-10-84; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 49, No. 93
Friday, May 11, 1984

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:08 a.m. on Friday, May 4, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Application of SafraBank (California), Los Angeles (Encino), California, a proposed new bank, for Federal deposit insurance and for consent to establish a branch at 445 North Bedford Drive, Beverly Hills, California.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets: Case No. 46,046–SR, West Coast Bank, Lost Angeles (Encino), California.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 10:13 a.m., and at 5:55 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(A)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in State Bank of Mills, Mills, Wyoming, which was closed by the State Examiner for the State of Wyoming on Friday, May 4, 1984; (2) accepted the bid for the transaction submitted by Mountain Plaza National Bank, Casper, Wyoming, a subsidiary of Midland Financial Corporation, Casper, Wyoming; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(B)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Western National Bank of Casper, Casper, Wyoming, which had been closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Friday, May 4, 1984; (2) accepted the bid for the transaction submitted by Wyoming National Bank of West Casper, Casper, Wyoming, a newly-chartered subsidiary of Affiliated Bank Corporation, Casper, Wyoming; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction; and

(C) considered a recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets: Case No. 46,043–SR, Elm Creek State Bank, Elm Creek, Nebraska.

In reconvening the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was recessed at 5:58 p.m., and at 8:13 p.m. that same day the meeting was reconvened, by telephone conference call, at which time the Board of Directors:

(A) adopted a resolution (1) making funds available for the payment of insured deposits in First National Bank, Snyder, Texas, which had been closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Friday, May 4, 1984; (2) accepting the bid of, and appointing American State Bank of Snyder, Snyder, Texas, a newly-chartered State nonmember bank subsidiary of American State Financial Corporation, Lubbock, Texas, as the transfer agent for the Corporation for the payment of insured and fully secured deposits of the closed bank; (3) approving the application of American State Bank of Snyder, Snyder, Texas, for Federal deposit insurance; and (4) making funds available for an advance payment to uninsured depositors and other general creditors of First National Bank equal to 40 percent of their uninsured claims; and

(B)(1) received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First National Bank of Rushford, Rushford, Minnesota, which was closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Friday, May 4, 1984; (2) accepted the bid for the transaction submitted by Goodhue County National Bank, Red Wing, Minnesota; and (3) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

In reconvening the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuat to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: May 7, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-12833 Filed 5-9-84; 12:27 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, May 7, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director C. T. Conover (Comptroller of the Currency), concurred in by Director Irvine H. Sprague (Appointive), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a recommendation regarding an insured bank pursuant to section 4 of the Federal Deposit Insurance Act and section 5 of the Home Owners' Loan Act of 1933 (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii))).

The Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: May 7, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-12834 Filed 5-9-84; 12:27 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, May 7, 1984, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum regarding the approval of funds for buildout of the Chicago Area and Regional Offices.

The Board further determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum and resolution regarding proposed amendments to the Corporation's rules and regulations in the form of new Part 325, to be entitled "Capital Maintanance", which would (1) define capital for insured banks and, on a consolidated basis, for holding companies with insured bank subsidiaries; (2) establish minimum standards for adequate capital for all insured banks and, on a consolidated basis, for all holding companies that have insured bank subsidiaries; and (3) establish standards to determine when an insured bank is operating in an unsafe or unsound condition by reason of the amount of its capital.

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: May 7, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-12835 Filed 5-9-84; 12:27 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, May 8, 1984, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a recommendation regarding an insured bank pursuant to section 4 of the Federal Deposit Insurance Act and section 5 of the Home Owners' Loan Act of 1933 (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), and (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Chairman's Office, Room 6023 of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Dated: May 8, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84-12836 Filed 5-9-84; 12:27 pm]

BILLING CODE 6714-01-M

5

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 19433, May 7, 1984.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: May 9, 1984, 10:00 a.m.

CHANGE IN THE MEETING: The following item has been added to the agenda:

Item No., Docket No. and Company

CI-1; CI83-163-001, Texaco Inc.

Kenneth F. Plumb,

Secretary.

[FR Doc. 84-12815 Filed 5-9-84; 9:53 am]

BILLING CODE 6717-02-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m.—May 16, 1984.

PLACE: Hearing Room One—1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

1. Special Docket No. 1102: Application of United States Atlantic & Gulf-Jamaica and

Hispaniola Steamship Freight Association and Sea-Land Service, Inc. for the benefit of United Brands for Chiquita International Trading Co.—Consideration of the record.

Portion Closed to the public:

1. Docket No. 82–3: South Atlantic—North Europe Rate Agreement (Agreement No. 9984–23) and Gulf-European Freight Association (Agreement No. 10270–2)—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 12811 Filed 5–9–84; 9:15 am]

BILLING CODE 6730–01–M

7

[USITC SE–84–21A]

INTERNATIONAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 18944 (May 3, 1984).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Monday, May 14, 1984.

CHANGES IN THE MEETING: Deletion of item No. 5 on the agenda as follows:

In conformity with 19 CFR 201.37(b), Commissioners Eckes, Stern, Haggart, Lodwick, and Rohr determined by recorded vote (Action Jacket GC–84–065) that Commission business requires the change in subject matter by deletion of item No. 5 [Investigation 751–TA–8 (Acrylic Sheet from Japan)—briefing and vote], affirmed that no earlier announcement of the deletion was possible, and directed the issuance of this notice at the earliest practicable time. (Commissioner Liebeler did not participate in the vote.)

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary. (202) 523–0161.

[FR Doc. 84–12902 Filed 5–9–84; 3:56 pm]

BILLING CODE 7020–02–M

8

PAROLE COMMISSION

Public Announcement

AGENCY HOLDING MEETING: U.S. Parole Commission, National Commissioners. The Commissioners presently maintaining offices at 5550 Friendship Boulevard, Chevy Chase, Maryland, Headquarters.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, May 8, 1984—2:00 p.m.

CHANGES IN MEETING: The new date and time is Wednesday, May 9, 1984, at 2:00 p.m. Notice of this change is being made at the earliest practicable time.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 4 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: May 8, 1984.

Joseph A. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 84–12829 Filed 5–9–84; 11:30 am]

BILLING CODE 4410–01–M

federal register

Friday
May 11, 1984

Part II

Environmental Protection Agency

40 CFR Parts 124, 144, 146, and 147
Underground Injection Control Program; Federally-Administered Programs; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 124, 144, 146, and 147

[WH-FRL 2532-4]

Underground Injection Control Program; Federally-Administered Programs

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Safe Drinking Water Act (SDWA) requires the Environmental Protection Agency (EPA) to prescribe an Underground Injection Control (UIC) Program for States which were listed pursuant to section 1422(a) of the Act if a State has not submitted an application or if the State program has been either disapproved or no longer meets the requirements of the Act.

The UIC Programs, whether implemented by the States or EPA, are designed to prevent underground injections through wells which may endanger drinking water sources. In some cases, the EPA will implement a program covering all classes of wells for a State; in others where a State program covers only some classes of wells, the Federal program will cover only the remaining classes.

In this rulemaking, the Agency is promulgating regulations establishing UIC Programs in each of 22 jurisdictions, listed in Table 1, for which no State-implemented program has been approved. (See **"SUPPLEMENTARY INFORMATION".**)

Today's promulgation consists of two parts: (1) Amendments to Part 144, EPA's minimum requirements for UIC programs that will apply to EPA-administered programs; and (2) Part 147, which for each EPA-administered State program references and makes applicable Parts 124, 144 and 146, and prescribes certain State-specific requirements. Part 147 also describes EPA's approval of State-administered UIC programs and incorporates by reference appropriate provisions of State statutes and regulations. Finally, the EPA is prescribing in Part 147 programs for certain Indian lands, listed in Table 1 below.

The ban on Class IV injection wells being promulgated today in § 144.13 applies to the minimum requirements, and therefore, affects both EPA-administered programs and programs administered by States having primary enforcement responsibility. Most State-administered programs ban injection through Class IV wells; however, States which do not, have 270 days from the effective date of these regulations to amend their program as specified in section 1422(b)(1)(B) of the SDWA.

DATES: These regulations shall be promulgated for purposes of judicial review at 1:00 p.m. eastern time on May 25, 1984. These regulations shall become effective on June 25, 1984. In order to assist the EPA to correct typographical errors, incorrect cross-references, and similar technical errors, comments of a technical non-substantive nature on the final regulations may be submitted until June 11, 1984. The effective date will not be delayed by consideration of such comments.

ADDRESSES: Comments of a technical and non-substantive nature should be addressed to Judy Long, Comment Clerk, Ground Water Protection Branch, EPA, Office of Drinking Water (WH-550), 401 M Street S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John B. Atcheson, Ground Water Protection Branch, EPA (202) 382-5530.

SUPPLEMENTARY INFORMATION:

TABLE 1—JURISDICTIONS FOR WHICH THE PROGRAMS ARE PROMULGATED

(The proposed program covers all Classes of wells unless otherwise noted.)

THE UIC PROGRAM

Alaska (including Indian lands)
Arizona (including Indian lands except Navajos)
California (Class I, III, IV and V wells on all lands, including Indian lands; Class II wells on Indian lands only)
Colorado (Classes I, III, IV and V wells on all lands, including Indian lands; Class II wells on Indian lands only except the Ute Mountain Reservation)
District of Columbia
Idaho (including Indian lands)
Indiana
Iowa (including Indian lands)
Kentucky
Michigan (including Indian lands)
Minnesota (including Indian lands)
Missouri (Class I, III, IV and V wells only)
Montana (including Indian lands)
Nebraska (Class I, III, IV and V wells on all lands, including Indian lands; Class II wells on Indian lands only)
Nevada (including Indian lands)
New York (all Indian lands but Seneca)
Pennsylvania
Tennessee
Virginia
American Samoa
Northern Mariana Islands
Trust Territories

I. Background

These regulations are being promulgated under the authority of Part C of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f to 300j–9) and, to the extent that they deal with hazardous waste, the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 *et seq.).* The SDWA is designed to protect the quality of drinking water in the United States and Part C of the SDWA specifically mandates regulation of underground injection of fluids through wells. The regulations being promulgated today were proposed on September 2, 1983 (48 FR 40098 *et seq.).* Public hearings were held in one or more locations in all the States where these rules were proposed. The EPA has received comments from States and local governments, industry, environmental groups, private citizens and trade associations. After weighing the comments carefully EPA is promulgating these requirements with changes from the proposal as appropriate. A detailed discussion of the relevant statutory provisions and regulatory development appeared in the proposal to these regulations (see 48 FR 40099 *et seq.*, September 2, 1983).

II. Structure of Direct Implementation

A. Contents of the Federally-Administered programs

For the reasons outlined in the preamble to the proposed regulations (48 FR 40100) the Agency has adopted the following scheme to promulgate Federally-prescribed State programs:

(1) Requirements necessary to supplement or clarify all the EPA-administered programs are promulgated as amendments to Part 144.

(2) New Part 147 contains a subpart for each State program. In the case where EPA administers the program this part:

(a) Incorporates by reference and makes applicable the UIC minimum requirements of 40 CFR Parts 124, 144 and 146; and

(b) Prescribes additional State-specific requirements.

For State-administered programs, this part incorporates by reference and makes applicable requirements from the appropriate State statutes and regulations. Such requirements are made a part of the UIC program under the SDWA.

B. Jurisdictions Covered

(1) *States:* With a few exceptions explained below, these final rules apply to all the States for which they were

proposed in September 1983. The exceptions are:

Arkansas and Colorado: Since the September 2, 1983, proposal of EPA-administered programs for Class II wells in Arkansas, and all classes of wells in Colorado, these States have submitted final applications for primary enforcement authority for programs to regulate Class II wells. After careful review, EPA determined that the States' applications were adequate, and approved these State-administered programs.

This approval eliminates the need to promulgate an EPA-administered program for Class II wells in Arkansas. For this reason, the EPA withdrew the notice of hearing and is not at this time promulgating a Federal program for Arkansas.

In the case of Colorado, the Agency had proposed a program for all classes of wells. The approval of the Class II program pursuant to Section 1425 of the SDWA eliminates the need to implement a program for wells except for on Indian lands, where the State does not assert jurisdiction. In the case of the Ute Mountain Reservation, EPA intends to promulgate a program at a later date. The program promulgated for Colorado today therefore, covers all classes of wells on Indian lands (except the Ute Mountain Reservation), and only Class I, III, IV, and V wells in the rest of the State.

Indian lands: Minnesota and Wisconsin—A ban on injection wells on tribal lands in these States is being developed and will be proposed. EPA is taking this course action in response to comments received from a majority of tribes.

III. Response to Comments: General Program Elements

A. Comments Not Appropriate to This Rulemaking

Many comments were received on regulatory requirements that were not proposed on September 2, but which already existed by virtue of earlier rulemaking. Some of these comments are discussed in detail below. Others included the requirement for monitoring wells associated with Class I injection wells, the requirement that a plugging and abandonment plan be prepared for all wells, and the requirement that owners or operators of existing Class II fields authorized by rule obtain permits for any new wells to be added to the field. In addition, EPA received comments on the classification of injection wells, comments on the methods for analyzing fluids, suggestions that certain classes be exempted from regulation, or that they be regulated in a different manner, and suggestions that the time limits for inventory and other reporting specified in the minimum requirements be changed. Commenters also suggested that EPA regulate abandoned wells and producing wells under the UIC program. Finally, several commenters suggested that EPA was not the appropriate regulatory body to administer the UIC program. Most of these comments were made without explanation as to why the commenter believed they were appropriate for established, promulgated regulations. A few commenters presented the position that all requirements existing in the current regulations as minimum requirements for State programs should be reviewable on the basis that the application of these requirements to actual EPA-administered State programs is a new proposal.

The Agency believes that this contention is without foundation. Much of what was published in the proposal was merely recodification of the minimum requirements. In addition, EPA made very clear in both the proposal and promulgation of the minimum requirements regulations that these were to serve as minimum requirements for *all* State UIC programs, whether administered by the States or by EPA. While EPA may go *beyond* these minimum requirements in the programs the Agency administers, as a matter of existing regulatory law the programs must at least meet the minimum requirements already established in 40 CFR Parts 124, 144 and 146. In addition, the substance of these regulations was open to judicial review after their initial promulgation, and indeed the regulations were the subject of a major appellate court challenge and subsequent court-approved settlement. Consequently, EPA does not believe that the existing requirements of Parts 124, 144 and 146 are appropriate for comment. EPA has, however, recorded the comments, and will consider them to the extent that the Agency wishes to contemplate amendments to the existing regulatory program, although the Agency is under no formal obligation to do so.

B. Adoption of Requirements for EPA-administered Programs as Minimum Requirement for All Programs

A few commenters, while generally supporting the proposed requirements for EPA-administered programs, expressed the opinion that they should be adopted as minimum requirements for all programs, and thus apply to State-administered programs as well. Specific requirements mentioned were the requirements for submission of post-plugging reports (§ 144.28(k)), the one year time limit for submission of evidence of financial responsibility for wells authorized by rule (§ 144.28(d)(2)), notice to surrounding landowners of submission of a permit application (§ 144.31(e)(9)), and the requirement of notice to the Director before discarding records at the end of the three year retention period (§§ 144.28(i) and 144.51(j)(2)(i)).

The Agency does not believe that it is appropriate at this time to adopt these as requirements that would apply to State-administered programs. The SDWA dictates that Federal regulations not interfere unnecessarily with existing State programs, and a consequence of this mandate is the need to allow States to meet standards of performance in a variety of ways. Although EPA believes that the requirements being promulgated today are appropriate for in a variety of ways. Although EPA believes that the EPA-administered programs, for the most part they reflect the details of how existing general standards or requirements should be carried out. These may be incompatible with a given State's unique scheme for accomplishing the same standard. EPA has no evidence at this time that these State schemes are inadequate. If further information indicates that this may be so, EPA would consider adopting some of these as minimum standards if this could be done in a manner compatible with the various existing and adequate State schemes.

C. Coordination With States

The Agency received several comments, including some from States themselves, regarding the relationship of EPA-administered UIC programs to existing State laws and programs relating to underground injection.

Some commenters maintained that existing State requirements are adequate to protect drinking water, and that EPA should not impose Federal requirements where State programs exist. In response, where States have authorities and requirements equivalent to Federal requirements they can apply to EPA for primary enforcement authority of the UIC program and will be granted such authority if EPA determines that the State program meets Federal requirements. EPA has worked diligently for several years to encourage States to identify or obtain such authorities and requirements and apply for program approval. For the programs in the 22 States covered by this rulemaking, however, the States have

failed to submit applications or have submitted applications that fail to meet Federal requirements. In these cases, the SDWA unequivocally requires EPA to promulgate Federally-administered programs. The Agency could not decline to regulate in deference to these existing State programs without violating Federal law.

Other commenters suggested that in promulgating EPA-administered programs the Agency should adopt requirements patterned after existing State regulations rather than use the existing minimum UIC requirements regulations. First, because of regulatory statements that these minimum requirements apply to EPA as well as States, EPA could not adopt any such State requirements that were less stringent than the minimum Federal requirements. As to the possibility of adopting requirements or procedures that may be equivalent but different, EPA believes that it is important to maintain a consistent national program in EPA-administered jurisdictions for efficiency and consistency in administration. EPA may consider departures from this principle in the case of Indian land programs, where there are special considerations of Indian preferences and, in many cases, of consistency with equivalent but varying approved State-administered programs in the rest of the State. EPA does not believe that such departures from the principle of national uniformity are appropriate in the case of entire State programs, however, especially considering that States are able and encouraged to assume primary enforcement authority as an alternative to the direct Federal presence.

Other commenters suggested that EPA confer with States in all significant program decisions such as issuance of permits, or aquifer exemptions. EPA agrees that coordination and cooperation with the State government in a Federally-administered State is important. Existing procedural mechanisms should be sufficient to provide for this. By regulation EPA must provide individual notice of permitting procedures (the preparation of a draft permit) to all persons on a mailing list that anyone may join upon request. If the State will inform EPA of the appropriate State agency or office to receive notice, EPA can enter this on the list. In addition to notice of the preparation of draft permits, EPA intends to notify individually all persons listed of proposals for other significant programs actions such as aquifer exemptions. Since notice of these actions can thus be assured, the State will have the opportunity to provide comment on the proposed actions, which will be considered carefully by EPA before any final determinations are made.

Finally, some commenters, concerned with the prospect of being subjected to different requirements by both the State and EPA, suggested that EPA explicitly preempt State requirements in the area of underground injection control. Section 1423(c) explicitly preserves the authority of any State or political subdivision to adopt or enforce any requirements respecting underground injection, provided only that no such requirements relieve any person from complying with any Federal requirement otherwise applicable.

Other commenters suggested that EPA consider existing State requirements when setting specific requirements, particularly those for maximum injection pressure and financial responsibility. The Agency has done so, and will continue to work with States to the maximum extent possible, within the bounds imposed by the minimum requirements.

D. Indian Lands

Within EPA-administered States. In the September 2, 1983 proposal, EPA stated its intention to apply EPA-administered State programs to all Indian lands in those States. Except where the Agency has received significant comment to the contrary from interested Indians, EPA is following through on that proposal in today's rulemaking. The Agency may in certain cases, however, consider subsequent amendments that would apply only to Indian lands in such States if necessary to accommodate a strong tribal preference or other justifications. For example, where there are no wells of a given class, and existing tribal regulation or policy prohibits such practices, EPA may accommodate tribal preference by promulgating a ban of such well classes. Comments to this effect were received during the comment period for the September 2, 1983 proposal, and EPA will propose additional requirements accordingly as necessary.

Within States with approved State-administered Programs. The Agency also presented four alternative approaches to promulgating UIC programs on Indian lands in States with approved State-administered programs: (1) Implement a program consisting of current UIC minimum requirements; (2) implement a program consisting of requirements patterned after State requirements from the approved program applicable in the rest of the State; (3) adapt a combination of the minimum UIC requirements regulations and the approved State program requirements; or (4) develop unique requirements in response to Indian concerns or other special circumstances. The great majority of commenters, both Indian and non-Indian, preferred the second approach where requirements are patterned after those of the approved State program. A few commenting Tribes, however, expressed additional tribal preferences. Consequently, depending on Indian wishes, EPA may use any of the four proposed options appropriate to the individual case when implementing programs for Indian lands in primacy States. As within EPA-administered States, EPA will consider subsequent amendments that would apply to Indian lands if a Tribe should, at a later date, develop preferences or other justification for such an amendment.

Any State-administered program approved by EPA necessarily meets EPA minimum requirements. However, in promulgating a Federal Indian lands program mirroring a State program, EPA must be sure that the State does not use authorities unavailable to EPA. For example, several States rely on administrative orders or the ability to impose pipeline severance. While these are effective tools, the Safe Drinking Water Act does not provide EPA with the authority to use them. Consequently, to ensure that the Indian lands program to be adopted includes only those elements appropriate to Federal authorities, EPA must conduct a thorough and potentially time-consuming review of the approved State-administered program. With a few exceptions EPA has not had the time to assemble such programs in time for today's promulgation, but will promulgate such programs as soon as possible thereafter. Where the program will reflect exclusively the requirements of State programs already approved, EPA believes that notice of this approach and the announced availability of approved State program requirements for review are sufficient to satisfy the requirement for notice and public comment, and may promulgate such programs without separate proposal. In all cases, however, affected Tribal Governments will be kept fully informed and, as feasible, be closely involved in the decision process regarding the choice of option and program implementation for their reservations. Where the Indian programs will contain new, unique requirements, these will be proposed for comment before promulgation.

E. Class IV Ban

In general, commenters were supportive of the Agency's proposal to ban all Class IV injection activities. A few commenters requested clarification on the definition of a Class IV well, and a few others suggested that injections into exempted aquifers be classified as a Class I well. The discussion below describes the regulations being promulgated today with respect to Class IV wells, and clarifies the effect of aquifer exemptions on the regulatory status of hazardous waste wells.

Class IV wells include the following three types of injection practices:

(1) Wells used to inject hazardous or radioactive waste *above* a USDW;

(2) Wells used to inject hazardous or radioactive waste *into* a USDW; and

(3) Wells used to inject hazardous waste which do not fall into the first two categories and are not Class I wells; for example, where the aquifer into which injection is occurring has been exempted but it is not the lowermost USDW, the well would be a Class IV well.

Existing regulations in 40 CFR 144.13 prohibit all Class IV wells injecting *into* USDWs, effective six months after approval or promulgation of a UIC program in the State. EPA is now amending § 144.13 to clarify the classification of certain hazardous waste wells and to prohibit all Class IV wells with one very limited exception.

The Agency believes the prohibition of Class IV wells to be overwhelmingly justified. Existing regulations already provide for prohibition of injections directly into USDWs, for obvious reasons. The Agency believes that equal justification exists for prohibiting injections above USDW's for several reasons. First, this type of injection is extremely unlikely to occur since the definition of a USDW includes the entire formation in which the saturated zone is located, and since surface formations invariably contain ground water, injection above the water table would be "into" the formation containing the USDW and would consequently be banned. Second, even in cases of injections "above" USDWs, the fact that there is no confining layer between the injected waste and the ground water means that the injected fluids could in most cases easily migrate down to the water table, an obvious threat to drinking water.

In addition, the prohibition does not appear as though it will disrupt an established practice, since current inventories indicate that very few of these wells exist nationwide. Finally, and very significantly, public comment has overwhelmingly supported prohibition of these practices.

The exception to the Class IV prohibition is very limited, and does not conflict with the reasons for the prohibition or the concerns expressed in the public comments. It applies to injections associated with Federal activities designed to clean up an aquifer that has been contaminated by a hazardous waste site or similar source of contamination. Such cleanup typically consists of pumping, treating, and reinjecting the contaminated ground water, going through this cycle as long as necessary to clean up the contaminated aquifer. The water that is reinjected, although treated, may nonetheless contain traces of contaminants sufficient to render the reinjected water a "hazardous waste" by Federal definition, thus making these injection facilities Class IV wells. Given that the purpose and effect of this practice is to *improve* the quality of water in the aquifer, EPA believes that the environment and the health of persons is better served by allowing such activities to take place.

To qualify for this exception from the Class IV prohibition, the activity must be approved by EPA pursuant to the cleanup program under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), or as part of a cleanup activity performed pursuant to the Resource Conservation and Recovery Act (RCRA). Aquifer cleanup actions by private parties can qualify for this exception, but only if their actions have been formally approved by EPA.

Another clarification has been included in the regulations with respect to wells that inject where no USDW exists within ¼ mile of the well bore in any underground formation. Very few situations of this type exist; the only ones known to EPA are a few locations along the Gulf Coast where, because of the proximity to sea water, all underground water contains total dissolved solids in excess of 10,000 mg/l. Because this situation is so unusual, it does not fit neatly into the existing classification system. Depending on the interpretation, a well in such an area could be considered a Class I well. Class I wells by definition inject below the lowermost formation containing a USDW, and where no USDWs exist in any underground formation, any injection could be said to meet this criterion. If this interpretation were not taken, such wells would be classified as the third type of Class IV well, by virtue of § 144.6(d)(3), which includes any hazardous waste well that cannot be classified under the definition of Class I or the other types of Class IV.

Since no USDWs are in the area of this type of well, the potential danger presented by such wells is distinctly less than presented by those wells that EPA has explicitly defined as Class IV. For this reason, an interpretation that would classify these wells as Class IV does not appear to be warranted. In addition, as long as any wells in these areas inject into a formation that is sufficiently confined to prevent the escape of injected fluids from the injection zone to other formations or to the surface aquifer or the marine environment, the well would be identical in nature to other Class I wells. The Agency, therefore, interprets wells of this type to be Class I wells, and has clarified this in the regulations at § 144.13(d). In this clarification, EPA has made it clear that in order to be authorized, such a well would have to inject into a confined formation. As just described, such a prerequisite is necessary in order to ensure that these wells are consistent in nature with the other types of Class I wells. Given this interpretation, such wells would be required to obtain permits as do all Class I wells, and to comply with all applicable requirements. The Agency would like to stress that this type of well is exceedingly rare, and that the Agency does not, therefore, expect that many, if any, wells of this type will need to be addressed.

To further clarify the regulatory treatment of wells injecting hazardous or radioactive waste, it is helpful to examine the effect of aquifer exemptions on these wells. EPA's aquifer exemption mechanism was promulgated because of the Agency's decision to adopt a very broad definition of USDWs. This broad definition ensures that any aquifer even potentially usable as drinking water will be considered a USDW, but also results in classifying as USDWs some aquifers that are contaminated, inaccessible, or otherwise unsuitable or unlikely to be used as drinking water. EPA believes that the most protective course was to adopt this broad definition, and allow exemptions from classification as USDWs on a case by case basis after EPA review and the opportunity for public comment. In 40 CFR 144.7, existing regulations set forth various criteria for exemption of aquifers relating to the quality or accessibility of the ground water contained and the potential for use as drinking water. If an aquifer is not currently being used for drinking water, and meets one of the specified criteria, EPA may exempt the aquifer. The use of the word "may"

reserves to the Agency the discretion to decline to exempt an aquifer, even if it meets one of the criteria, if the Agency believes that other considerations warrant maintaining the USDW classification. The Agency has approved no aquifer exemptions to date for purposes of hazardous waste injection.

If EPA were to exempt an aquifer (and that exemption applied to hazardous waste injections), injection of hazardous waste into the aquifer would be either a Class I or a Class IV well (see § 144.6). If the exempted aquifer were the lowermost formation meeting the definition of USDW, the injection would occur beneath the lowermost USDW and the facility would then be a Class I well, and would be permissible upon satisfaction of all technical requirements applicable to Class I wells. If any other formation below the exempted aquifer contains a USDW, the injection would be above a formation containing a USDW and would be a Class IV well, and therefore prohibited.

Under EPA's new Class IV prohibition, therefore, if any USDWs exist below the injection formation, exemption of that formation would not be of any use in avoiding the Class IV prohibition. All underlying formations otherwise meeting the definition of USDW would have to be exempted in order for the facility to be considered a Class I well and potentially permissible.

The Agency, of course, has approval authority over all potential exemptions for purposes of hazardous waste injection, and will exercise this authority quite strictly. First, it is difficult to envision any set of circumstances that would justify the exemption of any surface aquifer, no matter how contaminated, or how unlikely use of the aquifer might be. Such acquifers lack an underground confining layer to contain the waste, and by definition are located close to the surface and hence to potential human contact. In addition, surface aquifers are widely used for drinking water, so that even if a particular area is contaminated or unused, other areas hydrologically connected are likely to be used or usable. For these reasons, it is unlikely that EPA will grant any exemption of a surface aquifer for purposes of hazardous waste injection.

Second, with respect to exemptions of deeper, confined formations, EPA intends to grant exemptions rarely, allowing treatment as Class I only to those injections that can be conducted in a manner that ensures the same level of protection of existing and potential drinking water sources as other Class I wells. In some areas of the country, confined formations exist at depths of several thousand feet or more that contain water with levels of total dissolved solids in the range of 8,000 to 9,000 mg/l, thus meeting the definition of a USDW. Such acquifers are unlikely to be used or needed for drinking water, however, due to their extreme depth and to their high total dissolved solids content (water above 3,000 mg/l TDS is not generally used for drinking water). In most areas of the country, such acquifers could qualify for exemptions because they typically meet the criteria for aquifer exemptions specified in § 146.4.

Therefore, where an existing disposal operation has been injecting into such a deep, high TDS formation, EPA will entertain exemption of the injection formation and any formations below it that also meet the definition of a USDW, provided the specific aquifer exemption criteria can be met.

The Agency has not yet determined, however, to what extent EPA should approve exemptions in these situations for purposes of allowing *new* injection facilities to be constructed. For new facilities, the injection zone may not yet be contaminated, which diminishes slightly the argument that the water could never be used. In addition, the added cost of constructing a deeper well initially may be much less than the cost of redrilling an existing well to a greater depth, which supports requiring the new wells to drill deeper. In addition, existing facilities can demonstrate empirically, that their operations have not resulted in contamination of ground water outside the injection zone. New facilities cannot make a comparable demonstration. No amount of modeling can provide the Agency the same level of assurance that a record of actual operation can. The nature of the wastes dictates that EPA, when considering such exemption requests, require that data supporting the requests be thorough and comprehensive. Consequently, EPA will take a hard look at applications for any such exemptions, and decide on a case by case basis whether any may be appropriate.

In any case, no such aquifer exemptions will be made without public notice and the opportunity for public comment as required by 40 CFR 144.7. In addition, EPA at this time considers any exemption for purposes of hazardous waste injection to be a "major" exemption, for which the Agency intends to conduct rulemaking procedures. This will ensure that any such exemptions that are proposed receive the highest public scrutiny and opportunity for comment.

F. Burden to Operators

Several commenters claimed that the EPA had considerably underestimated the cost of compliance for the regulations and that therefore, the Agency's contention that they were "minor" under Executive Order 12291 was erroneous. These commenters were most commonly owners or operators of enhanced recovery wells, and they based their argument on the loss of oil and gas which could result if the EPA implemented the requirements for limiting injection pressures and/or the cementing requirements specified in Part 147. A few others noted the increased cost of compliance associated with submitting plugging plans, and plugging reports under proposals made in § 144.28 (c) and (d).

After analyzing these comments, the Agency has determined that most of the commenters concluded that the regulatory burden increased because they failed to understand how the requirements applied. About half the commenters appeared not to realize that the proposed limits on injection pressures would not be absolute, but would apply only to wells authorized by rule and could be exceeded by requesting and obtaining a permit to operate at higher pressures. Thus, they based their estimate of loss of oil on an erroneuos assumption. In any case, EPA has revised its proposed approach in recognition that the injection pressures should reflect specific hydrogeologic conditions. Under the promulgated approach, pressure limits will be determined on a field by field basis, based on conditions in the injection formation, and thus should have limited impact on owners or operators of enhanced recovery wells.

With regard to the specific cementing and casing requirements set forth in the individual State programs in Part 147, several commenters apparently believed that all owners or operators, of both existing and new wells, would be required to case and cement their wells pursuant to the requirements in the rule. In fact, the casing and cementing requirements in Part 147 clearly apply only "where the Regional Administrator determines that [the well] may not be in compliance with the requirements of §§ 144.28(e) and 146.22," which specify general performance standards requiring prevention of fluid movement. If these standards are being met, the well may continue operation as currently constructed without having to meet any of the specific casing and cementing requirements in Part 147. Based on information supplied by industry there

appear to be very few wells which do not comply with these requirements, so the cost of this requirement should be negligible. In any case, the commenters' belief that all wells would be required to comply with the casing and cementing requirements in Part 147 is erroneous and considerably overestimates the impact of the regulations.

Finally, the Agency would like to note that only the incremental increase in costs associated with this rulemaking are being considered. Several commenters, in evaluating the impact of the regulations with regard to plugging requirements, seemed to believe that the entire burden associated with preparing the plan, maintaining and submitting it should be considered. However, existing regulations in §§ 144.21(c)(5) and 144.22(a)(5) (which EPA plans to recodify as § 144.28(c)) already impose the requirement to prepare a plan. The only new requirement proposed in this rulemaking regarding this section was that owners or operators of rule-authorized wells submit the plan to the Regional Administrator. Thus, only the increased burden associated with mailing the plan need be assessed for this rulemaking. A detailed summary of the burden imposed by the existing program requirements can be found in the June 24, 1980 promulgation of 40 CFR Part 146 (45 FR 42473).

G. Application Form

Several commenters pointed out that before full implementation of EPA-administered programs EPA needs to provide a form for application for a UIC permit, and stated their belief that such a form or forms would have to be proposed for comment before they could be issued and used. The Agency does intend that application for UIC permits be made on an EPA form, and has prepared a form for that purpose. This application form, however, reflects only those application requirements currently set forth in 40 CFR 144.31, 146.14, 146.24, and 146.34, and imposes no new requirements. An opportunity for public comment on those requirements has been provided. Furthermore, the elements of the form were announced in the **Federal Register** and available for public review as part of the Office of Management and Budget's process for clearing information collection requirements at 48 FR 32647 (July 18, 1983). In the same notice, seven other forms were noticed, and the Agency intends to use these forms also in administering the program.

For the information of the regulated community and the rest of the public, EPA is publishing the permit application form and instructions as Appendix A of this notice. Since the forms do not impose any requirements not already contained in the national minimum standards, and since the public has already had two opportunities to comment on these requirements, the Agency does not believe that it is under further obligation to propose them for comment.

H. Aquifer Exemption

In the proposal, the Agency described in detail the criteria for exempting aquifers and the administrative mechanisms to be used in granting various kinds of exemptions. The Agency also solicited requests from operators who believed they were injecting into a USDW which qualified for exemption. These latter are detailed in the preamble to the individual State programs.

One commenter suggested that limiting exemptions to a single class of wells was beyond the purview of the regulations. The discretion to limit exemptions to a particular type of injection practice is, however, inherent in the existing regulations. Section 144.7 clearly grants the discretion to approve or deny the exemption of any aquifer that meets the exemption criteria, and to define the aquifer by vertical limits, lateral limits, or other distinguishing factors. Inherent in this discretion to approve or deny is the discretion to limit the exemption to particular types of practices.

This approach is also consistent with the fact that at least some of the exemption criteria in 40 CFR 146.4 are based on a particular type of injection practice. An aquifer may be exempted, for example, upon a demonstration that it contains oil or gas in commercially producible quantities, making it appropriate for Class II injection, or contains commercially producible minerals appropriate for Class III activities. In such cases, the fact that an aquifer should be exempted for one of these activities does not necessarily mean that it is appropriate to allow potentially more dangerous injections of hazardous or other industrial waste into the aquifer. If an aquifer is appropriate for other types of injections, that can be determined and affirmed in a separate aquifer exemption proceeding designed to look at the specific type of injection for which the additional exemption is being sought. The Agency may, therefore, limit some aquifer exemptions to a particular class or type of injection, in which case other injections into the aquifer will not be allowed unless EPA approves additional exemptions for that aquifer.

The Agency stated in the proposal that exemptions which would be considered "minor," and therefore not subject to the program revision process outlined in 40 CFR 145.32, would include * * * "all exemptions considered as part of a single permitting action * * *" and those exemptions that are for USDWs having greater than 3,000 mg/l TDS and not reasonably expected to supply a public water system (48 FR 40108). The criterion of a single permitting action was chosen because it would ensure that the size of the exemption would be limited to the area around a single well or project and that the aquifer exemption proposal would be subject to public scrutiny in the public participation process that is required for permitting actions.

Since the proposal, however, EPA has realized that some proposed exemptions may be similar in nature and extent to these specified minor exemptions but may never be subject to a permitting action. These would be all exemptions associated with an existing enhanced recovery well or project, since these wells may be authorized by rule for their life rather than required to obtain a permit. EPA intends, therefore, that these types of exemptions will also be considered "minor" and not be subject to full rulemaking procedures. The same concerns addressed by the criterion of "a single permitting action," however, must be met for these additional exemptions. To be considered "minor," all exemptions related to these rule-authorized enhanced recovery wells must be limited to a single well or field, and EPA will conduct the same public participation procedures (set forth in Part 124) for these exemptions as would apply to a permitting action. Of course, no exemption will be granted unless it meets the criteria specified in § 146.4.

IV. Response to Comments: Amendments to Part 144

This section discusses comments to amendments and related issues that apply to all Federally-administered programs. The recodification of existing requirements for wells authorized by rule in new § 144.28, and the amendments to § 144.34 regarding emergency permits, are technical amendments and apply both to State-administered programs and to EPA-administered programs. The amendments to § 144.13 regarding Class IV Wells also apply to both State-administered and EPA-administered programs. All other amendments apply only to Federally-administered programs. This is accomplished by including in each amendment the phrase

"for EPA-administered programs only," a form that is already used in various parts of the previously promulgated Part 144 requirements.

A. Authorization by Rule for Existing Class I and III Wells: § 144.21

Under the proposal owners and operators of Class I and Class III wells would have been required to apply for a permit within the first year of the program. Without a permit application pending, authorization by rule would terminate after the first year.

Many commenters objected to this requirement. Some maintained that it is impossible in many cases to gather information and prepare a permit within a year. Others noted that this imposes a considerable burden on owners or operators. Some simply voiced a preference for the five year maximum period of authorization cited in the original promulgation. Other commenters expressed support for the proposal, noting that regulation by permit is more effective, both from the perspective of the regulator and the owner or operator.

The Agency has considered these comments and believes that the proposal is a sound approach that does not, in fact, subject owners or operators to any requirements that were not contemplated in the original regulations. As pointed out in the preamble to the proposal (48 FR 40101), the original promulgation allowed authorizations by rule to extend *up to a maximum of 5 years*. Such a requirement was necessary for some States which had to process literally thousands of permit requests after assuming primary enforcement responsibility. The minimum requirements have always provided that operators of existing wells must submit applications "as expeditiously as practicable" (40 CFR 144.31(c)). For Class II wells in EPA administered State programs, the number of wells may demand several years before EPA can complete the permitting process for all wells. The Agency will, therefore, request applications for these wells on a case by case basis over several years, by using the authority in 40 CFR 144.25. There are a relatively small number of existing Class I and III wells in EPA-administered States, however, and EPA considers the permitting of these wells to be a high priority. Therefore, consistent with the obligation on operators to submit applications as quickly as possible, EPA is specifying at the outset of the programs, by regulation, that for Class I and III wells "as expeditiously as practicable" is one year, and it will require operators to submit applications within that time. EPA believes that this one year time period is reasonable, and completely consistent with the obligation that already exists in the UIC minimum requirements.

The argument that requiring application within the first year is burdensome and difficult to comply with does not appear valid. First of all, the one year requirement applies to existing operations. In the course of planning, constructing and operating the well, the owner or operator will have gathered most of the information that the Agency requires for a permit application. Indeed, the costs of injection wells dictate that such information be gathered as a function of good engineering practice. The burden, therefore, involves filling out the permit application, a task which should be easily completed in a year.

Accordingly, EPA is promulgating this section as proposed.

B. Closure of Class IV Wells: § 144.23(c)

Several comments addressed EPA's proposal to require operators to plug Class IV wells, to submit a plan for such plugging to the Regional Administrator prior to plugging, and to notify him of his intent to plug the well at least 30 days in advance. Several commenters supported the proposal. Others objected to the requirements because of the increased burden on operators. Others contended that the requirement to provide a plan within 30 days was extremely difficult to meet. Some also maintained that notification of the Director 30 days before abandonment was not always feasible, since it is possible that a well might need to be closed immediately.

EPA, after considering these comments in the broader context of the proposal to ban all Class IV injections, believes that the section is important to assure that the Regional Administrator can assess the effect a well may have had on a USDW and to determine whether the health of any persons is threatened. Since in EPA-administered programs, the Class IV prohibition becomes effective within 6 months of the effective date of this regulation, the details of how a well is to be closed are vital.

One commenter stated that the requirement proposed for Class IV well abandonment falls short of plugging requirements proposed for other classes of wells. The commenter pointed to the requirements in 40 CFR 146.10 for other well classes, and claimed that the requirements in § 144.23(c) are less stringent. The same commenter urged that EPA develop both regulations requiring aquifer restoration where the Regional Administrator deems it appropriate and provisions for groundwater monitoring.

The EPA does not believe that this section is less stringent than plugging requirements for other classes of wells. The requirements are less specific, but appropriately so. Although the current EPA inventory lists relatively few Class IV wells, they are constructed in a variety of ways, and, more importantly, located in varying hydrogeological conditions. Requirements for Class I, II, and III wells are in general applicable to injection activities into a zone which is separated from USDWs by one or more confining zones. Thus, a relatively uniform set of requirements for stabilizing pressures, locating cement plugs and defining methods of placing cement, can be specified to isolate injected fluids in the zone in which they are placed. There is no similar set of requirements appropriate for all Class IV wells. Insuring that injected fluids remain in the injection zone, for example, is of no value if the injection zone itself is a USDW. On the other hand, in certain circumstances, it may be advantageous to plug the well bore and at least isolate the specific USDW into which the fluid is placed. The key point is that there is no typical best way to abandon and "plug" a Class IV well. The Regional Administrator must have the flexibility to require the best method for a particular well. Promulgation of technical design standards for plugging is of no value if in virtually every case the Regional Administrator must develop an alternative.

The Agency does agree with the commenter on two points. Often, the Agency will want to impose groundwater monitoring requirements prior to closing certain wells to determine whether and to what extent the ground water has been contaminated. Section 144.27 will afford this authority to the Regional Administrator. The Agency also agrees that in some circumstances the Agency will want to require aquifer cleanup. Where the Regional Administrator determines that such cleanup is appropriate, he will require it on a case by case basis pursuant to section 1431 or other authorities of the SDWA, and may also draw on the authorities of other statutes such as the Comprehensive Environmental Response, Compensation, and Liability Act. Since the current inventory of Class IV facilities lists so few Class IV facilities, and since the circumstances of each of these wells may vary considerably, the Agency believes that relying on these authorities is preferable to promulgating rules for the few

existing Class IV facilities which will, in almost all cases, be banned.

C. Additional Inventory Requirements: § 144.26

The proposal contained some additional information requirements for wells which are either authorized by rule for life or which otherwise may not be subject to permit requirements. Most commenters objected to the additional requirements. Some suggested that, where possible, the EPA should get the information from a State agency or other secondary source. A few supported the need for such information, but questioned whether all owners or operators should be required to submit all the information the needs of the Regional Administrator could be served by only some of the information specified. Lastly, some commenters questioned whether, for facilities with many wells, a "key" well description would satisfy the requirements, rather than a well-by-well report.

The EPA has considered the comments and intends to promulgate the regulation as proposed, for the following reasons. The additional requirements will affect only Class II enhanced recovery owners or operators, Class IV wells (almost all of which will be banned), and some Class V wells. In the case of Class IV facilities, the information is necessary to assess the extent of any damage which may have occurred, to determine appropriate closure methods, and to help determine what future monitoring (if any) might be required. For Class V wells, the information the Agency intends to gather is a part of the Class V inventory and assessment, required in 40 CFR 146.52. Requesting the information as a part of the inventory merely streamlines, for the EPA and the operator, the information collection process. Finally, the need for these data is particularly acute, since both Class IV and V facilities may involve injection into or above USDWs, and therefore, such information is necessary to meet the mandate of the SDWA to ensure that injection does not endanger USDWs.

Class II enhanced recovery operations may be authorized by rule for the life of the operation, a period typically 25 years or longer. The one-time reporting of such simple information as location, construction, depth and operating data—information known and readily available to the operator—is necessary if the Regional Administrator is to evaluate the potential of an enhanced recovery operation to threaten a USDW. Even if such information, accurate and current, were available from State agencies in every case, EPA may not have ready access to such information in every State where it must administer the program. Furthermore, the SDWA places the burden on the owner or operator to demonstrate that his well does not endanger a USDW. Thus, imposition of this requirement on Class II enhanced recovery owners or operators is necessary for the authorization by rule to be effective consistent with the mandate of the SDWA.

D. Requiring Additional Information (§ 144.27)

EPA proposed in § 144.27 to establish explicit authority to require owners or operators of wells authorized by rule to submit additional information beyond that specified in the inventory requirements. The types of information that could be required are broad in scope, encompassing any information relevant to determining whether a well may be endangering underground sources of drinking water. Additional information would not be required of all wells, but only those identified by a specific request of the Regional Administrator. The obligation to submit information would extend only to those types of information specifically identified in the request.

The authority to request additional information would apply to all wells authorized by rule. This authority parallels that already contained in the minumum requirements for wells that receive permits, reflected in the required permit condition that the permittee submit information upon request (40 CFR 144.51(h)). For some of these rule-authorized wells—all those in Classes I, II, and III—existing rules specify a variety of monitoring and reporting requirements, which in most cases will be all the information needed by EPA. Additional information would be requested only for wells of an unusual type or in other special cases. For other classes of wells, no requirements for submission of information exist other than the inventory requirements of § 144.26, and therefore the authority to require additional information is particularly necessary and appropriate to ensure protection of drinking water sources.

In the proposal, EPA identified Class IV and V wells as meeting this description. Although EPA is promulgating a prohibition of almost all Class IV wells, the particularly high potential for endangerment of drinking water makes the authority to require additional information particularly critical to determine the potential damage caused by these wells and the possible actions necessary for mitigating any such damage.

The authority to request information is equally critical for Class V wells because, although they are less hazardous, they are allowed to continue operation into the future until and unless the Agency determines that more specific standards are appropriate. A wide variety of well types are included in Class V, including a few experimental technologies for which relatively little information currently exists on the potential danger to drinking water. The Agency believes that as a general matter the existing inventory requirements are sufficient to help EPA in determining whether regulatory requirements are necessary for the various types of Class V wells and what these requirements should be. However, the many types of Class V wells and the experimental nature of some of these wells makes it important to have the authority to require additional information in select instances.

A number of commenters expressed the opinion that the proposed authority to require additional information would result in an undue burden on the regulated community. EPA does not believe this is so. The Agency believes that the provision for requiring additonal information is the least burdensome alternative among several approaches to determining that contaminants do not migrate into drinking water. Since the authority is designed to be exercised on a case by case basis, not all owners or operators will be required to submit information, but only those of whom information is specifically requested. This is considerably less burdensome than a uniform requirement that certain additional information be submitted by owners or operators of all wells. Furthermore, only the information specifically requested must be submitted, which permits information requirements to be tailored to the specific operation rather than according to uniform requirements that might be inappropriate, in part, to selected operations. Also, this authority is less burdensome than the authority that presently exists to require a permit for the particular well or operation in order to impose the necessary information requirements as permit conditions.

The potential burden of this provision also is small by virtue of the fact that additional information will not be required arbitrarily of any well, but only when the Regional Administrator determines that such information is necessary to determine whether the well may be endangering a USDW. Certain

commenters stated that the proposed authority to require additional information appeared to be potentially applicable to any well without restriction, and suggested EPA should be required to show that a certain prerequisite criterion or standard is met before additional information may be required. In response, by stating in the proposed regulation that the authority to require additional information was for the purpose of determining "whether a well may be endangering an underground source of drinking water in violation of § 144.12," EPA intended that the authority to require additional information be limited to information consistent with this purpose. In order to exercise the authority to require additional information, EPA must have some basis for suspecting that the particular well in question may be endangering or threatening to endanger drinking water, or that the well is of a type that the Agency believes may be particularly likely to endanger drinking water. EPA intends this threshold to be broad and easily satisfied, but believes it nevertheless makes clear that additional information will not be required in arbitrary manner.

Finally, some commenters suggested that EPA establish a mechanism whereby owners or operators could obtain review of the legitimacy of information requests EPA makes under this provision. Because this provision is intended to be a streamlined and uncomplicated mechanism for requiring information, EPA does not believe it appropriate to establish a unique review process for these information requests. If an owner or operator objects to a particular request, however, he has the opportunity under § 144.25 to request that the well in question be authorized by permit rather than by rule. Any information requirements that EPA believes appropriate for the well would then be established as permit conditions, and these conditions could be challenged by the owner or operator according to the existing mechanism for contesting permit conditions. EPA already has the authority to require additional information to supplement a permit application, according to 40 CFR 124.3(c), which requires submission of information necessary to determine what permit conditions may be appropriate.

E. Plugging and Abandonment: 144.28(c); 144.28(2); 144.28(k); 144.25

The September 2nd proposal contained five changes in the way EPA handled plugging and abandonment for rule authorized wells. Two of these changes also affected operators of wells authorized by permit. First, under the proposal, operators would be required to submit the plan required by §§ 144.21(c)5 and 144.22 (a)(5) to the Regional Adminstrator; the minimum requirements, however, specified that the owner or operator authorized by rule needed to prepare and maintain such a plan, but was not required to submit it. Second, the Agency proposed that any changes made to the plan had to be reported 45 days before abandonment. Third, the Agency proposed that owners or operators authorized by rule submit the estimated cost of plugging the well. Fourth, the Agency proposed to limit "temporary or intermittent" cessation of activities to periods of less than two years, unless it was demonstrated to the Regional Administrator that the well *will* be used in the future, and that USDWs would not be endangered. Finally, the Agency proposed, in § 144.28(k), that operators submit a report, within 15 days after plugging and abandonment occurred, which would outline the location of the plugs, composition of the cement used, and other relevant technical data.

1. *Submission of plugging plan and post-plugging report.* Several commenters contended that to develop and submit the plan required in § 144.28(c) and to require the post plugging report specified in § 144.28(k) would impose a significant burden on operators. Others found the 15 days for submitting the post plugging plan too short.

EPA does not agree that the requirement to submit the plan in § 144.28(c)(2)(i) represents a significantly increased burden on operators. The requirement that operators develop and maintain a plan for plugging and abandoning wells that is acceptable to the Director is an existing requirement of the UIC minimum requirements regulations. The only additional requirement proposed in § 144.28(c)(2)(i) was that the plan be submitted to the Regional Administrator. Even in cases where the owner or operator has hundreds of wells this is not a significant burden, since to the extent that the wells are similar, are in the same field, and penetrate to the same formation they will be plugged in the same manner and an operator need only submit a single plan covering such wells.

The requirement in § 144.28(k) that the operator sumbit a report describing how the well was abandoned is a logical result to requiring a plan in the first place. It was proposed in order to give the Director of a program the information he needs to determine if the plugging was carried out as planned, and if not, to determine how and why the abandonment plan was altered. Nevertheless, the Agency acknowledges that submission of the post plugging report does impose a new requirement on owners and operators. Therefore, the final requirement has been altered in two ways, both intended to ensure that all the necessary information is submitted, in the most efficient and least burdensome manner possible. This is accomplished by using uniform requirements and procedures for poviding both the initial plan and the post-plugging report.

First, owners or operators must submit the plan required in § 144.28(c)(2)(i) to EPA on a form provided by the Agency. The Agency is specifying by regulation the elements to be filled out by the operator, and these information elements will be reflected on the EPA form. These consist of the same information elements proposed in § 144.28(k) for inclusion in the post-plugging report. The requirement in § 144.28(k) can thus be satisfied by merely updating that form, highlighting any differences between how the well was actually plugged and how the plugging was described in the plan originally submitted. If there is no change, the owner or operator need only indicate this to the Regional Administrator. The Agency agrees that there is no compelling reason for requiring the report within 15 days. The Agency is therefore extending the time allowed for submitting the report to 60 days, or to the next scheduled quarterly report (unless such quarterly report is due less than 15 days from completion of plugging) whichever is the lesser.

EPA believes that this simplified approach reduces considerably the burden required for compliance with the requirements. Moreover, whatever increased burden there is consists, for § 144.28(c)(2)(i), of merely *submitting* a plan, the preparation of which was already required, and for § 144.28(k) merely updating a form already submitted by the operator. The form to be used was approved by OMB and published for public comment on July 1983 in 48 FR 32647.

2. *45 day notice of plugging, and plugging plan revisions.* Several commenters also complained that requiring operators to submit proposed revisions to the plan 45 days prior to plugging the well was both burdensome and unnecessary. Many of these same commenters also objected to the requirement in § 144.28(j)(2) that operators notify the Regional Administrator 45 days before plugging,

again stating that the requirement was unnecessary, burdensome, or both. In particular, some commenters maintained that the exact date on which a well is to be plugged is sometimes not known in advance as the plugging may be done when a rig happens to be on site, and that failure requiring that the well be plugged immediately cannot be anticipated.

EPA agrees in part, and disagrees in part. The Agency does not agree that either of these requirements are unnecessary. The Agency proposed the notice for planned revisions, § 144.28(c)(2)(i), because it believed the Regional Administrator must be aware of any change in plugging methods in order to assure that the new methods will adequately protect USDWs and that the cost of such plugging is fully covered by the operator's demonstration of financial responsibility. Therefore, when an operator intends to change his plugging plan, it is reasonable to require him to notify EPA in advance, and 45 days assures that the Regional Administrator will have an opportunity to assess the change.

One commenter took issue with the 45 day time period, claiming that such changes could be reviewed in two hours. It is likely that EPA can undertake reviews of changes in considerably less than 45 days as a general practice. Nevertheless, in other instances EPA may have to investigate, consult, and travel to assess the efficacy of the proposed changes. For this reason, EPA believes it is more effective to specify a conservative time period. EPA, therefore, intends to promulgate § 144.28(c)(2)(i) as proposed.

It should be noted, however, that EPA recognizes that actual plugging frequently varies in detail from the proposed plan. For example, plug placements may be made at intervals slightly higher or lower than specified. It was for this reason that the Agency requested post-plugging data. The intent of § 144.28(c)(2)(ii) was to require only more substantive changes to be reported, such as differences in the number or location of plugs, their method of placement, differences in mud weights used, or other significant deviations. EPA has clarified this in the promulgated regulation to provide that only "significant" changes to the "plan" (as opposed to changes in the details of a previously specified method) need be reported. In addition, in recognition of the fact that the need for emergency plugging might preclude compliance with the 45 day notice requirement, EPA is tying the time period for notice of plan revisions to the time period for notice of plugging in § 144.28(j), which can be less than 45 days in some cases, as discussed below.

The Agency disagrees that the requirement of notice prior to abandonment, §144.28(j)(2), is not needed. As a general rule, the Regional Administrator should have the opportunity to observe plugging activities should be deem it necessary. The Agency agrees, however, with commenters who suggested that it is not always possible to predict when a well will be or needs to be plugged. The Agency anticipated this problem when proposing § 144.28(j)(2), and provided the Regional Administrator the authority to approve a shorter notice. However, the proposed regulations qualified this authority by stipulating that the period be long enough to allow EPA the opportunity to observe the plugging if it so chose. This is imprecise. It is true that EPA should have the authority to demand sufficient time to witness the plugging in any situation the Regional Administrator deems appropriate. However, if the Regional Administrator determines that an emergency situation demands immediate plugging of the well, he should have the flexibiltiy to authorize plugging immediately and forego the opportunity to witness it, and not be required to delay plugging by the amount of time theoretically necessary to witness the plugging had he chosen to do so. Accordingly, the Agency is changing this section to allow the Regional Administrator to approve shorter notices without qualification.

3. *Temporary abandonment.* The majority of comments on plugging and abandonment focused on §144.28(c)(2)(iii) which would impose limits on temporary abandonment. The existing minimum requirements provide that an abandoned well must be plugged, but that "temporary and intermittent cessation of activities" will not be considered abandonment. EPA proposed to clarify that a cessation of activities for longer than two years would not be considered "temporary and intermittent" unless the owner or operator could demonstrate to the Regional Administrator that the well would be used in the future and that appropriate steps had been taken to prevent endagerment to USDWs. Any well inactive for longer than two years for which such a demonstration could not be made would have to be plugged.

One commenter claimed that such a requirement could interfere with standby wells for Class I injection activities. Several commenters claimed the requirement was unworkable for enhanced recovery operations since the issue of whether a well will be used in the future is difficult to predict, being based on the price of oil, the technology and costs for oil and gas recovery, the demand for hydrocarbons, and a number of other factors. Some simply suggested the time period was too short, most noting that 5 years was more appropriate. Some suggested no time period was needed, since operators could use wells first as secondary recovery, next in a tertiary recovery operation, and could conceiveably use the well several times within each phase as different injection patterns were tried or needed.

EPA agrees in part with the comments. The requirement that the operator show that the well will be used in the future is overly restrictive for Class II enhanced recovery operations and some Class III operations, both of which are subject to fluctuations in demand, commodity prices, and to developing technologies. In addition, for Class II wells, up to 50% or more of the hydrocarbons may remain in the formation even after secondary recovery operations. This argues in favor of maintaining existing wells in a condition that will allow them to be used in the future to retrieve these resources if advances in retrieval technology or increases in the market value of the resources make it viable. For Class II and III wells, therefore, there may be good reasons for not plugging a well that has ceased operation for periods substantially longer than two years, even though it may not be possible to prove that the well *will* be used in the future.

The intent of the proposed two year limit on the length of time a well could be considered "temporarily" out of operation was intended to prevent endangerment to drinking water that might result from the neglect of an unplugged well for a long period of time, perhaps because the owner or operator had no real intentions of ever using the well again. After considering the comments, EPA has determined that for Class II and III wells this goal can be achieved by requirements that are more flexible than those proposed.

The final requirements for Class II and III wells, therefore, no longer require a demonstration that the well will be used in the future. Rather, they are designed to ensure that any well that has been taken out of operation is maintained in a manner that ensures no movement of fluids into USDWs. The regulations promulgated today explicitly require notice to the Regional Administrator any time a well is out of operation for more than two years.

Second, at the time of the notice the owner or operator must explain how the well will be maintained during the period of temporary abandonment and demonstrate to the satisfaction of the Regional Administrator that such maintenance will prevent endangerment of USDWs.

Typically, such maintenance could consist of filling the casing with non-corrosive fluid and observing fluid levels at specified time intervals, and conducting mechanical integrity tests periodically to be sure that the well is functional and that the tubular goods are not leaking.

To clarify a concern raised in the comments, EPA does not consider that backup wells in a Class I operation are "temporarily abandoned" when not in use. These wells must be maintained as fully operational wells, since their very utility is their capacity for use as an alternative to the primary well at a moment's notice. EPA will expect to receive reports on these wells just as from fully operating wells, even if they reflect only very intermittent use. Consequently, such wells are not subject to the requirements for temporarily abandoned facilities.

It may also be appropriate to secure the wellhead to prevent access to the well by persons other than the owner or operator during temporary abandonment. The demonstration also requires compliance with the technical requirements applicable to operating wells unless any are waived by the Regional Administrator. The most significant of these requirements is the obligation to demonstrate the mechanical integrity of the well at least once every five years. Requirements that might be waived typically would include the requirement to monitor and report the injection pressure, flow rate, and nature of fluids; since the well would be out of operation, these reports could only consist of notice that no fluid was injected at no rate and no pressure and thus would serve no purpose. Finally, the owner or operator would be required to give notice to the Regional Administrator before resuming injection activities. If during temporary abandonment the owner or operator determines that he will not use the well in the future, he may give notice to the Regional Administrator and proceed with the required plugging procedures.

The treatment described above for temporarily abandoned wells will be applied to operators after the effective date of these programs. At the time of program promulgation, operators may have wells which are temporarily abandoned. These wells need not be plugged if the operator provides notice of their existence and complies with the requirements for temporary abandonment promulgated today. An owner or operator may choose not to report a well as an existing injection well. However, should he decide to put such a well into operation in the future, he must apply for a permit and receive authorization as if it were a new well.

F. Financial Responsibility for Class I (Non-Hazardous), II, and III Wells § 144.28(d) and § 144.52(f)

As a result of the proposal, EPA is promulgating financial responsibility requirements for operators of wells injecting hazardous waste as Subpart F. This section addresses such requirements for other wells. In the proposal, EPA made several clarifications and/or changes to the existing financial responsibility requirements. In one such clarification, EPA specified in § 144.28 a period of one year for operators of wells authorized by rule to submit evidence of financial responsibility.

A few commenters objected to this specification, some maintaining that the time period was too short, others objecting to the requirement that the information be submitted to the Director. After consideration, the Agency intends to retain the requirement as stated, for two reasons. First, submission of evidence of financial responsibility has always been required by the minimum requirements regulations for both permittees and those authorized by rule, and second, the minimum requirements clearly indicate in both §§ 144.21(c)(7) and 144.22(a)(6) that the rules become effective within a year. The requirement to actually submit the plan merely makes explicit a requirement which was implicit in the original promulgation.

The Agency proposed in § 144.28(d)(3) to provide the Regional Administrator the authority to require owners and operators of wells authorized by rule and those authorized for life by a permit to submit updated estimates of the resources necessary to plug the well. Where costs had increased significantly the Regional Administrator could require the owner or operator to revise his demonstration of financial responsibility accordingly.

In general, industry objected strongly to this requirement, while environmental groups expressed strong support. Those who objected believed that there was not that much variation in the cost of plugging wells which are similarly constructed and drilled to similar depths, and noted that the Agency, once it began to implement the program, would be receiving data on the costs as it received plugging and abandoning plans and reports. These commenters maintained that submission of updated estimates of the cost of plugging represented a needless burden. Others noted that in times of economic instability, such as periods of accelerated inflationary rates, this requirement could be an additional burden on an already stressed economy. Finally, some believed that the requirement should be applied on a periodic basis, most citing 5 years as an acceptable review time.

Supporters argued that the requirement of financial responsibility, i.e., that operators have the resources to plug and abandon a well or wells, dictates that the requirements be updated when costs or economic conditions warrant it.

The Agency believes that both industry and the environmental groups have valid points. The Agency believes however, that for injection wells that are not used to inject hazardous waste, a balanced treatment which achieves the goals of an adequate financial responsibility demonstration can be applied in a less burdensome fashion. As pointed out by some commenters, as these programs are being implemented EPA will begin receiving reports and other information on the actual plugging of wells under the program. As this information is accumulated, EPA will have a reasonable idea of the costs for plugging prevailing in a given area. The costs for plugging will not vary considerably among wells of similar depth and construction in areas of similar geologic characteristics. Therefore, the information received by the Agency in the normal course of administering the program can be used to determine if the plugging costs of existing, operating wells are likely to have risen considerably. Accordingly, the Agency believes that the authority to require individual operators to submit updates of plugging costs at stated intervals is unnecessary, for injection wells since EPA should be able to identify changes in costs relatively easily.

However, it is still important to ensure that the financial responsibility demonstration itself reflects current costs. The regulations have always required the owner or operator to "maintain" financial responsibility not only to assure that the necessary funds are available but also to assure that the amount of the funds are sufficient to cover the current cost of plugging, closing and abandoning the well according to the operator's approved plan. Except for wells injecting

hazardous waste (See Subpart F) the final regulations do not require the owner or operator to submit periodically revised demonstrations. However, if he has reason to believe that a revised demonstration may be appropriate, the Regional Administrator may require owners or operators to submit revised demonstrations.

The EPA solicited comment on what constitutes appropriate criteria for judging demonstrations of financial responsibility and specifically solicited comment on the appropriateness of criteria used in the RCRA program (see 40 CFR Part 264 (Subpart H)). Comment was sharply divided between industry and trade groups on the one hand, and environmental groups on the other. Industry strongly opposed the application of these criteria to injection facilities, noting that an injection facility is different from a hazardous waste surface disposal facility, and therefore warrants different treatment.

Others cited the complexity of the RCRA requirements and maintained that it would be burdensome to both the operator and EPA to apply them. Still others questioned whether the Agency had the economic expertise necessary to meaningfully apply and evaluate these criteria. Some cited the special statutory treatment afforded Class II wells, and maintained that RCRA criteria, if applied, could unnecessarily impede oil and gas production. Other operators of enhanced recovery wells indicated that while such criteria may be appropriate for large corporations, they would severely handicap the small operators, a group that comprises the majority of oil and gas producers.

Environmental groups generally endorsed application of RCRA criteria but many such commenters, joined by some representatives of States or local governments, went beyond the proposal in their comments by strongly recommending that the Agency accept only surety or performance bonds. They maintained that only through bonds could the Agency be assured of access to resources needed to plug and abandon a well.

After consideration, the Agency agrees that bonds are one effective method of proving financial responsibility. The existing regulations, however, allow owners or operators to demonstrate financial responsibility by other means (which EPA believes are at least as effective as performance bonds) as long as the demonstration is acceptable to the Director. The Agency did not propose to change that provision and does not intend to do so at this time.

As discussed in the next section, EPA believes that Class I wells used to inject hazardous waste should be subject to requirements analogous to those specified for other hazardous waste management facilities in 40 CFR Parts 264 and 265 Subpart H.

With respect to criteria for other types of facilities, EPA does not intend to promulgate specific criteria at this time. Instead, the Agency will use recently developed guidance setting forth those criteria EPA believes, after the study to date, are appropriate to evaluate the major types of possible financial responsibility demonstrations. Individual financial responsibility demonstrations will be evaluated on a case by case basis, with close cooperation with the applicant, using this guidance. If at a future time EPA determines that these or other criteria should be promulgated as uniform regulatory criteria, the Agency will propose regulations to that effect.

G. Financial Responsibility for Facilities Injecting Hazardous Waste: New Subpart F

EPA has been examining for some time the question of what criteria are appropriate to determine the adequacy of bonds or other demonstrations of financial responsibility. As explained in the proposal, the financial responsibility requirements of RCRA have been under consideration to determine the extent to which they might be applicable to UIC facilities. After analysis of the comments and study of the issue to date, EPA has determined that with respect to wells used to dispose of hazardous waste, most of the RCRA financial responsibility requirements should apply, and is promulgating these standards today as subpart F. Class I hazardous waste wells are major facilities, typically thousands of feet deep, which may require substantial resources to plug properly. In addition, these operators have surface facilities which handle hazardous waste, and they are responsible for complying with the RCRA requirements, in any case. Consequently, with a few exceptions outlined below, the RCRA financial responsibility criteria would appear to be appropriate for hazardous waste injection facilities.

The Agency believes that the requirements in § 264.140(c) are not consistent with section 1421 of the SDWA which requires EPA to have authority over all State and Federal entities. In addition, EPA does not believe requirements analogous to §§ 264.144, 264.145, 264.146 or 264.147 are appropriate for regulating injection wells under the UIC program. These sections apply to post-closure care requirements which because of differences in disposal technologies, do not apply to the UIC program. Beyond these exceptions, EPA is adapting the requirements in 40 CFR Part 264 subpart H and promulgating them today as subpart F of 40 CFR Part 144.

With respect to the applicability of subpart G to injection facilities, the Agency believes after reviewing the comments and further analyzing the requirements, that many either repeat requirements already in place as part of the UIC minimum requirements, or are more appropriate to the specific technical and regulatory requirements of RCRA. For example, requirements for post-closure care, while a necessary part of RCRA requirements, have no referent in the UIC program since the technology of underground injection is designed to place fluids into confined formations and isolate them from the accessible environment for geologic time. Similarly, 40 CFR Part 264 subpart G specifies procedures and standards for developing, submitting and updating closure plans, for which the Agency has specified comparable standards in the UIC regulations at §§ 144.28(c), 144.28(j), 144.28(k), 144.51(o) and 144.52(a)(6).

The Agency is therefore, only promulgating requirements analogous to § 264.114, which requires that the owner or operator properly dispose of or decontaminate facility equipment or structures which may have residual hazardous waste on or in them.

H. Specifying Annulus Pressure and Fluid: § 144.28(f)(2)

Section 144.28(f)(2), which is a recodification of the existing minimum operating requirements for wells authorized by rule, requires owners or operators of Class I wells to maintain a fluid approved by the Director in the well annulus, at an approved pressure. For EPA-administered programs, the proposal specified that where wells are completed with tubing and packer, a non-corrosive fluid should be placed in the annulus and a positive pressure applied. One commenter requested that we define non-corrosive. The EPA cannot specify more precisely in a rule what an appropriate fluid is, since it is dependent on the nature of the tubing and casing. All such wells must eventually obtain permits, however, and specific fluids can be established in that permit. Until then, the permittee is simply under the general obligation to use fluids that will not corrode the tubing and casing. Another commenter argued that maintaining a positive pressure on the casing is contrary to current acceptable operating practices and procedures. In fact, the States of

Texas and Louisiana, in which a sizable portion of Class I wells are located, do require owners/operators to maintain positive pressure on the annulus. In addition, one commenter argued that this requirement is not appropriate for wells not completed with tubing and packer. The EPA agrees and had modified § 144.28(f)(2) to make this more explicit.

I. Authority To Require Monitoring Wells: § 144.28(g)(1)(iii)

Several commenters expressed strong support for requiring the installation of monitoring wells at Class I sites, while others objected to what they believed to be a new requirement to install groundwater monitoring wells within the area of review for Class I wells (§ 144.28(g)(1)(iii)).

Some commenters claimed that monitoring wells were difficult to place in a way which would enable detection of fluids from a deep pressurized formation. They noted that fluids could take literally millions of years to travel to points where they could be detected. Others noted that monitoring the injection well annulus provides a far more effective and quicker means of detecting leaks than installation of monitoring wells. Finally, commenters pointed out that installing monitoring wells in deeper USDWs where they *could* detect leaks reasonably soon, could actually pose a greater threat than having no monitoring wells. They pointed out that pressurized formations are generally overlain by competent confining zones which serve to contain fluids; penetrating such zones provides an additional potential conduit for contaminants to reach USDWs.

In response, the Agency would like to point out two things. First, it was not the Agency's intent that this section *require* monitoring wells to be installed, as some commenters apparently believed. The Agency wanted merely to provide authority to the Director to require monitoring wells when he deemed necessary. Second, this is not in fact a new requirement; in § 144.28 the Agency simply recodified the minimum requirements of § 144.21(c)(6) (48 FR 14195). The Agency acknowledges that the changes in language that occurred when the section was codified did not clearly express that intent. To more clearly reflect the fact that the existing provision only granted the discretion to require monitoring wells when appropriate, EPA is adjusting slightly the language of the recodification.

The Agency agrees that in some cases the installation of monitoring wells is either unsound or ineffective. With respect to detection of leaks in the well casing, monitoring of injection pressure will detect leaks much more readily than will monitoring wells. With respect to the unlikely prospect that the confining layer above the injection formation has been breached, monitoring wells in the surface aquifer are even less effective, due to the extremely long time it would take for injected fluids from deep Class I wells to migrate upward to the surface aquifer. Placement of monitoring wells in deeper USDWs is unsound in many cases, because the act of drilling the monitoring wells will create a route through the confining layers of these deeper formations, possibly increasing the likelihood that fluids could migrate into the more critical shallow formations.

Nevertheless, the Agency does believe that in certain specific cases properly installed monitoring wells may be desirable to have around Class I wells, as reflected in the existing regulatory authority to require them. Given this situation, we believe it appropriate that the specific requirement to install monitoring wells requires a positive action on the part of the Director who must prescribe the number, location and parameters to be analyzed. Because this involves such detailed and site-specific conditions imposing such requirements is appropriate to a permitting action. Since operators of Class I wells must apply for a permit within the first year of the program, and since monitoring wells will not be appropriate in many instances in any case, it is unlikely that the Regional Administrator will need to exercise the authority in this section which applies to wells authorized by rule.

J. Analysis of Injected Fluids: § 144.28(g)(1)(i)

The Existing minimum requirements state that owners or operators of Class I wells authorized by rule must monitor the nature of the injected fluids "with sufficient frequency to yield data representative of their characteristics" (§ 144.21(c)(6), which EPA plans to recodify as § 144.28(g)(1)(i)). The Agency proposed that for EPA-administered programs this frequency should be once within the first year of authorization and thereafter when changes are made to the fluid. Some commenters objected to this requirement. Another commenter expressed the opinion that the requirement was not stringent enough and that operators should be required to monitor the nature of injected fluid at least once a year, regardless of changes, in addition to doing so the first year and whenever changes are made.

After considering the comments, and reevaluating other relevant requirements, EPA has determined that the proposed requirement duplicates other requirements and has decided not to promulgate it. In § 144.21(a)(3)(i)(B), EPA has explicitly limited the authorization by rule of exising Class I wells to one year, thus clarifying that the Agency expects permit applications for these wells to be submitted within that time. Since an analysis of the nature of the injected fluids is a required element of the permit application (see § 146.14(a)(7)(iii)), this will require the analysis to be submitted within the first year without the need for a separate requirement. While EPA agrees that monitoring of the injected fluid will be appropriate beyond this initially required submission, the specific frequency or conditions of such monitoring are difficult to specify as uniform requirements for all wells and therefore best handled in the context of permitting. Since EPA intends to bring these wells under permit as quickly as possible, the Agency believes it is not necessary or advisable to attempt to specify monitoring requirements more precisely in the rule for wells authorized by rule.

K. Scheduling and Reporting Mechanical Integrity Tests: § 144.28(g)(2)(iv) (B) and (C)

One commenter objected to the requirements in § 144.28(g)(2)(iv)(B) which allow the Regional Administrator to specify a schedule for conducting the required mechanical integrity tests. Several others objected to the requirement in § 144.28(g)(2)(iv)(C) which requires the owner or operator to notify the Regional Administrator 30 days prior to conducting mechanical integrity tests.

In both instances, the authority is similar to that used by States in most State-administered programs which the EPA has approved. The Regional Administrator must be able to set schedules for mechanical integrity testing for two reasons. First, it enables him to require wells he believes pose the greatest threat to ground water to be tested earliest. Second, it enables him or his representative to plan in an orderly fashion to observe tests. The existing minimum requirements specify that mechanical integrity must be tested at least once every five years. EPA must be able to spread the burden of witnessing and evaluating tests over that entire period. If the time for conducting mechanical integrity tests were soley at the discretion of the operators, the Agency could be faced with the unmanageable burden of dealing with a huge number of tests at one time.

Operators should bear in mind that EPA will typically not specify a particular date, but only a deadline before which the test must be conducted. This enables the operator to schedule tests within that constraint for his own convenience, subject only to the requirement of 30 days prior notice to EPA. The Agency would also like to point out that early scheduling of the mechanical integrity test can, in some circumstances, work to the owner's or operator's advantage by helping the Regional Administrator to ascertain that a certain well or type of well is safe. This would ensure that the well would not be subject to more extensive requirements, such as additional casing and cementing requirements, that might be imposed if the Regional Administrator has reason to believe that the well was of a type that presented a danger to USDWs.

The requirement that owners or operators notify the Director 30 days prior to conducting a test must be an integral part of any program which relies on self-monitoring. To be effective, the Regional Administrator or his representative must have the opportunity to observe any tests done. This provision also allows the Regional Administrator to accommodate any exigent circumstances that would make testing appropriate on shorter notice by approving a shorter notice period.

Accordingly, the Agency is promulgating these sections today as they were proposed on September 2, 1983.

L. Retention of Records: (§ 144.28(i); § 144.51(j)(2)(ii))

The existing minimum requirements provide, both for wells authorized by permit and wells authorized by rule, that records of the nature and composition of injected fluids be retained until three years after the completion of plugging and abandonment procedures. EPA has proposed that for EPA-administered programs the owner or operator be required to deliver the records to the Regional Administrator at the end of the three year period, or obtain written approval before the records may be discarded.

Several commenters expressed the opinion that the obligation to retain records be limited to three years from the time the records were made, rather than three years from the final plugging of the well. While EPA will take these suggestions under consideration, the Agency is taking no action on them at this time. The retention period of three years from plugging and abandonment was established in the existing minimum requirements after proposal and public comment, has already been subject to judicial review, and was not reopened for comment in the September 2, 1983 proposal.

Some commenters also objected to the proposal that owners or operators be required to deliver the records to EPA or obtain approval before they can be discarded at the end of the three year period. Another commenter claimed, on the other hand, that owners or operators should be required to retain records for longer periods, because groundwater contamination may not become apparent until years after injection activities have ceased. EPA has decided to promulgate this requirement as proposed. The Agency believes that the requirement to deliver to EPA or obtain approval to discard is necessary so that EPA may consciously decide whether the Agency should acquire the records to retain them for a longer period or whether disposal of the records is appropriate. The Agency also believes that the requirement is not a significant burden on the owner or operator, since it does not impose any longer retention period, but only the opportunity for EPA to check whether the records may be discarded. At the same time, the requirement to deliver the records to EPA will give the Agency the opportunity to ensure that they are kept for longer than a three year period when that is appropriate.

M. Notice to Surrounding Landowners: § 144.31(e)(9)

The Agency received considerable comment on the proposal to notify owners or tenants of land within ¼ mile of the site. In general, industry opposed the requirement strongly, while environmental groups expressed strong support for the requirement. Those who objected pointed out that in urban areas this requirement could result in the operator having to contact thousands of people. Operators of enhanced recovery wells in Appalachia and in the midwest noted circumstances in which enhanced recovery wells, both planned and existing, were literally in the center of sizable towns. Commenters also objected to what they believed to be the imprecise legal use of the word tenant, noting that where mineral and oil rights are involved, there may be several layers of renters, leasers and owners for a single piece of property.

Supporters noted, however, that this is the surest method of notifying the parties most interested in a permit application. One commenter suggested that in some cases no other means exists to contact interested persons. One commenter supported the idea of notification, but felt a ½ mile radius was more appropriate.

EPA recognizes the merit in both arguments, and is adopting a compromise approach designed to ensure individual notice to the greatest degree practical while minimizing the burden on the applicants. In particular, EPA recognizes that the term tenant does not precisely identify the persons who must be given notice, and that in any case it will be difficult to locate the name and address of any persons associated with nearby property other than the owner of record. EPA therefore is eliminating the responsibility to identify tenants, and will extend the requirement only to owners of record; the applicant should be able to identify these by reference to city or county files. EPA is aware that in some cases the owner of record may reside elsewhere and may not be the party most directly concerned with potential injection facilities in the area. The Agency believes, however, that notice to owners of record will reach at least a significant number of truly interested parties, that owners may well pass any notice they receive on to their tenants or lessees, and that once notice is provided to some members of the community it is likely that the information will spread by association and word of mouth to other potentially interested citizens.

In addition, EPA has decided not to require the applicant to send notice to the landowners, but simply to compile and submit to EPA a list of such owners. EPA will then add these names to the mailing list of interested persons and notify the listed persons of significant permitting actions as provided in 40 CFR Part 124. This ensures that notice will be given to the owners in the area, while minimizing the burden to the applicant.

Finally, commenters concerned that sufficient notice be provided should remember that this requirement for providing a list of nearby landowners is in addition to existing public notice requirements. In all permitting actions, notice will be provided according to the requirements of 40 CFR Part 124, including publication in the newspaper of permitting actions concerning a major facility.

V. State Specific Requirements

A. Introduction

Part 147, being promulgated today, contains requirements which supplement or specify those found in 40 CFR Parts 124, 144, and 146. These are requirements which—due to geologic, historical or hydrologic conditions—differ from State to State or region to

region. In addition, this Part present more specific requirements which exercise the discretion granted to the Director in the more broadly stated requirements of the minimum requirements. The following sections contain discussions of comments received by the Agency in response to the proposal. Some comments were general in nature, questioning an approach or requirement proposed for several State programs, while others addressed specific requirements in particular State programs. The general comments are addressed collectively in this section of the preamble, while the State-specific comments are covered in the preambles to the individual State programs.

A description of permitting schedules, mechanical integrity testing schedules, aquifer exemptions, and other administrative considerations can be found in the program description for each of the State programs promulgated today. Program descriptions are available at the appropriate Regional Offices.

B. Maximum Injection Pressure

The existing minimum requirements in Part 146 (applicable to wells authorized by rule by virtue of § 144.21(c)(6) and § 144.22(a)(9) to be recodified at § 144.28(f)(3)), require owners and operators to limit the maximum operating pressure to levels that comply with general performance standards. For Class I and III wells, this maximum pressure may not fracture the injection zone, except during well stimulation, and in no case may fracture the confining zone. For Class II wells, the maximum pressure may not fracture the confining zone.

In the proposed regulation, the EPA attempted to prescribe, for each Federally-implemented program, a specific maximum injection pressure for wells authorized by rule which reflected the geologic and hydrologic conditions found in the respective States. Under the proposal, owners and operators could receive authorization to inject at higher pressures than those specified in the rule by applying for a permit, if they could demonstrate that a higher pressure could be allowed without endangering USDWs.

The Agency received a substantial number of comments on this issue, primarily from owners or operators of Class II enhanced recovery facilities. In general, nearly all commentors believed the values proposed by the Agency were too low. Several noted that the formula proposed by the Agency ignored friction loss in the pipe. Others said that the proper concern of Federal regulations should be assuring that the cement and tubular goods used in well construction are properly designed, constructed and maintained, and that maximum injection pressures need not be imposed. Owners or operators of enhanced recovery operations pointed out that the performance standard in § 146.23 prescribes that injection activities not fracture the confining zone adjacent to the USDW, while the proposed values appeared to be based on fracture data from the injection formation. Class II operators also maintained that enhanced recovery operators have vested interest in preventing fractures to both the injection zone and the confining zone, since fractures in the injection zone may reduce the efficiency of the sweep, and fractures in the confining zone could result in loss of hydrocarbons and increased horsepower requirements. Still others noted the difficulty of propagating fractures vertically, particularly across bedding planes. They argued that although at depth fractures are generally oriented vertically, they propagate radially, and are therefore, unlikely to extend upward to the confining layer. They further noted that the differences in the mechanical and hydrogeologic properties of confining zones and injection zones serve to prevent fractures from entering and moving through the confining zones.

In addition, most commenters pointed out that areas with common fracture gradients do not generally correspond to political boundaries. They noted that suggesting a single value for an entire State could result in some operators injecting at pressures that exceeded safe limits, while forcing others to reduce injection pressures well below safe limits. Finally, some operators noted that the efficiency of an enhanced recovery operation is directly related to injection pressures and they maintained that under our proposed limits many operators would be forced to shut down, to continue operations at substantially reduced efficiencies, or to apply for a permit.

The Agency agrees with many of these comments. In particular EPA agrees that factors which determine appropriate injection pressures are specific to the particular injection formation, rather than being uniform across an entire State. It was for this reason that we proposed to allow owners or operators to receive authorization to inject at higher pressures by applying for and receiving a permit.

For Classes I, III, and Class II salt water disposal wells, this approach remains a valid alternative for two reasons. First, owners or operators of these wells must eventually apply for and receive a permit in any case: Classes I and III well operators must apply no later than 1 year from the effective date of this program; Class II saltwater disposal well operators within 4 years of that time.

Thus, Classes I and III wells will be required to have submitted an application by the time the rule becomes effective. In addition, all owners or operators must be in compliance with the performance standards in § 144.28 within the first year of the program.

In the case of saltwater disposal wells, those operating at relatively high pressures who wish to continue at those pressures will be required to submit a permit application within the first year, whereas the rule allows up to 4 years. However, under the criteria for requiring permits (40 CFR 146.09) owners or operators of wells operating at higher pressures would likely be among the first called in for a permit. In any case, these owners or operators would likely be required to apply for a permit well before the 4 year maximum period, regardless of whether this rule were promulgated or not. These owners or operators fall into two groups: those for whom the specified maximum injection pressure is appropriate, and those who may seek permission to operate at higher pressures. For the latter, this requirement does not appreciably alter the schedule for permit application or increase the burden of compliance. For the former, there is no problem.

Second, for Class II saltwater disposal wells (SWDs), Class I wells and at least some Class III wells, the economic incentive to retain fluid in the injection formation (cited by operators of enhanced recovery operations) is not present.

For these reasons, the EPA is promulgating the maximum injection pressures for the Class I wells, Class II saltwater disposal wells, and Class III wells as proposed on September 2. The EPA recognizes that these proposed values are conservative. However, the Agency believes that adoption of a conservative value is appropriate for these wells. Both the statute and the minimum requirements dictate that the UIC program, whether administered by the EPA or the States, be a preventative one. The approach recognizes that both economically and technologically, it is easier to prevent an USDW from being contaminated than it is to restore a USDW once contaminated. Moreover, a preventative program serves to protect human health, the primary aim of the Safe Drinking Water Act.

Thus, since there is neither an economic nor a technical incentive for owners or operators of Class I, Class II saltwater disposal wells, and many Class III wells to prevent fracturing of the confining zones, and since they must apply for a permit in any case, the EPA intends to promulgate the requirements for these wells as specified in the September 2nd proposal.

However, based on the comments and further analysis conducted by the Agency, the EPA believes that enhanced recovery operations and hydrocarbon storage wells are sufficiently different from disposal operations—both from a legal and regulatory perspective, and in terms of the goal of owners or operators—that they warrant a different approach. The EPA decided that enhanced recovery and hydrocarbon storage wells warranted a different approach for three reasons.

First, as indicated in the comments, the appropriate maximum injection pressure that will protect underground sources of drinking water while still allowing efficient operation will vary considerably within a given State, depending on the characteristics of the particular formation into which injection is occurring. A single conservative statewide value is appropriate for other types of wells, since operators of these wells will, in any case, be required to apply for and receive permits and authorization to inject at a higher pressure can be approved in the permitting context on a case by case basis as appropriate. Existing enhanced recovery and hydrocarbon storage wells, however, are authorized by rule for life under EPA's existing regulatory scheme, and thus in general will not be required to obtain permits. Were EPA to apply a single conservative statewide maximum pressure to these wells, it would require the majority of them to apply for and receive permits in order to operate at a higher, more appropriate pressure, something the Agency did not intend. For these wells, therefore, it is important to devise a regulatory scheme to specify more appropriate, formation-specific maximum pressures without requiring permitting of most wells.

Second, the regulatory standard for the maximum injection pressure is different for Class II wells than for Class I or III wells. Specifically, for Class II wells § 146.23(a) dictates that owners or operators may not fracture the confining zone above the injection formation a standard which allows the injection zone itself to be fractured. Sections 146.13(a) (Class I) and 146.33(a) (Class III) dictate that pressures not exceed a maximum which would allow fracturing of the injection formation (see preamble discussions on page 42472 of FR May 18, 1980, June 24, 1980). The different standard for Class II wells makes it less likely that the standard will be exceeded in normal operation.

Third, the Agency accepts the premise that, in many cases, owners or operators of enhanced recovery wells and hydrocarbon storage wells have a vested interest in not fracturing confining zones, thus decreasing the risk that such fractures will result. Consequently, while a permit is the appropriate vehicle for identifying and authorizing increased injection pressures for most owners or operators, the Agency believes that enhanced recovery operations and hydrocarbon storage wells justify using a different approach.

For these reasons, EPA will not require owners or operators of existing enhanced recovery or hydrocarbon storage wells to meet the single conservative Statewide numbers promulgated for other existing wells. Instead, the Agency is promulgating rules that will enable it to establish specific maximum injection pressures on a formation by formation basis.

The Agency does not currently have sufficient data, in most cases, to establish such pressure limits immediately. Therefore, the promulgated rule requires the owner or operator of each enhanced recovery or hydrocarbon storage well or field to submit certain information that will enable EPA to establish an appropriate pressure for each injection formation used. Although this information submission requirement imposes a slightly increased burden, it is far preferable from the standpoint of both the Agency and operator to preparing, processing, and issuing permits for all these wells. In addition, existing regulations impose on such operators the obligation to submit inventory information, and the information relevant to injection pressure can simply be added to the inventory information in a single submission.

Once EPA receives this information, and any other information from other sources or already in Agency files, it will act quickly to establish appropriate pressure limits for each formation. The Agency intends to conduct public participation procedures for the establishment of such pressures, following the procedures in Part 124 that apply to permitting actions, except that all operators in the subject field or formation will be affected by the proceedings rather than a single applicant. After these procedures are conducted, the Agency will establish a final pressure limit, and inform all owners or operators in the area of the applicable limit.

The Agency intends to base these formation-specific pressure limits on the fracture pressure of the injection formation. Since the existing general regulatory standard for Class II actually allows fracturing of the injection formation, and prohibits only fracturing of the overlying confining zone, setting the maximum injection pressure at this level will ensure a large safety margin while still allowing the great majority of operators to operate at prevailing, economically efficient pressures.

The Agency recognizes that some enhanced recovery operations typically are conducted at pressures at or slightly above the fracture pressure of the injection zone, and that these activities can still be safely conducted without fracturing the confining layer. EPA would like to examine these activities on a case-by-case basis, however. Therefore, even after EPA has established field-specific injection pressure limitations, the Agency will consider allowing higher pressures case-by-case with the approval of the Regional Administrator. An owner or operator desiring such a variance must request and obtain the written approval of the Regional Administrator. If the owner or operator is dissatisified with the Regional Administrator's response to his request to operate at higher pressure, he may then apply for a permit and challenge the permit if he fails to receive permit conditions that he believes are appropriate.

The Agency believes that the promulgated approach is a balanced one, that meets three important objectives. First and foremost, it maintains the protective standard of the existing UIC program and provides for the establishment of specific values as necessary to implement that standard. Second, it achieves a high degree of consideration of conditions that vary across a State and can, therefore, avoid the unnecessary burden that would be imposed by a more conservative and less tailored standard. Third, it accomplishes these objectives in the least burdensome manner possible, without requiring permits from these wells and without requiring a well by well examination of the great majority of them.

C. Casing and Cementing Requirements

The Agency proposed casing and cementing requirements in Part 147 which the Regional Administrator could impose on operators of wells authorized

by rule for life, when they were not in compliance with the existing minimum requirements in § 144.22(a)(8) (to be recodified at § 144.28(e) and § 146.22.) These sections essentially state a performance requirement that wells be "* * * cemented and cased to prevent the movement of fluids into or between strata * * *."

Several comments were received on this proposal. One commenter, whose comments were supported and referenced by several others, cited the difficulty of recementing existing wells, and noted that perforating the casing to do a squeeze job could ultimately create other problems in the well. The same commenter noted that the specific technical requirements, such as volumes of cement and intervals of cement required, were often difficult if not impossible to meet. They also suggested that wells which showed no evidence of leaks should not be required to recement. Finally, they contended that allowing the Regional Administrator to specify other requirements to meet the standards in §§ 144.28(e) and 146.22 was too open ended and broad.

Other commenters contended that the requirements could be difficult to comply with, but were supportive of the Agency's intent to apply them only when a well violated the performance standards in the minimum requirements. One commenter claimed that the best method of assuring compliance was to develop a remedial program specifically tailored for the specific well in violation.

The EPA agrees in general with these comments, but does not believe that these considerations require altering the proposed requirements. Indeed, many of the comments were based on the misconception that the specified casing and cementing requirements were applicable to all wells authorized by rule, and suggested the approach that EPA in fact proposed and is promulgating. In all State-specific programs, the regulations make clear that the casing and cementing requirements apply only "where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of § 144.28(e) and § 146.22." Thus, the requirements do not apply to all existing wells, but only to those that may be causing a problem.

The Agency also agrees with the commenters who suggested that in some cases the specified requirements may not be applicable to an individual well. When this is the case, the Regional Administrator may prescribe specific alternative requirements appropriate for the well or wells in question. EPA is adjusting slightly the language in the various State-specific programs to make this clear. Alternatively, the Regional Administrator may require the owner or operator to apply for a permit, which would also allow different but appropriate requirements to be prescribed. It is for this reason that the Agency disagrees with the contention that allowing the Regional Administrator to specify alternatives is too open ended. It is precisely this flexibility that is needed to meet the unique requirements of specific wells. The Agency specified the cementing requirements merely to establish a representative standard for the technical and construction requirements which it intends to apply to owners or operators who are not in compliance with applicable performance standards. Obviously, where it is not feasible to apply these requirements, the Agency will not do so.

In addition, owners or operators should note that these requirements were included to provide the Regional Administrator with a remedial alternative that is less burdensome to both the Agency and the owner or operator than requiring a permit. It was the Agency's intent to develop a mechanism which allowed the Regional Administrator, when he deems appropriate, to require owners or operators to correct specific technical problems without triggering administrative burdens on the owners or operators.

The EPA believes the approach outlined in the proposed sections provides just such a mechanism. In a case where the owner or operator believes that the exercise of this section is unreasonable, he may, under § 144.25(c), request that he be excluded from coverage by rule and be authorized by permit, in which case appropriate requirements can be established in the formal permitting process.

The Agency is promulgating this requirement today in the selected State programs as proposed, with the minor clarification of the authority to specify alternative requirements as discussed above.

D. Mechanical Integrity

Section 146.8 of the existing minimum requirements defines mechanical integrity and specifies tests which verify well integrity. The section also allows the use of alternative tests to demonstrate well integrity after approval by the Administrator. There are two aspects to mechanical integrity. First, a well must be free of significant leaks in the tubing, casing, and packer(s), and cement, and second, it must not allow significant movement of fluids in the well bore.

In several instances, existing well construction, prevailing operating practices, and other factors make it difficult to apply the specified tests or make other demonstrations more practical. For these cases, the agency sought comment on alternative tests. Discussions of the comments received appear in the preambles to the specific state programs which requested such comments.

E. General Application of the Arkansas Plugging and Abandonment Requirements

The Agency proposed that the plugging and abandonment standard specified for the Arkansas program be generally applied to all State programs. This requirement contained specifications for the size, length, and location of plugs, and other detailed technical requirements.

Several commenters expressed strong support for this approach, noting that requirements were detailed, comprehensive, and specific. On the other hand, other commenters noted that these requirements, while appropriate for Arkansas which has several producing strata under various pressures, make little sense in other parts of the country. Some commenters also noted that the cost of compliance with these requirements was considerable, since it could significantly increase the time a rig would need to be on site.

The EPA has considered the comments, and after analysis believes these regulations may not be appropriate for many areas of the country. The Agency also believes that the requirements in §§ 144.28(c) and 144.52 specifying the required elements of plugging and abandonment plans make it unnecessary to promulgate such specific standards since, under § 144.28(c) the Agency will have the opportunity to assure that the well will be plugged in a manner acceptable to the Regional Administrator. Thus, since the Agency will have the opportunity to review plugging plans, and the proposed requirements are not necessary—and in some cases not appropriate—in all areas, the EPA has decided not to specify them in a rule. As explained above, the Arkansas program itself is not being promulgated because EPA has since approved the State-administered program.

VI. State Specific Requirements—Individual Programs

SUBPART C—ALASKA

Subpart C requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146. In addition, this subpart includes regulations that supplement the UIC regulations where discretion is allowed in order to make the Alaska UIC program appropriate and amenable to the combination of historic practices and geology unique to Alaska. The regulations promulgated today incorporate 40 CFR Parts 124, 144 and 146 in the UIC program for Alaska. A discussion of major issues raised by commenters and the way in which the supplemental regulations have been modified to reflect public comments follows.

State Primacy

Several commenters requested that the State implement the Underground Injection Control (UIC) program for Alaska. These commenters argued that the State possesses greater expertise in dealing with injection activities and can better respond to the unique needs of the regulated community. EPA recognizes that the UIC program was intended by Congress to be implemented by the States whenever possible. Alaska, however, has chosen not to seek primary enforcement responsibility for the UIC program. Where States are unwilling or unable to implement the UIC program, Congress requires EPA to conduct the program. Should the State, at some later date, choose to seek primacy for the UIC program, and if the State program is approved by EPA, the Federally administered program will be rescinded.

Aquifer Exemptions

Aquifers underlying and one-quarter mile beyond the boundaries of six oil and gas producing fields were proposed for exemption for Class II injection activities in the initial program proposal. The aquifers deeper than 1,700 feet below the ground surface were proposed for exemption for the Swanson River and a Beaver Creek fields. All aquifers underlying the Granite Point, McArthur River, Middle Ground Shoal and Trading Bay fields beneath Cook Inlet were proposed for exemption.

As a result of comments received on the initial proposal, the exemption for the Beaver Creek Field was revised to apply to aquifers deeper than 1,650 feet below the ground surface. The revision was made through legal notice in major newspapers in Alaska and through direct mailing to over 130 persons and organizations on EPA's UIC mailing list. There were no objections to the revision; therefore, the aquifer exemption for the Beaver Creek Field will apply to aquifers deeper than 1,650 feet below the ground surface.

There were no objections to any of the other proposed exemptions; therefore, they will become effective as originally proposed.

Requests were made to exempt aquifers beneath two other oil or gas producing fields. EPA was not aware of the need for these exemptions at the time the program was originally proposed.

As a result of the requests, aquifers deeper than 1,300 feet below the ground surface and one-quarter mile beyond the boundary of the Kenai Gas Field, and all aquifers underlying and one-quarter mile beyond the boundary of the Kuparuk River Unit were subsequently proposed for exemption for Class II activities. These aquifer exemptions were proposed along with the Beaver Creek reproposal described above. There were no objections to these proposed exemptions; therefore, they will become effective as proposed.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressures measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.103 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that operators of such existing wells should be able to meet this requirement without significant change in current operating procedures.

As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on the injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators who wish to operate at pressures higher than the specified limit to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to

establish appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing(*2*),(*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or other fluid) injection "Step-Rate" (*3*), (*4*), (*5*) type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone; i.e., that the confining zone(s) have not been breached.

In no case is the operator of a Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will neither endanger the safety of USDWs as provided for in § 144.12, nor fracture the confining zone as required in § 146.23(a)(1).

Casing and Cementing

Casing and cementing requirements are needed to prevent the movement of fluids into or between underground sources of drinking water. The minimum requirements when promulgated in June 1980, contained performance standards in § 146.22 but did not specify specific technical standards. The requirements proposed in § 147.104(b) and promulgated today are considered to be appropriate in preventing such fluid movement. Several commenters suggested that EPA defer to state casing and cementing requirements. While EPA will consider the state requirements when it imposes casing and cementing requirements on a case-by-case basis, it cannot defer solely to state requirements. In addition, as explained in the Introduction, the casing and cementing requirements specified in § 147.104 apply only to wells which may be allowing fluid movement into a USDW. Therefore, if existing construction requirements are adequate to prevent fluid movement, or if there are no USDW's which may be affected by the injection activity, the requirements of § 147.104(b) would not apply. (A more complete discussion of this requirement can be found in the Introduction to this section). For the above reasons, the casing and cementing requirements proposed in § 147.104(b) are being promulgated as proposed.

SUBPART D—ARIZONA

Subpart D requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Arizona UIC program appropriate and amenable to the combination of historic practices and geology unique to Arizona.

Exempted Aquifers

Subsequent to program promulgation, facilities which are injecting into an underground source of drinking water will become illegal unless that aquifer or a portion is exempted. However, EPA is not aware of any injections into a USDW and, therefore, is not exempting any aquifers at this time. Owners or operators should determine whether their facilities are injecting into a USDW as defined in § 146.3. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in 40 CFR 144.7 and 146.4.

SUBPART E—ARKANSAS

Since the September 2, 1983, proposal of an EPA-administered program for Class II wells in Arkansas, the State has submitted a final application for primary enforcement authority for a program to regulate these Class II wells. After careful review, EPA determined that the State's application was adequate, and approved the State-administered program. This approval eliminates the need to promulgate an EPA-administered program for Class II wells in Arkansas. For this reason, the EPA withdrew the notice of hearing and is not at this time promulgating a Federal program for Arkansas.

Other Classes

A program regulating Classes I, III, IV, and V wells administered by the State has already been approved.

SUBPART F—CALIFORNIA

Subpart F requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the California UIC program appropriate and amenable to the combination of historic practices and geology unique to California.

A Class II program administered by the California Division of Oil and Gas has already been approved. Therefore, EPA will not promulgate regulations for Class II wells.

Aquifer Exemptions

During the recent public comment period, numerous commenters requested that EPA list, or include by reference, aquifers currently exempted for Class II activities defined in § 146.5(b). Accordingly EPA is maintaining a list of aquifers exempted for Class II injection activities which were exempted under the EPA approved State program for Class II wells. Descriptions of aquifers exempted are available from the EPA Regional office and from offices of the California Division of Oil and Gas. These aquifers have been exempted for Class II activities only. Operators may request permission to inject fluids associated with other classes of well operation by applying for exemptions under §144.7.

Many commenters requested, or incorrectly inferred, that exemptions granted for Class II activities extend to other classes of operation, such as injection of hazardous industrial wastes. EPA maintains discretion to approve or deny applications for all aquifer exemptions. Exemption may be granted either for entire aquifers or for specifically designated portions of aquifers. EPA reserves the same discretionary authority to approve or deny aquifer exemptions for injection of fluids of specific chemical composition, or related to specific classes of wells as

defined in § 146.5. Aquifer exemptions approved for Class II operations, therefore, do not apply to injection of other types of fluids unless EPA grants further class-specific exemptions.

Moreover, in the case where EPA grants primary enforcement authority to a State only for a single class of wells, as in California, Agency action or requests for exemptions is limited to the class for which the State has authority.

The preamble to the September 2, 1983, **Federal Register** notice stated that EPA was unaware of any injections into a USDW and, therefore, did not propose to exempt any aquifers at that time. During the comment period, several commenters identified specific aquifers into which they were currently injecting fluids and for which they were requesting aquifer exemptions. EPA has contacted the commenters and has obtained additional information.

In one case, nonhazardous fluids are being injected into a USDW. According to § 146.5, this is a Class V well. At this time, aquifer exemptions are not required for the operation of Class V wells unless the injection would violate § 144.12. In the other case, hazardous waste is being injected into a USDW. EPA is in the process of reviewing this aquifer exemption request. If the review supports the exemption of any aquifer, EPA will provide public notice of its proposed determination. EPA believes that there is sufficient time to exempt any aquifer which meets the criteria before the prohibition of Class IV wells goes into effect. Of course, the facility may only be authorized if as a result of the exemption request, it becomes a Class I well as clarified in § 144.13(d).

Maximum Injection Pressure

For the State of California, the proposed fracture gradient to be used in the maximum injection pressure equation has been increased from 0.60 psi/ft to 0.733 psi/ft for Class I and Class III wells authorized by rule. Class II wells are permitted by the California Division of Oil and Gas. EPA elected to adopt the revision after review of comments received during the public comment period and in accordance with the policy to promulgate regulations which are neither lax nor pose excessive burdens upon injection well owners and operators. The revised value has been selected, after examination of published materials, to maintain consistency with a majority of EPA programs administered by EPA. Although fracture pressures may vary depending upon the geologic formations, depth, permeability, pore pressure and other factors, investigations confirmed that the maximum injection pressure computed using the revised fracture gradient will continue to provide adequate protection against formation fracturing and resulting migration of fluids into or between USDW's.

A significant number of commenters charged that 0.60 psi/ft initially proposed for use in the maximum injection pressure equation is overly restrictive. They requested that the fracture gradient be increased to conform with the value proposed for other States. Many commenters suggested that EPA alternatively establish fracture gradients on the basis of accepted standards for specific oil fields or Regions within States. At this time geologic data is sufficiently sparse, however, to preclude such an approach.

Many commenters objected to the use of the simplified maximum injection pressure formula on the basis that it ignores site-specific hydrogeologic and engineering factors which affect formation fracture pressures. Commenters typically noted that the formula neglected frictional losses within injection tubing, which may become significant for projects injecting large volumes of effluents into deep formations as is practiced in California. They further stated that the formula is inflexible and denies operators the opportunity to invoke empirical formation testing methods to establish formation fracture pressures.

EPA will apply the simplified maximum injection pressure equation for injection wells authorized by rule. EPA recognizes that the equation serves as an approximation for complex hydrogeologic and engineering considerations which influence local formation fracturing. Owners and operators seeking an exclusion from the requirement to apply the simplified maximum injection pressure equation as proposed in 40 CFR 147.253 may apply for a permit under § 144.25(c) in which they must demonstrate that operation will not violate § 144.28(f)(3). Operators of Class I and III wells must apply for a permit no later than 1 year from the effective date of this program in any case. Upon the effective date of these regulations and until a permit has been granted by EPA, operators must adjust project operation to conform with maximum injection pressures established by the simplified equation.

SUBPART G—COLORADO

Owners and operators are required to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this Subpart G of 40 CFR part 147 contains supplemental regulations where discretion is allowed in order to make the Colorado UIC program appropriate to the historic practices and geology specific to the State of Colorado. The UIC program for Colorado promulgated today applies to Indian and non-Indian lands for Class I, III, IV and V wells, and to Indian lands only for Class II wells, except that a program for operations in the Ute Mountain Reservation will be proposed at a later date.

Aquifer Exemptions

EPA regulations allow the Administrator of EPA to exempt specific aquifers if the aquifer meets the criteria established in § 146.4.

The Agency proposed to exempt those portions of aquifers within one-quarter mile of existing Class II wells in Colorado for the purpose of Class II injection activities only. A listing of such aquifers was prepared and made available for review at the EPA Regional Office in Denver beginning on September 2, 1983. There were no requests made for review of that listing. However, since the State will administer the Class II program, EPA will approve the exemptions in a separate action, if appropriate. All Class III and IV injection wells which are injecting into an underground source of drinking water in Colorado, as defined at § 144.3, where such aquifer has not been exempted for that Class of well, become illegal subsequent to the promulgation of this program.

EPA recognizes that there may exist injections into USDW's that the Agency is unaware of, or that legally began during the period between the September 2, 1983, proposal and the effective date of today's regulations.

Owners and operators of such wells are encouraged to notify Patrick A. Crotty, Chief, Ground Water Section, Drinking Water Branch, EPA Region VIII, 1860 Lincoln St., Denver, Colorado 80295, as quickly as possible to determine the status of their particular operation. Region VIII proposes to accumulate information on these injection operations and to take such action as is appropriate. EPA will review any requests for exemption in accordance with §§ 144.7 and 146.4 and individually approve or deny the requests, as appropriate.

One commenter suggested that aquifer exemption criteria should be made more stringent for those areas of Colorado where there are few other sources of drinking water containing less than 3000 mg/l TDS. There is already substantial protection for high quality aquifers built into the aquifer exemption process. EPA does not intend to issue exemptions simply because they are requested, but

will carefully apply the provisions of Section 146.4.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressures measured at the wellhead. The formula uses a value of .733 pounds per square inch per foot of depth (psi/ft). For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.303 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that operators of such existing wells should be able to meet this requirement without significant change in current operating procedures.

As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case: the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State-specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on the injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require both Class II enhanced recovery and liquid hydrocarbon storage injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators of enhanced recovery wells who wish to operate at pressures higher than the specified limit to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.
2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing(*2*),(*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.
3. Water (or other fluid) injection "Step-Rate"(*3*),(*4*),(*5*) type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.
4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., that the confining zone(s) have not been breached.

In no case is the operator of a Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will neither endanger the safety of USDWs as provided for in § 144.12, nor fracture the confining zone as required in § 146.23(a)(1).

Casing and Cementing

The Agency is promulgating cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with § 144.28(e) and § 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements in § 147.304(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of 40 CFR Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which made it possible to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that the operator did not allow movement of fluids which could pose a significant risk to the health of persons.

The Agency believes that the requirements are appropriate for wells in Colorado when a workover is necessary to bring an existing well into

compliance with the requirements of 40 CFR 144.28(e) and 146.22. The requirements dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made, he may impose requirements consistent with those adopted here, impose others as appropriate, or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone, as well as the quantity and quality of comment to be used. The purpose of the requirements is to insure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of sufficient quantity and quality to accomplish these goals in the environment in which it is used.

In order to provide more specific requirements for casing and cementing of newly constructed or converted wells, a literature review was conducted to establish effective practices for casing and cementing. The literature included "Cementing" by Dwight K. Smith, Cementing coordinator, Halliburton Services, Society of Petroleum Engineers of AIME, 1971; "Cementing Handbook Including Casing Handling Procedures" by George O. Suman, Jr. and Richard C. Ellis, World Oil, 1977; "Technical Position Paper #WM 8102", Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, December 1981; "An Introduction to the Technology of Subsurface Wastewater Injection" EPA 600/2-77-240, December 1977; and "Injection Well Construction Practices and Technology," prepared by Geraghty and Miller Inc., Booze, Allen and Hamilton, Inc., October 1982.

Area of Review

Two comments were received on the EPA's proposal to establish the area of review for Colorado UIC program activities at a fixed radius of one-quarter mile. One commenter agreed with the fixed radius approach and suggested that either one-quarter or one-half mile would be appropriate. The other suggested that the proposed one-quarter mile fixed radius should be reconsidered for the same reasons that EPA originally made the proposal—i.e., because of the variable or non-continuous geology of Colorado.

EPA is promulgating the one-quarter mile fixed radius as proposed and as promulgated previously in § 146.6. The area of review merely establishes the boundary of that area around a proposed injection facility within which the applicant for a permit must identify the location of wells which penetrate the injection zone, and for certain Class II wells, identifying any additional wells affected by the operation pressure. The Administrator will approve or disapprove each application based upon a review of information available for defining the proposed injection operation, the geology of the area, and other activities in the area. Permits will granted only when it is demonstrated that underground sources of drinking water will not be endangered.

Area of Notification

Colorado is one of those States where the rural character of the State makes it likely that notice in a newspaper will not reach those parties interested in proposed injection wells. Those provisions which were removed from § 144.31 for the reasons described elsewhere in this preamble, have, therefore, been added to § 147.305 of Subpart G. They require that notification be made to all landowners and tenants of land within one-quarter mile of the site. Thus, notice to adjacent landowners is assured. In urban areas, where such notice would be impractical, the Regional Administrator may waive the requirement.

Class V Injection Wells Used for the In-situ Recovery of Lignite, Coal, Tar Sands, and Oil Shale

Several commenters presented arguments or expressed opinions that those wells currently included in Class V, and used for the in-situ recovery of oil shale and coal, were inappropriately classified and shoud be regulated by permit rather than rule. Some suggested reclassifying these wells as Class III, while others recommended that specific requirements be developed or that preconstruction site testing and continuous monitoring of operations be required. One commenter disagreed with some of that testimony as presented at the public hearing and indicated that the proposed §§ 144.26 and 144.27 sufficiently protect drinking water from Class V injections.

The classification of these wells is not a subject of this rulemaking. Nevertheless, the substantial interest in this topic indicates the need for some clarification.

Subpart F of Part 146 establishes the criteria and standards applicable to Class V wells. Operators are required to notify the Regional Administrator of the existence of such wells within one year of the effective date of this program, and to provide required inventory information. Region VIII has been actively compiling an inventory of such wells for several months. Within three years of the effective date of the program, EPA intends to assess the contamination potential of all Class V wells in the State and make recommendations for appropriate regulatory approaches and for remedial actions where appropriate. In the meantime, the Regional Administrator plans to use the provisions of § 144.25 to require permits for those Class V injection wells where the protection of underground sources of drinking water makes it mandatory that specific requirements, which are not contained in the rule, be applied to that injection operation. The Regional Administrator has determined that injection operations used for the in-situ recovery of lignite, coal, tar sands and oil shale are likely candidates for such added requirements and intends to notify opeaators that such wells will require permits. This will be done on a case-by-case basis in accordance with § 144.25.

SUBPART J—DISTRICT OF COLUMBIA

SUBPART DDD—AMERICAN SAMOA

SUBPART EEE—COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SUBPART FFF—TRUST TERRITORY OF THE PACIFIC ISLANDS

These jurisdictions have not submitted a UIC program for any class of wells in the State or Territory. Therefore, EPA must propose a program for all classes of wells. Because EPA is not aware of any existing Class I, II, III, or IV wells in these States or Territories it is not promulgating any specific provisions for existing wells authorized by rule. Class V wells will be inventoried, but not permitting or other regulatory action beyond the requirements of 40 CFR Parts 144 and 146 are imposed at this time. EPA has determined that the minimum program requirements set forth in 40 CFR Parts 124, 144, and 146 are appropriate for these jurisdictions and will require all owners and operators to comply with these UIC regulations. Applicants who seek a Federal UIC permit in these jurisdictions should be aware that these jurisdictions may prohibit construction and operation of injection wells. As provided in Section 1423(c) of the SDWA, the Federal UIC program does not supersede any State or local prohibition against underground injections.

SUBPART N—IDAHO

Subpart N requires all owners and operators to comply with the UIC

regulations at 40 CFR Parts 124, 144, and 146. Because EPA was not aware of any Class I, II, III, or IV wells in Idaho, no supplemental regulations for these classes of wells were proposed. Class V wells will be regulated under 40 CFR Parts 124, 144 and 146.

No information was submitted during the public comment period regarding the existence of Class I, II, III, or IV wells. Therefore, the regulations promulgated today merely incorporate 40 CFR Parts 124, 144, and 146 in the UIC program for Idaho.

The State of Idaho is developing a program to assume primary enforcement responsibility over all classes of wells. If the State program is approved at some future date, the Federally administered program will be rescinded.

SUBPART P—INDIANA

Subpart P requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations, where discretion is allowed, in order to make the Indiana UIC program appropriate and amenable to the combination of historic practices and geology unique to Indiana.

Exempted Aquifers

In the proposal, EPA indicated that subsequent to promulgation of the UIC program, facilities which are injecting into USDWs will become illegal unless that aquifer or a portion is exempted.

Several commenters requested aquifer exemptions based on undocumented compliance with the criteria in 40 CFR 144.7. Because EPA is unable to properly evaluate these requests based on the information given, the Administrator believes it would be premature to grant or deny exemptions at this time.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.653 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation.

The 0.8 psi/ft fracture gradient in the formula for Indiana was determined after reviewing Warner and Lehr (1977, EPA–600/277–240). This report suggests a value between 0.5 and 1.0 psi/ft of depth and suggests that Regional experience be used as a criterion in establishing a limit.

Agency inquiry indicated that fracture gradients in Indiana range from 0.8 to 1.2 psi/ft. EPA is proposing a conservative fracture gradient of 0.8 psi/ft. Owners or operators may apply for and receive permission to operate at pressures greater than the pressure being proposed here for rule-authorized operators, by applying for a permit and demonstrating that the pressure described is consistent with requirements in 40 CFR Part 146.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on the injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in §§ 144.28 and 144.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the mimimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators who wish to operate at pressures higher than the specified limit to do so merely by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing(*2*),(*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or other fluid) injection "Step-Rate"(*3*),(*4*), (*5*) type testing performed specifically to determine the "break down pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone; i.e., that the confining zone(s) have not been breached.

In no case is the operator of a Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his

injection will neither endanger the safety of USDWs as provided for in § 144.12, nor fracture the confining zone as required in § 146.23(a)(1).

Casing and Cementing

The Agency is adopting cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144.28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements adopted today in § 147.754(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which were intended to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that the operation will not allow movement of fluids which could pose a significant risk to the health of persons.

The Agency believes that these requirements are appropriate for wells in Indiana when a workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(a) and 146.22. The requirements adopted here dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made, he may impose requirements consistent with those adopted here, impose other appropriate requirements, or require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone as well as the quantity and quality of cement to be used. The purpose of the requirements is to ensure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and the cement used in these activities is of a sufficient quantity and quality to accomplish these goals in the environment in which it is used.

Area of Review

EPA proposed that the area of review of an injection well be fixed at one quarter mile or other fixed distance, or on the basis of the Theis' equation. EPA also requested public comments regarding possible alternative approaches.

EPA received no new suggestions from the commenters. However, comments generally indicated acceptance of the fixed distance area of review approach. EPA will promulgate the regulations accordingly.

SUBPART Q—IOWA

Subpart Q requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed, in order to make the Iowa UIC program appropriate and amenable to the combination of historic practices and geology unique to Iowa.

Because EPA is not aware of any existing Class I, II, III, or IV wells in Iowa, it is not promulgating any specific provisions for existing wells authorized by rule. Class V wells will be inventoried, but no permitting or other regulatory action is proposed at this time.

All new Class I, Class II, and Class III wells in Iowa are required to apply for permit prior to initiation of construction. However, applicants who seek a Federal UIC permit in Iowa should be aware that the State prohibits the disposal of any pollutant other than heat into wells. As provided in section 1423(c) of the SDWA, the Federal UIC program does not supersede any State or local prohibitions against underground injection.

SUBPART S—COMMONWEALTH OF KENTUCKY

Subpart S requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations specific to Kentucky, where discretion is allowed, in order to make the Kentucky UIC program appropriate and amenable to the combination of historic practices and geology unique to the Commonwealth.

State Primacy

Several oil and gas operators requested that the State implement the Class II Underground Injection Control (UIC) program in Kentucky or that EPA delay direct implementation until an acceptable Class II primacy application was submitted and approved. These commenters argued that the State possesses greater expertise in dealing with injection activities and can better respond to the unique needs of the regulated community. EPA recognizes that the UIC program was intended by Congress to be implemented by the States whenever possible. Kentucky, however, has not submitted an application for primary enforcement responsibility for the UIC program for any well class. Where States are unwilling or unable to implement the UIC program, Congress requires EPA to conduct the program. Should the State, at some later date, choose to seek primacy for the UIC program, and if the State application is approved by EPA, the Federally administered program will be rescinded.

Aquifer Exemptions

Subsequent to promulgation of this program, facilities which are injecting into an underground source of drinking water cannot legally operate unless that aquifer or portion thereof is exempted. Owners or operators should determine whether their facilities are injecting into a USDW as defined in § 146.3. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in § 146.4.

The preamble to the September 2, 1983, **Federal Register** notice stated that EPA was unaware of any injections into a USDW and, therefore, did not propose to exempt any aquifers at that time. During the comment period several oil and gas operators and the Kentucky Oil and Gas Association noted that enhanced recovery injections may be occurring into USDW's and that exemptions may be necessary. EPA has contacted the commenters and has requested additional information. EPA will review these aquifer exemption requests when adequately documented. If the review supports the request, EPA will provide public notice and opportunity for hearing and, if appropriate, grant the requests.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.903 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that operators of such existing wells should be able to meet this requirement without significant change in current operating procedures. As pointed out in the Introduction, operators who wish to

inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State-specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on the injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;

2. Require both Class II enhanced recovery and liquid hydrocarbon storage injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;

3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and

4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators of enhanced recovery wells who wish to operate at pressures higher than the specified limit to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing(*2*),(*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or other fluid) injection "Step-Rate"(*3*),(*4*),(*5*) type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., that the confining zone(s) have not been breached.

In no case is the operator of a Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will neither endanger the safety of USDWs as provided for in § 144.12, nor fracture the confining zone as required in § 146.23(a)(1).

Casing and Cementing

The Agency is adopting cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144.28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements adopted today in § 147.904(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which were intended to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that the operation will not allow movement of fluids which could pose a significant risk to the health of persons.

The Agency believes that these requirements are appropriate for wells in Kentucky when a workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(a) and § 146.22. The requirements adopted here dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made he may impose requirements consistent with those adopted here, impose other appropriate requirements or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone as well as the quantity and quality of cement to be used. The purpose of the requirements is to ensure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of a sufficient quantity and quality to accomplish these goals in the environment in which it is used.

Area of Review

The Agency is limiting the options for establishing the Area of Review for Class II wells to the minimum fixed radius as described in § 146.6(b). The Agency is adopting this approach due in

part to the potentially large number of wells involved, and the considerable delay in program implementation caused by processing requests based on many formulae.

SUBPART X—MICHIGAN

Subpart X requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Michigan UIC program appropriate and amenable to the combination of historic practices and geology unique to Michigan.

Aquifer Exemptions

EPA proposed that subsequent to promulgation of the UIC program, facilities which are injecting into USDWs cannot legally operate unless that aquifer or a portion of the aquifer is exempted. Several commenters requested aquifer exemptions based on undocumented compliance with the criteria in 40 CFR 144.7. Because EPA is unable to properly evaluate these requests based on the information given, it would be premature to grant or deny exemptions at this time. The commenter may submit documentation as to the location, extent and other features of the aquifers if they wish to pursue the exemption requests.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

EPA is adopting, for EPA implemented programs, for Class I and III wells, the use of a simple formula that will enable injection pressures to be measured at the well head.

An appropriate fracture gradient for Michigan is 0.8 psi/ft, according to the Michigan Department of Natural Resources. This number is also near the minimum value suggested by Warner and Lehr and is, therefore, being proposed for use in Michigan. EPA recognizes that this may be a conservative figure for some areas, but, since operators may receive permission to operate at pressures greater than the pressure being proposed here by applying for a permit, the Agency believes the figure is consistent with the Safe Drinking Water Act, without being unduly restrictive to operators.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received several comments on the proposed approach for limiting injection pressure. Briefly, commenters stated that the values specified were too low and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introdution to these State specific preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifiying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators who wish to operate at pressures higher than the specified limit, to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA intends to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing *(1),* Acidizing and Acid-Fracturing *(2), (3)* jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or other fluid) injection "Step-Rate" *(3), (4), (5)* type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., the confining zone(s) have not been breached.

In no case is the operator of Class II enhanced recovery injection well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in 144.12.

Casing and Cementing

The Agency is adopting cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144. 28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements adopted today in § 147.1154(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which were intended to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that

the operation will not allow movement of fluids which could pose a significant risk to the health of persons.

The Agency believes that these requirements are appropriate for wells in Michigan when a workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(a) and 146.22. The requirements adopted here dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made he may impose requirements consistent with those adopted here, impose other appropriate requirements, or require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone as well as the quantity and quality of cement to be used. The purpose of the requirements is to ensure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and the cement used in these activities is of a sufficient quantity and quality to accomplish these goals in the environment in which it is used.

EPA proposed that operators who inject salt water for disposal purposes be required to install tubing and packers on these wells. Several comments received from consultants and solution mining operators expressed opposition to the requirement of a packer and tubing in injection wells extracting minerals.

Their concerns were based on the belief that Class III wells injecting dilute mineral solutions, instead of fresh water for mineral extraction, may be technically classified as salt water injection wells. They further noted that construction practices for these wells were in ways more stringent than the requirements proposed. EPA after examining Michigan laws and prevailing practices for the solution mining industry agrees and is clarifying the tubing and packer requirement to apply only to wells which inject fluids for disposal.

Area of Review

EPA proposed that the area of review of an injection well be fixed at one-quarter mile or other fixed distance, or on the basis of the Theis' equation. EPA also welcomed public comments regarding possible alternative approaches.

EPA received no new suggestions from the commenters. However, comments generally indicated favorable acceptance of the fixed distance area of review approach. EPA will promulgate the regulation accordingly.

SUBPART Y—MINNESOTA

Subpart Y requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146. Because EPA was not aware of any Class I, II, III, or IV wells in Minnesota, no supplemental regulations for these classes of wells were proposed. Class V wells would be regulated under 40 CFR Parts 124, 144, and 146.

No information was submitted during the public comment period regarding the existence of Class I, II, III or IV wells. Therefore the regulations promulgated today merely incorporate 40 CFR Parts 124, 144 and 146 in the UIC program for Minnesota.

EPA will be proposing a ban on Class I, II, III and IV wells on Indian lands in Minnesota in the near future. Until the ban is promulgated the UIC program being promulgated today applies to both Indian an non-Indian lands in Minnesota.

SUBPART AA—MISSOURI

On September 2, 1983, EPA proposed to federally implement the UIC program in Missouri (48 FR 40116). A full discussion of all actions EPA proposed is given in that notice. Pertaining to Missouri, subpart AA requires all owners and operators to comply with the UIC regulations in 40 CFR Parts 124, 144, and 146. EPA is not aware of any existing Class I, III, or IV wells in Missouri and is, therefore, not promulgating any specific provisions for existing wells authorized by rule. Class V wells will be inventoried and assessed to determine what permitting or other regulatory action is needed to protect underground sources of drinking water. EPA received no comments pertaining to the proposed rulemaking for Missouri and is now taking final rulemaking action to implement the program.

The Safe Drinking Water Act requires EPA to prescribe an Underground Injection Control program for a State if the State has not submitted an application, or if the state program either has been disapproved or no longer meets the requirements of the Act. The UIC program is designed to prevent underground injection through wells which endanger drinking water sources. On December 2, 1983, EPA granted the State of Missouri primary enforcement authority to operate a UIC Class II well program. Missouri has not received enforcement authority for Class I, III, IV, and V wells. EPA intends to operate the program for injection wells other than Class II wells, at least until such time as Missouri is granted primary enforcement authority over the remaining classes of wells.

SUBPART BB—MONTANA

Owners and operators are required to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this Subpart BB of 40 CFR Part 147 contains supplemental regulations where discretion is allowed in order to make the Montana UIC program appropriate to the historic practices and geology specific to the State of Montana. The UIC program being promulgated today applies to both Indian and non-Indian lands in Montana.

Aquifer Exemptions

EPA regulations allow the Administrator of EPA to exempt specific aquifers if the aquifer meets the criteria established in § 146.4.

The Agency proposed to exempt those portions of aquifers within one-quarter mile of existing Class II wells in Montana for the purpose of Class II injection activities only. A listing of such aquifers was prepared and made available for review at both the EPA Regional Office in Denver and the EPA Office in Helena, Montana, beginning on September 2, 1983. There were no requests made for review of that listing. Exemptions of those aquifers or portions of aquifers included on that list are approved today. All Class II to IV injection wells which are injecting into an underground source of drinking water in Montana, as defined at § 144.3, where such aquifer has not been exempted for that Class of well, will not be legal subsequent to promulgation of this program.

Class II enhanced recovery injection well owners wishing to exempt an entire field were asked to submit a justification for such exemption within 45 days of the proposal. One owner came forward with a request to exempt seven unitized operations but did not make that request until the 59th day. Nevertheless, EPA processed this exemption request in accordance with § 144.7

EPA recognizes that there may exist injections to USDW's that the Agency is unaware of, or that legally began during the period beginning September 2, 1983, and the effective date of these regulations.

Owners and operators of such wells are encouraged to notify Patrick A. Crotty, Chief, Ground Water Section, Drinking Water Branch, EPA Region VIII, 1860 Lincoln St., Denver, Colorado 80295, as quickly as possible to determine the status of their particular

operation. Region VIII proposes to accumulate information on these injection operations and to take such action as is appropriate. EPA will review any requests for exemption in accordance with §§ 144.7 and 146.4 and individually approve or deny the requests, as appropriate.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.1353 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3), notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that operators of such existing wells should be able to meet this requirement without significant change in current operating procedures. As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these state-specific preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on this data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators who wish to operate at pressures higher than the specified limit, to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open to inject fluids into an established fracture system under dynamic conditions, if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.
2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing (*2*), Acidizing and Acid-Fracturing (*2*), (*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gauge pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.
3. Water (or other fluid) injection "Step-Rate" (*3*), (*4*), (*5*) type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.
4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., the confining zone(s) have not been breached.

In no case is the operator of Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in § 144.12.

Casing and Cementing

The Agency is promulgating cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144.28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements in § 147.1354(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of 40 CFR Part 146, the Agency outlined requirements in § 146.22 (d), (c), and (e) which were intended to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that the operator will not allow movement of fluids which could cause a significant risk to the health of persons.

The Agency believes that the requirements are appropriate for wells in Montana when a workover is necessary to bring an existing well into compliance with the requirements of 40

CFR 144.28(e) and 146.22. The requirements dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made he may impose requirements consistent with those, impose other appropriate requirements, or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone, as well as the quantity and quality of cement to be used. The purpose of the requirements is to insure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of sufficient quantity and quality to accomplish these goals in the environment in which it is used.

The rules recognize the geologic differences between the eastern and western regions of the State. The eastern region is generally uniform geologically. The regulations require an operator to run surface casing to the nearest major shale formation and circulate cement to the surface to seal off the overlying USDWs. If the surface casing failed to reach the underlying major shale formation, the owner or operator would be required to cement the long string of casing from the surface to the major shale formation. For instance, in the Miles City area, the geologic sections listed in order of increasing depth are as follows:

(a) Ft. Union Formation—interbedded clays, sandstones, coal (a major USDW with TDS ranges from 500 to 5,000 mg/liter).

(b) Hell Creek Formation—sandstone, shaley mudstones, coal (a USDW with TDS ranges from 500 to 1,100 mg/l).

(c) Fox Hill Sandstone—shaley sandstone (a major USDW considered as part of the Hell Creek).

(d) Bearpaw Shale—thick shale and bentonite beds; does not contain significant amounts of water.

(e) Judith River Formation—interbedded sandstones, siltstones and sandy shales with some lignite—a USDW near recharge areas but TDS can range up to 27,000 mg/l.

(f) Claggett Formation—thick shale with localized sandstone lenses and thick bentonite at the base.

(g) Eagle Sandstone—sandstones and shaley sandstones with some lignite (a USDW with TDS generally less than 1,500 mg/l).

(h) Other underlying formations.

Wells located in the Miles City area shall be cased and cemented from the surface at least 50 feet into the Bearpaw Shale, which is a thick section of clay and shale underlying several major underground sources of drinking water.

For a well located in the Glasgow area, north of Miles City, the owner or operator is required to case and/or cement from the surface at least 50 feet into the Claggett formation, which is the first major shale formation below the Judith River formation which is the uppermost USDW in that area.

The western portion of the State is extremely complex geologically. The western portion has some intense faulting and overthrusting as well as some major folds. In addition, there are several intermountain basins, which are structures produced by faulting which have been filled in with unconsolidated and semi-consolidated material which are apparently saturated.

For the western portion of the State, EPA is proposing that cement be set from the surface through the lowermost USDW used for drinking water, or to a depth of 1,000 feet, whichever is greater. The Regional Administrator may authorize an owner or operator to cement to a point other than the lowermost USDW in use, if an owner or operator can demonstrate that the use of such construction will not adversely allow the injection activities to affect the USDW.

Area of Notification

Montana is one of those States where the rural character of the State makes it likely that notice in a newspaper will not reach those parties interested in proposed injection wells. Those provisions which were removed from § 144.31 for the reasons described elsewhere in this preamble, have, therefore, been added to § 147.1355 of Subpart BB. They require that notification be made to all landowners and tenants of land within one-quarter mile of the site. Thus, notice to adjacent landowners is assessed. In urban areas, where such notice would be impractical, the Regional Administrator may waive the requirement.

Also, in response to the Agency's specific request the Indian Tribes submit comments regarding which of the four options is most appropriate for Indian lands, the Fort Peck Tribal Council pointed out that their reservation lands were largely checkerboarded with fee land interspersed with Indian trust land. They suggested that these conditions could preclude notification of a landowner in an adjacent section and that such landowners might be affected by the proposed injection activity. They requested, therefore, that the one-quarter mile radius of notification be extended to one-half mile from the injection well.

In keeping with its proposal to solicit comments from affected Indian Tribes, EPA confirmed that the checkerboard patterns of land ownership are indeed characteristic of the Fort Peck Indian Reservation. In addition, similar reviews showed that such land ownership patterns are also characteristic of other Indian reservations in Montana.

It is in the interest of both EPA and operators to implement programs that are as consistent as possible within the boundaries of each State. It is upon this premise that the agency proposed to administer the same program for both Indian and non-Indian lands in EPA-administered States like Montana. The Agency has, therefore, amended § 147.1355(c) to Subpart BB to accommodate the concerns of the Indians and provide for notice to landowners within one-half mile of the exterior boundary of all Indian reservation lands in Montana.

SUBPART CC—NEBRASKA

Subpart CC requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed, in order to make the Nebraska UIC program appropriate and amenable to the combination of historic practices and geology unique to Nebraska.

A Class II program administered by the Nebraska Oil and Gas Commission has already been approved. Therefore, EPA is not proposing a Class II program.

Because EPA is not aware of any existing Class I, III, or IV wells in Nebraska, it is not proposing any specific provisions for existing wells authorized by rule. Class V wells will be inventoried within one year of promulgation of the program, but no permitting or other regulatory action beyond those in 40 CFR Parts 124, 144, and 146 is proposed at this time.

SUBPART DD—NEVADA

Subpart DD requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Nevada UIC program appropriate and amenable to the combination of historic practices and geology unique to Nevada.

Exempted Aquifers

The Agency proposed to exempt those portions of the Railroad Valley aquifer in Nye County, Nevada, which lie within one-quarter mile of existing Class II

wells, for the purpose of Class II injection activities only. Commenters stated that the entire Railroad Valley aquifer should not be exempted. EPA has clarified its intent by revising the final regulations to specify that only the proven oil-bearing portions of the Railroad Valley aquifer which are within one quarter mile of the existing Class II wells are exempted for Class II injection activities. All Class I through IV injection wells which are injecting into an underground source of drinking water in Nevada, as defined at § 144.3, where such an aquifer has not been exempted for that Class of well will become illegal subsequent to the promulgation of these regulations.

Maximum Injection Pressure: Existing Class I, II (Salt Water (Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.1453 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that existing operators of such wells should be able to meet this requirement without significant change in current operating procedures. As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State specific preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require both Class II enhanced recovery and liquid hydrocarbon storage injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation-specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifiying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA will allow operators who wish to operate at pressures higher than the specified limit, to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate to use in establishing the field rules are:

1. Instantaneous Shut-In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing(*2*),(*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gauge pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

In no case is the operator of Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in § 144.12.

SUBPART HH—NEW YORK

Subpart HH requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations, where discretion is allowed, in order to make the New York UIC program appropriate and amenable to the combination of historic practices and geology unique to New York.

Aquifer Exemptions

The proposed § 147.1652 provided a listing of hydrocarbon producing aquifers which had total dissolved solids (TDS) of less than 10,000 mg/l tc be exempted in accordance with Section 146.4. The list consisted of those oil-bearing formations which, due to many years of Class II enhanced recovery water flooding with fresh water, had experienced TDS content reductions from in excess of 10,000 mg/l to less than 10,000 mg/l, thereby qualifying them as USDWs. EPA has completed its detailed analysis of New York's oil-bearing aquifers and has found that fewer of these formations qualify as USDWs than originally was thought. As such, the Agency has revised the list of exempted aquifers in § 147.1652. Two commenters requested that the Glade Sand in Chautauqua County be added to the list of exempted aquifers. Since data available to EPA indicates that the formation has TDS levels in excess of 10,000 mg/l, it is not a USDW and there is, therefore, no need to grant an exemption. Such exemptions as are granted will apply only to Class II enhanced recovery wells because EPA

does not want to compromise the hydrocarbon producibility of these oil-bearing aquifers by making this exemption applicable to all classes of wells.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. For all rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.1653 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3), notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that existing operators of such wells should be able to meet this requirement without significant change in current operating procedures. As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator my inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State-specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;
2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;
3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and
4. Require owners or operators to comply with the performance standards in § 144.28 and § 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximun injection pressure for a formation or field. The SIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA, in this rulemaking, allows operators, who wish to operate at pressures higher than the specified limit, to do so by merely demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate values for maximum injection pressure. Among the technical data that EPA intends to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.
2. Formation "breakdown pressure": Indicated values from data recorded prior to and during Squeeze Cementing(*1*), Acidizing and Acid-Fracturing (*2*), (*3*) jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.
3. Water (or other fluid) injection "Step-Rate" (*3*), (*4*), (*5*) type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.
4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator can exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., the confining zone(s) have not been breached.

In no case is the operator of Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in § 144.12.

Casing and Cementing

For any type of Class I well authorized by permit, the requirements in § 147.1655(a) reflect criteria designed to give the fullest level of protection to USDWs. An effective way to protect USDWs is to provide cemented surface casing from the surface to a point at least 50 feet below the base of the lowermost USDW. The Agency has required that Class I wells have long string casing over the total depth of the well because the generally toxic nature of the wastes and their generally caustic characteristics warrant such requirements. Long string casing is required to be cemented from the injection zone back at least 50 feet above the base of the surface casing or any intermediate strings of casing, where used. Any such intermediate strings of casing must be similarly cemented back 50 feet into the next largest casing. These requirements provide for a continuous cement barrier which will protect the casing from external corrosion. These requirements also represent a more cost-effective approach than cementing all of the annular space back to the surface, while

maintaining the appropriate environmental safeguards.

One commenter recommended that cementing requirements for new Class I wells should be set in the same manner as for new Class II wells, that is, by recirculating to the surface or by using no less than 120% of the calculated annular volume. EPA does not agree. The standard for Class I wells is to recirculate cement to the surface on surface casing, becsuse the Agency believes this to be the most appropriate way to provide the protection to USDWs mandated by the Safe Drinking Water Act. The alternative standard for new Class II wells is based on the legislative mandate that EPA should not unduly impose economic hardship on the oil and gas industry and, because the hazards associated with Class II injection fluids are less, relative to those of Class I injection fluids.

The Agency is promulgating cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144.28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements in § 147.1654(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24, 1980, promulgation of 40 CFR Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which made it possible to relieve operators of wells in existing fields from the requirements specified in § 146.22(b), provided that the operator will not allow movement of fluids which could pose a significant risk to the health of persons.

The Agency believes that the requirements are appropriate for wells in New York when a workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(e) and 146.22. The requirements dictate that the Regional Administrator make a determination that the wells may not be in compliance with these standards. If such a determination is made, he may impose requirements consistent with those imposed here, impose other appropriate requirements or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone, as well as the quantity and quality of cement to be used. The purpose of the requirements is to insure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of sufficient quantity and quality to accomplish these goals in the environment in which it is used.

One commenter suggested that the Agency drop § 147.1655(b)(4), which specifies a long string casing for brine wells. They noted that § 146.22(b) contains no parallel distinction in construction requirements between Class II and enhanced recovery and brine disposal wells.

EPA does not agree that this paragraph should be stricken. Section 146.22(b) specifies that wells must be, "* * * cased and cemented to prevent the movement of fluids into or between underground sources of drinking water." The Agency believes that a distinction between requirements for enhanced recovery wells and wells injecting brines is justified for several reasons. First, brine is corrosive and it may reduce the life of the tubular goods. Section 146.22 specifically instructs the Director to require that the casing and cementing be designed for the life expectancy of the well. Second, operators of enhanced recovery wells have an incentive to limit leaks or fluids; there is no comparable incentive in cases where brine is disposed. Accordingly, the Agency believes the requirements are justified, and is promulgating them as specified.

The same commenter noted that the reinjection of produced brine for enhanced oil recovery, whether produced on-site or off-site, could be mistakenly construed as a salt water disposal well subject to the more stringent casing and cementing requirements associated with brine disposal wells. The commenter requested that such wells be specifically exempted from the long string casing requirement.

EPA agrees that the reinjection of brines for enhanced recovery, regardless of the source of the brine, should not subject the operator to the long string casing requirement for brine disposal wells. EPA believes that the distinction is justified for reasons outlined above, and because, in an enhanced recovery operation, the injection pressure is relieved in the formation by the producing oil wells; whereas, in the case of a brine disposal well, the pressure is not relieved and the injected waste brine remains in the disposal formation. EPA, however, does not wish to encourage the injection of brines into oil producing formations which are not engaged in enhanced recovery operations. Therefore, it should be understood that this provision is limited solely to enhanced recovery operations.

Area of Review

One commenter submitted an alternate formula for calculating a zone of endangering influence. While § 146.6(a)(2) allows for the use of models other than the modified Theis equation, such use is not considered rulemaking. EPA will review the submitted formula at a later date. We do not consider it appropriate to review at this time, nor to include it as part of this action.

Indian Lands

EPA received comments from the Seneca Nation of Indians expressing concern over the proper jurisdiction of the UIC program on Indian Lands in New York State. The Agency has a long-standing position of special consideration of tribal interests when implementing any Federal program. In keeping with this position, EPA is negotiating a separate UIC program with the Seneca Nation of Indians.

The regulations governing injection wells located within the legal jurisdiction of the Seneca Nation of Indians will be proposed in the coming months. Until that time, regulations covering these injection wells are reserved. EPA is promulgating the requirements in today's rulemaking for all other Indian lands in New York.

Mechanical Integrity Testing

On February 3, 1983, EPA promulgated amendments to §§ 146.8 at 146.8(b)(3) to allow an alternate demonstration to the mechanical integrity tests specified. This alternative demonstration was developed, in part, in response to assertions from the oil industry that the existing tests were inappropriate for wells constructed with two-inch tubing as described below.

The alternative required that the owner or operator provide records of monitoring showing the absence of significant changes in the relationship between pressure and flow rates, inspect the annulus, and conduct ground-water monitoring to confirm the absence of significant fluid movement into a USDW. EPA believes this alternative is still appropriate. However, it has come to the attention of the Agency that for many operators in New York, establishing ground-water monitoring systems adequate to confirm the absence of fluid movement may be costly. Moreover, industry has contended that there are alternatives which would be as environmentally protective, but which would impose less burden on owners or operators. Consequently, EPA has considered the use of several other alternate mechanical tests for Class II enhanced

recovery wells in New York. In evaluating these alternate tests, EPA has taken the following historic and geologic characteristics into consideration.

(1) The historic and on-going industry-wide use of two-inch or less injection tubing has severely limited the availability of cost-effective down-hole instruments for either the emplacement of temporary plugs for pressure testing or well logging.

(2) Below the fractured saprolitic water table aquifers, bedrock fractures are not viable and experience has shown that the intervening shales down to oil producing sandstones are competent enough to support themselves in wells without long string casing. The historic and on-going industry-wide practice of completing enhanced oil recovery wells without long string casing has precluded the use of annulus pressure monitoring since there is no cased annulus.

(3) Monitoring records, which would establish a historic baseline of the pressure-flow rate relationship, are rarely existent.

(4) Cementing records on existing wells are generally not available.

The Agency initiated a study of alternate tests, and as a result, EPA plans to give interim approval to an alternative in a subsequent **Federal Register** notice. EPA intends to grant this approval for a two-year period to give the Agency the opportunity to evaluate the success and viability of the test after being conducted on a larger number of enhanced recovery wells.

SUBPART NN—PENNSYLVANIA

Subpart NN requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Pennsylvania UIC program appropriate and amenable to the combination of historic practices and geology unique to Pennsylvania.

Aquifer Exemptions

Section 147.1952 provides a listing of aquifers with total dissolved solids (TDS) levels of less than 10,000 mg/l that EPA is exempting in accordance with § 146.4.

These aquifers are not sources of drinking water according to EPA records. They cannot now and will not in the future serve as drinking water sources because they are hydrocarbon producing. The list of aquifers exempted consists of those oil-bearing formations which, due to many years of Class II enhanced recovery water flooding with fresh water, have experienced TDS content reductions from in excess of 10,000 mg/l to less than 10,000 mg/l, thereby qualifying them as USDWs. This exemption will apply only to Class II enhanced recovery wells, because EPA does not want to compromise the hydrocarbon producibility of these oil-bearing aquifers by making this exemption applicable to all classes of wells.

A number of commenters have erroneously interpreted the list of exempted aquifers as shallow surface aquifers currently utilized for public water supply. One commenter expressed concern that the list should be complete at the outset of the program. Other commenters mistakenly thought that these exemptions represented a lower level of protection. The Agency believes that, with changes described below, the list of exempted aquifers is as complete and accurate as possible and certainly does not include any sources of drinking water.

This listing has been altered significantly, since the original proposal, to reflect the findings of both a survey of injection operators and a contracted study. Several oil producing formations and fields have been removed from the list (i.e., Washington-Taylorstown and Youngsville Fields) because current TDS concentrations were found to be in excess of 10,000 mg/l, therefore, not qualifying these fields as USDWs by definition and, hence, not requiring an exemption. Other fields (i.e., the Lewis Run and Morrison Run Fields) appear to have been added, but, in fact, this list has been rewritten to reflect the currently accepted method of naming and stratigraphically describing the formations which were listed in the September 2, 1983 proposal.

Detailed documentation of TDS levels, commercial producibility and maps describing and supporting these exemptions are available for inspection in the UIC program docket for Pennsylvania, maintained at EPA's Region III office in Philadelphia.

Additional aquifers may be considered for inclusion by EPA upon receipt of documenting information in accordance with § 144.7 and § 146.4.

Maximum Injection Pressure: Existing Class I, II (Salt Water Disposal) and III wells.

The Agency proposed to adopt a simple formula that would prescribe injection pressure measured at the wellhead. The formula uses a value of .733 psi/ft. For rule authorized wells (except enhanced recovery and hydrocarbon storage wells) that proposal has been adopted with clarification. Section 147.1953 has been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3) notwithstanding the results of the formula calculation. The Introduction to these State-specific preambles outlines the comments received on this topic, the Agency's response to these comments, and the justification for retaining the requirements as proposed. Information available to the Agency indicates that existing operators of such wells should be able to meet this requirement without significant change in current operating procedures. As pointed out in the Introduction, operators who wish to inject at higher pressures may receive authorization to do so by applying for a permit and demonstrating in that application that the increased operating pressures will not violate the performance standards in §§ 146.13, 146.23, and 146.33. If the Regional Administrator approves the application, the owner or operator may inject at the higher pressure. It should be noted that operators of Class I and III injection wells and operators of Class II salt water disposal wells must apply for a permit in any case; the former within 1 year of the effective date of the program, the latter within 4 years of that date.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State; appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enchanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;

2. Require Class II enhanced recovery injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;

3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and

4. Require owners or operators to comply with the performance standards in §§ 144.28 and 146.22 until such formation-specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone, but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA in this rulemaking, allows that operators who wish to operate at pressures higher than the specified field rule, may do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146. EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA intends to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": indicated values from data recorded prior to and during Squeeze Cementing[*1*], Acidizing and Acid-Fracturing[*2*],[*3*], jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or other fluid) injection "Step-Rate"[*3*],[*4*],[*5*] type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator may exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection zone, i.e., the confining zone(s) have not been breached.

In no case is the operator of Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in § 144.12.

EPA has received substantial fracture gradient data for much of the documentation provided by industry during the public comment period for fields in Pennsylvania. These data report average bottom hole fracture gradients which vary from 1.9 psi/foot to 1.23 psi/foot among five oil fields in Pennsylvania. Although these data point toward fracture gradients for the formula of approximately 1.2 psi/foot, there are several fields for which EPA has little or no data. Consequently, further data collection is necessary prior to the actual setting of pressure limitations for enhanced recovery injection wells in Pennsylvania.

Casing and Cementing

For any type of Class I well authorized by permit, the requirements in § 147.1955(a) reflect criteria designed to give the fullest level of protection to USDWs. An effective way to protect USDWs is to provide cemented surface casing from the surface to a point at least 50 feet below the base of the lowermost USDW.

The Agency has required that Class I wells have long string casing over the total depth of the well because the generally toxic nature of the wastes and their generally caustic characteristics warrant such requirements. Long string casing is required to be cemented from the injection zone back at least 50 feet above the base of the surface casing or any intermediate strings of casing, where used. Any such intermediate strings of casing must be similarly cemented back 50 feet into the next largest casing. These requirements provide a continuous cement barrier which will protect the casing from external corrosion. These requirements also represent a more cost-effective approach than cementing all of the annular space back to the surface, while maintaining the appropriate environmental safeguards.

One commenter recommeded that cementing requirements for new Class I wells should be set in the same manner as for new Class II wells, that is, by recirculating to the surface or by using no less than 120% of the calculated annular volume. EPA does not agree. The standard for Class I wells is to recirculate cement to the surface on surface casing, because the Agency believes this to be the most appropriate way to provide the protection of USDWs mandated by the Safe Drinking Water Act. The alternative standard for new Class II wells is based on the legislative mandate that EPA should not unduly impose economic hardship on the oil and gas industry, and because the hazards associated with Class II injection fluids are less, relative to those of Class I injection fluids.

The Agency is promulgating casing and cementing requirements for existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule which may not be in compliance with § 144.28(e) and § 146.22. These sections require existing wells to be cased and cemeted to prevent the movement of fluids into or between underground sources of drinking water.

The requirements promulgated today in § 147.1954(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements.

The Agency believes that these requirements in § 147.1954(b) present methods which are appropriate for wells in Pennsylvania, when a workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(e) and 146.22. The requirements promulgated today require that, if the Regional Administrator makes a determination that a well may not be in compliance, he may impose requirements consistent with those promulgated here, impose other appropriate requirements, or he may require the owner or operator to apply for a permit.

Several industry representatives operating in Pennsylvania have commented that § 147.1954(b) would require the retrofitting of existing wells that presently do not have surface casing cemented back to the surface; that such retrofitting would be economically burdensome if not technically impossible; and that it would be environmentally unnecessary as the historical practices in Pennsylvania have hitherto protected USDWs. Actually § 147.1954(b) does not automatically require the retrofitting of

any well, just because it does not have surface casing cemented to the surface. In fact, the only time the retrofit repair provisions are to be applied is if, and only if, the Regional Administrator determines that fluid movement is occurring into or between USDWs due to inadequate casing or cementing.

For new Class II wells authorized by permit, the requirements in § 147.1955(b) reflect a level of design necessary to provide sufficient protection to USDWs from injected fluids. An effective way to protect USDWs is to provide cemented surface casing all the way from the surface to a point well below the base of the lowermost USDW. The option of placing cement equal to a minimum of 120% of the calculated annular volume in lieu of recirculation to the surface (as required for Class I wells) is allowed due to the nature of the injected fluid and is considered adequate to protect USDWs.

One commenter suggested that § 147.1955(b)(4), which specifies a long string casing requirement for brine disposal wells, be striken from the regulations, since § 146.22(b) contains no distinction in construction requirements between Class II enhanced recovery and brine disposal wells.

EPA does not agree that this paragraph should be stricken. Section 146.22(b) specifies that wells must be, "* * * cased and cemented to prevent the movement of fluids into or between underground sources of drinking water." The Agency believes that a distinction between requirements for enhanced recovery wells and wells injecting brines is justified for several reasons. First, brine is corrosive and it may reduce the life of the tubular goods. Section 146.22 specifically instructs the Director to require that the casing and cementing be designed for the life expectancy of the well. Second, operators of enhanced recovery wells have an incentive to limit leaks or fluids; there is no comparable incentive in cases where brine is disposed. Accordingly, the Agency believes the requirements are justified and is promulgating them as specified.

One industry commenter noted that the reinjection of produced brine for enhanced oil recovery, whether produced on-site or off-site, could be mistakenly construed as a salt water disposal well subject to the more stringent casing and cementing requirements associated with brine disposal wells. The commenter requested that such wells be specifically exempted from the long string casing requirement.

EPA agrees that the reinjection of brines for enhanced recovery, regardless of the source of the brine, should not subject the operator to the long string casing requirement for brine disposal wells. EPA believes that the distinction is justified for the reasons outlined above, and because, in an enhanced recovery operation, the injection pressure is relieved in the formation by the producing oil wells; whereas, in the case of a brine disposal well the pressure is not relieved, and the injected waste brine remains in the disposal formation. EPA, however, does not wish to encourage the injection of brines into oil producing formations which are not engaged in enhanced recovery operations.

For enhanced recovery wells a choice of tubing or long string casing is provided. Long string casing is preferable and is consistent with existing industry practice over much of the rest of the country. The option of injection tubing without long string casing is provided because of the highly competent nature of the rock, which comprises the confining strata in the oil and gas producing areas of the State.

For all the aforementioned well types, EPA has prescribed a basic level of protection for USDWs by setting the casing and cementing requirements specified above. Section 147.1955(c) does, however, provide relief for any owner or operator who cannot comply with the prescribed casing and cementing requirements for a particular well type. In such instances, the Regional Administrator may approve alternate casing and cementing provisions on a case-by-case basis in a permit, provided that similar levels of protection are afforded the USDW.

Area of Review

One commenter submitted an alternate formula for calculating a zone of endangering influence. While § 146.6(a)(2) allows for the use of models other than the modified Theis equation, such use is not considered rulemaking. EPA will review the submitted formula at a later date. We do not consider it appropriate to review at this time, not to include it as part of this action.

Mechanical Integrity Testing

On February 3, 1983, EPA promulgated amendments to § 146.8 at § 146.8(b)(3) to allow an alternate demonstration to the mechanical integrity tests specified. This alternative demonstration was developed, in part, in reponse to assertions from the oil industry that the existing tests were inappropriate for wells constructed with two-inch tubing as described below. The alternative required that the owner or operator provide records of monitoring showing the absence of sighificant changes in the relationship between pressure and flow rates, inspect the annulus, and conduct ground-water monitoring to confirm the absence of significant fluid movement into a USDW. EPA believes this alternative is still appropriate. However, it has come to the attention of the Agency that for many operators in Pennsylvania, establishing ground-water monitoring systems adequate to confirm the absence of fluid movement may be costly. Moreover, industry has contended that there are alternatives which would be as environmentally protective, but which would impose less burden on owners or operators. Consequently, EPA has considered the use of several other mechanical tests for Class II enhanced recovery wells in Pennsylvania.

In evaluating these alternate tests, EPA has taken the following historic and geologic characteristics into consideration.

(1) The historic and on-going industry-wide use of two-inch or less injection tubing has severely limited the availability of cost-effective down-hole instruments for either the emplacement of temporary plugs for pressure testing or well logging.

(2) Below the fractured saprolitic water table aquifers, bedrock fractures are not viable, and experience has shown that the intervening shales down to oil producing sandstones are competent enough to support themselves in wells without long string casing. The historic and on-going industry-wide practice of completing enhanced oil recovery wells without long string casing has precluded the use of annulus pressure monitoring since there is no cased annulus.

(3) Monitoring records, which would establish a historic baseline of the pressure-flow rate relationship, are rarely existent.

(4) Cementing records on existing wells are generally not available.

The Agency initiated a study of alternate tests for these wells in Pennyslvania, and as a result EPA plans to give interim approval to an alternative in a subsequent **Federal Register** notice. EPA intends to grant this approval for a two-year period to give the Agency the opportunity to evaluate the success and viability of the test after being conducted on a larger number of enhanced recovery wells.

SUBPART RR—STATE OF TENNESSEE

Subpart RR requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and

146. In addition, this subpart contains regulations specific to Tennessee where discretion is allowed, in order to make the Tennessee UIC program appropriate and amenable to the combination of historic practices and geology unique to Tennessee.

State Primacy

Several operators requested that the State implement the Underground Injection Control (UIC) program in Tennessee or that EPA delay direct implementation until an acceptable primacy application was submitted and approved. These commenters argued that the State possesses greater expertise in dealing with injection activities and can better respond to the unique needs of the regulated community. EPA recognizes that the UIC program was intended by Congress to be implemented by the State whenever possible. Tennessee, however, has not submitted an application for primary enforcement responsibility for the UIC program for any well class. Where States are unwilling or unable to implement the UIC program, Congress requires EPA to conduct the program. Should the State, at some later date, choose to seek primacy for the UIC program, and if the State application is approved by EPA, the Federally administered program will be rescinded.

Aquifer Exemptions

Subsequent to promulgation of this program, facilities which are injecting into an underground source of drinking water will become illegal unless that aquifer or portion, thereof, is exempted. Owners or operators should determine whether their facilities are injecting into a USDW as defined in § 146.3. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in 40 CFR 146.4.

Maximum injection pressure: Existing Class I, II (Salt Water Disposal) and III Wells.

For the State of Tennessee, the Agency proposed to adopt a simple formula that would limit injection pressures measured at the wellhead. That proposal has been adopted for all rule authorized wells with a clarification. Sections 147.2153 and 147.2154 have been reworded to make it clear that a well injection must also comply with the nonfracturing provisions of § 144.28(f)(3), notwithstanding the results of the formula calculation. The Agency decided to adopt the maximum injection pressure formula as proposed for the following reasons:

—Only one comment was received during the public participation process which requested that rule authorized wells operate at maximum historically demonstrated values.

—A review of State monthly operating reports for the previous two years indicated that four chemical companies operated injection wells at pressures below the maximum rate allowed by the formula.

—The existing operators of such wells are able to meet the requirement without significant change in current operating procedures.

—No additional burden on the operators is anticipated.

Maximum Injection Pressure: Existing Enhanced Recovery and Hydrocarbon Storage Wells.

The Agency received more comments on the proposed approach for limiting injection pressure than any other provision. Briefly, commenters stated that the values specified were too low, and that no single injection pressure was appropriate for an entire State, appropriate pressures being a function of formation characteristics, not political boundaries. A more complete discussion of the comments received and the Agency's response to these comments can be found in the Introduction to these State-specific Preambles.

After a thorough review of the comments and other technical data, EPA has decided to promulgate a revised approach for specifying limits on injection pressure of enhanced recovery and hydrocarbon storage wells. The details of this approach are outlined below. EPA will:

1. Eliminate the proposed State-wide psi/ft fracture gradient values;

2. Require Class II enhanced injection well operators to provide definitive field or formation-specific fracture-pressure data within one year of the effective date of this program;

3. Develop and specify a field or formation-specific pressure gradient based on these data and other reliable data; and

4. Require owners or operators to comply with the performance standards in §§ 144.28 and 146.22 until such formation specific standards are developed.

EPA believes that the instantaneous shut-in pressure (ISIP) is an appropriate value on which to base the maximum injection pressure for a formation or field. The ISIP represents the minimum injection pressure necessary to propagate existing fractures. EPA realizes that this pressure is generally less than the pressure needed to fracture the confining zone but believes this to be appropriate when specifying a number applicable to owners or operators authorized by rule for the life of the well. In addition, EPA in this rulemaking, allows operators who wish to operate at pressures higher than the specified limit, to do so by demonstrating to the Regional Administrator that such injection pressures are consistent with the appropriate performance standards in 40 CFR Parts 144 and 146.

EPA recognizes that there is a variety of information which may be used to establish the appropriate value for maximum injection pressures. Among the technical data that EPA believes appropriate to use in establishing the field rules are:

1. Instantaneous Shut In Pressure: ISIP is the pressure observed (recorded) at the moment the fracturing operations are discontinued. ISIP is that static pressure required to hold a fracture open to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the observed (recorded) surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure": Indicated values from data recorded prior to and during Squeeze Cementing[2], Acidizing and Acid-Fracturing[2],[3] jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gage pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracturre occurs.

3. Water (or other fluid) injection "Step-Rate"[3],[4],[5] type testing performed specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field tests or performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation may also be utilized to meet the requirement.

EPA does recognize that, in certain situations, an operator may purposely inject into an enhanced recovery formation at a pressure in excess of the known formation fracture pressure. In such cases, the operator can exceed the injection formation fracture pressure so long as he can demonstrate to the Regional Administrator that the injected fluids are contained within the injection

zone, i.e., the confining zone(s) have not been breached.

In no case is the operator of Class II enhanced recovery injection or hydrocarbon storage well relieved of his ultimate responsibility to assure that his injection will not endanger the safety of USDWs as provided for in § 144.12, nor fracture the confining zone as required in § 146.23(a)(1).

Casing and Cementing

The Agency is adopting cementing requirements for existing enhanced recovery and hydrocarbon storage wells which may not be in compliance with §§ 144.28(e) and 146.22. These sections require existing wells to be cased and cemented to prevent the movement of fluids into or between underground sources of drinking water.

The requirements in § 147.2154(b) recognize that it is at best difficult to bring existing wells into compliance with a new set of construction requirements. In the June 24 1980, promulgation of 40 CFR Part 146, the Agency outlined requirements in § 146.22 (c), (d), and (e) which made it possible to relieve operators of wells in existing fields from the requirements specified in § 146.22(b) provided that the operation would not allow movement of fluids which could pose a significant risk to the health of persons.

The agency believes that the requirements are appropriate for wells in Tennessee when workover is necessary to bring an existing well into compliance with the requirements of 40 CFR 144.28(e) and 146.22. The requirements dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made, he may impose requirements consistent with those adopted here, impose other appropriate requirements or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone as well as the quantity and quality of cement to be used. The purpose of the requirements is to insure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of a sufficient quantity and quality to accomplish these goals in the environment in which it is used.

Area of Review

The Agency inadvertently failed to include in the September 2, 1983 **Federal Register** proposal the area of review requirements for the State of Tennessee.

EPA is establishing the area of review be a minimum fixed radius of one-quarter mile from the well head. The Theis equation and other formulas are not presented as alternatives.

Equations are valid only in those cases where a series of assumptions can be validated. It is the opinion of EPA that in the State of Tennessee, where formations are frequently fractured, folded or otherwise not continuous, the validation of the assumptions would present an unnecessary burden on the applicant and on EPA.

The adoption of a minimum fixed radius is consistent with Agency proposals in six other direct implementation States, where public hearings were held and no adverse comments received.

The Agency therefore is including this requirement as final rulemaking for the State of Tennessee.

SUBPART VV—VIRGINIA

Subpart VV requires all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Virginia UIC program appropriate and amenable to the combination of historic practices and geology unique to Virginia.

Because EPA is not aware of any existing Class I, II, III, or IV wells in Virginia, it is not adopting any specific provisions for existing wells authorized by rule. Class V wells will be adoped, but no permitting or other regulatory action is being proposed at this time.

The Commonwealth of Virginia, Department of Health has maintained that the Federal program is in conflict with some State requirements, and that the State, in fact, bans injection of hazardous waste. The State further contended that the existence of the Federal program could compromise the State's ability to implement a more stringent program. In response, EPA would like to point out that under the SDWA and Federal regulations, State programs are, in fact, permitted to operate side-by-side with EPA programs. Applicants must comply with the requirements of both programs, where necessary, before construction can commence. If the more stringent program has a ban on certain types of wells, that ban is effective against applicants permitted under the parallel program. Section 1423(c) provides that nothing "shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting underground injection, but no such law or regulation shall relieve any person of any requirement otherwise applicable under this title."

All new Class I, II, and III wells in Virginia are required to apply for permits prior to initiation of construction. However, applicants who seek a Federal UIC permit in Virginia should be aware that the State has a prohibition against underground injection of hazardous waste and that section 1423(c) of the Safe Drinking Water Act provides, as stated above, that "nothing in this title shall diminish any authority of a State or political subdivision to adopt or enforce any law or regulation respecting underground injection."

References

(1) G.C. Howard and C.R. Fast, SPE–AIME Hydraulic Fracturing Monograph, Vol. 2 of the Henry L. Doherty Series, 1970, pp. 98–100, pp. 2–7.

(2) Yuster and Calhoun, "Pressure Parting of Formations in Water Flood Operations", Oil Weekly, March 12 and 19, 1945.

(3) John C. Calhoun, Fundamentals of Reservoir Engineering, University of Oklahoma Press, 1953, pp. 404–406.

(4) M. Felsenthal and H.H. Ferrel, "Fracturing Gradients in Waterfloods of Low Permeability Partially Depleted Zones", Journal of Petroleum Technology, June 1971, pp. 727.

(5) R.C. Earlougher, SPE–AIME Adavances in Well Test Analysis Monograph No. 5, 1977, pp. 87.

VII. Executive Order 12291

In the proposal, EPA indicated that the Agency, in compliance with Executive Order 12291, had conducted a study to estimate the costs and burden that may be imposed on operators from the proposed regulations. The Agency had concluded that the proposal was not a major regulation since it did not impose more than $100 million per year in costs to regulated industries. The Agency also concluded that there would be no adverse impact on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets. The proposal further indicated that the major effect of the regulations would simply make effective in particular States the UIC regulations promulgated as 40 CFR Parts 144, 145, and 146. The Agency now concludes, after additional study, that the results of these analyses are accurate and that these regulations will not impose more than $100 million per year in costs on regulated industries.

VIII. Regulatory Flexibility Act

The proposed rule for Federally administered programs indicated that these requirements would not have a significant impact on a substantial

number of small entities. Burden estimates were prepared for small entities and published in the Preamble of the technical regulations. Based on analyses conducted in support of this promulgation, EPA finds that no requirements have been added that would impose additional burden on small operators.

IX. Paperwork Burden

The Agency published paperwork burden estimates in the proposed regulations concluding, on the basis of previous analyses, that these regulations could add 3,300 hours of paperwork burden to operators in those States in which EPA will administer the UIC program. The reporting requirements proposed in the published notice were submitted to and approved by OMB.

Since publication of the proposal, EPA has reviewed the analyses and concluded that the initial estimate is no longer appropriate; in part because the Agency has revised certain requirements, in part because EPA has added a few new requirements, and in part because the Agency is considering burdens which are only now being implemented. As a result, the current estimated burden resulting from this rulemaking is approximately 102,140 hours (77,780 hours of which is the result of a one-time only collection of information which does not reoccur annually).

The information collection requirements contained in this rule 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 *et seq.* and have been assigned OMB control number *2040–0042.*

List of Subjects

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indians—lands.

40 CFR Part 144

Administrative practice and procedure, Reporting and recordkeeping requirements, Confidential business information, Water supply.

40 CFR Part 146

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply.

40 CFR Part 147

Administrative practice and procedure, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply, Incorporation by reference.

Authority: Safe Drinking Water Act, 42 U.S.C. 300h.

Dated: March 27, 1984.

William D. Ruckelshaus,

Administrator.

Editorial note.—This appendix will not appear in the code of Federal Regulations.

BILLING CODE 6560-50-M

Appendix A—Underground Injection Control Permit Application

Form Approved. OMB No. 2040-0042. Expires 9-30-86

Form 4 UIC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

UNDERGROUND INJECTION CONTROL PERMIT APPLICATION

(Collected under the authority of the Safe Drinking Water Act, Sections 1421, 1422, 40 CFR 144)

I. EPA ID NUMBER

		T/A	C
U			

READ ATTACHED INSTRUCTIONS BEFORE STARTING

FOR OFFICIAL USE ONLY

Application approved mo day year	Date Received mo day year	Permit/Well Number	Comments

II. FACILITY NAME AND ADDRESS

Facility Name

Street Address

City | State | ZIP Code

III. OWNER/OPERATOR AND ADDRESS

Owner/Operator Name

Street Address

City | State | ZIP Code

IV. OWNERSHIP STATUS *(Mark 'x')*

☐ A. Federal ☐ B. State ☐ C. Private

☐ D. Public ☐ E. Other *(Explain)*

V. SIC CODES

VI. WELL STATUS *(Mark 'x')*

☐ A. Operating — Date Started mo day year

☐ B. Modification/Conversion ☐ C. Proposed

VII. TYPE OF PERMIT REQUESTED *(Mark 'x' and specify if required)*

☐ A. Individual ☐ B. Area

Number of Existing wells

Number of Proposed wells

Name(s) of field(s) or project(s)

VIII. CLASS AND TYPE OF WELL *(see reverse)*

A. Class(es) *(enter code(s))*	B. Type(s) *(enter code(s))*	C. If class is "other" or type is code 'x,' explain	D. Number of wells per type (if area permit)

IX. LOCATION OF WELL(S) OR APPROXIMATE CENTER OF FIELD OR PROJECT

C I	A. Latitude Deg	Min	Sec	B. Longitude Deg	Min	Sec	Township and Range Twsp	Range	Sec	¼ Sec	Feet from	Line	Feet from	Line

X. INDIAN LANDS *(Mark 'x')*

☐ Yes ☐ No

XI. ATTACHMENTS

(Complete the following questions on a separate sheet(s) and number accordingly; see instructions)

FOR CLASSES I, II, III (and other classes) complete and submit on separate sheet(s) Attachments A — U (pp 2-6) as appropriate. Attach maps where required. List attachments by letter which are applicable and are included with your application:

XII. CERTIFICATION

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. (Ref. 40 CFR 144.32)

A. Name and Title *(Type or Print)*	B. Phone No. *(Area Code and No.)*
C. Signature	D. Date Signed

EPA Form 7520-6 (2-84)

Well Class and Type Codes

Class I	Wells used to inject waste below the deepest underground source of drinking water
Type "I"	Nonhazardous industrial disposal well
"M"	Nonhazardous municipal disposal well
"W"	Hazardous waste disposal well injecting below USDWs
"X"	Other Class I wells (not included in Type "I," "M," or "W")
Class II	Oil and gas production and storage related injection wells.
Type "D"	Produced fluid disposal well
"R"	Enhanced recovery well
"H"	Hydrocarbon storage well (excluding natural gas)
"X"	Other Class II wells (not included in Type "D," "R," or "H")
Class III	Special process injection wells.
Type "G"	Solution mining well
"S"	Sulfur mining well by Frasch process
"U"	Uranium mining well (excluding solution mining of conventional mines)
"X"	Other Class III wells (not included in Type "G," "S," or "U")
Other Classes	Wells not included in classes above.
	Class V wells which may be permitted under §144.12
	Wells not currently classified as Class I, II, III, or V.

Attachments to Permit Application

Class	Attachments
I new well	A, B, C, D, F, H — S, U
existing	A, B, C, D, F, H — U
II new well	A, B, C, E, G, H, M, Q, R; optional — I, J, K, O, P, U
existing	A, E, G, H, M, Q, R — U; optional — J, K, O, P, Q
III new well	A, B, C, D, F, H, I, J, K, M — S, U
existing	A, B, C, D, F, H, J, K, M — U
Other Classes	To be specified by the permitting authority

INSTRUCTIONS — Form 4 — Underground Injection Control (UIC) Permit Application

Form 4 must be completed by all owners or operators of Class I, II, and III injection wells and others who may be directed to apply for a UIC permit by the Director.

I. EPA I.D. NUMBER — Fill in your EPA Identification Number. If you do not have a number, leave blank.

II. FACILITY NAME AND ADDRESS — Name of well, well field or company and address.

III. OWNER/OPERATOR NAME AND ADDRESS — Name and address of owner/operator of well or well field.

IV. OWNERSHIP STATUS — Mark the appropriate box to indicate the type of ownership.

V. SIC CODES — List at least one and no more than four Standard Industrial Classification (SIC) Codes that best describe the nature of the business in order of priority.

VI. WELL STATUS — Mark Box A if the well(s) were operating as injection wells on the effective date of the UIC Program for the State. Mark Box B if the well(s) existed on the effective date of the UIC Program for the State but were not utilized for injection. Box C should be marked if the application is for an underground injection project not constructed or not completed by the effective date of the UIC Program for the State.

VII. TYPE OF PERMIT — Mark "Individual" or "Area" to indicate the type of permit desired. Note that area permits are at the discretion of the Director and that wells covered by an area permit must be at one site, under the control of one person and do not inject hazardous waste. If an area permit is requested the number of wells to be included in the permit must be specified and the wells described and identified by location. If the area has a commonly used name, such as the "Jay Field," submit the name in the space provided. In the case of a project or field which crosses State lines, it may be possible to consider an area permit if EPA has jurisdiction in both States. Each such case will be considered individually, if the owner/operator elects to seek an area permit.

VIII. CLASS AND TYPE OF WELL — Enter in these two positions the Class and type of injection well for which a permit is requested. Use the most pertinent code selected from the list on the reverse side of Form 4. When selecting type X please explain in the space provided.

IX. LOCATION OF WELL — Enter the latitude and longitude of the existing or proposed well expressed in degrees, minutes, and seconds or the location by township, and range, and section, as required by 40 CFR 146. If an area permit is being requested, give the latitude and longitude of the approximate center of the area.

X. INDIAN LANDS — Place an "X" in the box if any part of the facility is located on Indian lands.

XI. ATTACHMENTS — Note that information requirements vary depending on the injection well class and status. Attachments for Class I, II, and III are described on pages 4 and 5 of this document and listed by Class on page 2. Place EPA ID number in the upper right hand corner of each page.

XII. CERTIFICATION — All permit applications (except Class II) must be signed by a responsible corporate officer for a corporation, by a general partner for a partnership, by the proprietor of a sole proprietorship, and by a principal executive or ranking elected official for a public agency. For Class II, the person described above should sign, or a representative duly authorized in writing.

INSTRUCTIONS — Attachments to Form 4

Attachments to be submitted with permit application for Class I, II, III and other wells

A. **AREA OF REVIEW METHODS** — Give the methods and, if appropriate, the calculations used to determine the size of the area of review (fixed radius or equation). The area of review shall be a fixed radius of ¼ mile from the well bore unless the use of an equation is approved in advance by the Director

B. **MAPS OF WELLS/AREA AND AREA OF REVIEW** — Submit a topographic map, extending one mile beyond the property boundaries, showing the injection well(s) or project area for which a permit is sought and the applicable area of review. The map must show all intake and discharge structures and all hazardous waste, treatment, storage, or disposal facilities. If the application is for an area permit, the map should show the distribution manifold (if applicable) applying injection fluid to all wells in the area, including all system monitoring points. Within the area of review, the map must show the following:

Class I

The number, or name, and location of all producing wells, injection wells, abandoned wells, dry holes, surface bodies of water, springs, mines (surface and subsurface), quarries, and other pertinent surface features, including residences and roads, and faults, if known or suspected. In addition, the map must identify those wells, springs, other surface water bodies, and drinking water wells located with one quarter mile of the facility property boundary. Only information of public record is required to be included on this map;

Class II

In addition to requirements for Class I, include pertinent information known to the applicant. This requirement does not apply to existing Class II wells;

Class III

In addition to requirements for Class I, include public water systems and pertinent information known to the applicant.

C. **CORRECTIVE ACTION PLAN AND WELL DATA** — Submit a tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review, including those on the map required in B, which penetrate the proposed injection zone. Such data shall include the following:

Class I

A description of each well's type, construction, date drilled, location, depth, record of plugging and/or completion, and any additional information the Director may require. In the case of new injection wells, include the corrective action proposed to be taken by the applicant under 40 CFR 144 55

Class II

In addition to requirements for Class I, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. This requirement does not apply to existing Class II wells.

Class III

In addition to requirements for Class I, the corrective action proposed under 40 CFR 144.55 for all Class III wells.

D. **MAPS AND CROSS SECTIONS OF USDWs** — Submit maps and cross sections indicating the vertical limits of all underground indicating the vertical limits of all underground sources of drinking water within the area of review (both vertical and lateral limits for Class I), their position relative to the injection formation and the direction of water movement, where known, in every underground source of drinking water which may be affected by the proposed injection. (Does not apply to Class II wells.)

E. **NAME AND DEPTH OF USDWs (CLASS II)** — For Class II wells, submit geologic name, and depth to bottom of all underground sources of drinking water which may be affected by the injection.

F. **MAPS AND CROSS SECTIONS OF GEOLOGIC STRUCTURE OF AREA** — Submit maps and cross sections detailing the geologic structure of the local area (including the lithology of injection and confining intervals) and generalized maps and cross sections illustrating the regional geologic setting. (Does not apply to Class II wells.)

G. **GEOLOGICAL DATA ON INJECTION AND CONFINING ZONES (CLASS II)** — For Class II wells, submit appropriate geological data on the injection zone and confining zones including lithologic description, geological name, thickness, depth and fracture pressure.

H. **OPERATING DATA** — Submit the following proposed operating data for each well (including all those to be covered by area permits): (1) average and maximum daily rate and volume of the fluids to be injected; (2) average and maximum injection pressure; (3) nature of annulus fluid; (4) for Class I wells, source and analysis of the chemical, physical, radiological and biological characteristics, including density and corrosiveness, of injection fluids; (5) for Class II wells, source and analysis of the physical and chemical characteristics of the injection fluid; (6) for Class III wells, a qualitative analysis and ranges in concentrations of all constituents of injected fluids. If the information is proprietary, maximum concentrations only may be submitted, but all records must be retained.

I. **FORMATION TESTING PROGRAM** — Describe the proposed formation testing program. For Class I wells the program must be designed to obtain data on fluid pressure, temperature, fracture pressure, other physical, chemical, and radiological characteristics of the injection matrix and physical and chemical characteristics of the formation fluids.

For Class II wells the testing program must be designed to obtain data on fluid pressure, estimated fracture pressure, physical and chemical characteristics of the injection zone. (Does not apply to existing Class II wells or projects.)

For Class III wells the program must be designed to obtain data on fluid pressure, fracture pressure, and physical and chemical characteristics of the formation fluids if the formation is naturally water bearing. Only fracture pressure is required if the formation is not water bearing. (Does not apply to existing Class III wells or projects.)

J. **STIMULATION PROGRAM** — Outline any proposed stimulation program.

K. **INJECTION PROCEDURES** — Describe the proposed injection procedures including pump, surge, tank, etc.

L. **CONSTRUCTION PROCEDURES** — Discuss the construction procedures (according to §146.12 for Class I, §146.22 for Class II, and §146.32 for Class III) to be utilized. This should include details of the casing and cementing program, logging procedures, deviation checks, and the drilling, testing and coring programs, and proposed annulus fluid. (Request and submission of justifying data must be made to use an alternative to a packer for Class I.)

M. **CONSTRUCTION DETAILS** — Submit schematic or other appropriate drawings of the surface and subsurface construction details of the well.

N. **CHANGES IN INJECTED FLUID** — Discuss expected changes in pressure, native fluid displacement, and direction of movement of injected fluid. (Class III wells only.)

O. **PLANS FOR WELL FAILURES** — Outline contingency plans (proposed plans, if any, for Class II) to cope with all shut-ins or well failures, so as to prevent migration of fluids into any USDW.

P. **MONITORING PROGRAM** — Discuss the planned monitoring program. This should be thorough, including maps showing the number and location of monitoring wells as appropriate and a discussion of monitoring devices, sampling frequency, and parameters measured. If a manifold monitoring program is utilized, pursuant to §146.23(b)(5), describe the program and compare it to individual well monitoring.

Q. **PLUGGING AND ABANDONMENT PLAN** — Submit a plan for plugging and abandonment of the well including (1) describe the type, number, and placement (including the elevation of the top and bottom) of plugs to be used; (2) describe the type, grade, and quantity of cement to be used; and (3) describe the method to be used to place plugs, including the method used to place the well in a state of static equilibrium prior to placement of the plugs. Also for a Class III well that underlies or is in an exempted aquifer, demonstrate adequate protection of USDWs. Submit this information on EPA Form 7520-14, Plugging and Abandonment Plan.

R. **NECESSARY RESOURCES** — Submit evidence such as a surety bond or financial statement to verify that the resources necessary to close, plug or abandon the well are available.

S. **AQUIFER EXEMPTIONS** — If an aquifer exemption is requested, submit data necessary to demonstrate that the aquifer meets the following criteria: (1) does not serve as a source of drinking water; (2) cannot now and will not in the future serve as a source of drinking water; and (3) the TDS content of the ground water is more than 3,000 and less than 10,000 mg/l and is not reasonably expected to supply a public water system. Data to demonstrate that the aquifer is expected to be mineral or hydrocarbon producing, such as general description of the mining zone, analysis of the amenability of the mining zone to the proposed method, and time table for proposed development must also be included. For additional information on aquifer exemptions, see 40 CFR 144.7 and 146.04.

T. **EXISTING EPA PERMITS** — List program and permit number of any existing EPA permits, for example, NPDES, PSD, RCRA, etc.

U. **DESCRIPTION OF BUSINESS** — Give a brief description of the nature of the business.

40 CFR Part 144 is amended as follows:

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

Subpart A—General Provisions

1. In § 144.1 paragraph (a) is revised, existing paragraphs (b) through (e) are redesignated as (d) through (g), and new paragraphs (b) and (c) are added to read as follows:

§ 144.1 Purpose and scope of Part 144.

(a) *Contents of Part 144.* The regulations in this Part set forth requirements for the Underground Injection Control (UIC) Program promulgated under Part C of the Safe Drinking Water Act (SDWA) (Pub. L. 95–523, as amended by Pub. L. 96502, 42 U.S.C. 300f et seq.) and, to the extent that they deal with hazardous waste, the Resource Conservation and Recovery Act (RCRA) (Pub. L. 94–580 as amended by Pub. L. 95–609, Pub. L. 96–510, 42 U.S.C. 6901 et seq.).

(b) *Applicability.* (1) The regulations in this part establish minimum requirements for UIC programs. To the extent set forth in Part 145, each State must meet these requirements in order to obtain primary enforcement authority for the UIC program in that State.

(2) In addition to serving as minimum requirements for UIC programs, the regulations in this Part constitute a part of the UIC program for States listed in Part 147 to be administered directly by EPA.

(c) The information requirements located in the following sections have been cleared by the Office of Management and Budget: §§ 144.11, 144.28(c)(d)(i), 144.31, 14.33, 144.51(j)(m)(n), 144.52(a), 144.54, 144.55, 144.15, 144.23, 144.26, 144.27, 144.28(i)(k), 144.51(o), 146.52. The OMB clearance number is No. 2040–0042.

* * * * *

2. Section 144.13 is revised to read as follows:

* * * * *

§ 144.13 Prohibition of class IV wells.

(a) The following are prohibited, except as provided in paragraph (c) of this section:

(1) The construction of any Class IV well.

(2) The operation or maintenance of any Class IV well not in operation prior to July 18, 1980.

(3) The operation or maintenance of any Class IV well that was in operation prior to July 18, 1980, after six months following the effective date of a UIC program approved or promulgated for the state.

(4) Any increase in the amount of hazardous waste or change in the type of hazardous waste injected into a Class IV well.

(b) The owner or operator of a Class IV well shall comply with the requirements of § 144.14, and with the requirements of § 144.23 regarding closure of Class IV wells.

(c) Wells used to inject contaminated ground water that has been treated and is being reinjected into the same formation from which it was drawn are not prohibited by this section if such injection is approved by EPA pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601–9657, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6987.

(d) Clarification. The following wells are not prohibited by this action:

(1) Wells used to inject hazardous waste into aquifers or portions thereof that have been exempted pursuant to § 146.4, if the exempted aquifer into which waste is injected underlies the lowermost formation containing a USDW. Such wells are Class I wells as specified in § 144.6(a)(1), and the owner or operator must comply with the requirements applicable to Class I wells.

(2) Wells used to inject hazardous waste where no USDW exists within one quarter mile of the well bore in any underground formation, provided that the Director determines that such injection is into a formation sufficiently isolated to ensure that injected fluids do not migrate from the injection zone. Such wells are Class I wells as specified in § 144.6(a)(1), and the owner or operator must comply with the requirements applicable to Class I wells.

Subpart C—Authorization of Underground Injection by Rule

3. In § 144.21 paragraph (a)(3) and paragraph (c) are revised to read as follows:

§ 144.21 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells.

* * * * *

(a) * * *

(3)(i) For Class I and III wells:

(A) In approved State programs, five years after approval or promulgation of the UIC program unless a complete permit application is pending; or

(B) In EPA administered programs, one year after promulgation of the UIC program unless a complete permit application is pending.

(ii) For Class II wells except enhanced recovery and hydrocarbon storage, five years after approval or promulgation of the UIC program unless a complete permit application is pending.

* * * * *

(c) *Requirements.* The owner or operator of a well authorized under this section shall comply with the applicable requirements of § 144.28 and Part 147 of this chapter no later than one year after authorization.

4. Section 144.22 is revised to read as follows:

§ 144.22 Existing Class II enhanced recovery and hydrocarbon storage wells.

(a) Injection into existing Class II enhanced recovery and hydrocarbon storage wells is authorized for the life of the well or project.

(b) *Requirements.* The owner or operator of a well authorized under this section shall comply with the applicable requirements of § 144.28 and Part 147 of this chapter. Such owner or operator shall comply with the casing and cementing requirements no later than 3 years and other requirements no later than 1 year after authorization.

5. Section 144.23 is revised to read as follows:

§ 144.23 Class IV Wells.

(a) Injection into existing Class IV wells is authorized for up to six months after approval or promulgation of the UIC Program. Such wells are subject to the requirements of § 144.13 and § 144.14(c).

(b) *Closure.* For EPA administered programs only,

(1) Prior to abandoning any Class IV well, the owner or operator shall plug or otherwise close the well in a manner acceptable to the Regional Administrator.

(2) Within 60 days after promulgation of the UIC program in the State, the owner or operator of a Class IV well shall submit to the Regional Administrator for approval a plan for plugging or otherwise closing and abandoning the well.

(3) The owner or operator of a Class IV well must notify the Regional Administrator of intent to abandon the well at least thirty days prior to abandonment.

6. In § 144.25 a new paragraph (a)(4) is added and paragraph (b) is revised to read as follows:

§ 144.25 Requiring a permit.

(a) * * *

(4) When the injection well is a Class I, II (except existing enhanced recovery and hydrocarbon storage) or III well, in accordance with a schedule established by the Director pursuant to § 144.31(c).

(b) For EPA administered programs, the Regional Administrator may require an owner or operator authorized by a rule to apply for an individual or area UIC permit under this paragraph only if the owner or operator has been notified in writing that a permit application is required. The injection activities are no longer authorized by rule upon the effective date of a permit or a permit denial, or upon failure by the owner or operator to submit an application in a timely manner as specified in the notice. The notice shall include: a brief statement of the reasons for requiring a permit; an application form; a statement setting a time for the owner or operator to file the application; and a statement of the consequences of denial or issuance of the permit, or failure to submit an application, as described in this paragraph.

* * * * *

7. In § 144.26, existing paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), new paragraph (d) is revised, and new paragraph (b) is added to read as follows:

§ 144.26 Inventory requirements.

* * * * *

(b) *Additional contents.* For EPA administered programs only, the owner or operator of a well listed in paragraph (b)(1) of this section shall provide the information listed in paragraph (b)(2) of this section.

(1) This section applies to the following wells:

(i) Class II enhanced recovery wells;

(ii) Class IV wells;

(iii) The following Class V wells:

(A) Sand or other backfill wells [§ 146.5(e)(8)];

(B) Radioactive waste disposal wells [§ 146.5(e)(11)];

(C) Geothermal energy recovery wells [§ 146.5(e)(12)];

(D) Brine return flow wells [§ 146.5(e)(14)];

(E) Wells used in experimental technologies [§ 146.5(e)(15)];

(F) Municipal and industrial disposal wells other than Class I; and

(G) Any other Class V wells at the discretion of the Regional Administrator.

(2) The owner or operator of a well listed in paragraph (b)(1) shall provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

(i) For Class II only, the field name(s);

(ii) Location of each well or project given by Township, Range, Section, and Quarter-Section, or by latitude and longitude to the nearest second, according to the conventional practice in the State;

(iii) Date of completion of each well;

(iv) Identification and depth of the formation(s) into which each well is injecting;

(v) Total depth of each well;

(vi) Casing and cementing record, tubing size, and depth of packer;

(vii) Nature of the injected fluids;

(viii) Average and maximum injection pressure at the wellhead;

(ix) Average and maximum injection rate; and

(x) Date of the last mechanical integrity test, if any.

* * * * *

(d) *Deadlines.* (1) The owner or operator of an injection well shall submit inventory information no later than one year after the date of approval or effective date of the UIC program for the State. The Director need not require inventory information from any facility with interim status under RCRA.

(2) For EPA administered programs the information need not be submitted if a complete permit application is submitted within one year of the effective data of the UIC program. The owner or operator of Class IV well shall submit inventory information no later than 60 days after the effective date of the program.

8. A new § 144.27 is added to read as follows:

§ 144.27 Requiring other information.

(a) For EPA administered programs only, in addition to the inventory requirements of § 144.26, the Regional Administrator may require the owner or operator of any well authorized by rule under this subpart to submit information as deemed necessary by the Regional Administrator to determine whether a well may be endangering an underground source of drinking water in violation of § 144.12 of this Part.

(b) Such information requirements may include, but are not limited to:

(1) Performance of ground-water monitoring and the periodic submission of reports of such monitoring;

(2) An analysis of injected fluids, including periodic submission of such analyses; and

(3) A description of the geologic strata through and into which injection is taking place.

(c) Any request for information under this section shall be made in writing, and include a brief statement of the reasons for requiring the information. An owner or operator shall submit the information within the time period(s) provided in the notice.

Any authorization by rule under this subpart automatically terminates for any owner or operator who fails to comply with a request for information under this section.

9. A new § 144.28 is added to read as follows:

§ 144.28 Requirements for Class I, II, and III wells authorized by rule.

The following requirements apply to the owner or operator of a Class I, II, and III wells authorized by rule, as provided by §§ 144.21(c) and 144.22(b).

(a) The owner or operator shall comply with all applicable requirements of this Subpart and Subpart B of this part. Any noncompliance with these requirements constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement action, except that the owner or operator need not comply with these requirements to the extent and for the duration such noncompliance is authorized by an emergency permit under § 144.34.

(b) *Twenty-four hour reporting.* The owner or operator shall report any noncompliance which may endanger health or the environment, including:

(1) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or

(2) Any noncompliance or malfunction of the injection system which may cause fluid migration into or between USDWs.

Any information shall be provided orally within 24 hours from the time the owner or operator becomes aware of the circumstances. A written submission shall also be provided within five days of the time the owner or operator becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) *Plugging and abandonment plan.* (1) The owner or operator shall prepare, maintain, and comply with a plan for plugging and abandonment of the well or project that meets the requirements of § 146.10 of this chapter and is acceptable to the Director. For purposes of this paragraph, temporary

intermittent cessation of injection operations is not abandonment

(2) For EPA administered programs:

(i) The owner or operator shall submit the plan, on a form provided by the Regional Administrator, no later than one year after the effective date of the UIC program in the state.

(ii) The owner or operator shall submit any proposed significant revision to the method of plugging reflected in the plan no later than the notice of plugging required by § 144.28(j)(2) (i.e., 45 days prior to plugging unless shorter notice is approved).

(iii) The plan shall include the following information:

(A) The nature and quantity and material to be used in plugging;

(B) The location and extent (by depth) of the plugs;

(C) Any proposed test or measurement to be made;

(D) The amount, size, and location (by depth) of casing to be left in the well;

(E) The method and location where casing is to be parted; and

(G) The estimated cost of plugging the well.

(iv) After a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he:

(A) Provides notice to the Regional Administrator;

(B) Describe actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.

(v) The owner or operator of any well that has been temporarily abandoned [ceased operations for more than two years and has met the requirements of paragraph (A) and (B) above] shall notify the Regional Administrator prior to resuming operation of the well.

(d) *Financial responsibility.* (1) The owner or operator of a Class I, II, or III well is required to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director. The owner or operator shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement.

(2) For EPA administered programs the owner or operator shall submit such evidence no later than one year after the effective date of the UIC program in the State.

(3) For EPA administered programs the Regional Administrator may require the owner or operator to submit a revised demonstration of financial responsibility if the Regional Administrator has reason to believe that the original demonstration is no longer adequate to cover the cost of closing, plugging and abandoning the well.

(4) For EPA administered programs the owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of Subpart F of this part.

(e) *Casing and cementing requirements.* For enhanced recovery and hydrocarbon storage wells:

(1) The owner or operator shall case and cement the well to prevent movement of fluids into or between underground sources of drinking water. In determining and specifying casing and cementing requirements, the following factors shall be considered:

(i) Depth to the injection zone;

(ii) Depth to the bottom of all USDWs; and

(iii) Estimated maximum and average injection pressures.

(2) In addition, in determining and specifying casing and cementing requirements the Director may consider information on:

(i) Nature of formation fluids;

(ii) Lithology of injection and confining zones;

(iii) External pressure, internal pressure, and axial loading;

(iv) Hole size;

(v) Size and grade of all casing strings; and

(vi) Class of cement.

(3) The requirements in paragraphs (1) and (2) of this paragraph need not apply if:

(i) Regulatory controls for casing and cementing existed at the time of drilling of the well and the well is in compliance with those controls; and

(ii) Well injection will not result in the movement of fluids into an underground source of drinking water so as to create a significant risk to the health of persons.

(4) When a State did not have regulatory controls for casing and cementing prior to the time of the submission of the State program to the Administrator, the Director need not apply the casing and cementing requirements in paragraph (e)(1) of this section if he submits as a part of his application for primacy, an appropriate plan for casing and cementing of existing, newly converted, and newly drilled wells in existing fields, and the Administrator approves the plan.

(f) *Operating requirements.* (1) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

(2) For Class I wells, unless an alternative to a packer has been approved under § 146.12(c) of this chapter, the owner or operator shall fill the annulus between the tubing and the long string of casings with a fluid approved by the Director and maintain a pressure, also approved by the Director, on the annulus. For EPA administered programs, the owner or operator of a Class I well completed with tubing and packer shall fill the annulus between tubing and casing with a noncorrosive fluid and maintain a positive pressure on the annulus. For other Class I wells, the owner or operator shall insure that the alternative completion method will reliably provide a comparable level of protection to underground sources of drinking water.

(3) Injection pressure.

(i) For Class I and III wells:

(A) Except during stimulation, the owner or operator shall not exceed an injection pressure at the wellhead which shall be calculated so as to assure that the pressure during injection does not initiate new fractures or propagate existing fractures in the injection zone; and

(B) The owner or operator shall not inject at a pressure which will initiate fractures in the confining zone or cause the movement of injection or formation fluids into an underground source of drinking water.

(ii) For Class II wells:

(A) The owner or operator shall not exceed a maximum injection pressure at the wellhead which shall be calculated so as to assure that the pressure during injection does not initiate new fractures of propagate existing fractures in the confining zone adjacent to the USDWs; and

(B) The owner or operator shall not inject at a pressure which will cause the movement of injection or formation fluids into an underground source of drinking water.

(g) *Monitoring requirements.* The owner or operator shall perform the monitoring as described in this paragraph. For EPA administered programs, monitoring of the nature of the injected fluids shall comply with applicable analytical methods cited and described in Table I of 40 CFR 136.3 or in Appendix III of 40 CFR Part 261 or by other methods that have been approved by the Regional Administrator.

(1) The owner or operator of a Class I well shall:

(i) Analyze the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics;

(ii) Install and use continuous recording devices to monitor injection pressure, flow rate and volume, and the pressure on the annulus between the tubing and the long string of casing;

(iii) Install and use monitoring wells within the area of review if required by the Director, to monitor any migration of fluids into and pressure in the underground sources of drinking water. The type, number and location of the wells, the parameters to be measured, and the frequency of monitoring must be approved by the Director.

(2) For Class II wells:

(i) The owner or operator shall monitor the nature of the injected fluids with sufficient frequency to yield data representative of their characteristics. For EPA administered programs, this frequency shall be at least once within the first year of the authorization and thereafter when changes are made to the fluid.

(ii) The owner or operator shall observe the injection pressure, flow rate, and cumulative volume at least with the following frequencies:

(A) Weekly for produced fluid disposal operations;

(B) Monthly for enhanced recovery operations;

(C) Daily during the injection of liquid hydrocarbons and injection for withdrawal of stored hydrocarbons; and

(D) Daily during the injection phase of cyclic steam operations.

(iii) The owner or operator shall record one observation of injection pressure, flow rate and cumulative volume at reasonable intervals no greater than thirty days.

(iv) For enhanced recovery and hydrocarbon storage wells:

(A) The owner or operator shall demonstrate mechanical integrity pursuant to § 146.8 of this chapter at least once every five years during the life of the injection well.

(B) For EPA administered programs, the Regional Administrator by written notice may require the owner or operator to comply with a schedule describing when such demonstrations shall be made.

(C) For EPA administered programs, the owner or operator of any well required to be tested for mechanical integrity shall notify the Regional Administrator at least 30 days prior to any required mechanical integrity test. The Regional Administrator may allow a shorter notification period if it would be sufficient to enable EPA to witness the mechanical integrity testing if it chose. Notification may be in the form of a yearly or quarterly schedule of planned mechanical integrity tests, or it may be on an individual basis.

(v) The owner or operator of a hydrocarbon storage or enhanced recovery wells may monitor them by manifold monitoring on a field or project basis rather than on an individual well basis if such facilities consist of more than one injection well, operate with a common manifold, and provided the owner or operator demonstrates to the Director that manifold monitoring is comparable to individual well monitoring.

(3)(i) For Class III wells the owner or operator shall provide to the Director a qualitative analysis and ranges in concentrations of all constituents of injected fluids at least once within the first year of authorization and thereafter whenever the injection fluid is modified to the extent that the initial data are incorrect or incomplete. The owner or operator may request Federal confidentiality as specified in 40 CFR Part 2. If the information is proprietary the owner or operator may in lieu of the ranges in concentrations choose to submit maximum concentrations which shall not be exceeded. In such a case the owner or operator shall retain records of the undisclosed concentrations and provide them upon request to the Regional Administrator as part of any enforcement investigation; and

(ii) Monitor injection pressure and either flow rate or volume semi-monthly, or meter and record daily injected and produced fluid volumes as appropriate;

(iii) Monitor the fluid level in the injection zone semi-monthly, where appropriate;

(iv) All Class III wells may be monitored on a field or project basis rather than an individual well basis by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well, operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates to the Director that manifold monitoring is comparable to individual well monitoring.

(h) *Reporting requirements.* The owner or operator shall submit reports to the Director as follows:

(1) For Class I wells, quarterly reports on:

(i) The physical, chemical, and other relevant characteristics of the injection fluids;

(ii) Monthly average, maximum, and minimum values for injection pressure, flow rate and volume, and annular pressure;

(iii) The results from ground-water monitoring wells prescribed in paragraph (g)(1)(iii) of this section;

(iv) The results of any test of the injection well conducted by the owner or operator during the reported quarter if required by the Director; and

(v) Any well work over performed during the reported quarter.

(2) For Class II wells:

(i) An annual report to the Director summarizing the results of all monitoring, as required in paragraph (g)(2) of this section. Such summary shall include monthly records of injected fluids, and any major changes in characteristics or sources of injected fluids. Previously submitted information may be included by reference.

(ii) The owner or operator of hydrocarbon storage and enhanced recovery projects may report on a field or project basis rather than on an individual well basis where manifold monitoring is used.

(3) For Class III wells:

(i) Quarterly reporting on all monitoring, as required in paragraph (g)(3) of this section;

(ii) Quarterly reporting of the results of any periodic tests required by the Director that are performed during the reported quarter;

(iii) Monitoring may be reported on a project or field basis rather than an individual well basis where manifold monitoring is used.

(i) *Retention of records.* The owner or operator shall retain records of all monitoring information, including the following:

(1) Calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by this section, for a period of at least three years from the date of the sample, measurement, or report. This period may be extended by request of the Director at any time; and

(2) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under § 144.52(1)(6). The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period. For EPA administered programs, the owner or operator shall continue to retain the records after the three year retention period unless he delivers the records to the Regional Administrator or obtains written approval from the Regional Administrator to discard the records.

(j) *Notice of abandonment.* (1) The owner or operator shall notify the Director, according to a time period

required by the Director, before conversion or abandonment of the well.

(2) For EPA-administered programs, the owner or operator shall notify the Regional Administrator at least 45 days before plugging and abandonment. The Regional Administrator, at his discretion, may allow a shorter notice period.

(k) *Plugging and abandonment report.* For EPA-administered programs, within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Regional Administrator. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:

(1) A statement that the well was plugged in accordance with the plan previously submitted to the Regional Administrator; or

(2) Where actual plugging differed from the plan previously submitted, an updated version of the plan, on the form supplied by the Regional Administrator, specifying the different procedures used.

(l) *Change of ownership.* For EPA administered programs, the owner or operator shall notify the Regional Administrator of a transfer of ownership of the well within 30 days of such transfer.

(m) *Requirements for Class I Hazardous Waste Wells.* The owner or operator of any Class I well injecting hazardous waste shall comply with § 144.14(c). In addition, for EPA-administered programs the owner or operator shall properly dispose of, or decontaminate by removing all hazardous waste residues, all injection well equipment.

Subpart D—Authorization by Permit

10. In § 144.31 paragraph (c)(1) is revised and new paragraph (e)(9) is added to read as follows:

§ 144.31 Application for a permit.

* * * * *

(c) *Time to apply* * * *

(1) For existing wells, as expeditiously as practicable and in accordance with the schedule in any program description under § 145.23(f) or (for EPA administered programs) on a schedule established by the Regional Administrator, but no later than 4 years from the approval or promulgation of the UIC program, or as required under § 144.14(b) for wells injecting hazardous waste. For EPA administered programs the owner or operator of Class I or III wells shall submit a complete permit application no later than 1 year after the effective date of the program.

* * * * *

(e) *Information requirements* * * *

(9) For EPA-administered programs, the applicant shall identify and submit on a list with the permit application the names and addresses of all owners of record of land within one-quarter mile of the facility boundary. This requirement may be waived by the Regional Administrator where the site is located in a populous area and the Regional Administrator determines that the requirement would be impracticable.

* * * * *

11. In § 144.34 introductory text of paragraph (a) is revised to read:

§ 144.34 Emergency permits.

(a) *Coverage.* Notwithstanding any other provision of this Part or Part 124, the Director may temporarily permit a specific underground injection if:

* * * * *

12. In § 144.51 paragraph (j)(2)(ii) is revised and new paragraphs (o) and (p) are added to read as follows:

§ 144.51 Conditions applicable to all permits.

* * * * *

(j) *Monitoring and records* * * *

(2) * * *

(ii) The nature and composition of all injected fluids until three years after the completion of any plugging and abandonment procedures specified under § 144.52(a)(6). The Director may require the owner or operator to deliver the records to the Director at the conclusion of the retention period. For EPA administered programs, the owner or operator shall continue to retain the records after the three year retention period unless he delivers the records to the Regional Administrator or obtains written approval from the Regional Administrator to discard the records.

* * * * *

(o) *Plugging and abandonment report.* For EPA-administered programs, within 60 days after plugging a well or at the time of the next quarterly report (whichever is less) the owner or operator shall submit a report to the Regional Administrator. If the quarterly report is due less than 15 days before completion of plugging, then the report shall be submitted within 60 days. The report shall be certified as accurate by the person who performed the plugging operation. Such report shall consist of either:

(1) A statement that the well was plugged in accordance with the plan previously submitted to the Regional Administrator; or

(2) Where actual plugging differed from the plan previously submitted, and updated version of the plan on the form supplied by the regional administrator, specifying the differences.

(p) *Mechanical integrity demonstrations.* For EPA administered programs, the Regional Administrator by written notice may require the owner or operator to comply with a schedule describing when such demonstrations shall be made.

13. In § 144.52 paragraphs (a)(5), (a)(6), and (a)(7) are revised to read as follows:

§ 144.52 Establishing permit conditions.

(a) * * *

(5) Monitoring and reporting requirements as set forth in 40 CFR Part 146. The permittee shall be required to identify types of tests and methods used to generate the monitoring data. For EPA administered programs, monitoring of the nature of injected fluids shall comply with applicable analytical methods cited and described in Table I of 40 CFR 136.3 or in Appendix III of 40 CFR Part 261 or in certain circumstances by other methods that have been approved by the Regional Administrator.

(6) After a cessation of operations of two years the owner or operator shall plug and abandon the well in accordance with the plan unless he:

(i) Provides notice to the Regional Administrator;

(ii) Describes actions or procedures, satisfactory to the Regional Administrator, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary abandonment. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Regional Administrator.

(7) *Financial responsibility.* The permittee is required to maintain financial responsibility and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director. The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as financial statements or other materials acceptable to the Director. For EPA administered programs, the Regional Administrator may on a periodic basis require the holder of a lifetime permit to submit an estimate of the resources needed to plug and abandon the well revised to reflect inflation of such costs.

and a revised demonstration of financial responsibility if necessary. The owner or operator of a well injecting hazardous waste must comply with the financial responsibility requirements of Subpart F of this part.

14. A new Subpart F consisting of §§ 144.60–144.70 is added as follows:

Subpart F—Financial responsibility: Class I hazardous waste injection wells

Sec.
144.60 Applicability.
144.61 Definitions of terms as used in this Subpart.
144.62 Cost estimate for plugging and abandonment.
144.63 Financial assurance for plugging and abandonment.
144.64 Incapacity of owners or operators, guarantors, or financial institutions.
144.65 Use of State-required mechanisms.
144.66 State assumption of responsibility.
144.70 Wording of the instruments.

Authority: Pub. L. 93–523, as amended by Pub. L. 95–190, Pub. L. 96–63 and Pub. L. 96–502, 42 U.S.C. 300f *et seq.*

Subpart F—Financial Responsibility: Class I hazardous Waste Injection Wells

§ 144.60 Applicability.

(a) The requirements of §§ 144.62, 144.63, and 144.70 apply to owners and operators of all existing and new Class I Hazardous waste injection wells, except as provided otherwise in this section.

§ 144.61 Definitions of terms as used in this Subpart.

(a) "Plugging and abandonment plan" means the plan for plugging and abandonment prepared in accordance with the requirements of § 144.28 and § 144.51.

(b) "Current plugging cost estimate" means the most recent of the estimates prepared in accordance with § 144.62(a), (b) and (c).

(c) "Parent corporation" means a corporation which directly owns at least 50 percent of the voting stock of the corporation which is the injection well owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

(d) The following terms are used in the specifications for the financial test for plugging and abandonment. The definitions are intended to represent the common meanings of the terms as they are generally used by the business community.

"Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

"Current assets" means cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

"Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

"Independently audited" refers to an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

"Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

"Net working capital" means current assets minus current liabilities.

"Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

§ 144.62 Cost estimate for plugging and abandonment.

(a) The owner or operator must prepare a written estimate, in current dollars, of the cost of plugging the injection well in accordance with the plugging and abandonment plan as specified in §§ 144.28 and 144.51. The plugging and abandonment cost estimate must equal the cost of plugging and abandonment at the point in the facility's operating life when the extent and manner of its operation would making plugging and abandonment the most expensive, as indicated by its plugging and abandonment plan.

(b) The owner or operator must adjust the plugging and abandonment cost estimate for inflation within 30 days after each anniversary of the date on which the first plugging and abandonment cost estimate was prepared. The adjustment must be made as specified in paragraphs (b)(i) and (b)(ii) of this section, using an inflation factor derived from the annual Oil and Gas Field Equipment Cost Index. The inflation factor is the result of dividing the latest published annual Index by the Index for the previous year.

(i) The first adjustment is made by multiplying the plugging and abandonment cost estimate by the inflation factor. The result is the adjusted plugging and abandonment cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted plugging and abandonment cost estimate by the latest inflation factor.

(c) The owner or operator must revise the plugging and abandonment cost estimate whenever a change in the plugging and abandonment plan increases the cost of plugging and abandonment. The revised plugging and abandonment cost estimate must be adjusted for inflation as specified in § 144.62(b).

(d) The owner or operator must keep the following at the facility during the operating life of the facility: the latest plugging and abandonment cost estimate prepared in accordance with § 144.62 (a) and (c) and, when this estimate has been adjusted in accordance with § 144.62(b), the latest adjusted plugging and abandonment cost estimate.

§ 144.63 Financial assurance for plugging and abandonment.

An owner or operator of each facility must establish financial assurance for the plugging and abandonment of each existing and new Class I hazardous waste injection well. He must choose from the options as specified in paragraphs (a) through (f) of this section.

(a) *Plugging and abandonment trust fund.*

(1) An owner or operator may satisfy the requirements of this section by establishing a plugging and abandonment trust fund which conforms to the requirements of this paragraph and submitting an originally signed duplicate of the trust agreement to the Regional Administrator. An owner or operator of a Class I well injecting hazardous waste must submit the originally signed duplicate of the trust agreement to the Regional Administrator with the permit application or for approval to operate under rule. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a Federal or State agency.

(2) The wording of the trust agreement must be identical to the wording specified in § 144.70(a)(1), and the trust agreement must be accompanied by a formal certification of acknowledgment (for example, see § 144.70(a)(2)). Schedule A of the trust agreement must be updated within 60 days after a change in the amount of the current plugging and abandonment cost estimate covered by the agreement.

(3) Payments into the trust fund must be made annually by the owner or operator over the term of the initial permit or over the remaining operating life of the injection well as estimated in the plugging and abandonment plan.

whichever period is shorter; this period is hereafter referred to as the "pay-in period." The payments into the plugging and abandonment trust fund must be made as follows:

(i) For a new well, the first payment must be made before the initial injection of hazardous waste. A receipt from the trustee for this payment must be submitted by the owner or operator to the Regional Administrator before this initial injection of hazardous waste. The first payment must be at least equal to the current plugging and abandonment cost estimate, except as provided in § 144.70(g), divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by this formula:

$$\text{Next payment} = \frac{PE - CV}{Y}$$

where PE is the current plugging and abandonment cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(ii) If an owner or operator establishes a trust fund as specified in § 144.63(a) of this chapter, and the value of that trust fund is less than the current plugging and abandonment cost estimate when a permit is awarded for the injection well, the amount of the current plugging and abandonment cost estimate still to be paid into the trust fund must be paid in over the pay-in period as defined in paragraph (a)(3) of this section. Payments must continue to be made no later than 30 days after each anniversary date of the first payment made pursuant to Part 144 of this chapter. The amount of each payment must be determined by this formula:

$$\text{Next payment} = \frac{PE - CV}{Y}$$

where PE is the current plugging and abandonment cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

(4) The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the current plugging and abandonment cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in paragraph (a)(3) of this section.

(5) If the owner or operator establishes a plugging and abandonment trust fund after having used one or more alternate mechanisms specified in this section or in § 144.63 of this chapter, his first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this paragraph.

(6) After the pay-in period is completed, whenever the current plugging and abandonment cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator, within 60 days after the change in the cost estimate, must either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current plugging and abandonment cost estimate, or obtain other financial assurance as specified in this section to cover the difference.

(7) If the value of the trust fund is greater than the total amount of the current plugging and abandonment cost estimate, the owner or operator may submit a written request to the Regional Administrator for release of the amount in excess of the current plugging and abandonment cost estimate.

(8) If an owner or operator substitutes other financial assurance as specified in this section for all or part of the trust fund, he may submit a written request to the Regional Administrator for release of the amount in excess of the current plugging and abandonment cost estimate covered by the trust fund.

(9) Within 60 days after receiving a request from the owner or operator for release of funds as specified in paragraphs (a)(7) or (8) of this section, the Regional Administrator will instruct the trustee to release to the owner or operator such funds as the Regional Administrator specifies in writing.

(10) After beginning final plugging and abandonment, an owner or operator or any other person authorized to perform plugging and abandonment may request reimbursement for plugging and abandonment expenditures by submitting itemized bills to the Regional Administrator. Within 60 days after receiving bills for plugging and abandonment activities, the Regional Administrator will determine whether the plugging and abandonment expenditures are in accordance with the plugging and abandonment plan or otherwise justified, and if so, he will instruct the trustee to make reimbursement in such amounts as the Regional Administrator specifies in writing. If the Regional Administrator has reason to believe that the cost of plugging and abandonment will be significantly greater than the value of the trust fund, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with § 144.63(i), that the owner or operator is no longer required to maintain financial assurance for plugging and abandonment.

(11) The Regional Administrator will agree to termination of the trust when:

(i) An owner or operator substitutes alternate financial assurance as specified in this section; or

(ii) The Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(b) *Surety bond guaranteeing payment into a plugging and abandonment trust fund.* (1) An owner or operator must satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Regional Administrator with the application for a permit or for approval to operate under rule. The bond must be effective before the initial injection of hazardous waste. The surety company issuing the trust must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

(2) The wording of the surety bond must be identical to the wording in § 144.70(b).

(3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Regional Administrator. This standby trust fund must meet the requirements specified in § 144.63(a), except that:

(i) An originally signed duplicate of the trust agreement must be submitted to the Regional Administrator with the surety bond; and

(ii) Until the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these requirements:

(A) Payments into the trust fund as specified in § 144.63(a);

(B) Updating of Schedule A of the trust agreement [see § 144.70(a)] to show current plugging and abandonment cost estimates;

(C) Annual valuations as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

(4) The bond must guarantee that the owner or operator will:

(i) Fund the standby trust fund in an amount equal to the penal sum of the bond before beginning of plugging and abandonment of the injection well; or

(ii) Fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin plugging and abandonment is issued by the Regional Administrator or a U.S. district court or other court of competent jurisdiction; or

(iii) Provide alternate financial assurance as specified in this section, and obtain the Regional Administrator's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Regional Administrator of a notice of cancellation of the bond from the surety.

(5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(6) The penal sum of the bond must be in amount at least equal to the current plugging and abandonment cost estimate, except as provided in § 144.63(g).

(7) Whenever the current plugging and abandonment cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current plugging and abandonment cost estimate and submit evidence of such increase to the Regional Administrator, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current plugging and abandonment cost estimate decreases, the penal sum may be reduced to the amount of the current plugging and abandonment cost estimate following written approval by the Regional Administrator.

(8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Regional Administrator. Cancellation may not occur, however, during 120 days beginning on the date of the receipt of the notice of cancellation by both owner or operator and the Regional Administrator as evidenced by the returned receipts.

(9) The owner or operator may cancel the bond if the Regional Administrator has given prior written consent based on his receipt of evidence of alternate financial assurance as specified in this section.

(c) *Surety bond guaranteeing performance of plugging and abandonment.* (1) An owner or operator may satisfy the requirements of this section by obtaining a surety bond which conforms to the requirements of this paragraph and submitting the bond to the Regional Administrator. An owner or operator of a new facility must submit the bond to the Regional Administrator with the permit application or for approval to operate under rule. The bond must be effective before injection of hazardous waste is started. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

(2) The wording of the surety bond must be identical to the wording specified in § 144.70(c).

(3) The owner or operator who uses a surety bond to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the Regional Administrator. The standby trust must meet the requirements specified in § 144.63(a), except that:

(i) An original signed duplicate of the trust agreement must be submitted to the Regional Administrator with the surety bond; and

(ii) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Payments into the trust fund as specified in § 144.63(a);

(B) Updating of Schedule A of the trust agreement [see § 144.70(a)] to show current plugging and abandonment cost estimates;

(C) Annual valuations as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

(4) The bond must guarantee that the owner or operator will:

(i) Perform plugging and abandonment in accordance with the plugging and abandonment plan and other requirements of the permit for the injection well whenever required to do so; or

(ii) Provide alternate financial assurance as specified in this section, and obtain the Regional Administrator's written approval of the assurance provided, within 90 days after receipt by both the owner or operator and the Regional Administrator of a notice of cancellation of the bond from the surety.

(5) Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. Following a determination that the owner or operator has failed to perform plugging and abandonment in accordance with the plugging and abandonment plan and other permit requirements when required to do so, under terms of the bond the surety will perform plugging and abandonment as guaranteed by the bond or will deposit the amount of the penal sum into the standby trust fund.

(6) The penal sum of the bond must be in an amount at least equal to the current plugging and abandonment cost estimate.

(7) Whenever the current plugging and abandonment cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current plugging and abandonment cost estimate and submit evidence of such increase to the Regional Administrator, or obtain other financial assurance as specified in this section. Whenever the plugging and abandonment cost estimate decreases, the penal sum may be reduced to the amount of the current plugging and abandonment cost estimate following written approval by the Regional Administrator.

(8) Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Regional Administrator. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Regional Administrator, as evidenced by the return receipts.

(9) The owner or operator may cancel the bond if the Regional Administrator has given prior written consent. The Regional Administrator will provide such written consent when:

(i) An owner or operator substitute alternate financial assurance as specified in this section; or

(ii) The Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(10) The surety will not be liable for deficiencies in the performance of plugging and abandonment by the owner or operator after the Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(d) *Plugging and abandonment letter of credit* (1) An owner or operator may satisfy the requirements of this section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this paragraph and submitting the letter to the Regional Administrator. An owner or operator of an injection well must submit the letter of credit to the Regional Administrator during submission of the permit application or for approval to operate under rule. The letter of credit must be effective before initial injection of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a Federal or State agency.

(2) The wording of the letter of credit must be identical to the wording specified in § 144.70(d).

(3) An owner or operator who uses a letter of credit to satisfy the requirements of this section must also establish a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Regional Administrator will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the Regional Administrator. This standby trust fund must meet the requirements of the trust fund specified in § 144.63(a), except that:

(i) An originally signed duplicate of the trust agreement must be submitted to the Regional Administrator with the letter of credit; and

(ii) Unless the standby trust fund is funded pursuant to the requirements of this section, the following are not required by these regulations:

(A) Payments into the trust fund as specified in § 144.63(a);

(B) Updating of Schedule A of the trust agreement (see § 144.70(a)) to show current plugging and abandonment cost estimates;

(C) Annual valuations as required by the trust agreement; and

(D) Notices of nonpayment as required by the trust agreement.

(4) The letter of credit must be accompanied by a letter from the owner or operator referring to the letter of credit by number, issuing institution, and date, and providing the following information: the EPA Identification Number, name, and address of the facility, and the amount of funds assured for plugging and abandonment of the well by the letter of credit.

(5) The letter of credit must be irrevocable and issued for a period of at least 1 year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 1 year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the Regional Administrator by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator and the Regional Administrator have received the notice, as evidenced by the return receipts.

(6) The letter of credit must be issued in an amount at least equal to the current plugging and abandonment cost estimate, except as provided in § 144.63(g).

(7) Whenever the current plugging and abandonment cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current plugging and abandonment cost estimate and submit evidence of such increase to the Regional Administrator, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current plugging and abandonment cost estimate decreases, the amount of the credit may be reduced to the amount of the current plugging and abandonment cost estimate following written approval by the Regional Administrator.

(8) Following a determination that the owner or operator has failed to perform final plugging and abandonment in accordance with the plugging and abandonment plan and other permit requirements when required to do so, the Regional Administrator may draw on the letter of credit.

(9) If the owner or operator does not establish alternate financial assurance as specified in this section and obtain written approval of such alternate assurance from the Regional Administrator within 90 days after receipt by both the owner or operator and the Regional Administrator of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the Regional Administrator will draw on the letter of credit. The Regional Administrator may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the Regional Administrator will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in this section and obtain written approval of such assurance from the Regional Administrator.

(10) The Regional Administrator will return the letter of credit to the issuing institution for termination when:

(i) An owner or operator substitutes alternate financial assurance as specified in this section; or

(ii) The Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(e) *Plugging and abandonment insurance.* (1) An owner or operator may satisfy the requirements of this section by obtaining plugging and abandonment insurance which conforms to the requirements of this paragraph and submitting a certificate of such insurance to the Regional Administrator. An owner or operator of a new injection well must submit the certificate of insurance to the Regional Administrator with the permit application or for approval operate under rule. The insurance must be effective before injection starts. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

(2) The wording of the certificate of insurance must be identical to the wording specified in § 144.70(e).

(3) The plugging and abandonment insurance policy must be issued for a face amount at least equal to the current plugging and abandonment estimate, except as provided in § 144.63(g). The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurers future liability will be lowered by the amount of the payments.

(4) The plugging and abandonment insurance policy must guarantee that funds will be available whenever final plugging and abandonment occurs. The policy must also guarantee that once plugging and abandonment begins, the issurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Regional Administrator, to such party or parties as the Regional Administrator specifies.

(5) After beginning plugging and abandonment, an owner or operator or any other person authorized to perform plugging and abandonment may request reimbursement for plugging and abandonment expenditures by submitting itemized bills to the Regional Administrator. Within 60 days after receiving bills for plugging and abandonment activities, the Regional Administrator will determine whether

the plugging and abandonment expenditures are in accordance with the plugging and abandonment plan or otherwise justified, and if so, he will instruct the insurer to make reimbursement in such amounts as the Regional Administrator specifies in writing. If the Regional Administrator has reason to believe that the cost of plugging and abandonment will be significantly greater than the face amount of the policy, he may withhold reimbursement of such amounts as he deems prudent until he determines, in accordance with §144.63(i), that the owner or operator is no longer required to maintain financial assurance for plugging and abandonment of the injection well.

(6) The owner or operator must maintain the policy in full force and effect until the Regional Administrator consents to termination of the policy by the owner or operator as specified in paragraph (e)(10) of this section. Failure to pay the premium, without substitution of alternate financial assurance as specified in this section, will constitute a significant violation of these regulations, warranting such remedy as the Regional Administrator deems necessary. Such violation will be deemed to begin upon receipt by the Regional Administrator of a notice of future cancellation, termination, or failure to renew due to nonpayment of the premium, rather than upon the date of expiration.

(7) Each policy must contain provisions allowing assignment to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not unreasonably refused.

(8) The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the Regional Administrator. Cancellation, termination, or failure to renew may not occur, however, during 120 days beginning with the date of receipt of the notice by both the Regional Administrator and the owner or operator, as evidenced by the return of receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

(i) The Regional Administrator deems the injection well abandoned; or

(ii) The permit is terminated or revoked or a new permit is denied; or

(iii) Plugging and abandonment is ordered by the Regional Administrator or a U.S. district court or other court of competent jurisdiction; or

(iv) The owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(v) The premium due is paid.

(9) Whenever the current plugging and abandonment cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current plugging and abandonment estimate and submit evidence of such increase to the Regional Administrator, or obtain other financial assurance as specified in this section to cover the increase. Whenever the current plugging and abandonment cost estimate decreases, the face amount may be reduced to the amount of the current plugging and abandonment cost estimate following written approval by the Regional Administrator.

(10) The Regional Administrator will give written consent to the owner or operator that he may terminate the insurance policy when:

(i) An owner or operator substitutes alternate financial assurance as specified in this section; or

(ii) The Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(f) *Financial test and corporate guarantee for plugging and abandonment.* (1) An owner or operator may satisfy the requirements of this section by demonstrating that he passes a financial test as specified in this paragraph. To pass this test the owner or operator must meet the criteria of either paragraphs (f)(1)(i) or (f)(1)((ii) of this section:

(i) The owner or operator must have:

(A) Two of the following three ratios: a ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; and a ratio of current assets to current liabilities greater than 1.5; and

(B) Net working capital and tangible net worth each at least six times the sum of the current plugging and abandonment cost estimate; and

(C) Tangible net worth of at least $10 million; and

(D) Assets in the United States amounting to at least 90 percent of his total assets or at least six times the sum of the current plugging and abandonment cost estimate.

(ii) The owner or operator must have:

(A) A current rating for his most recent bond issuance of AAA, AA, A or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's; and

(B) Tangible net worth at least six times the sum of the current plugging and abandonment cost estimate; and

(C) Tangible net worth of at least $10 million; and

(D) Assets located in the United States amounting to at least 90 percent of his total assets or at least six times the sum of the current plugging and abandonment cost estimates.

(2) The phrase "current plugging and abandonment cost estimate" as used in paragraph (f)(1) of this section refers to the cost estimate required to be shown in paragraphs 1–4 of the letter from the owner's or operator's chief financial officer [144.70(f)].

(3) To demonstrate that he meets this test, the owner or operator must submit the following items to the Regional Administrator:

(i) A letter signed by the owner's or operator's chief financial officer and worded as specified in 144.70(f); and

(ii) A copy of the independent certified public accountant's report on examination of the owner's or operator's financial statements for the latest completed fiscal year; and

(iii) A special report from the owner's or operator's independent certified public accountant to the owner or operator stating that:

(A) He has compared the data which the letter from the chief financial officer specifies as having been derived from the independently audited, year-end financial statements for the latest fiscal year with the amounts in such financial statements; and

(B) In connection with that procedure, no matters came to his attention which caused him to believe that the specified data should be adjusted.

(4) An owner or operator of a new injection well must submit the items specified in paragraph (f)(3) of this section to the Regional Administrator within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in paragraph (f)(3) of this section.

(5) After the initial submission of items specified in paragraph (f)(3) of this section, the owner or operator must send updated information to the Regional Administrator within 90 days after the close of each succeeding fiscal year. This information must consist of

all three items specified in paragraph (f)(3) of this section.

(6) If the owner or operator no longer meets the requirements of paragraph (f)(1) of this section, he must send notice to the Regional Administrator of intent to establish alternate financial assurance as specified in this section. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

(7) The Regional Administrator may, based on a reasonable belief that the owner or operator may no longer meet the requirements of paragraph (f)(1) of this section, require reports of financial condition at any time from the owner or operator in addition to those specified in paragraph (f)(3) of this section. If the Regional Administrator finds, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of (f)(1) of this section, the owner or operator must provide alternate financial assurance as specified in this section within 30 days after notification of such a finding.

(8) The Regional Administrator may disallow use of this test on the basis of qualifications in the opinion expressed by the independent certified public accountant in his report on examination of the owner's or operator's financial statements [see paragraph (f)(3)(ii) of this section]. An adverse opinion or disclaimer of opinion will be cause for disallowance. The Regional Administrator will evaluate other qualifications on an individual basis. The owner or operator must provide alternate financial assurance as specified in this section within 30 days after notification of the disallowance.

(9) The owner or operator is no longer required to submit the items specified in paragraph (f)(3) of this section when:

(i) An owner or operator substitutes alternate financial assurance as specified in this section; or

(ii) The Regional Administrator releases the owner or operator from the requirements of this section in accordance with § 144.63(i).

(10) An owner or operator may meet the requirements of this section by obtaining a written guarantee, hereafter referred to as "corporate guarantee." The guarantee must be the parent corporation of the owner or operator. The guarantee must meet the requirements for owners or operators in paragraphs (f)(1) through (f)(8) of this section and must comply with the terms of the corporate guarantee. The wording of the corporate guarantee must be identical to the wording specified in § 144.70(h). The corporate guarantee must accompany the items sent to the Regional Administrator as specified in paragraph (f)(3) of this section. The terms of the corporate guarantee must provide that:

(i) If the owner or operator fails to perform plugging and abandonment of the injection well covered by the corporate guarantee in accordance with the plugging and abandonment plan and other permit requirements whenever required to do so, the guarantee will do so or establish a trust fund as specified in § 144.63(a) in the name of the owner or operator.

(ii) The corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and the Regional Administrator, as evidenced by the return receipts. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Regional Administrator, as evidenced by the return receipts.

(iii) If the owner or operator fails to provide alternate financial assurance as specified in this section and obtain the written approval of such alternate assurance from the Regional Administrator within 90 days after receipt by both the owner or operator and the Regional Administrator of a notice of cancellation of the corporate guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

(g) *Use of multiple financial mechanisms.* An owner or operator may satisfy the requirements of this section by establishing more than one financial mechanism per injection well. These mechanisms are limited to trust funds, surety bonds, guaranteeing payment into a trust fund, letters of credit, and insurance. The mechanisms must be as specified in paragraphs (a), (b), (d), and (e), respectively, of this section, except that it is the combination of mechanisms, rather than the single mechanism, which must provide financial assurance for an amount at least equal to the adjusted plugging and abandonment cost. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use that trust fund as the standby trust fund for the other mechanisms. A single standby trust may be established for two or more mechanisms. The Regional Administrator may invoke any or all of the mechanisms to provide for plugging and abandonment of the injection well.

(h) *Use of a financial mechanism for multiple facilities.* An owner or operator may use a financial assurance mechanism specified in this section to meet the requirements of this section for more than one injection well. Evidence of financial assurance submitted to the Regional Administrator must include a list showing, for each injection well, the EPA Identification Number, name, address, and the amount of funds for plugging and abandonment assured by the mechanism. If the injection wells covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each injection well. In directing funds available through the mechanism for plugging and abandonment of any of the injection wells covered by the mechanism, the Regional Administrator may direct only the amount of funds designated for that injection well, unless the owner or operator agrees to use additional funds available under the mechanism.

(i) *Release of the owner or operator from the requirements of this Section.* Within 60 days after receiving certifications from the owner or operator and an independent registered professional engineer that plugging and abandonment has been accomplished in accordance with the plugging and abandonment plan, the Regional Administrator will notify the owner or operator in writing that he is no longer required by this section to maintain financial assurance for plugging and abandonment of the injection well, unless the Regional Administrator has reason to believe that plugging and abandonment has not been in accordance with the plugging and abandonment plan.

§ 144.64 Incapacity of owners or operators, guarantors, or financial institutions.

(a) An owner or operator must notify the Regional Administrator by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 business days after the commencement of the proceeding. A guarantor of a corporate guarantee as specified in § 144.63(f) must make such a

notification if he is named as debtor, as required under the terms of the guarantee (§ 144.70(f)).

(b) An owner or operator who fulfills the requirements of § 144.63 by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance or liability coverage within 60 days after such an event.

§ 144.65 Use of State-required mechanisms.

(a) For a facility located in a State where EPA is administering the requirements of this Subpart but where the State has plugging and abandonment regulations that include requirements for financial assurance of plugging and abandonment, an owner or operator may use State-required financial mechanisms to meet the requirements of this Subpart if the Regional Administrator determines that the State mechanisms are at least equivalent to the mechanisms specified in this Subpart. The Regional Administrator will evaluate the equivalency of the mechanisms mainly in terms of (1) certainty of the availability of funds for the required plugging and abandonment activities and (2) the amount of funds that will be made available. The Regional Administrator may also consider other factors. The owner or operator must submit to the Regional Administrator evidence of the establishment of the mechanism together with a letter requesting that the State-required mechanism be considered acceptable for meeting the requirements of this Subpart. The submittal must include the following information: The facility's EPA Identification Number, name and address, and the amounts of funds for plugging and abandonment coverage assured by the mechanism. The Regional Administrator will notify the owner or operator of his determination regarding the mechanism's acceptability. The Regional Administrator may require the owner or operator to submit additional information as is deemed necessary for making this determination.

(b) If a State-required mechanism is found acceptable as specified in paragraph (a) of this Section except for the amount of funds available, the owner or operator may satisfy the requirements of this Subpart by increasing the funds available through the State-required mechanism or using additional mechanisms as specified in this Subpart. The amounts of funds available through the State and Federal mechanisms must at least equal the amounts required by this Subpart.

§ 144.66 State assumption of responsibility.

(a) If a State either assumes legal responsibility for an owner's or operator's compliance with the plugging and abandonment requirements of these regulations or assures that funds will be available from State sources to cover these requirements, the owner or operator will be in compliance with the requirements of this Subpart if the Regional Administrator determines that the State's assumption of responsibility is at least equivalent to the mechanisms specified in this Subpart. The Regional Administrator will evaluate the equivalency of State guarantees mainly in terms of (1) certainty of the availability of funds for the required plugging and abandonment coverage and (2) the amount of funds that will be made available. The Regional Administrator may also consider other factors. The owner or operator must submit to the Regional Administrator a letter from the State describing the nature of the State's assumption of responsibility together with a letter from the owner or operator requesting that the State's asumption of responsibility be considered acceptable for meeting the requirements of this Subpart. The letter from the State must include, or have attached to it, the following information: the facility's EPA Identification Number, name and address, and the amounts of funds for plugging and abandonment coverage that are guaranteed by the State. The Regional Administrator will notify the owner or operator of his determination regarding the acceptability of the State's guarantee in lieu of mechanisms specified in this Subpart. The Regional Administrator may require the owner or operator to submit additional information as is deemed necessary to make this determination. Pending this determination, the owner or operator will be deemed to be in compliance with § 144.63.

(b) If a State's assumption of responsibility is found acceptable as specified in paragraph (a) of this section except for the amount of funds available, the owner or operator may satisfy the requirements of this Subpart by use of both the State's assurance and additional financial mechanisms as specified in this Subpart. The amount of funds available through the State and Federal mechanisms must at least equal the amount required by this Subpart.

§ 144.70 Wording of the instruments.

(a)(1) A trust agreement for a trust fund, as specified in § 144.63(a) of this chapter, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Trust Agreement

TRUST AGREEMENT, the "Agreement," entered into as of [date] by and between [name of the owner or operator], a [name of State] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the State of ———" or "a national bank"], the "Trustee."

Whereas, the United States Environmental Protection Agency, "EPA," an agency of the United States Government, has established certain regulations applicable to the Grantor, requiring that an owner or operator of an injection well shall provide assurance that funds will be available when needed for plugging and abandonment of the injection well,

Whereas, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility(ies) identified herein,

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

(c) Facility or activity means any "underground injection well" or any other facility or activity that is subject to regulation under the Underground Injection Control Program.

Section 2. Identification of Facilities and Cost Estimates. This Agreement pertains to the facilities and cost estimates identified on attached Schedule A [on Schedule A, for each facility list the EPA Identification Number, name, address, and the current plugging and abandonment cost estimate, or portions thereof, for which financial assurance is demonstrated by this Agreement].

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of EPA. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided.

The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by EPA.

Section 4. Payment for Plugging and Abandonment. The Trustee shall make payments from the Fund as the EPA Regional Administrator shall direct, in writing, to provide for the payment of the costs of plugging and abandonment of the injection wells covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the EPA Regional Administrator from the Fund for plugging and abandonment expenditures in such amounts as the EPA Regional Administrator shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the EPA Regional Administrator specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; *except that*:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 USC § 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all othe instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depositary with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the appropriate EPA Regional Administrator a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the EPA Regional Administrator shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement of any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the EPA Regional Administrator, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the EPA Regional Administrator to the Trustee shall be in writing, signed by the EPA Regional Administrators of the Regions in which the facilities are located, or their designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or EPA hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or EPA, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor and the appropriate EPA Regional Administrator, by certified mail within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the appropriate EPA Regional Administrator, or by the Trustee and the appropriate EPA Regional Administrator if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the EPA Regional Administrator, or by the Trustee and the EPA Regional Administrator if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the EPA Regional Administrator issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of [insert name of State].

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in 40 CFR 144.70(a)(1) as such regulations were constituted on the date first above written.

[Signature of Grantor]
By [Title]
Attest:

[Title]

[Seal]

[Signature of Trustee]
By
Attest:

[Title]

[Seal]

(2) The following is an example of the certification of acknowledgment which must accompany the trust agreement for a trust fund as specified in § 144.63(a). State requirements may differ on the proper content of this acknowledgment.

State of _____
County of _____

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order to the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

[Signature of Notary Public]

(b) A surety bond guaranteeing payment into a trust fund, as specified in § 144.63 of this chapter, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Financial Guarantee Bond

Dated bond executed:_____
Effective date: _____

Principal: [legal name and business address of owner or operator].

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"].

State of incorporation: _____

Surety(ies): [name(s) and business address(es)].

EPA Identification Number, name, address, and plugging and abandonment amount(s) for each facility guaranteed by this bond [indicate plugging and abandonment amounts separately]: _____

Total penal sum of bond: $_____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surity(ies) hereto are firmly bound to the U.S. Environmental Protection Agency (hereinafter called EPA), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-surties, we, the Sureties, bind ourselves in such sum "jointly and 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.

Whereas said Principal is required, under the Underground Injection Control Regulations (UIC), to have a permit or comply with requirements to operate under rule in order to own or operate each injection well identified above, and

Whereas said Principal is required to provide financial assurance for plugging and abandonment as a condition of the permit or provisions to operate under rule, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, therefore, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of plugging and abandonment of each injection well identified above, fund the standby trust fund in the amount(s) identified above for the injection well,

Or if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to begin plugging and abandonment is issued by an EPA Regional Administrator or a U.S. district court or other court of competent jurisdiction,

Or, if the Principal shall provide alternate financial assurance, as specified in Subpart F of 40 CFR 144, as applicable, and obtain the EPA Regional Administrator's written approval of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the EPA Regional Administrator(s) from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by an EPA Regional Administrator that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the injection well(s) into the standby trust funds as directed by the EPA Regional Administrator.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the EPA Regional Administrator(s) for the Region(s) in which the injection well(s) is (are) located, provided, however, that that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the EPA Regional Administrator(s), as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the EPA Regional Administrator(s) of the Region(s) in which the bonded facility(ies) is (are) located.

[The following paragraph is an optional rider that may be included but is not required.]

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new plugging and abandonment amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the EPA Regional Administrator(s).

In Witness Whereof, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording of this surety bond is identical to the wording specified in 40 CFR 144.70(b) as such regulations were constituted on the date this bond was executed.

Principal

[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate seal]

Corporate Surety(ies)

[Name and address]
State of incorporation: ———.
Liability limit: $———.
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond premium: $———.

(c) A surety bond guaranteeing performance of plugging and abandonment, as specified in § 144.63(c), must be worded as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Performance Bond

Date bond executed: ———.
Effective date: ———.
Principal: [legal name and business address of owner or operator].
Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"].
State of incorporation: ———.
Surety(ies): [name(s) and business address(es)]

EPA Identification Number, name, address, and plugging and abandonment amounts(s) for each injection well guaranteed by this bond [indicate plugging and abandonment amounts for each well]:

Total penal sum of bond: $———.
Surety's bond number: ———.

Know All Persons By These Presents, That We, the Principal and Surety(ies) hereto are firmly bound to the U.S. Environmental Protection Agency [hereinafter called EPA], in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and 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.

Whereas said Principal is required, under the Undergound Injection Control Regulations, as amended, to have a permit or comply with provisions to operate under rule for each injection well identified above, and

Whereas said Principal is required to provide financial assurance for plugging and abandonment as a condition of the permit or approval to operate under rule, and

Whereas said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

Now, Therefore, the conditions of this obligation are such that if the Principal shall faithfully perform plugging and abandonment, whenever required to do so, of each injection well for which this bond guarantees plugging and abandonment, in accordance with the plugging and abandonment plan and other rquirements of the permit or provisions for operating under rule and other requirements of the permit or provisions for operating under rule as may be amended, pursuant to all applicable laws, statutes, rules and regulations, as such laws, statutes, rules, and regulations may be amended,

Or, if the Principal shall provide alternate financial assurance as specified in Subpart F of 40 CFR 144, and obtain the EPA Regional Administrator's written approval of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the EPA Regional Administrator(s) from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by an EPA Regional Administrator that the Principal has been found in violation of the plugging and abandonment requirements of 40 CFR 144, for an injection well which this bond guarantees performances of plugging and abandonment, the Surety(ies) shall either perform plugging and abandonment in accordance with the plugging and abandonment plan and other permit requirements or provisions for operating under rule and other requirements or place the amount for plugging and abandonment into a standby trust fund as directed by the EPA Regional Administrator.

Upon notification by an EPA Regional Administrator that the Principal has failed to provide alternate financial assurance as specified in Subpart F of 40 CFR 144, and obtain written approval of such assurance from the EPA Regional Administrator(s) during the 90 days following receipt by both the Principal and the EPA Regional Administrator(s) of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the injection well(s) into the standby trust fund as directed by the EPA Regional Administrator.

The surety(ies) hereby waive(s) notification of amendments to plugging and abandonment plans, permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice by certified mail to the owner or operator and to the EPA Regional Administrator(s) for the Region(s) in which the injection well(s) is (are) located, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by both the Principal and the EPA Regional Administrator(s), as evidenced by the return receipts.

The principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization for termination of the bond by the EPA Regional Administrator(s) of the EPA Region(s) in which the bonded injection well(s) is (are) located.

[The following paragraph is an optional rider that may be included but is not required.]

Principal and Surety(ies) hereby agree to adjust the penal sum of the bond yearly so that it guarantees a new plugging and abandonment amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without the written permission of the EPA Regional Administrator(s).

In Witness Whereof, The Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety(ies) and that the wording on this surety bond is identical to the wording specified in 40 CFR 144.70(c) as such regulation was constituted on the date this bond was executed.

Principal.
[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate seal]
[Corporate Surety(ies)]
[Name and address]
State of incorporation:

Liability limit: $———.
[Signature(s)]

[Name(s) and title(s)]
Corporate seal:
[For every co-surety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond premium: $————.

(d) A letter of credit, as specified in § 144.63(d) of this chapter, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Irrevocable Standby Letter of Credit

Regional Administrator(s)
Region(s) ————————————
U.S. Environmental Protection Agency.
Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. —— in your favor, at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of [in words] U.S. dollars $————, available upon presentation [insert, if more than one Regional Administrator is a beneficiary, "by any one of you"] of

(1) Your sight draft, bearing reference to this letter of credit No. ————, and

(2) Your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Safe Drinking Water Act."

This letter of credit is effective as of [date] and shall expire on [date at least 1 year later], but such expiration date shall be automatically extended for a peroid of [at least 1 year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify both you and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [owner's or operator's name], as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [owner's or operator's name] in accordance with your instructions.

We certify that the wording of this letter of credit is identical to the wording specified in 40 CFR 144.70(d) as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution]
[Date]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(e) A certificate of insurance, as specified in § 144.63(e) of this chapter, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certificate of Insurance for Plugging and Abandonment

Name and Address of Insurer (herein called the "insurer"):

————————————

Name and Address of Insurer (herein called the "insurer"):

————————————

Injection Wells covered: [list for each well: The EPA Identification Number, name, address, and the amount of insurance for plugging and abandonment (these amounts for all injection wells covered must total the face amount shown below).]
Face Amount: ————————————
Policy Number: ————————————
Effective Date: ————————————

The insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for plugging and abandonment for the injection wells identified above. The Insurer further warrants that such policy conforms in all respects with the requirements of 40 CFR 144.63(e), as applicable and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the EPA Regional Administrator(s) of the U.S. Environmental Protection Agency, the Insurer agrees to furnish to the EPA Regional Administrator(s) a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the wording of this certificate is identical to the wording specified in 40 CFR 144.70(e) as such regulations were constituted on the date shown immediately below.

[Authorized signature of Insurer]
[Name of person signing]
[Title of person signing]
[Signature of witness or notary:]

————————————

[Date]

(f) A letter from the chief financial officer, as specified in § 144.63(f) of this chapter, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Letter From Chief Financial Officer

[Address to Regional Administrator of every Region in which injection wells for which financial responsibility is to be demonstrated through the financial test are located.]

I am the chief financial officer of [name and address of firm.] This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in Subpart F of 40 CFR Part 144.

[Fill out the following four paragraphs regarding injection wells and associated cost estimates. If your firm has no injection wells that belong in a particular paragraph, write "None" in the space indicated. For each injection well, include its EPA Identification Number, name, address, and current plugging and abandonment cost estimate.]

1. This firm is the owner or operator of the following injection wells for which financial assurance for plugging and abandonment is demonstrated through the financial test specified in Subpart F of 40 CFR Part 144. The current plugging and abandonment cost estimate covered by the test is shown for each injection well: ————.

2. This firm guarantees, through the corporate guarantee specified in Subpart F of 40 CFR Part 144, the plugging and abandonment of the following injection wells owned or operated by subsidaries of this firm. The current cost estimate for plugging and abandonment so guaranteed is shown for each injection well: ————.

3. In States where EPA is not administering the financial requirements of Subpart F of 40 CFR 144, this firm, as owner or operator or guarantor, is demonstrating financial assurance for the plugging and abandoment of the following injection wells through the use of a test equivalent or substantially equivalent to the financial test specified in Subpart F of 40 CFR 144. The current plugging and abandonment cost estimate covered by such a test is shown for each injection well: ————.

4. This firm is the owner or operator of the following injection wells for which financial assurance for plugging and abandonment is not demonstrated either to EPA or a State through the financial test or any other financial assurance mechanism specified in Subpart F of 40 CFR 144 or equivalent or substantially equivalent State mechanisms. The current plugging and abandonment cost estimate not covered by such financial assurance is shown for each injection well: ————.

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [date].

[Fill in Alternative I if the criteria of paragraph (f)(1)(i) of § 144.63 of this chapter are used. Fill in Alternative II if the criteria of paragraph (f)(1)(ii) of § 144.63 of this chapter are used.]

ALTERNATIVE I

1. (a) Current plugging and abandonment cost	$————
(b) Sum of the company's financial responsibilities under 40 CFR 264 and 265, Subpart H, currently met using the financial test or corporate guarantee	
(c) Total of lines a and b	
*2. Total liabilities [if any portion of the plugging and abandonment cost is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4]	
*3. Tangible net worth	
*4. Net worth	
*5. Current assets	
*6. Current liabilities	
*7. Net working capital [line 5 minus line 6]	
*8. The sum of net income plus depreciation, depletion and amortization	

ALTERNATIVE I—Continued

*9. Total assets in U.S. (required only if less than 90% of firm's assets are located in U.S.)	

	Yes	No
10. Is line 3 at least $10 million?		
11. Is line 3 at least 6 times line 1(c)?		
12. Is line 7 at least 6 times line 1(c)?		
*13. Are at least 90% of firm's assets located in the U.S.? If not, complete line 14.		
14. Is line 9 at least 6 times line 1(c)?		
15. Is line 2 divided by line 4 less than 2.0?		
16. Is line 8 divided by line 2 greater than 0.1?		
17. Is line 5 divided by line 6 greater than 1.5?		

Alternative II

1. (a) Current plugging and abandonment cost	$
(b) Sum of the company's financial responsibilities under 40 CFR 264 and 265, Subpart H, currently met using the financial test or corporate guarantee	
(c) Total of lines a and b	
2. Current bond rating of most recent issuance of this firm and name of rating service	
3. Date of issuance of bond	
4. Date of maturity of bond	
*5. Tangible net worth [if any portion of the plugging and abandonment cost estimate is included in "total liabilities" on your firm's financial statements, you may add the amount of that portion to this line]	
*6. Total assets in U.S. (required only if less than 90% of firm's assets are located in U.S.)	

	Yes	No
7. Is line 5 at least $10 million?		
8. Is line 5 at least 6 times line 1(c)?		
*9. Are at least 90% of the firm's assets located in the U.S.? If not, complete line 10		
10. Is line 6 at least 6 times line 1(c)?		

I hereby certify that the wording of this letter is identical to the wording specified in 40 CFR 144.70(f) as such regulations were constituted on the date shown immediately below.

[Signature]
[Name]
[Title]
[Date]

(g) A corporate guarantee as specified in § 144.63(e) must be worded as follows except that instructions in brackets are to be replaced with the relevant information and the bracketed material deleted:

Guarantee for Plugging and Abandonment

Guarantee made this ——day of ————, 19 ——, by [name of guaranteeing entity], a business corporation organized under the laws of the State of ————, herein referred to as guarantor, to the United States Environmental Protection Agency (EPA), obligee, on behalf of our subsidiary [owner or operator] of [business address].

Recitals

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in 40 CFR 144.63(e).

2. [Owner or operator] owns or operates the following Class I hazardous waste injection well covered by this guarantee: [List for each facility: EPA Identification Number, name, and address. Indicate for each whether guarantee is for closure, post-closure care, or both.]

3. "Plugging and abandonment plan" as used below refers to the plans maintained as required by 40 CFR Part 144 for the plugging and abandonment of injection wells as identified above.

4. For value received from [owner or operator], guarantor guarantees to EPA that in the event that [owner or operator] fails to perform ["plugging and abandonment"] of the above facility(ies) in accordance with the plugging and abandonment plan and other requirements when required to do so, the guarantor will do so or fund a trust fund as specified in 40 CFR 144.63 in the name of [owner or operator] in the amount of the adjusted plugging and abandonment cost estimates prepared as specified in 40 CFR 144.62.

5. Guarantor agrees that, if at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, guarantor will send within 90 days, by certified mail, notice to the EPA Regional Administrator(s) for the Region(s) in which the facility(ies) is (are) located and to [owner or operator] that he intends to provide alternate financial assurance as specified in 40 CFR 144.63 in the name of [owner or operator]. Within 30 days after sending such notice, the guarantor will establish such financial assurance if [owner or operator] has not done so.

6. The guarantor agrees to notify the Regional Administrator, by certified mail, of a voluntary or involuntary case under Title 11, U.S. Code, naming guarantor as debtor, within 10 days after its commencement.

7. Guarantor agrees that within 30 days after being notified by an EPA Regional Administrator of a determination that guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of plugging and adandonment, he will establish alternate financial assurance, as specified in 40 CFR 144.63, in the name of [owner or operator] if [owner or operator] has not done so.

8. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the plugging and abandonment plan, the extension or reduction of the time of performance of plugging and abandonment or any other modification or alteration of an obligation of [owner or operator] pursuant to 40 CFR Part 144.

9. Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] must comply with the applicable financial assurance requirements of 40 CFR Part 144 for the above-listed facilities, except that guarantor may cancel this guarantee by sending notice by certified mail, to the EPA Regional Administrator(s) for the Region(s) in which the facility(ies) is (are) located and to [owner or operator], such cancellation to become effective no earlier than 120 days after actual receipt of such notice by both EPA and [owner or operator] as evidenced by the return receipts.

10. Guarantor agrees that if [owner or operator] fails to provide alternate financial assurance and obtain written approval of such assurance from the EPA Regional Administrator(s) within 90 days after a notice of cancellation by the guarantor is received by both the EPA Regional Administrator(s) and [owner or operator], guarantor will provide alternate financial assurance as specified in 40 CFR 144.63 in the name of [owner or operator].

11. Guarantor expressly waives notice of acceptance of this guarantee by the EPA or by [owner or operator]. Guarantor also expressly waives notice of amendments or modifications of the plugging and abandonment plan.

I hereby certify that the wording of this guarantee is identical to the wording specified in 40 CFR 144.70(f).

Effective date: ————.

[Name of guarantor]
[Authorized signature for guarantor]
[Type name of person signing]
[Title of person signing]

Signature of witness or notary: ————

A new Part 147 is added to 40 CFR chapter I to read as follows:

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

Subpart A—General Provisions

Sec.
147.1 Purpose and scope.
147.2 Severability of provisions.

Subpart B—Alabama

147.50 State-administered program—Class II wells.
147.51 State-administered program—Class I, III, IV, and V wells.

Subpart C—Alaska

147.100 State-administered program. [Reserved]
147.101 EPA-administered program.
147.102 Aquifer exemptions.
147.103 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.104 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

Subpart D—Arizona

147.150 State-administered program. [Reserved]
147.151 EPA-administered program.
147.152 Aquifer exemptions. [Reserved]

Subpart E—Arkansas

147.200 State-administered program—Class I, III, IV, and V wells.
147.201 State-administered program—Class II wells. [Reserved]

Subpart F—California

147.250 State-administered program—Class II wells.
147.251 EPA-administered program—Class I, III, IV, and V wells.
147.252 Aquifer exemptions. [Reserved]

147.253 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Subpart G—Colorado

147.300 State-administered program. [Reserved]
147.301 EPA-administered program—Class I, III, IV and V wells.
147.302 Aquifer exemptions.
147.303 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.304 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.305 Requirements for all wells.

Subpart H—Connecticut

147.350–147.359 [Reserved]

Subpart I—Delaware

147.400–147.449 [Reserved]

Subpart J—District of Columbia

147.450 State-administered program. [Reserved]
147.451 EPA-administered program.
147.452 Aquifer exemptions. [Reserved]

Subpart K—Florida

147.500 State-administered program—Class I, III, IV, and V wells.
147.501 State-administered program—Class II wells. [Reserved]

Subpart L—Georgia

147.550–147.559 [Reserved]

Subpart M—Hawaii

147.600–147.649 [Reserved]

Subpart N—Idaho

147.650 State-administered program. [Reserved]
147.651 EPA-administered program.
147.652 Aquifer exemptions. [Reserved]

Subpart O—Illinois

147.700 State-administered program—Class I, III, IV, and V wells.
147.701 State-administered program—Class II wells.

Subpart P—Indiana

147.750 State-administered program. [Reserved]
147.751 EPA-administered program.
147.752 Aquifer exemptions. [Reserved]
147.753 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.754 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.755 Requirements for all wells.

Subpart Q—Iowa

147.800 State-administered program. [Reserved]
147.801 EPA-administered program.
147.802 Aquifer exemptions. [Reserved]

Subpart R—Kansas

147.850 State-administered program—Class I, III, IV and V wells.
147.851 State-administered program—Class II wells.

Subpart S—Kentucky

147.900 State-administered program. [Reserved]
147.901 EPA-administered program.
147.902 Aquifer exemptions. [Reserved]
147.903 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.904 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.905 Requirements for all wells.

Subpart T—Louisiana

147.950 State-administered program.

Subpart U—Maine

147.1000 State-administered program.

Subpart V—Maryland

147.1050–147.1099 [Reserved]

Subpart W—Massachusetts

147.1100 State-administered program.

Subpart X—Michigan

147.1150 State-administered program. [Reserved]
147.1151 EPA-administered program.
147.1152 Aquifer exemptions. [Reserved]
147.1153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1155 Requirements for all wells.

Subpart Y—Minnesota

147.1200 State-administered program. [Reserved]
147.1201 EPA-administered program.
147.1202 Aquifer exemptions. [Reserved]

Subpart Z—Mississippi

147.1250 State-administered program—Class I, III, IV, and V wells.
147.1251 State-administered program—Class II wells. [Reserved]

Subpart AA—Missouri

147.1300 State-administered program.
147.1301 EPA-administered program—Class I, III, IV, and V wells.
147.1302 Aquifer exemptions. [Reserved]

Subpart BB—Montana

147.1350 State-administered program. [Reserved]
147.1351 EPA-administered program.
147.1352 Aquifer exemptions.
147.1353 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1354 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1355 Requirements for all wells.

Subpart CC—Nebraska

147.1400 State-administered program—Class II wells.
147.1401 EPA-administered program—Class I, III, IV, and V wells.
147.1402 Aquifer exemptions. [Reserved]

Subpart DD—Nevada

147.1450 State-administered program. [Reserved]
147.1451 EPA-administered program.
147.1452 Aquifer exemptions.
147.1453 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1454 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

Subpart EE—New Hampshire

147.1500 State-administered program.

Subpart FF—New Jersey

147.1550 State-administered program.

Subpart GG—New Mexico

147.1600 State-administered program—Class II wells.
147.1601 State-administered program—Class I, III, IV, and V wells.

Subpart HH—New York

147.1650 State-administered program. [Reserved]
147.1651 EPA-administered program.
147.1652 Aquifer exemptions.
147.1653 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1654 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.1655 Requirements for wells authorized by permit.
147.1660 EPA-administered program—Seneca Indian lands. [Reserved]

Subpart II—North Carolina

147.1700–147.1749 [Reserved]

Subpart JJ—North Dakota

147.1750 State-administered program—Class II wells.
147.1751 State-administered program—Class I, III, IV and V wells. [Reserved]

Subpart KK—Ohio

147.1800 State-administered program—Class II wells.
147.1801 State-administered program—Class I, III, IV, and wells. [Reserved]

Subpart LL—Oklahoma

147.1850 State-administered program—Class I, III, IV and V wells.
147.1851 State-administered program—Class II wells.

Subpart MM—Oregon

147.147.1900–147.1949 [Reserved]

Subpart NN—Pennsylvania

147.1950 State-administered program. [Reserved]
147.1951 EPA-administered program.
147.1952 Aquifer exemptions.
147.1953 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.1954 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

147.1955 Requirements for wells authorized by permit.

Subpart OO—Rhode Island

147.2000–147.2049 [Reserved]

Subpart PP—South Carolina

147.2050–147.2099 [Reserved]

Subpart QQ—South Dakota

147.2100–147.2149 [Reserved]

Subpart RR—Tennessee

147.2150 State-administered program. [Reserved]
147.2151 EPA-administered program.
147.2152 Aquifer exemptions. [Reserved]
147.2153 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.
147.2154 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.
147.2155 Requirements for all wells.

Subpart SS—Texas

147.2200 State-administered program—Class I, III, IV, and V wells.
147.2201 State-administered program—Class II wells.

Subpart TT—Utah

147.2250 State-administered program—Class I, III, IV, and V wells.
147.2251 State-administered program—Class II wells.

Subpart UU—Vermont

147.2300–147.2349 [Reserved]

Subpart VV—Virginia

147.2350 State-administered program. [Reserved]
147.2351 EPA-administered program.
147.2352 Aquifer exemptions. [Reserved]

Subpart WW—Washington

147.2400–147.2449 [Reserved]

Subpart XX—West Virginia

147.2450–147.2499 [Reserved]

Subpart YY—Wisconsin

147.2500 State-administered program.

Subpart ZZ—Wyoming

147.2550 State-administered program—Class I, III, IV, and V wells.
147.2551 State-administered program—Class II wells.

Subpart AAA—Guam

147.2600 State-administered program.

Subpart BBB—Puerto Rico

147.2650–147.2699 [Reserved]

Subpart CCC—Virgin Islands

147.147.2700–147.2749 [Reserved]

Subpart DDD—American Samoa

147.2750 State administered program. [Reserved]
147.2751 EPA-administered program.
147.2752 Aquifer exemptions. [Reserved]

Subpart EEE—Commonwealth of the Northern Mariana Islands

147.2800 State-administered program. [Reserved]
147.2801 EPA-administered program.
147.2802 Aquifer exemptions. [Reserved]

Subpart FFF—Trust Territory of the Pacific Islands

147.2850 State-administered program. [Reserved]
147.2851 EPA-administered program.
147.2852 Aquifer exemptions. [Reserved]

Authority: Sec. 1421, Pub. L. 93–523, 88 Stat. 1674, (42 U.S.C. 300h.)

Subpart A—General Provisions

§ 147.1 Purpose and scope.

(a) This part sets forth the applicable Underground Injection Control (UIC) programs for each of the states, territories, and possessions identified pursuant to the Safe Drinking Water Act (SDWA) as needing a UIC program.

(b) The applicable UIC program for a State is either a State-administered program approved by EPA, or a Federally-administered program promulgated by EPA. In some cases, the UIC program may consist of a State-administered program applicable to some classes of wells and a Federally-administered program applicable to other classes of wells. Approval of a State program is based upon a determination by the Administrator that the program meets the requirements of Section 1422 or Section 1425 of the Safe Drinking Water Act and the applicable provisions of Parts 124, 144, and 146 of this chapter. A Federally-administered program is promulgated in those instances where the state has failed to submit a program for approval or where the submitted program does not meet the minimum statutory and regulatory requirements.

(c) In the case of State programs approved by EPA pursuant to Section 1422 of the SDWA, each State subpart describes the major elements of such programs, including State statutes and regulations, Statement of Legal Authority, Memorandum of Agreement, and Program Description. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators have been incorporated by reference pursuant to regulations of the Office of the Federal Register. Material incorporated by reference is available for inspection in the appropriate EPA Regional Office, in EPA Headquarters, and at the Office of the Federal Register Information Center, Room 8301, 1100 L Street, NW, Washington, DC 20408. Other State statutes and regulations containing standards and procedures that constitute elements of the State program but do not apply directly to owners or operators have been listed but have not been incorporated by reference.

(d) In the case of State programs promulgated under Section 1422 that are to be administered by EPA, the State subpart makes applicable the provisions of Parts 124, 144, and 146, and provides additional requirements pertinent to the specific State program.

(e) Regulatory provisions incorporated by reference (in the case of approved State programs) or promulgated by EPA (in the case of EPA-administered programs), and all permit conditions or permit denials issued pursuant to such regulations, are enforceable by the Administrator pursuant to Section 1423 of the SDWA.

(f) The information requirements located in the following sections have been cleared by the Office of Management and Budget: §§ 147.104, 147.304, 147.754, 147.904, 147.1154, 147.1354, 147.1454, 147.1654, 147.1954, and 147.2154.

The OMB clearance number is No. 2040–0042.

§ 147.2 Severability of provisions.

The provisions in this part and the various applications thereof are distinct and severable. If any provision of this part or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of such provision to other persons or circumstances which can be given effect without the invalid provision or application.

Subpart B—Alabama

§ 147.50 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Alabama is the program administered by the State Oil and Gas Board of Alabama, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on August 2, 1982 (47 FR 33268); the effective date of this program is August 2, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alabama. This incorporation by reference was

approved by the Director of the Federal Register on June 25, 1984.

(1) Code of Alabama 1975, §§ 9–17–1 through 9–17–110 (1980 and Supp. 1983);

(2) State Oil and Gas Board of Alabama, Oil and Gas Report 1 (supplemented) (1981), General Order Prescribing Rules and Regulations Governing the Conservation of Oil and Gas in Alabama (Order No. 76–100) as amended by Board Order No. 82–96 (May 14, 1982) amending Rule E–4).

(b) The Memorandum of Agreement between EPA Region IV and the Alabama Oil and Gas Board, signed by the EPA Regional Administrator on June 15, 1982.

(c) *Statement of Legal Authority.* "State Oil and Gas Board has Authority to Carry Out Underground Injection Control Program Relating to Class II Wells as Described in Federal Safe Drinking Water Act—Opinion by Assistant Attorney General," May 28, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.51 State-administered program—Class I, III, IV and V wells

The UIC program for Class I, III, IV and V wells in the State of Alabama is the program administered by the Alabama Department of Environmental Management, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on August 25, 1983 (48 FR 38640); the effective date of this program is August 25, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Alabama. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Alabama Water Pollution Control Act, Code of Alabama 1975, §§22–22–1 through 22–22–14 (1980 and Supp. 1983);

(2) Regulations, Policies and Procedures of the Alabama Water Improvement Commission, Title I (Regulations) (Rev. December 1980), as amended May 17, 1982, to add Chapter 9, Underground Injection Control Regulations (effective June 10, 1982), as amended April 6, 1983 (effective May 11, 1983).

(b) The Memorandum of Agreement between EPA Region IV and the Alabama Department of Environment Management, signed by the EPA Regional Administrator on May 24, 1983.

(c) *Statement of Legal Authority.* (1) "Water Pollution—Public Health—State has Authority to Carry Out Underground Injection Control Program Described in Federal Safe Drinking Water Act—Opinion by Legal Counsel for the Water Improvement Commission," June 25, 1982;

(2) Letter from Attorney, Alabama Water Improvement Commission, to Regional Administrator, EPA Region IV, "Re: AWIC Response to Phillip Tate's (U.S. EPA, Washington) Comments on AWIC's Final Application for Class I, III, IV, and V UIC Program," September 21, 1982;

(3) Letter from Alabama Chief Assistant Attorney General to Regional Counsel, EPA Region IV, "Re: Status of Independent Legal Counsel in Alabama Water Improvement Commission's Underground Injection Control Program," September 14, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart C—Alaska

§ 147.100 State-administered program. [Reserved]

§ 147.101 EPA-administered program.

(a) *Contents.* The UIC program for the State of Alaska is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Alaska is: June 25, 1984.

§ 147.102 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) The following aquifers are exempted in accordance with the provisions of §§ 144.7(b) and 146.4 of this chapter for Class II injection activities only:

(1) The portions of aquifers in the Kenai Peninsula, greater than the indicated depths below the ground surface, and described by a ¼ mile area beyond and lying directly below the following oil and gas producing fields:

(A) Swanson River Field—1700 feet.

(B) Beaver Creek Field—1650 feet.

(C) Kenai Gas Field—1300 feet.

(2) The portion of aquifers beneath Cook Inlet described by a ¼ mile area beyond and lying directly below the following oil and gas producing fields:

(A) Granite Point.

(B) McArthur River Field.

(C) Middle Ground Shoal Field.

(D) Trading Bay Field.

(3) The portions of aquifers on the North Slope described by a ¼ mile area beyond and lying directly below the Kuparuk River Unit oil and gas producing field.

§ 147.103 Existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of inject fluid (unitless)

d = injection depth in feet.

§ 147.104 Existing class II enhanced recovery and hydrocargon storage wells authorized by rule

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish maximum injection pressures after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and

(B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

Subpart D—Arizona

§ 147.150 State-administered program. [Reserved]

§ 147.151 EPA-administered program.

The UIC program for the State of Arizona is administered by EPA.

(a) *Contents.* The UIC program that applies to all injection activities in Arizona, except those on lands of the Navajo Indian Tribe, consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Arizona is: June 25, 1984.

§ 147.152 Aquifer exemptions. [Reserved]

Subpart E—Arkansas

§ 147.200 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV and V wells in the State of Arkansas is the program administered by the Arkansas Department of Pollution Control and Ecology, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on July 6, 1982 (47 FR 29236); the effective date of this program is July 6, 1982. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Arkansas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Arkansas Water and Air Pollution Control Act, Act 472 of 1949 as amended, Arkansas Statutes Annotated §§ 82–1901 through 82–1943 (1976);

(2) Act 105 of 1939, Arkansas Statutes Annotated §§ 53–101 through 53–130 (1971 and Supp. 1981); Act 937 of 1979, Arkansas Statutes Annotated §§ 53–1301 through 53–1320 (Supp. 1981); Act 523 of 1981;

(3) Arkansas Underground Injection Control Code, Department of Pollution Control and Ecology, promulgated January 22, 1982;

(4) General Rule and Regulations, Arkansas Oil and Gas Commission (Order No. 2–39, revised July 1972);

(5) Arkansas Hazardous Waste Management Code, Department of Pollution Control and Ecology, promulgated August 21, 1981.

(b) The Memorandum of Agreement and Addendum No. 1 to the Memorandum of Agreement, between EPA Region VI and the Arkansas Department of Pollution Control and Ecology and the Arkansas Oil and Gas Commission, signed by the EPA Regional Administrator on May 25, 1982.

(c) *Statement of Legal Authority.* (1) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Acting Regional Administrator, EPA Region VI, "Re: Legal Authority of the Department of Pollution Control and Ecology of the State of Arkansas to Administer an Underground Injection Control Program," July 29, 1981;

(2) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Acting Regional Counsel, EPA Region VI, "Re: Addendum to Legal Statement—Underground Injection Control Program," October 13, 1981;

(3) Letter from General Counsel, Arkansas Oil and Gas Commission, to Acting Regional Counsel, EPA Region VI, "Re: Supplemental Addendum to Legal Statement—Underground Injection Control Program," October 20, 1981;

(4) Letter from Chief Attorney, Arkansas Department of Pollution Control and Ecology, to Attorney, Office of Regional Counsel, EPA Region VI (re: status as independent legal counsel), December 31, 1981;

(5) Letter from General Counsel, Arkansas Oil and Gas Commission, to Acting Regional Counsel, EPA Region VI, "Re: Supplemental Addendum to Legal Statement—Underground Injection Control Program," January 13, 1982;

(6) Letter from Chief Counsel, Arkansas Department of Pollution Control and Ecology, to Acting Regional Counsel, EPA Region VI, "Re: Addendum to Legal Statement—Underground Injection Control Program," February 15, 1982;

(7) Letter from Chief Counsel, Arkansas Department of Pollution Control and Ecology, to Acting Regional Counsel, EPA Region VI, "Re: Addendum to Legal Statement—Underground Injection Control Program," May 13, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.201 State-administered program—Class II wells. [Reserved]

SUBPART F—CALIFORNIA

§ 147.250 State-administered program—Class II wells.

The UIC program for Class II wells in the State of California is the program administered by the California Division of Oil and Gas, approved by EPA pursuant to SDWA Section 1425. Notice of this approval was published in the Federal Register on February 11, 1983 (48 FR 6336); the effective date of this program is March 14, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of California. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) California Public Resources Code §§ 3000–3359 (West 1972 and Supp. 1984);

(2) California Administrative Code, title 14, §§ 1710–1724.10 (1980)

(b) The Memorandum of Agreement between EPA Region IX and the California Division of Oil and Gas, signed by the EPA Regional Administrator on September 29, 1982.

(c) *Statement of Legal Authority. (1) Letter from California Deputy Attorney General to the Administrator of EPA, "Re: Legal Authority of California Division of Oil and Gas to Carry Out Class II Injection Well Program," April 1, 1981;*

(2) Letter from California Deputy Attorney General to Chief of California Branch, EPA Region IX, "Re: California Application for Primacy, Class II UIC Program," December 3, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.251 EPA-administered program—Class I, III, IV and V wells.

(a) *Contents.* The UIC program for the State of California is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for California is: June 25, 1984.

§ 147.252 Aquifer exemptions. [Reserved]

§ 147.253 Existing Class I, II (Except Enhanced Recovery and Hydrocarbon Storage) and III Wells Authorized by Rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$Pm = (0.733 - 0.433\ Sg)d$

where

Pm = injection pressure at the well head in pounds per square inch
Sg = specific gravity of inject fluid (unitless)
d = injection depth in feet.

Subpart G—Colorado

§ 147.300 State-administered program. [Reserved]

§ 147.301 EPA-administered program—Class I, III, IV, and V wells.

The UIC program in the State of Colorado for Class I, III, IV, and V wells, and for Class II wells on all Indian lands other than those of the Ute Mountain Reservation, is administered by EPA.

(a) *Contents.* This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC Program for Colorado is: June 25, 1984.

§147.302 Aquifer exemptions.

(a) This section identifies any aquifers of their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions according to applicable procedures without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) For all aquifers into which existing Class II wells are injecting, those portions within a ¼ mile radius of the well are exempted for the purpose of Class II injection activities only.

§147.303 Existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of §144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for wellhead pressure calculated by using the following formula;

$Pm = (0.733 - 0.433\ Sg)d$

where:

Pm = injection pressure at the wellhead in pounds per square inch
Sg = specific gravity of injected fluid (unitless)
d = injection depth in feet.

§147.304 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of § 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirements of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this Chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressures based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs(b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistent to deterioration from formation and injection fluids; and

(iii) In quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

§ 147.305 Requirements for all wells.

(a) The owner or operator converting an existing well to an injection well shall check the condition of the casing with one of the following logging tools:

(1) A Pipe analysis log; or

(2) A Caliper log.

(b) The owner or operator of a new injection well cased with plastic (PVC, ABS, and others) casings shall:

(1) Not construct a well deeper than 500 feet;

(2) Use cement and additives compatible with such casing material;

(3) Cement the annular space above the injection interval from the bottom of the blank casing to the surface.

(c) The owner or operator of a newly drilled well shall install centralizers as directed by the Regional Administrator.

(d) The owner or operator shall as required by the Regional Administrator:

(1) Protect USDWs by:

(i) Setting surface casing 50 feet below the base of the lowermost USDW;

(ii) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(iii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may approve alternate casing and cementing practices provided that the owner or operator demonstrates that such practices will adequately protect USDWs.

(e) *Area of review.* Notwithstanding the alternatives presented in §146.6 of this Chapter, the area of review shall be a fixed radius as described in §146.6(b) of this chapter.

(f) The applicant must give separate notice of intent to apply for a permit to each owner or tenant of the land within one-quarter mile of the site. The addresses of those to whom notice is given, and a description of how notice is given, shall be submitted with the permit application. The notice shall include:

(1) Name and address of applicant;

(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;

(3) EPA contact person; and

(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit. This requirement may be waived by the Regional Administrator when he determines that individual notice to all land owners and tenants would be impractical.

Subpart H—Connecticut

§§ 147.350–147.359 [Reserved]

Subpart I—Delaware

§§ 147.400–147.449 [Reserved]

Subpart J—District of Columbia

§ 147.450 State-administered program. [Reserved]

§ 147.451 EPA-administered program.

(a) *Contents.* The UIC program for the District of Columbia is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for the District of Columbia is: June 25, 1984.

§ 147.452 Aquifer exemptions. [Reserved]

Subpart K—Florida

§ 147.500 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Florida is the program administered by the Florida Department of Environmental Regulation, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on February 7, 1983 (48 FR 5556); the effective date of this program is March 9, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Florida. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Florida Air and Water Pollution Control Act, Florida Statutes Annotated §§ 403.011–403.90 (1973 and Supp. 1983);

(2) Chapters 17–28, Underground Injection Control, Florida Administrative Code §§ 17–28.11 through 17–28.64 (Supp. 1982).

(b) *Other Laws.* The following statutes and regulations although not incorporated by reference, also are part of the approved State-administered program:

(1) Administrative Procedures Act, Florida Statutes Chapter 120;

(2) Florida Administrative Code, Chapter 17–1 (1982) (Administrative Procedures Act);

(3) Florida Administrative Code, Chapter 17–3 (1982) (Water Quality Standards);

(4) Florida Administrative Code, Chapter 17–4 (1982) (Permits);

(5) Florida Administrative Code, Chapter 28–5 (1982) (Decisions Determining Substantial Interests);

(6) Florida Administrative Code, Chapter 28–6 (1982) (Licensing);

(c) The Memorandum of Agreement between EPA Region IV and the Florida Department of Environmental

Regulation, signed by the EPA Regional Administrator on March 31, 1983.

(d) *Statement of Legal Authority.* (1) "Statement of Legal Authority for Implementation of Underground Injection Control Program" and accompanying certifications, signed by General Counsel for the Florida Department of Environmental Regulation, January 14, 1982;

(2) "Addendum to Statement of Legal Authority for Implementation of Underground Injection Control Program" and accompanying certifications, signed by Acting General Counsel for the Florida Department of Environmental Regulation, September 20, 1982.

(e) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

§ 147.501 State-administered program—Class II wells. [Reserved]

Subpart L—Georgia

§§ 147.550–147.559 [Reserved]

Subpart M—Hawaii

§§ 147.600–147.649 [Reserved]

Subpart N—Idaho

§ 147.650 State-administered program. [Reserved]

§ 147.651 EPA-administered program.

(a) *Contents.* The UIC program for the State of Idaho is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Idaho is: June 11, 1984.

§ 147.652 Aquifer exemptions. [Reserved]

Subpart O—Illinois

§ 147.700 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Illinois is the program administered by the Illinois Environmental Protection Agency, approved by EPA pursuant to Section 1422 of the SDWA. Notice of the approval was published in the **Federal Register** on February 1, 1984 (49 FR 3991); the effective date of this program is March 3, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the state statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Illinois. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Illinois Environmental Protection Act, Illinois ch. 111½, §§ 1001–1051 (Smith-Hurd 1977 Revised Statutes and Supp. 1983), as amended by Public Act No. 83–431, 1983 Illinois Legislative Service, pages 2910–2916 (West);

(2) Illinois Pollution Control Board Rules and Regulations at Title 35, Illinois Administrative Code, Chapter I, Part 700, Outline of Waste Disposal Regulations; Part 702, RCRA and UIC Permit Programs; Part 704, UIC Permit Program; Part 705, Procedures for Permit Issuance and Part 730, Underground Injection Control Operating Requirements as amended by IPCB Order No. R–83039 on December 15, 1983.

(b) The Memorandum of Agreement between EPA Region V and the Illinois Environmental Protection Agency, signed by the EPA Regional Administrator on March 22, 1984.

(c) *Statement of Legal Authority.* Letter from Illinois Attorney General to Regional Administrator, EPA Region V, and attached statement, December 16, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.701 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Illinois is the program administered by the Illinois Department of Mines and Minerals, approved by EPA pursuant to Section 1425 of the SDWA for the State of Illinois. Notice of the approval was published in the **Federal Register** on February 1, 1984 (49 FR 3990); the effective date of this program is March 3, 1984. This program consists of the following elements, as submitted to EPA in the state's program application:

(a) *Incorporation by reference.* The requirements set forth in the State Statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Illinois. This incorporation by reference was approved by the Director of the **Federal Register** on June 25, 1984.

(1) Conservation of Oil and Gas, etc., Illinois Revised Statutes ch. 96½, §§ 5401–5457 (Smith-Hurd 1979 and Supp. 1983), as amended by Public Act No. 83–1074 1983 Illinois Legislative Service pages 7183–7185 (West);

(2) Illinois Environmental Protection Act, Illinois Revised Statutes ch. 111½, §§ 1001–1051 (Smith-Hurd 1977 and Supp. 1983), as amended by Public Act No. 83–431, 1983 Illinois Legislative Services pages 2910–2916 (West);

(3) Illinois Revised Statutes ch. 100½, §§ 26 (Smith-Hurd Supp. 1983);

(4) Illinois Department of Mines and Minerals Regulations for the Oil and Gas Division, Rules I, II, IIA, III, V, VII, and IX (1981).

(b) The Memorandum of Agreement between EPA Region V and the Illinois Department of Mines and Minerals, signed by the EPA Regional Administrator on March 22, 1984.

(c) *Statement of Legal Authority.* "Certification of Legal Authority," signed by State Attorney, Richland County, Illinois, May 5, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart P—Indiana

§ 147.750 State-administered program. [Reserved]

§ 147.751 EPA-administered program.

(a) *Contents.* The UIC program for the State of Indiana is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Indiana is: June 25, 1984.

§ 147.752 Aquifer exemptions. [Reserved]

§ 147.753 Existing Class I, II (Except Enhanced Recovery and Hydrocarbon Storage) and III Wells Authorized by Rule

Maximum injection pressure. The owner or operator shall limit injection pressure to the lessor of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.800 - 0.433\ Sg)d$$

where:

Pm = injection pressure at the wellhead in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

§ 147.754 Existing Class II Enhanced Recovery and Hydrocarbon Storage Wells Authorized by Rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (i) above for the field or formation in which he is operating, provided he submits a request in writing to the Regional Administrator and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirements of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b)(1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

§ 147.755 Requirements for all wells.

(a) *Area of review.* Notwithstanding the alternatives presented in § 146.6 of this Chapter, the area of review for Class II wells shall be a fixed radius as described in § 146.6(b) of this chapter.

(b) *Tubing and packer.* The owner or operator of an injection well injecting salt water for disposal shall inject through tubing and packer. The owner or operator of an existing well must comply with this requirement within one year of the effective date of this program.

Subpart Q—Iowa

§ 147.800 State-administered program. [Reserved]

§ 147.801 EPA-administered program.

(a) *Contents.* The UIC program for the State of Iowa is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Iowa is: June 25, 1984.

§ 147.802 Aquifer exemptions. [Reserved]

Subpart R—Kansas

§ 147.850 State-administered program—Classes I, III, IV, and V wells.

The UIC program for Classes I, III, IV, and V wells in the State of Kansas is the program administered by the Kansas Department of Health and Environment, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on December 2, 1983 (48 FR 54350); the effective date of this program is December 2, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Kansas. This incorporation by reference was approved by the Director of the Federal Register on June 25,1 1984.

(1) Chapter 28, Article 46, Underground Injection Control Regulations, Kansas Administrative Regulations §§ 28–46–1 through 28–46–42 (Supp. 1982), as amended May 1, 1983 (approved by the Attorney General 12–14–82), as amended (approved by the Attorney General 7–20–83);

(2) Chapter 28, Article 43, Construction, operation, monitoring and abandonment of salt solution mining wells, Kansas Administrative Regulations §§ 28–43–1 through 28–43–10 (Supp. 1982);

(3) Kansas Statutes Annotated §§ 65–161, 65–164 through 65–166a, 65–171d (1980 and Supp. 1983).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Kansas Statutes Annotated §§ 65–161 through 65–171w (1980 and Supp. 1983).

(c)(1) The Memorandum of Agreement between EPA Region VII and the Kansas Department of Health and Environment, signed by the EPA Regional Administrator on July 29, 1983;

(2) Addendum No. 1 of the Memorandum of Agreement, signed by the EPA Regional Administrator on August 29, 1983.

(d) *Statement of Legal Authority.* (1) "Statement of Attorney General," signed by Attorney General of the State of Kansas, November 25, 1981;

(2) "Supplemental Statement of the Attorney General," signed by Attorney General of the State of Kansas, undated (one page).

(e) The Program Description and any other materials submitted as part of the application or supplements thereto.

§ 147.851 State-administered program—Class II wells.

The UIC for Class II wells in the State of Kansas is the program administered by the Kansas Corporation Commission and the Kansas Department of Health and Environment, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the Federal Register on February 8, 1984 (49 FR 4735); the effective date of this program is February 8, 1984. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Kansas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Kansas Statutes Annotated, Chapter 55, Articles 1, 9, and 10 (1976 and Supp. 1982);

(2) Kansas Administrative Regulations §§ 82–3–100 through 82–3–410 (effective May 1, 1983), as amended April 12, 1983 (effective July 26, 1983);

(3) Kansas Administrative Regulations, Chapter 28, Article 45, Construction, operations, monitoring and abandonment of hydrocarbon storage wells and well systems §§ 28–45–1 through 28–45–10 (Supp. 1982).

(b)(1) The Memorandum of Agreement between EPA Region VII and the Kansas Corporation Commission and the Kansas Department of Health and Environment, dated January 5, 1983;

(2) Addendum No. 1 of the Memorandum of Agreement, dated June 14, 1983;

(3) Addendum No. 2 of the Memorandum of Agreement, dated December 13, 1983.

(c) *Statement of Legal Authority.* "Class II Wells: Statement of Legal Authority," signed by General Counsel, Kansas Corporation Commission, December 13, 1983.

(d) The Program Description and any other materials submitted as part of the application or supplements thereto.

Subpart S—Kentucky

§ 147.900 State-administered program. [Reserved]

§ 147.901 EPA-administered program.

(a) *Contents.* The UIC program for the Commonwealth of Kentucky is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Kentucky is: June 25, 1984.

§ 147.902 Aquifer exemptions. [Reserved]

§ 147.903 Existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable or;

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch
Sg = specific gravity of inject fluid (unitless)
d = injection depth in feet.

§ 147.904 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between and the casing the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

§ 147.905 Requirements for all wells—area of review.

Notwithstanding the alternatives presented in § 146.6 of this Chapter, the area of review shall be a minimum fixed radius as described in § 146.6(b) of this chapter.

Subpart T—Louisiana

§ 149.950 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the State of Louisiana is

the program administered by the Louisiana Department of Natural Resources, approved by EPA pursuant to Sections 1422 and 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on April 23, 1982 (47 FR 17487); the effective date of this program is March 23, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Louisiana. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Louisiana Revised Statutes Annotated §§ 30:1–30:24 (1975 and Supp. 1982);

(2) Underground Injection Control Program Regulations for Class I, III, IV and V Wells, Statewide Order No. 29–N–1 (January 13, 1982);

(3)(i) Statewide Order Governing the Drilling for and Producing of Oil and Gas in the State of Louisiana, Statewide Order No. 29–B (August 26, 1974) (Composite Order Incorporating Amendments through March 1, 1974);

(ii) Amendments to Statewide Order No. 29–B (Off-site Disposal of Drilling Mud and Salt Water Generated from Drilling and Production of Oil and Gas Wells) (effective July 20, 1980);

(iii) Amendment to Statewide Order No. 29–B (Amendment concerning the use of Tables 5A and 6A, etc.) (December 15, 1980, effective January 1, 1981);

(4) (i) Statewide Order adopting rules and regulations pertaining to the use of salt dome cavities (i.e., storage chambers) for storage of liquid and/or gaseous hydrocarbons, etc., Statewide Order No. 29–M (July 6, 1977, effective July 20, 1977);

(ii) Supplement to Statewide Order No. 29–M (October 2, 1978);

(iii) Second Supplement to Statewide Order No. 29–M (June 8, 1979).

(b) (1) The Memorandum of Agreement (Class I, III, IV and V wells) between EPA Region VI and the Louisiana Department of Natural Resources, Office of Conservation, signed by the EPA Regional Administrator on March 17, 1982;

(2) The Memorandum of Agreement (Class II wells) between EPA Region VI and the Louisiana Department of Natural Resources, Office of Conservation, signed by the EPA Regional Administrator on March 17, 1982.

(c) *Statement of Legal Authority.* (1) Letter from Attorney General of Louisiana to EPA, "Re: Louisiana Underground Injection Control Program Authorization for State of Louisiana" (Class I, III, IV and V Wells), January 13, 1982, (10 pages);

(2) Letter from Attorney General of Louisiana to EPA, "Re: Louisiana Underground Injection Control Program Authorization for State of Louisiana" (Class II Wells), January 13, 1982 (5 pages).

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart U—Maine

§ 147.1000 State-administered program.

The UIC program for Class I, II, III, IV and V wells in the State of Maine is the program administered by the Maine Department of Environmental Protection, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on August 25, 1983 (48 FR 38641); the effective date of this program is September 26, 1983. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Louisiana. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Maine Revised Statutes Annotated title 38, §§ 361–A, 363–B, 413, 414, 414–A, 420, and 1317–A (1978);

(2) Rules to Control the Subsurface Discharge of Pollutants by Well Injection, Rules of the Department of Environmental Protection, Chapter 543 (adopted June 22, 1983, effective July 4, 1983).

(b) The Memorandum of Agreement between EPA Region I and the Maine Department of Environmental Protection, signed by the EPA Regional Administrator on May 16, 1983.

(c) *Statement of Legal Authority.* Letter from Attorney General of Maine to EPA Regional Administrator, "Re: Attorney General's Statement: Maine Underground Injection Control Program Primacy Application," June 30, 1983.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart V—Maryland

§§ 147.1050–147.1099 [Reserved]

Subpart W—Massachusetts

§ 147.1100 State-administered program.

The UIC program for Class I, II, III, IV and V wells in the State of Massachusetts is the program administered by the Massachusetts Department of Environmental Quality Engineering, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on November 23, 1982 (47 FR 52705); the effective date of this program is December 23, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Massachusetts. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Massachusetts General Laws Annotated ch. 21, §§ 27, 43, and 44 (West 1981);

(2) Code of Massachusetts Regulations, title 310, §§ 23.01–23.11 as amended April 26, 1982.

(b) The Memorandum of Agreement between EPA Region I and the Massachusetts Department of Environmental Quality Engineering, signed by the EPA Regional Administrator on August 18, 1982.

(c) *Statement of Legal Authority.* "Underground Injection Control Program—Attorney General's Statement for Class I, II, III, IV and V Injection Wells," signed by Assistant Attorney General for Attorney General of Massachusetts, May 13, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart X—Michigan

§ 147.1150 State-administered program. [Reserved]

§ 147.1151 EPA-administered program.

(a) *Contents.* The UIC program for the State of Michigan is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Michigan is: June 25, 1984.

§ 147.1152 Aquifer exemptions. [Reserved]

§ 147.1153 Existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = [0.800 - 0.433\ Sg]d$$

where

Pm = injection pressure at the well head in pounds per square inch
Sg = specific gravity of injected fluid (unitless)
d = injection depth in feet.

§ 147.1154 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.*

(1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regonal Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year following the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage will may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)-(3) as needed to protect USDWs.

§ 147.1155 Requirements for all wells.

(a) *Area of Review.* Notwithstanding the alternatives presented in § 146.6 of this Chapter, the area of review for Class II wells shall be a fixed radius as described in § 146.6(b) of this chapter.

(b) *Tubing and packer.* The owner or operator of an injection well injecting salt water for disposal shall inject through tubing and packer. The owner of an existing well must comply with this requirement within one year of the effective date of this program.

Supbart Y—Minnesota

§ 147.1200 State-administered program. [Reserved]

§ 147.1201 EPA-administered program.

(a) *Contents.* The UIC program for the State of Minnesota is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Minnesota is: June 11, 1984.

§ 147.1202 Aquifer exemptions. [Reserved]

Subpart Z—Mississippi

§ 147.1250 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV and V wells in the State of Mississippi is the program administered by the Mississippi Department of Natural Resources, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on August 25, 1983 (48 FR 38641); the effective date of this program is September 26, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Mississippi. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Mississippi Air and Water Pollution Control Law, Mississippi Code Annotated §§ 49–17–1 through 49–17–29 (1972) and Supp. 1983);

(2) Mississippi Department of Natural Resources, Bureau of Pollution Control, Underground Injection Control Program Regulations (adopted February 11, 1982);

(3) Mississippi Department of Natural Resources, Bureau of Pollution Control, State of Mississippi Wastewater Permit Regulations for National Pollutant Discharge Elimination System (NPDES), Underground Injection Control (UIC), and State Operating Permits (adopted May 1, 1974; amended February 11, 1982).

(b) The Memorandum of Agreement between EPA Region IV and the Mississippi Department of Natural

Resources, signed by the EPA Regional Administrator on February 8, 1983.

(c) *Statement of Legal Authority.*

(1) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Executive Director, Mississippi Department of Natural Resources, "Re: Mississippi Department of Natural Resources, Bureau of Pollution Control, State Underground Injection Control (UIC) Program; Statement of the Attorney General of the State of Mississippi," December 3, 1981;

(2) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Executive Director, Mississippi Department of Natural Resources, "Re: Authority to Regulate and Take Samples from Underground Injection Systems," October 18, 1982;

(3) Letter from Attorney General of Mississippi (by Special Assistant Attorney General) to Regional Administrator, EPA Region IV, "Re: Public Participation in State Enforcement Actions, UIC Program," June 10, 1983.

(d) The Program Description and any other materials submitted as part of the application or supplements thereto.

§147.1251 State-administered program—Class II wells. [Reserved]

Subpart AA—Missouri

§ 147.1300 State-administered program.

The UIC program for Class II wells in the State of Missouri is the program administered by the Missouri Department of Natural Resources, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on December 2, 1983 (48 FR 54349); the effective date of this program is December 2, 1983). This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Missouri. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Vernon's Annotated Missouri Statutes §§ 259.010–259.240 (Supp. 1984);

(2) Missouri Code of State Regulations, title 10, division 50, Chapters 1 and 2 (§§ 50–1.010 through 50–2.120) (1982).

(b) The Memorandum of Agreement between EPA Region VII and the Missouri Department of Oil and Gas, signed by the EPA Regional Administrator on December 3, 1982.

(c) *Statement of Legal Authority. (1) Opinion Letter No. 63 and attached Memorandum Opinion, signed by Attorney General of Missouri, March 16, 1982;*

(2) Addendum to Opinion Letter No. 63 (1982), signed by Attorney General of Missouri, October 28, 1982.

(3) Opinion No. 127–83, signed by Attorney General of Missouri, July 11, 1983.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1301 EPA-administered program—Class I, III, IV, and V wells.

(a) *Contents.* The UIC program for the State of Missouri is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Missouri is: June 25, 1984.

§ 147.1302 Aquifer exemptions. [Reserved]

Subpart BB—Montana

§ 147.1350 State-administered program. [Reserved]

§ 147.1351 EPA-administered program.

(a) *Contents.* The UIC program for the State of Montana is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Montana is: June 25, 1984.

§ 147.1352 Aquifer exemptions.

Those portions of aquifers within one-quarter mile of existing Class II wells are exempted for the purpose of Class II injection activities only.

Note.—A complete listing of the exemptions and their location is available for review in the EPA Regional Office, 1860 Lincoln Street, Denver, Colorado. An updated list of exemptions will be maintained in the Regional Office.

§ 147.1353 Existing Class I, II (except enhanced recovery hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of inject fluid (unitless)

d = injection depth in feet.

§ 147.1354 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this Chapter.

(2) Prior to such time as the Regional Administrator established rules for maximum injection pressure based on data provided pursuant to paragraph (ii) below the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two

or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall when required by the Regional Administrator:

(1) Isolate all USDWs by placing cement between the outermost casing and the well bore as follows:

(i) If the injection well is east of the 108th meridian, cement the outermost casing from a point 50 feet into a major shale formation underlying the uppermost USDW to the surface. For the purpose of this paragraph, major shale formations are defined as the Bearpaw, Clagget, and Colorado formations.

(ii) If the injection well is west of the 108th meridian, cement the outermost casing to a depth of 1,000 feet, or to the base of the lowermost USDW in use as a source of drinking water whichever is deeper. The Regional Administrator may allow an owner or operator to cement to a lesser depth if he can demonstrate to the satisfaction of the Regional Administrator that no USDW will be affected by the injection facilities.

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deteriortion from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

§ 147.1355 Requirements for all wells.

(a) *Area of review.* Notwithstanding the alternatives presented in § 146.6 of this chapter, the area of review shall be a fixed radius as described in § 146.06(b) of this chapter.

(b) The applicant must give separate notice of intent to apply for a permit to each owner or tenant of the land within one-quarter mile of the site. This requirement may be waived by the Regional Administrator where individual notice to all land owners and tenants would be impractical. The addresses of those to whom notice is given, and a description of how notice was given, shall be submitted with the permit application. The notice shall include:

(1) Name and address of applicant;

(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;

(3) EPA contact person; and

(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit.

(c) Owners and operators on or within one-half mile of Indian lands shall provide notice as specified in paragraph (b) of this section, except that such notice shall be provided within a one-half mile radius of the site.

Subpart CC—Nebraska

§ 147.1400 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Nebraska is the program administered by the Nebraska Oil and Gas Conservation Commission, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on February 3, 1983 (48 FR 4777); the effective date of this program is February 3, 1983. This program consists of the following elements:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Nebraska. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Rules and Regulations of the Nebraska Oil and Gas Conservation Commission, Rules 1–6 (as published by the Commission, May 1981);

(2) Nebraska Revised Statutes §§ 57–903, 57–906 (Reissue 1978).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved state-administered program:

(1) Chapter 57, Oil and Gas Conservation, Nebraska Revised statutes §§ 57–901 through 57–922 (Reissue 1978).

(c) The Memorandum of Agreement between EPA Region VII and the Nebraska Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on July 12, 1982.

(d) *Statement of Legal Authority.* (1) "Nebraska Underground Injection Control Program, Attorney General's Statement for Class II Wells," signed by Assistant Attorney General for Attorney General of Nebraska, as submitted with "State of Nebraska Request for Administration of UIC Program," January 23, 1982;

(2) "Re: Nebraska Underground Injection Control Program, Addendum to Attorney General's Statement for Class II Wells," signed by Assistant Attorney General for Attorney General of Nebraska," undated.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1401 EPA-administered program—Class I, III, IV and V wells.

(a) *Contents.* The UIC program for the State of Nebraska is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Nebraska is: June 25, 1984.

§ 147.1402 Aquifer exemptions. [Reserved]

Subpart DD—Nevada

§ 147.1450 State-administered program. [Reserved]

§ 147.1451 EPA-administered program.

(a) *Contents.* The UIC program for the State of Nevada is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Nevada is: June 25, 1984.

§ 147.1452 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of

exemptions will be maintained in the Regional office.

(b) The following proven oil-bearing portions of the Railroad Valley aquifer in Nye County, Nevada, are exempted, in accordance with the provisions of §§ 144.7(b) and 146.4 of this chapter, for Class II injection activities only.

(1) One-quarter mile radius around the following wells in the Eagle Springs Field:

(i) John Lyddon #1, S35, T9N, R57E.

(ii) Draycutt Corporation #45, S36, T9N, R57#.

(2) One-quarter mile radius around the following wells in the Trap Spring Field.

(i) Northwest Exploration Co., Trap Spring #13, S26, T9N, R56E.

(ii) Northwest Exploration Co., Trap Spring #20X, S22, T9N, R56E.

(iii) Chadco Munson Ranch, #24–1, S24, T9N, R56E.

§ 147.1453 Existing Class I, II (Except Enhanced Recovery and Hydrocarbon Storage) and III Wells Authorized by Rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the wellhead in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

§ 147.1454 Existing Class II Enhanced Recovery and Hydrocarbon Storage Wells Authorized by Rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year following the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (1)–(3) as needed to protect USDWs.

Subpart EE—New Hampshire

§ 147.1500 State-administered program.

The UIC program for Class I, II, III, IV and V wells in the State of New Hampshire is the program administered by the New Hampshire Water Supply and Pollution Control Commission, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the Federal Register on September 21, 1982 (47 FR 41561); the effective date of this program is October 21, 1982. This program consists of the following elements:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Hampshire. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) New Hampshire Revised Statutes Annotated § 149:8 III(a) (1978);

(2) New Hampshire Code of Administrative Rules, Part Wc 410 (Protection of Groundwaters of the State, §§ Ws 410.1 through Ws 410.16) (Issue Ws 3–82).

(b)(1) The Memorandum of Agreement between EPA Region I and the New Hampshire Water Supply and Pollution Control Commission, signed by the EPA Regional Administrator on August 23, 1982;

(2) Amendment No. 1 to the Memorandum of Agreement, signed by the EPA Regional Administrator on July 16, 1982.

(c) *Statement of Legal Authority.* (1) Letter from Attorney General of New Hampshire to Regional Administrator, EPA Region I, "Re: Attorney General's Statement—Underground Injection Control Program," March 23, 1982;

(2) Letter from Attorney General of New Hampshire to Regional Administrator, EPA Region I, "Re: Attorney General's Statement—Underground Injection Control Program," July 1, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart FF—New Jersey

§ 147.1550 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the State of New Jersey is the program administered by the New Jersey Department of Environmental Protection, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the

Federal Register on July 15, 1983 (48 FR 32343); the effective date of this program is August 15, 1983. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Jersey. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Water Pollution Control Act, New Jersey Statutes Annotated §§58:10A–1 through 58:10A–14 (1982);

(2) Regulations Concerning the New Jersey Pollutant Discharge Elimination System, New Jersey Administrative Code §§ 7:14A–1.1 through –1.10 (subchapter 1), 7:14A–2.1 through 2.15 (subchapter 2), 7:14A–5.1 through –5.18 (subchapter 5), and 7:14A–10.13 (as published by the State of New Jersey Department of Environmental Protection, March 1981).

(b)(1) The Memorandum Agreement between EPA Region II and the New Jersey Department of Environmental Protection, signed by the EPA Regional Administrator on September 9, 1982;

(2) Letter from Commissioner, New Jersey Department of Environmental Protection, to Regional Administrator, EPA Region II, March 21, 1983.

(c) *Statement of Legal Authority.* (1) Letter from Attorney General of New Jersey (by Deputy Attorney General) to Commissioner, Department of Environmental Protection, "Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control," February 9, 1982;

(2) Letter from Attorney General of New Jersey (by Deputy Attorney General) to Commissioner, Department of Environmental Protection, "Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control," April 15, 1983 (six pages);

(3) Letter from Attorney General of New Jersey (by Assistant Attorney General) to Commissioner, Department of Environmental Protection, "Re: New Jersey Pollutant Discharge Elimination System—Underground Injection Control," April 15, 1983 (two pages).

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart GG—New Mexico

§ 147.1600 State-administered program—Class II wells.

The UCI program for Class II wells in the State of New Mexico is the program administered by the New Mexico Energy and Minerals Department, Oil Conservation Division, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on February 5, 1982 (47 FR 5412); the effective date of this program is March 7, 1982. This program consists of the following elements as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Mexico. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Oil and Gas Act, New Mexico Statutes Annotated §§ 70–2–1 through –36 (1978);

(2) *State of New Mexico Energy and Mineral Department, Oil Conservation Division—Rules and Regulations* (dated 10–1–78), §§ B–3, I–701 through I–708, M–1100 through M–1121.

(b)(1) The Memorandum of Agreement between EPA Region VI and the New Mexico Energy and Minerals Department, Oil Conservation Division, signed by the EPA Regional Administrator on December 10, 1981;

(2) Addendum No. 1 to the Memorandum of Agreement, signed by the EPA Regional Administrator on June 28, 1982;

(3) Addendum No. 2 to the Memorandum of Agreement, signed by the EPA Regional Administrator on November 18, 1982;

(4) Letter from Director, Oil Conservation Division, New Mexico Energy and Minerals Department, and Assistant Attorney General of New Mexico, to Regional Administrator, EPA Region VI, November 6, 1981.

(c) *Statement of Legal Authority.* "Statement of Legal Authority of the State of New Mexico by and through its Oil Conservation Division of the Energy and Mines Department to conduct an Underground Injection Control Program," signed by Assistant Attorney General and General Counsel to the Oil Conservation Division.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1601 State-administered program—Class I, III, IV and V wells.

The UIC program for Class I, III, IV and V injection wells in the State of New Mexico is the program administered by the New Mexico Water Quality Control Commission, the Environmental Improvement Division, and the Oil Conservation Division, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on July 11, 1983 (48 FR 31640); the effective date of this program is August 10, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of New Mexico. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) New Mexico Water Quality Control Commission Regulations (WQCC 82–1) §§ 1–100 through 5–300 (September 20, 1982).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Water Quality Act, New Mexico Statutes Annotated §§ 74–6–1 through 74–6–13 (1978 and Supp. 1982);

(2) Geothermal Resources Conservation Act, New Mexico Statutes Annotated §§ 71–5–1 through 71–5–24 (1978 and Supp. 1982);

(3) Surface Mining Act, New Mexico Statutes Annotated §§ 69–25A–1 through 69–25A–35 (1978 and Supp. 1980).

(c)(1) The Memorandum of Agreement between EPA Region VI and the New Mexico Water Quality Control Commission, the Environmental Improvement Division, and the Oil Conservation Division, signed by the EPA Regional Administrator on April 13, 1983;

(2) Letter from the Director, Environmental Improvement Division and the Director, Oil Conservation Division, to Regional Administrator, EPA Region IV, "Re: New Mexico Underground Injection Control Program—Clarification," February 10, 1983.

(d) *Statement of Legal Authority.* "Attorney General's Statement," signed by the Assistant Attorney General for the Environmental Improvement Division, the Assistant Attorney General

for Oil Conservation Division, and the Deputy Attorney General, Civil Division, Counsel for the Mining and Minerals Division, undated, submitted December 8, 1982.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart HH—New York

§147.1650 State-administered program. [Reserved]

§147.1651 EPA-administered program.

The UIC program for the State of New York is administered by EPA.

(a) *Contents.* The UIC program that applies to all injection activities in New York, except those on lands of the Seneca Indian Tribe, consists of the UIC program requirements in 40 CFR Parts 124, 144, and 146, and additional requirements set forth in §§ 147.1625–147.1655. Injection well owners and operators and EPA shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for New York that applies to all injection activities except those on lands of the Seneca Indian Tribe is: June 25, 1984.

(c) The UIC Program for injection activities on lands of the Seneca Indian Tribe is set forth in § 147.1660.

§147.1652 Aquifer exemptions.

(a) This section identifies any aquifer or their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) The following portions of aquifers are exempted in accordance with the provisions of §144.7(b) and § 146.4 of this Chapter for Class II injection activities only:

(1) The Bradford First, Second, and Third Sand Members and the Kane Sand Member in the Bradford Field in Cattaraugus County.

(2) The Chipmunk Oil field in Cattaraugus County.

§147.1653 Existing Class I, II (Except Enhanced Recovery and Hydrocarbon Storage) and III Wells Authorized by Rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch
Sg = specific gravity of inject fluid (unitless)
d = injection depth in feet.

§ 147.1654 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.*

(1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure, or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this program.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(iii) For wells as described in § 146.8(b)(3)(ii), installing a smaller diameter pipe inside the existing injection tubing and setting it on an appropriate packer; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 50 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b)(1)–(3) of this section as needed to protect USDWs.

§ 147.1655 Requirements for wells authorized by permit.

(a) The owner or operator of a Class I well authorized by permit shall install or shall ensure that the well has:

(1) Surface casing present;

(i) Extending from the surface to a depth at least 50 feet below the base of the lowermost USDW; and

(ii) Cemented back to the surface by recirculating the cement; and

(2) Long string casing and tubing;

(i) Extending to the injection zone; and

(ii) Cemented back to 50 feet above the base of the next largest casing string.

(b) The owner or operator of a new Class II well authorized by permit shall:

(1) Install surface casing from the surface to at least 50 feet below the base of the lowermost USDW.

(2) Cement the casing by recirculating to the surface or by using no less than 120% of the calculated annular volume.

(3) For new enhanced recovery wells, install tubing or long string casing extending to the injection zone.

(4) For new salt water disposal wells, install long string casing and tubing extending to the injection zone.

(5) Isolate any injection zone by placing sufficient cement to fill the calculated volume to a point 50 feet above the injection zone.

(c) The Regional Administrator may specify casing and cementing requirements other than those listed in paragraphs (a) and (b) of this section on a case by case basis as conditions of the permit.

§ 147.1660 EPA-administered program—Seneca Indian lands. [Reserved]

Subpart II—North Carolina

§§ 147.1700–147.1749 [Reserved]

Subpart JJ—North Dakota

§ 147.1750 State-administered program—Class II wells.

The UIC program for Class II wells in the State of North Dakota is the program administered by the North Dakota Industrial Commission, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on August 23, 1983 (48 FR 38237); the effective date of this program is September 24, 1983. This program consists of the following elements, as submitted to EPA in the State's program application.

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of North Dakota. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) North Dakota Century Code §§ 38–08–05 (Supp. 1983);

(2) North Dakota Administrative Code, Chapter 43–02–05 (Underground Injection Control, §§ 43–02–05–01 through –14 as published in *Statutes and Rules for the Conservation of Oil and Gas*, North Dakota Industrial Commission, January 1, 1983);

(b) The Memorandum of Agreement between EPA Region VIII and the North Dakota Industrial Commission, Oil and Gas Division, signed by the EPA Regional Administrator on June 16, 1983.

(c) *Statement of Legal Authority.* "Underground Injection Control Program Attorney General's Statement," as submitted with the North Dakota Underground Injection Control Program Primacy Application for Class II Injection Wells, transmitted by the Governor on July 15, 1982 (16 pages).

(d) The Program Description and other materials submitted as part of the application or as supplements thereto.

§ 147.1751 State-administered program—Class I, III, IV and V wells. [Reserved]

Subpart KK—Ohio

§ 147.1800 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Ohio is the program administered by the Ohio Department of Natural Resources, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on August 23, 1983 (48 FR 38238); the effective date of this program is September 22, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Ohio. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Ohio Revised Code Annotated, §§ 1509.01–1509.22 (Page 1978 and Supp. 1982);

(2) Rules of the Division of Oil and Gas, Ohio Administrative Code §§ 1501:91–01, through 1501: 9–11–13 (1983).

(b) The Memorandum of Agreement between EPA Region V and the Ohio Department of Natural Resources.

(c) *Statement of Legal Authority.* "Underground Injection Control Program—Attorney General's Statement," signed by the Assistant Attorney General, Chief, Environmental Law Section, for the Attorney General of Ohio, September 30, 1982.

(d) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1801 State-administered program—Class I, III, IV, and V wells. [Reserved]

Subpart LL—Oklahoma

§ 147.1850 State-administered program—Class I, III, IV, and V wells.

The UIC program for Class I, III, IV, and V wells in the State of Oklahoma is the program administered by the Oklahoma State Department of Health, approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published in the **Federal Register** on June 24, 1982 (47 FR 27273). The effective date of this program is July 24, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Oklahoma. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Oklahoma Statutes title 63 §§ 1–901, 1–903 (1981);

(2) Oklahoma Controlled Industrial Waste Disposal Act, Oklahoma Statute Annotated title 63 §§1–2002, 1–2014 (West Supp. 1983–1984);

(3) [Regulations] [Reserved]

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a), are also part of the approved State-administered UIC program:

(1) Oklahoma Open Meeting Act, Oklahoma Statutes title 25 §§ 301–314 (Supp. 1978);

(2) Oklahoma Statutes Annotated title 63 §§ 1–101 to 1–114, 1–901 to 1–911, 1–1601 *et seq.*, 1–1701, 1–2001 to 1–2014 (West 1973 and Supp. 1982);

(3) Oklahoma Statutes Annotated title 75 §§ 301–327 (West 1976 and Supp. 1982).

(c) (1) The Memorandum of Agreement between EPA Region VI and the Oklahoma State Department of Health, signed by the EPA Regional Administrator on April 13, 1982;

(2) Memorandum of Understanding between the Oklahoma State Department of Health and the Oklahoma Corporation Commission (OCC), signed by members of the OCC on February 12, 1982;

(3) Memorandum of Understanding between the Oklahoma State Department of Health and the Oklahoma Department of Mines (ODM), signed by the Deputy Chief Mine Inspector, ODM, on February 15, 1982.

(d) *Statement of Legal Authority.* Letter from Attorney General of Oklahoma to Commissioner of Health, Oklahoma State Department of Health, "Re: Statement and Memorandum of Law Concerning the Authority for the Oklahoma State Department of Health's Underground Injection Control Program," February 12, 1982.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

§ 147.1851 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Oklahoma is the program administered by the Oklahoma Corporation Commission, approved by EPA pursuant to SDWA Section 1425. Notice of this approval was published in the **Federal Register** on December 2, 1981 (46 FR 58588). This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* [Reserved]

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Oklahoma Statutes, title 17 §§51–53; title 52 §§ 86.1–86.5, 139–153, 243, 307–318.1 (1971).

(2) OCC–OGR Rules No. 1–101–3–303.

(c) (1) The Memorandum of Agreement between EPA Region VI and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on April 13, 1981;

(2) Letter from the Manager, Underground Injection Control, Oklahoma Corporation Commission, to EPA, June 18, 1981.

(d) *Statement of Legal Authority.* "Statement of Legal Authority of the Oklahoma Corporation Commission to Conduct an Underground Injection Control Program," (Part IV, pages 30–41 of "State of Oklahoma Primacy Application for Authority to Regulate Class II Injection Wells," submitted April 14, 1981), signed by the Conservation Attorney, Counsel to the Director and the Oklahoma Corporation Commission.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart MM—Oregon

§§ 147.1900–147.1949 [Reserved]

Subpart NN—Pennsylvania

§ 147.1950 State-administered program. [Reserved]

§ 147.1951 EPA-administered program.

(a) *Contents.* The UIC program for the State of Pennsylvania is administered by EPA. (This program consists of the UIC program requirements for 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.)

(b) *Effective date.* The effective date of the UIC program for Pennsylvania is: June 25, 1984.

§ 147.1952 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) Those portions of the following oil bearing aquifers, which would otherwise meet the definition of a USDW, are exempted in accordance with the provisions of §§ 144.7(b) and 146.4 of this Chapter for Class II enhanced recovery injection activities only.

(1) The Sugar Run and Bradford series of oil producing sands of the Bradford Field, in McKean County; including the Bradford, West Branch, Stack, Bennett Brook, Marilla Brook, Brooder Hollow, Cyclone, Minard Run, Minard Run School, and Sugar Run (or Watsonville) Pools.

(2) The Bradford Third oil producing sand of the Guffey Field in McKean County.

(3) The Bradford series of oil producing sands of the Lewis Run Field in McKean County.

(4) The Bradford series of oil producing sands of the Windfall Field and Kings Run Pool in McKean County.

(5) The Red Valley member of the Second Sand formation of the Venango Group of oil producing sands in the Foster-Reno Field in Venango County; including the Foster, Bully Hill, Victory, Bredinsburg, Egypt Corners, Reno, Monarch Park and Seneca Pools.

(6) The Glade and Clarendon oil producing sands of the Morrison Run Field and Elk Run Pool in Warren County.

(7) The Clarendon and Glade oil producing sands of the Clarendon Field in Warren County.

(8) The Bradford Third oil producing sand in the Shinglehouse Field, including the Kings Run, Janders Run and Ceres Pools in Potter and McKean Counties.

§ 147.1953 Existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3)(i) or (ii) as applicable or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of injection fluid (unitless)

d = injection depth in feet.

§ 147.1954 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph(a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph(a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The information shall be submitted to the Regional Administrator within one year of the effective date of this regulation.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(iii) For wells as described in § 146.8(b)(3)(ii), installing a smaller diameter pipe inside the existing injection tubing and setting it on an appropriate packer; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 50 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraphs (b)(1)–(3) of this section as needed to protect USDWs.

§ 147.1955 Requirements for wells authorized by permit.

(a) The owner or operator of a Class I well authorized by permit shall install or shall ensure that the well has:

(1) Surface casing present;

(i) Extending from the surface to a depth at least 50 feet below the base of the lowermost USDW; and

(ii) Cemented back to the surface by recirculating the cement; and

(2) Long string casing and tubing;

(i) Extending to the injection zone; and

(ii) Cemented back to 50 feet above the base of the next largest casing string.

(b) The owner or operator of a new Class II well authorized by permit shall:

(1) Install surface casing from the surface to at least 50 feet below the base of the lowermost USDW.

(2) Cement the casing by recirculating to the surface or by using no less than 120% of the calculated annular volume.

(3) For new enhanced recovery wells, install tubing or long string casing extending to the injection zone.

(4) For new salt water disposal wells, install long string casing and tubing extending to the injection zone.

(5) Isolate any injection zone by placing sufficient cement to fill the calculated volume to a point 50 feet above the injection zone.

(c) The Regional Administrator may specify casing and cementing requirements other than those listed in paragraph (a) and (b) of this section on a case by case basis as conditions of the prmit.

Subpart OO—Rhode Island

§§ 147.2000–147.2049 [Reserved]

Subpart PP—South Carolina

§§ 147.2050–147.2099 [Reserved]

Subpart QQ—South Dakota

§§ 147.2100–147.2149 [Reserved]

Subpart RR—Tennessee

§ 147.2150 State-administered program. [Reserved]

§ 147.2151 EPA-administered program.

(a) *Contents.* The UIC program for the State of Tennessee is administered by EPA. (This program consists of the UIC program requirements for 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.)

(b) *Effective date.* The effective date of the UIC program for Tennessee is: June 25, 1984.

§147.2152 Aquifer exemptions. [Reserved]

§ 147.2153 existing class I, II (except enhanced recovery and hydrocarbon storage) and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3) (i) or (ii) as applicable or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.600 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of inject fluid (unitless)

d = injection depth in feet.

§ 147.2154 Existing class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of §§ 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating, provided he submits a request in writing to the Regional Administrator and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of §§ 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this Chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within one year of the effective date of this regulation.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall comply with paragraphs (b) (1) through (4) of this section, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may specify other requirements in addition to or in lieu of the requirements set forth in paragraph (1)–(3) as needed to protect USDWs.

§ 147.2155 Requirements for all wells—area of review.

Notwithstanding the alternatives presented in § 146.6 of this Chapter, the area of review shall be a minimum fixed radius as described in § 146.6(b) of this Chapter.

Subpart SS—Texas

§ 147.2200 State-administered program—Class I, III, IV, and V wells.

Requirements for Class I, III, IV, and V wells. The UIC program for Class I, III, IV, and V wells in the State of Texas is the State-administered program approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published on January 6, 1982 (47 FR 618); the effective date of this program is February 7, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code §§ 27.002, 27.011 (Vernon Supp. 1984);

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a), are also part of the approved State-administered UIC program:

(1) Texas Water Code Annotated, Chapter 5 (Vernon 1972 and Supp. 1982);

(2) Injection Well Act, Texas Water Code Annotated, Chapter 27 (Vernon 1972 and Supp. 1982);

(3) Rules of Texas Department of Water Resources, Chapter 27; Rules of Texas Water Development Board, Chapter 22.

(c) The Memorandum of Agreement between EPA Region VI and the Texas Department of Water Resources, signed by the EPA Regional Administrator on October 11, 1981.

(d) *Statement of Legal Authority.* "Underground Injection Control Program—Attorney General's Statement for Class I, III, IV, and V Injection Wells," signed by the Attorney General of Texas, June 11, 1981.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

(f) Certain Class V wells are under the UIC program of the Texas Railroad Commission approved on April 23, 1982, under the authorities cited in § 147.2201 below.

§ 147.2201 State-administered program—Class II wells

The UIC program for Class II wells in the State of Texas is the program administered by the Railroad Commission of Texas, approved by EPA pursuant to SDWA Section 1425. Notice of this approval was published in the **Federal Register** on April 23, 1982 (47 FR 17488). The effective date of this program was May 23, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Texas. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Injection Well Act, Texas Water Code Annotated §§ 27.031 and 27.033 (Vernon Supp. 1984);

(2) Texas Natural Resources Code Annotated §§ 85.041, 85.045, 85.046 and 85.052 (Vernon 1978 and Supp. 1982);

(3) Rules Having Statewide General Application to Oil, Gas, and Geothermal Resource Operations, §§ .051.02.02.000 to .051.02.02.080 (Railroad Commission of Texas, Oil and Gas Division, Revised 12–22–81), amended as follows:

(i) Amendment to 16 TAC § 3.9 (§ .051.02.02.009) issued December 21, 1981, effective April 1, 1982;

(ii) Amendment to 16 TAC § 3.46 (§ .051.02.02.046) issued December 21, 1981, effective April 1, 1982.

(iii) Amendment to 16 TAC § 3.71 (§ .051.02.02.074) issued December 21, 1981, effective April 1, 1982.

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered UIC program:

(1) Texas Water Code, Chapters 26, 27 and 29 (Vernon 1972 and Supp. 1982);

(2) Texas Natural Resources Code, Chapters 81, 85–89, 91 and 141 (Vernon 1978 and Supp. 1982);

(3) General Rules of Practice and Procedure, Subchapters A–J (Railroad Commission of Texas, adopted November 24, 1975, revised December 1980).

(c)(1) The Memorandum of Agreement between EPA Region VI and the Railroad Commission of Texas, signed by the EPA Regional Administrator on March 24, 1982.

(2) Letter from Director of Underground Injection Control, Railroad Commission of Texas, to Chief, Ground Water Protection Section, EPA Region VI, "Re: Letter of Clarification—UIC Program Application," March 21, 1982.

(d) *Statement of Legal Authority.* "Statement of Legal Authority of the Railroad Commission of Texas to conduct the Underground Injection Control Program," signed by Special Counsel, Railroad Commission of Texas, as submitted with "State of Texas Underground Injection Control Program Application for Primacy Enforcement Authority," prepared by the Railroad Commission of Texas, January 15, 1982.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart TT—UTAH

§ 147.2250 State-administered program—Class I, III, IV, and V wells.

The UIC programs for Class I, III, IV, and V wells in the State of Utah is the program administered by the Utah Department of Health, Division of Environmental Health, approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published in the **Federal Register** on January 9, 1983 (47 FR 2321). The effective date of this program is February 10, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by references.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by

reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Utah Pollution Control Act, Utah Code Annotated §§ 26–11–2, –8 and –10 (Supp. 1983);

(2) State of Utah Department of Health, Division of Environmental Health, Wastewater Disposal Regulations, Part VII: Underground Injection Control Program (adopted January 20, 1982) (Certified Official Copy signed by Chairman, Utah Water Pollution Control Committee).

(b) *Other laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a) of this section, are also part of the approved State-administered program:

(1) Utah Pollution Control Act, Utah Code Annotated §§ 26–11–1 to –20 (Supp. 1983).

(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Utah Department of Health, Division of Environmental Health, signed by the Regional Administrator on August 16, 1982.

(2) Letter from Director, Utah Department of Health, Division of Environmental Health, Bureau of Water Pollution Control, to EPA Region VIII, "Re: Underground Injection Control Program—Utah," March 15, 1982.

(d) *Statement of Legal Authority.* (1) "Underground Injection Control Program—Attorney General's Statement," signed by Attorney General, State of Utah, January, 1982;

(2) Letter from Assistant Attorney General of Utah to Chief, Drinking Water Branch, EPA Region VIII, June 18, 1982.

(e) The Program Description and any other materials submitted as part of the application or supplements thereto.

§ 147.2251 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Utah is the program administered by the Utah Department of Natural Resources, Division of Oil, Gas and Mining, approved by EPA pursuant to SDWA Section 1425. Notice of this approval was published in the **Federal Register** on October 8, 1982 (47 FR 44561); the effective date of this program is November 7, 1982. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Utah. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) General Rules and Regulations and Rules of Practice and Procedure, by Order of: Board of Oil, Gas and Mining (of the State of Utah) (amended to March 23, 1978), as amended by Cause No. 190–4, Rule I—Underground Injection Criteria and Standards (adopted May 27, 1982).

(b) *Other laws.* [Reserved]

(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Utah Department of Natural Resources, Division of Oil, Gas, and Mining and the Board of Oil, Gas and Mining, signed by the EPA Regional Administrator on July 19, 1983;

(2) Letter from Director, Division of Oil, Gas and Mining, Utah Department of Natural Resources and Energy, to Regional Administrator, EPA Region VIII, "Re: Aquifer Exemption Process," June 16, 1982;

(3) "Memorandum of Understanding" between Utah Department of Health and Utah Department of Natural Resources, dated March 5, 1981;

(4) "Second Addition to Agreement between the Department of Health and the Department of Natural Resources and Energy," dated December 15, 1981.

(d) *Statement of Legal Authority.* (1) Part III of "Primacy Application—Class II Underground Injection Wells," consisting of "Synopsis of Pertinent Statutes and Regulations," "Statement of Legal Authority," and "Certification by the Attorney General," by Assistant Attorney General, Department of Natural Resources and Energy, dated December 18, 1981;

(2) Letter from Assistant Attorney General, State of Utah, to EPA Region VIII, undated, received in the EPA Office of Regional Counsel June 10, 1982.

(e) The Program Description and any other materials submitted as part of the application or amendments thereto.

Subpart UU—Vermont

§§ 147.2300–147.2349 [Reserved]

Subpart VV—Virginia

§ 147.2350 State-administered program. [Reserved]

§ 147.2351 EPA-administered program.

(a) *Contents.* The UIC Program for the State of Virginia is administered by EPA. This program consists of the UIC program requirements for 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Virginia is: June 25, 1984.

§ 147.2352 Aquifer exemptions. [Reserved]

Subpart WW—Washington

§§ 147.2400–147.2449 [Reserved]

Subpart XX—West Virginia

§§ 147.2450–147.2499 [Reserved]

Subpart YY—Wisconsin

§ 147.2500 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the State of Wisconsin is the program administered by the Wisconsin Department of Natural Resources, approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published in the **Federal Register** on September 30, 1983 (48 FR 44783); the effective date of this program is November 30, 1983. This program consists of a prohibition of all injection wells except heat pump wells and may be found in the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirement set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wisconsin. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Wisconsin Statutes Annotated §§ 147.015, 147.02 and 147.04 (West 1974 and Supp. 1983);

(2) Chapter NR 112, Well Construction and Pump Installation, Wisconsin Administrative Code §§ NR 112.03 and 112.20 (1981), as amended by Natural Resources Board Order No. WQ–25–82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(3) Chapter NR 113, Servicing Septic Tanks, Seepage Pit, Grease Traps or Privies, Wisconsin Administrative Code §§ NR 113.07–113.08 (1979), as amended by Natural Resources Board Order No. WQ–25–82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(4) Chapter NR 181, Hazardous Waste Management, Wisconsin Administrative Code §§ NR 181.04 and 181.415 (1981);

(5) Chapter NR 210, Sewage Treatment Works, Wisconsin

Administrative Code § 210.05, created by Natural Resources Board Order No. WQ–25–82, approved by the Wisconsin Natural Resources Board on August 25, 1982;

(6) Chapter 214, Land Application and Disposal of Liquid Industrial Wastes and By-Products, Wisconsin Administrative Code §§ 214.03 and 214.08 (1983).

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a), are also part of the approved State-administered program:

(1) Chapter 144, Water, Sewage, Refuse, Mining and Air Pollution, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(2) Chapter 147, Pollution Discharge Elimination, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(3) Chapter 162, Pure Drinking Water, Wisconsin Statutes Annotated (West 1974 and Supp. 1983);

(4) Laws of 1981, Chapter 20, § 2038 (*re:* heat pump injection);

(5) Wisconsin Statutes § 803.09(1) (West 1977) (intervention as of right in civil actions).

(c) The Memorandum of Agreement between EPA Region V and the Wisconsin Department of Natural Resources, signed by the Regional Administrator on December 6, 1983.

(d) *Statement of Legal Authority.* (1) "Attorney General's Statement," signed by Attorney General, State of Wisconsin;

(2) Letter from Assistant Attorney General, State of Wisconsin, to EPA Region V, "Re: Amendments to Attorney General's Statement—UIC," June 30, 1983.

(e) The Program Description and any other materials submitted as part of the application or as supplements thereto.

Subpart ZZ—Wyoming

§ 147.2550 State-administered program—Class I, III, IV, and V Wells.

The UIC program for Class I, III, IV and V wells in the State of Wyoming is the program administered by the Wyoming Department of Environmental Quality, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on July 15, 1983 (48 FR 32344); the effective date of this program is August 17, 1983. The program consists of the following elements as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wyoming. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Wyoming Environmental Quality Act, Wyoming Statutes §§ 35–11–103, –301, –401, –405, –406, –408, –410, –415, –426 through –430 (1977 and Supp. 1983);

(2) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter III: Regulations for Permit to Construct, Install or Modify Public Facilities Capable or, (sic) Causing or Contributing to Pollution (certified copy, signed December 21, 1983);

(3) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter VIII: Quality Standards for Groundwaters of Wyoming (certified copy, signed April 9, 1980);

(4) Water Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter IX: Wyoming Groundwater Pollution Control Permit (certified copy, signed April 9, 1980);

(5) Land Quality Rules and Regulations, Wyoming Department of Environmental Quality, Chapter XXI: In-Situ Mining.

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference except for select sections identified in paragraph (a), are also part of the approved State-administered program:

(1) Wyoming Environmental Quality Act, Wyoming Statute §§ 35–11–101 through 35–11–1207 (1977 and Supp. 1983);

(2) Article 9, Underground Water, Wyoming Statutes §§ 41–3–901 through 41–3–938 (1977);

(3) Wyoming Administrative Procedure Act, Wyoming Statutes §§ 9–4–101 through 9–4–115 (1977).

(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Wyoming Department of Environmental Quality, signed by the EPA Regional Administrator on April 26, 1983.

(2) Letter from Regional Administrator, EPA Region VIII, to Governor of Wyoming, May 21, 1982, with Attachment (regarding aquifer exemptions);

(3) Letter from Governor of Wyoming to Regional Administrator, EPA Region VIII, "Re: Underground Injection Control (UIC) Program—Aquifer Exemption Issues," June 7, 1982;

(4) Letter from Regional Administrator, EPA Region VIII to Governor of Wyoming, "Re: Underground Injection Control (UIC) Program—Aquifer Exemption Issues," June 25, 1982;

(5) Letter from Director, Wyoming Department of Environmental Quality, to Acting Director, Water Management Division, EPA Region VIII, December 1, 1982.

(d) *Statement of Legal Authority.* (1) "Attorney General's Statement—Wyoming Statutory and Regulatory Authority for Assumption of the Underground Injection Control Program Pursuant to the Federal Safe Drinking Water Act," signed by Attorney General and Assistant Attorney General for the State of Wyoming, September 22, 1982;

(2) Letter from Attorney General for the State of Wyoming to Acting Regional Counsel, EPA Region VIII, "Re: Wyoming Assumption of the UIC Program—$36, Chapter IX, Wyoming Water Quality Rules and Regulations," November 24, 1982.

(e) The Program Description and any other materials submitted as part of the application or amendment thereto.

§ 147.2551 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Wyoming is the program administered by the Wyoming Oil and Gas Conservation Commission, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on November 23, 1982 (47 FR 52434); the effective date of this program is December 23, 1982. This program consists of the following elements as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Wyoming. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Rules and Regulations of the Wyoming Oil and Gas Conservation Commission, as amended by Cause No. 1, Order No. 29, Docket No. 222–81 (dated October 23, 1981), as amended by Correction Order, Cause No. 1, Order No. 29, Docket No. 222–81 (dated November 10, 1981).

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference, are also part of the approved State-administered program:

(1) Chapter 5, Oil and Gas, Wyoming Statutes Annotated §§ 30–5–101 through 30–5–126 (1977).

(c)(1) The Memorandum of Agreement between EPA, Region VIII and the Wyoming Oil and Gas Conservation Commission, signed by the EPA Regional Administrator on June 2, 1982.

(2) Amendment No. 1 to the

Memorandum of Agreement, dated December 22, 1982;

(3) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to Acting Director, Water Management Division, EPA, Region VIII, "Re: Application for Primacy in the Regulation of Class II Injection Wells," March 8, 1982;

(4) Letter from State Oil and Gas Supervisor, Wyoming Oil and Gas Conservation Commission, to EPA Region VIII, "Re: Regulation of Liquid Hydrocarbon Storage Wells Under the UIC Program," July 1, 1982;

(5) Memorandum of Agreement Between the Wyoming State Board of Control, State Engineer, Oil and Gas Conservation Commission, and the Department of Environmental Quality, dated October 14, 1981.

(d) *Statement of Legal Authority.* (1) "Statement of Legal Authority" and "State Review of Regulations and Statutes Relevant to the UIC Program—Class II Wells," signed by Special Assistant Attorney General for the State of Wyoming, as submitted with "Wyoming Oil and Gas Conservation Commission, Application for Primacy in the Regulation of Class II Injection Wells under Section 1425 of the Safe Drinking Water Act," November 1981;

(2) Letter from Special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, May 13, 1982;

(3) Letter from Special Assistant Attorney General for the State of Wyoming to Assistant Regional Counsel, EPA Region VIII, July 1, 1982.

(e) The Program Description and other material submitted as part of the application or amendments thereto.

Subpart AAA—Guam

§ 147.2600 State-administered program.

The UIC program for Class I, II, III, IV, and V wells in the territory of Guam is the program administered by the Guam Environmental Protection Agency, approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published in the **Federal Register** on May 2, 1983 (47 FR 19717); the effective date of this program is June 1, 1983. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the territory of Guam. This incorporation by reference was approved by the Director of the Federal Register on June 25, 1984.

(1) Water Resources Conservation Act, Government Code of Guam §§ 57021–57025, Pub. L. 9–31 (March 9, 1967), as amended by Pub. L. 9–76 (July 29, 1967), as amended by Pub. L. 12–191 (December 30, 1974);

(2) Water Pollution Control Act, Government Code of Guam §§ 57042 and 57045, Pub. L. 9–76 (July 29, 1967), as amended by Pub. L. 9–212 (August 5, 1968), as amended by Pub. L. 10–31 (March 10, 1969), as amended by Pub. L. 12–191 (December 30, 1974);

(3) Guam Environmental Protection Agency, Underground Injection Control Regulations, Chapters 1–9, as revised by amendments adopted September 24, 1982;

(4) Guam Environmental Protection Agency, Water Quality Standards, Section I–IV (approved September 25, 1981, effective November 16, 1981).

(b) *Other Laws.* The following statutes and regulations, although not incorporated by reference except for specific sections identified in paragraph (a), are also part of the approved State-administered program:

(1) Government Code of Guam, Title XXV, Chapters I–III (§§24000–24207);

(2) Government Code of Guam, Title LXI, Chapters I–III (§§57000–57051);

(3) Government Code of Guam, Title LXI, Chapters VI (§§57120–57142);

(4) Government Code of Guam, Title LXI, Chapters VIII (§§57170–57188);

(5) Government Code of Guam, Title LXI, Chapters XII (§§57285–57299);

(c) The Memorandum of Agreement between EPA, Region IX and the Guam Environmental Protection Agency signed by the Regional Administrator on January 14, 1983.

(d) *Statement of Legal Authority. (1) Letter from Attorney General of Guam to Regional Administrator, Region IX, "Re: Attorney General's Statement for Underground Injection Control Program (UIC), Ground Water Program Guidance #16" May 12, 1982;*

(2) Letter from Attorney General of Guam to Regional Administrator, Region IX, "Re: Additional comments to be incorporated into the May 12, 1982, Attorney General's Statement for Underground Injection Control Program," September 2, 1982.

(e) The Program Description and any other materials submitted as part of the application or amendments thereto.

Subpart BBB—Puerto Rico

§§ 147.2650–147–2699 [Reserved]

Subpart CCC—Virgin Islands

§§ 147.2700–147.2749 [Reserved]

Subpart DDD—American Samoa

§ 147.2750 State-administered program. [Reserved]

§ 147.2751 EPA-administered program.

(a) *Contents.* The UIC program for the State of American Samoa is administered by EPA. (This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of the subpart. Injection well owners and operators, and EPA, shall comply with these requirements).

(b) *Effective date.* The effective date of the UIC program for American Samoa is: June 25, 1984.

§ 147.2752 Aquifer exemptions. [Reserved]

Subpart EEE—Commonwealth of the Northern Mariana Islands

§ 147.2800 State-administered program. [Reserved]

§ 147.2801 EPA-administered program.

(a) *Contents.* The UIC program for the Commonwealth of the Northern Mariana Islands is administered by EPA. (This program consists of the UIC program requirements of 40 CFR Parts 124, 144, 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.)

(b) *Effective date.* The effective date of the UIC program for the Northern Mariana Islands is: June 25, 1984.

§ 147.2802 Aquifer exemptions. [Reserved]

Subpart FFF—Trust Territory of the Pacific Islands

§ 147.2850 State-administered program. [Reserved]

§ 147.2851 EPA-administered program.

(a) *Contents.* The UIC program for the Trust Territory of the Pacific Islands is administered by EPA. (This program consists of the UIC program requirements for 40 CFR Parts 124, 144, and 146 and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for the Trust Territory of the Pacific Islands is: June 25, 1984.

§ 147.2852 Aquifer exemptions. [Reserved]

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federal register

Friday
May 11, 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.

Arkansas:	
AR84–4090	Jan. 13, 1984.
AR84–4091	Do.
AR84–4092	Do.
AR84–4093	Do.
District of Columbia: DC84–3009	Apr. 6, 1984.
Louisiana:	
LA84–4008	Feb. 2, 1984.
LA84–4010	Mar. 9, 1984.
Michigan: MI82–2042	July 9, 1982.
Oregon: OR83–5100	Feb. 18, 1983.
Pennsylvania: PA83–3001	Aug. 19, 1983.
Wisconsin: WI83–2078	Oct. 7, 1983.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Iowa: IA83–4035 (IA84–4031)	May 13, 1983.
New Hampshire: NH83–3011 (NH84–3014).	Do.
Pennsylvania: PA82–3008 (PA84–3013)	Feb. 26, 1982.
Texas: TX83–4081 (TX84–4032)	Oct. 21, 1983.

Signed at Washington, D.C., this 4th day of May 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510–27–M

DECISION #AR84-4090-MOD#2 (49 FR 1844-January 13, 1984) Garland, Clark & Hot Spring Counties, Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$13.85	2.46
Power Equipment Operators:		
Group 1	14.55	1.40
Group 2	13.18	1.40
Group 3	12.56	1.40
Group 4	10.32	1.40

DECISION #AR84-4091-MOD#3 (49 FR 1845-January 13, 1984) Union and Ouachita Cos., Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators:		
Group 1	14.55	1.40
Group 2	13.18	1.40
Group 3	12.56	1.40
Group 4	10.32	1.40
Ironworkers: Ouachita County - excluding the Southeastern portion	13.85	2.46

DECISION #AR84-4092-MOD#1 (49 FR 1846-January 13, 1984) Sebastian, Crawford, and Washington Cos., Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Power Equipment Operators: Sebastian & Crawford Cos.		
Group 1	14.55	1.40
Group 2	13.18	1.40
Group 3	12.56	1.40
Group 4	10.32	1.40

DECISION #AR84-4093-MOD#3 (49 FR 1847-January 13, 1984) Pulaski and Jefferson Cos., Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	13.85	2.46
Bricklayers, Stonemasons	13.15	1.99
Power Equipment Operators:		
Group 1	14.55	1.40
Group 2	13.18	1.40
Group 3	12.58	1.40
Group 4	10.32	1.40

DECISION NO. DC84-3009-MOD. #2 (49 FR 13800-April 6,1984) DISTRICT OF COLUMBIA, MARYLAND-MONTGOMERY & PRINCE GEORGES COUNTIES, THE D.C. TRAINING SCHOOL, VIRGINIA-INDEPENDENT CITY OF ALEXANDRIA AND ARLINGTON AND FAIRFAX COUNTIES	Basic Hourly Rates	Fringe Benefits
DELETE:		
PLUMBERS: ALL AREAS MECHANICAL HELPER	8.04	1.47
STEAMFITTERS, REFRIGERATION & AIR CONDITIONING MECHANICS: ALL AREAS MECHANICAL HELPER	8.00	1.55
CHANGE:		
IRONWORKERS: STRUCTURAL, ORNAMENTAL, & CHAIN LINK FENCE	$15.11	2.855

DECISION NO. OR83-5100 - Mod #13 (48 FR 7379 - Feb. 18, 1983) Statewide Oregon	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
Area 4:		
Projects under $100,000:		
Electricians	$15.00	3%+2.-:
Cable Splicers	110%JR	3%+2.-:
Projects over $100,000:		
Electricians	18.00	3%+2.-:
Cable Splicers	110%JR	3%+2.-:
IRONWORKERS:		
Structural, Reinforcing, Ornamental, Riggers, Fence Erectors, Signal Men	18.04	4.15

DECISION #LA84-4008-MOD#3 (49 FR 6205-February 2, 1984) Calcasieu Par., La.	Basic Hourly Rates	Fringe Benefits
Omit all wage rates & classification definitions for power equipment operators		
ADD:		
Power Equipment Operators:		
Group 1	$13.36	2.50
Group 2	9.25	2.50
Group 3	13.61	2.50
Group 4	13.86	2.50
Group 5	14.11	2.50
Group 6	14.36	2.50
Group 7	14.86	2.50
Group 8	8.59	2.50

DECISION #LA84-4010-MOD.#4 (49 FR 9064-March 9,1984) Statewide, Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Truck Drivers Zone 5:		
Group 1	$10.89	1.20
Group 2	11.50	1.20
Group 3	11.55	1.20
Group 4	11.81	1.20
Omit all wage rates & classification definitions for Zone 5 Power Equipment Operators		
ADD:		
Power Equipment Op. Zone 5:		
Group 1	13.36	2.50
Group 2	9.25	2.50
Group 3	13.61	2.50
Group 4	13.86	2.50
Group 5	14.11	2.50
Group 6	14.36	2.50
Group 7	14.86	2.50
Group 8	8.59	2.50

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS as it applies to Decision Nos. LA84-4008 & LA84-4010

GROUP 1 - Crane, all types; derricks; deck winches (2); Hi-Ho & similar type equipment; three drum (or more) stabilizers; pulls, all types; concrete mixer 1 yd. & over; all pavers; ditching or trenching machines (track type); mechanics & equipment welders; wellpoint systems; hoist, 2 drums or more; hoist, 1 drum, 40 vertical ft. or more; scrapers; bulldozers, rubber-tired or track, other than farm-type; scoopmobiles; motor patrol; gradeall; rollers on hot mix; asphalt paving machines; front-end loaders, other than farm-type, one cubic yard or over; shovels & backhoes, all types, & equivalent equipment; piledriver operator; side-boom cats; boom trucks; bush hog; cableways; cherry pickers (all types); dredges; foundation drill locomotives (all types); motorized street sweepers (self-propelled); push cat; test pump (internal combustion engine powered)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEPINITIONS as it applies to Decision No. LA84-4008 & LA84-4010 (CONT'D)

GROUP 2 - 2 drum & single drum stabilizers;frontend loaders under 1 cubic yard; A-frame truck when handling steel or pipe;finishing machines (concrete);power subgraders;2 tractors (crawler type);1 drum hoist under 40 vertical ft.;fireman;concrete spreader;pugmill op.;bituminous distributor on surface treatment & equivalent equipment;bull floats & equivalent equipment;job greaseman;work boats,not requiring licensed ops.;inboard & outboard motored crew boats;concrete mixer under 1 yd.;spray curing machines;rollers on subgrade;1 air compressor over 125 cu. ft.;form graders;asphalt finisher screedman;pump over 4 inches;scale ops.;crusher ops.;concrete jointing machines;concrete saw;tack machines & equivalent equipment;pumpcrete;electric elevator (inside);oiler drivers;farm-type,rubber-tired tractor,with attachments,except backhoes;Kolur buff & similar equipment;fork lifts,10-ton capacity & under;mechanic helper, batch plant op.;oiler on crane using air to drive piles,fireman operating steam valve,unit ops.;fireman;mixers (1 sack under);oiler;oiler-compressor op.; oiler-driver on motor crane;oiler-fireman;pump (under 3" suction);scale op.; water blast pump;welding machine

GROUP 3 - Op. on crane 60 to 99 tons;crane w/boom 100 ft. to 149 ft.

GROUP 4 - Op. on crane 100 to 125 tons;crane w/boom 150 ft. to 224 ft.

GROUP 5 - Op. on crane 126 to 200 tons

GROUP 6 - Op. on crane 201 to 300 tons;crane w/boom 225 ft. to 299 ft.

GROUP 7 - Op. on crane over 300 tons;crane w/boom 300 ft. & over

GROUP 8 - Oiler

DECISION NO. PA83-3001 - MOD. #5 (48 FR 37805 - August 19, 1983)	Basic Hourly Rates	Fringe Benefits
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania		
CHANGE:		
CARPENTERS/PILEDRIVERMEN	12.27	2.50
LABORERS:		
Asphalt, tampers, concrete pitmen, puddlers & rubbers, Highway guardrail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen, & signalmen, leaser beam men (pipe laying, paving machine)	10.91	1.50
Pneumatic and Electric tool op. jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward, chain saws, pipelayers, asphalt rake, lute orscreed men, concrete block layers	11.11	1.50
Caisson-open air below 8 feet, cofferdam open air below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	11.46	1.50
Blasters	11.69	1.50
Reinforcing steel placers, bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	11.75	1.50
Concrete surfaces	12.13	1.50
FREE AIR TUNNELS AND ROCK SHAFTS		
Outside laborers in conjunction tunnesl & rock shafts	11.55	1.50
Chuck Tenders, Muckers, Nippers, Miners, & Drillers Helpers, Inside laborers	11.84	1.50
Miners, Drillers, Blasters, Pneumatic Shield Operators Lining, Spotting & Timers Workmen, Reinforcing Steel placer, Bonding, Aligning and Securing and Concrete Surfacers	12.32	1.50
POWER EQUIPMENT OPERATORS:		
Heavy Construction		
Zone II		
GROUP 1	16.52	26.6% +a
GROUP 2	16.23	26.6% +a
GROUP 3	15.17	26.6% +a
GROUP 4	14.52	26.6% +a
GROUP 5	13.26	26.6% +a
GROUP 6	12.36	26.6% +a
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION, AND WATER LINES CONSTRUCTION (OFF PLANT SITE)		
GROUP 1	14.26	26.6%
GROUP 2	13.42	26.6%
GROUP 3	12.92	26.6%
GROUP 4	12.48	26.6%
GROUP 5	11.93	26.6%
GROUP 6	14.50	26.6%
GROUP 6-A	14.75	26.6%
GROUP 6-B	15.00	26.6%

DECISION NO. PA83-3001

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
CLASS I		
Helper, stake body truck (single axle), dumpster	12.77	
CLASS II		
Dump Trucks, Tandem & Batch Trucks, Semi-Trailer, Agitator Mixer Truck, Ready Mix and Dumpcrete Type Vehicles, Asphalt Distributor when used for transportation Stake Body Truck Tandem	12.84	
CLASS III		
Euclid type, Off-Highway Equipment Back or Belly Dump Truck and Double Hitched Equipment, Stradle (Ross) Carrier, Lowbed Trailers	13.33	

DECISION NO. MI82-2042 - Mod #4
(48 FR 29976 - July 9, 1982)
Statewide, Michigan

Change Description of work to read: "Highway, Bridge, & Airport construction projects (excluive of Building); & Sewer construction Projects (exclusive of Buildings) when constructed in conjunction with highway construction."

DECISION NO. WI83-2078 - MOD. #4
(48 FR 45919 - October 7, 1983)
Columbia, Dane, Iowa and Sauk Counties, Wisconsin

CHANGE:

	Basic Hourly Rates	Fringe Benefits
SHEET METAL WORKERS:		
Sauk County Only	10.22	1.37
Columbia, Dane and Iowa Counties	17.06	2.75

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Pottawattamie
DECISION NO. IA84-4031 DATE: Date of Publication
Supersedes Decision No. IA83-4035, dated May 13, 1983 in 48 FR 21783
DESCRIPTION OF WORK: Building Projects in entire County (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.68	3.06
BOILERMAKERS	17.345	3.00
BRICKLAYERS & STONEMASONS	13.63	2.30
CARPENTERS:		
Carpenters	13.57	2.10
Piledrivermen	13.705	2.10
Millwrights	13.85	2.10
CEMENT MASONS	13.25	2.45
ELECTRICIANS	15.74	3.05+ 3-1/2%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.30	2.69 +a
Helpers	70%JR	2.69 +a
Helpers (Probationary)	50%JR	
GLAZIERS	14.73	2.39
IRONWORKERS	12.10	3.90
LABORERS:		
Common Laborers	10.41	2.80
Mason Tenders; Mortar Mixers; Buggymobile Ops.	10.585	2.80
Pipelayers	10.75	2.80
Plasterers' Tenders	10.795	2.80
LINE CONSTRUCTION:		
Group 1 - Lineman; all rigs setting assembled "H" fixtures, steel & concrete transmission structures	16.09	1.00+ 7-1/2% +b
Group 2 - Special equipment operations (hole digging machines, all tractors, transmission line pole hauling & setting equipment other than assembled "H" fixtures	13.35	1.00+ 7-1/2% +b
Group 3 - Blaster	12.87	100+ 7-1/2% +b
Group 4 - Groundman	10.46	1.00+ 7-1/2% +b
LINE CONSTRUCTION (CONT'D):		
Group 5 - Groundman, Truck Driver	10.62	1.00+ 7-1/2% +b
Group 6 - Pole Treating Truck Driver	10.30	1.00+ 7-1/2% +b
Group 7 - Pole Treating Specialist	12.39	1.00+ 7-1/2% +b
PAINTERS:		
Brush, paperhangers	10.60	.25
Highwork, spray, stage, structural steel	11.15	.25
PLASTERERS	15.42	1.43
PLUMBERS	14.60	3.30
POWER EQUIPMENT OPERATORS		
Group 1	13.98	2.25
Group 2	13.725	2.25
Group 3	12.03	2.25
Group 4	11.205	2.25
ROOFERS:		
Slate, tile	12.25	1.45
Composition	11.95	1.45
Helpers (handling roofing materials, erecting & dismantling scaffold for roofers & removing & cleaning up old roof	50%JR	1.45
SHEET METAL WORKERS	16.30	1.34
SPRINKLER FITTERS	16.47	3.23
STEAMFITTERS	17.94	2.20
TERRAZZO WORKERS, TILE SETTERS & MARBLE SETTERS	15.37	.85
TERRAZZO, TILE & MARBLE SETTERS FINISHERS	13.80	

FOOTNOTES:
a - Employer contributes 8% of basic hourly rate for over 5 years service & 6% basic hourly rate for Vacation Pay Credit; Seven Paid Holidays A thru G

b - Seven Paid Holiday A thru G

PAID HOLIDAYS:

A - New Year's Day; B - Memorial Day; C - Independence Day; D - Labor Day; E - Thanksgiving Day; F - the Friday after Thanksgiving Day; G - Christmas Day

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS:

Group 1 - Cranes, incl. those being used as backhoe, dragline, clamshell, etc., tower cranes; electric overhead cranes; truck cranes & cherry pickers 12-1/2 ton & over rated capacity; derricks; piledrivers & extractors; caisson rigs; sideboom & winch truck used for erection of structural steel & moving & setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen); mechanic

Group 2 - 1 & 2 drum hoists; air & electric tuggers (on power plants or setting steel or grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); sideboom & winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes & cherry pickers (under 12-1/2 ton); concrete mixers (1 yd. & over); ditching machines (8" & over); fork lifts (on steel erection & machinery moving or hoisting above one complete story); concrete pump; temporary hoist cage operated; second man on locomotive; vibrating concrete spreader (Gomaco, C-450 or equal); working boat (tug, tow, etc.); group greaser

Group 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with our without attachments; fork lifts (other than Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self-propelled tampers; air & electric tuggers (other than above); ditching machine under 8", pile threader; firemen (boiler)

Group 4 - Mechanical heaters; truck crane drivers; permanent elevators; air compressors (one or a combination of 400 cfm or more; pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; generator (75 KW & over); dewatering pump; boat used for personnel transport or as a safety boat

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: New Hampshire COUNTIES: Rockingham and Stafford
DECISION NUMBER NH84-3014 DATE: Date of Publication
Supersedes Decision No. NH83-3011 dated May 13, 1983, in 48 FR 21785
DESCRIPTION OF WORK: Heavy and Marine Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	18.06	3.82
BOILERMAKERS	18.16	3.441
BRICKLAYERS; CEMENT MASONS;	14.32	2.26
CARPENTERS:		
Area 1:		
Carpenters	16.01	4.00
Millwrights	16.90	4.25
Area 2:		
Carpenters	13.36	1.80
Piledrivers, Wharf and Dock Buildings and Millwrights	14.21	1.80
Area 3:		
Carpenters	13.36	1.80
Piledrivers, Dock Builders and Millwrights	14.21	1.80
ELECTRICIANS:		
Area 1	16.00	1.80+3%
Area 2	16.77	3.70+3%
Area 3	15.85	1.53+3%
Area 4	16.00	1.80+3%
IRONWORKERS:		
Structural, Ornamental and Reinforcing	16.23	3.19
LINE CONSTRUCTION:		
Linemen	13.50	2.15+3%+a
Equipment Operators & Cable Man	11.48	2.15+3%+a
Groundman	7.43	2.15+3%+a
Inexperience Groundman	6.08	2.15+3%+a
Driver Groundman (Material)	10.80	2.15+3%+a
Driver Groundman (Class I & II)	9.45	2.15+3%+a

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Area 1:		
New Construction:		
Brush and Taper	17.45	4.77
Sandblasting & Spray	18.45	4.77
Repaint Rate:		
Brush and Tapers	15.72	4.77
Sandblasting & Spray	16.72	4.77
Steel, new and Repaint Rates	20.50	4.77
Area 2:		
Commercial and Industrial	11.85	.26
Sandblasting & Spray	13.35	.26
Structural Steel	12.75	.26
Area 3:		
Commercial and Industrial	11.85	.26
Sandblasting, Spray and Tender	13.35	.26
Structural Steel	12.75	.26
PLUMBERS & STEAMFITTERS:		
Area 1	17.72	3.15
Area 2	17.05	4.72
Area 3	16.30	2.40
Area 4	16.30	2.40
SHEET METAL WORKERS	14.67	2.26
LABORERS:		
Heavy Construction:		
Rockingham (including the Townships of Auburn, Candia, Chester, Danville, Deerfield, Raymond, Sandown, Windham, Hempstead and Freemont and Strafford Counties):		
Group 1	8.25	2.80+b
Group 2	8.75	2.80+b
Group 3	9.00	2.80+b
Tunnel-Free Air Operation:		
Heavy Construction:		
Rockingham & Strafford Counties:		
Group 1	12.46	2.80+b
Group 2	12.68	2.80+b
Group 3	12.80	2.80+b
Group 4	13.23	2.80+b

DECISION NO. NH84-3014	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Heavy Construction:		
Class 1	18.41	3.68+c
Class 2	20.12	3.68+c
Class 3	18.29	3.68+c
Class 4	15.35	3.68+c
Class 5	16.75	3.68+c
Class 6	13.58	3.68+c
Class 7	14.43	3.68+c
Marine Construction:		
Class 1	18.41	3.68+c
Class 2	18.34	3.68+c
Class 3	18.29	3.68+c
Class 4	15.35	3.68+c
Class 5	16.75	3.68+c
Class 6	13.58	3.68+c
Class 7	14.43	3.68+c
Boom Length Including JIB:		
Over 150 Feet Addl.	.64	
" 185 " "	1.14	
" 210 " "	1.59	
" 250 " "	2.41	
" 295 " "	3.35	
TRUCK DRIVERS:		
Class 1	6.41	1.30+
Class 2	6.64	1.30+
Class 3	6.87	1.30+
Class 4	7.02	1.30+

FOOTNOTES:

a. Holidays: Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day provided employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holidays.

b. Holidays: Memorial Day, Independence Day; and Thanksgiving Day provided employee works the scheduled work days before and after each holiday.

c. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day; Veterans' Day; Patroit's Day; provided the employee has worked 3 days during the week in which the holidays fall and is available for work the day preceding the holiday.

d. Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; and Columbus Day, provided employee works 2 days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday.

DECISION NO. NH84-3014

AREA DESCRIPTIONS

CARPENTERS:
Area 1: Rockingham County (Township of Salem)
Area 2: Remainder of Rockingham County
Area 3: Stafford County

ELECTRICIANS:
Area 1: Rockingham County (Townships of Exeter, Greenland, Hamptonn Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottinghan, Rye, Seabrook, Strathan, South New Market and New Fields)
Area 2: Rockingham County (Townships of Kingston, Kensington, North Kingston, Hampstead, North Plainstow, Westville, Atkinson, North Salem and Salem)
Area 3: Remainder of Rockingham County
Area 4: Stafford County

PAINTERS:
Area 1: Rockingham County (Township of Salem)
Area 2: Remainder of Rockingham County
Area 3: Stafford County

PLUMBERS and STEAMFITTERS:
Area 1: Rockingham County (Townships of Plainstow, Atkinson, Danville, Hampstead, and Kingston)
Area 2: Rockingham County (Townships of Salem and Windham)
Area 3: Remainder of Rockingham County
Area 4: Stafford County

GROUP DESCRIPTIONS
LABORERS

Heavy Construction
Rockingham (Townships of Auburn, Candia, Chester, Deerfield, Derry, London Derry, Raymond, Sandown, Windham, Hempstead and Freemont) & Stafford Counties

Group 1: Laborers and Pipelayers

Group 2: Pneumatic Tool Operator, Drillers, Pavement Breakers, Electric Chipping Hammers, used for Laborers work

Group 3: Blasters and Powdermen

DECISION NO. NH84-3014

LABORERS (CONT'D)

Tunnel - Free Air Operation (Heavy Construction)
Rockingham County

Group 1: Change House Attendant

Group 2: Laborers Topside

Group 3: Miners Helpers, Tunnel Laborers, Shaft Laborers; All other Men

Group 4: Miners, Motormen, Mucking Machine Operators, Nozzlemen, Grout Men, Cable Tenders, Shaft and Tunnel Steel and Rod Men, Concrete Workers, Form Erectors, Form Movers and Strippers, Cage Tenders, and Bellmen

POWER EQUIPMENT OPERATORS
Heavy Construction

Class 1: Power Shovels, Cranes, Truck Cranes, Derrick, Pile Drivers, Trenching Machines, Mechanical Hoist, Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines; Elevating Graders, Shovels Dozers (when used for digging or loading), Front End Loaders (when used for digging or loading), Mucking Machines (when used as in Shafts and Tunnels), Shaft Hoists, Steam Engineers, Backhoe, Gradalls and Cableways

Class 2: Master Mechanics

Class 3: Grader, Scrapers, more than 21 yds., Struck and Tandem Scrapers, Bulldozers, Scrapers 21 yds., Struck or less, Grout Pumps, Portable Steam Boilers, Roller, Spreaders, Asphalt Pavers, Locomotive and Tampers Self-propelled or Tractor-drawn, Mechanics, Maintenance, Sonic or Vibratory Hammers

Class 4: Pumps (1-3 grouped), Compressors Welding Machine (2) (1-3 grouped) Generator, Lighting Plants, Heaters (power driven (105), Syphons, Pulsometers, Concrete Mixers, Values controlling Permanent Plant Air or Steam, Conveyors, Wellpoint System (operating and installing)

Class 5: Assistant Engineers (Firemen)

Class 6: Oilers (other than Truck Cranes and Gradalls)

Class 7: Oiler on Truck Cranes and Gradalls

DECISION NO. NH84-3014

POWER EQUIPMENT OPERATORS
Marine Construction

Class 1: Shovels, Cranes, Truck Cranes, Cherry Pickers, Derricks, Pile Drivers, two or more Drum Machines, Lighters, Derrick Boats, Trenching Machines, Mechanical Hoist Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Pumpcrete Machines, Elevating Graders, Shovel Dozers, Front End Loaders, Backgoes, Gradalls, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Fork Lifts, Timber Jacks, Concrete Batching and/or Mixing Plant, On Site, Crusher Plants, On Site Paving Concrete Mixers

Class 2: Swinger Engines

Class 3: Portable Steam Boilers, Portable Steam Generators, Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Concrete Pumps, Bulldozers, Tractors, York Rakes, Mulching Machines, Rollers, Spreaders, Tampers, Self-Propelled or Tractor Drawn, Asphalt Pavers, Concrete Mixers with Side Loaders, Mechanics-Maintenance, Cai Tracks, Ballast Regulators, Switch Tampers, Rail Anchor Machines, Tire Trucks (when operated by the employer on the job site)

Class 4: Pump(s) (1-3 grouped), Compressors, Welding Machine(s) (1-3 grouped) Heaters (Power Driven (1-5), Valves Controlling Permanent Plant Air or Steam, Wellpoint Systems, Augers-Powered by Independent Engines and attached to Pile Drivers, Hydraulic Saws, Generators, Lighting Plants, Syphons-Pulsometers, Concrete Mixers, Conveyors

Class 5: Assistant Engineers (Fireman)

Class 6: Oiler (Other than Truck Cranes and Gradalls)

Class 7: Oiler (on Truck Cranes and Gradalls)

TRUCK DRIVERS

Class 1: Two Axle Equipment

Class 2: Three Axle Equipment including Low Beds

Class 3: Special Earth Hauling Equipment other than Conventional type on the Road Truck and Semi-trailers, Trailer Dumps

Class 4: Off Highway

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTIES: BUCKS, CHESTER, DELWARE, MONTGOMERY & PHILADELPHIA

DECISION NO.: PA84-3013

DATE: Date of Publication

Supersedes Decision No.: PA82-3008, dated February 26, 1982 in 47 FR 8487.

DESCRIPTION OF WORK: Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	15.97	5.51+a
CEMENT MASONS	14.00	6.04
ELECTRICIANS:		
Philadelphia (only)	19.43	23%
IRONWORKERS:		
Structural & Ornamental Philadelphia (only)	16.75	6.30
Rigger, machinery mover Philadelphia (only)	17.95	3.45
Reinforcing	16.82	5.75
LABORERS:		
Group 1	13.00	3.90
Group 2	12.80	3.90
Group 3	12.70	3.90
Group 4	12.85	3.90
Group 5	12.60	3.90
Group 6	13.25	3.90
Group 7	13.10	3.90
Group 8	12.95	3.90
Tunnel Compressed Air:		
Laborers:		
Blasters, shield drivers	19.375	1.80
Miners, miner's bore driver	20.00	1.80
Brakemen, trackmen, miners, helpers, groutmen, iron men, maintenance man, pump men, electrician, cement finisher, carpenters, hydraulic men, monorail men, conveyor men, power carriers, pan men, powder carriers, pan men, riggers, lock tenders' helpers, nippers, derailed men, cablemen, hosemen, gravel men	17.955	1.80
Mucking machine operators	20.665	1.80
Laborers (Surface) per hour	9.75	1.80
Between Locks		
Lock tenders, motor men	18.80	1.80
All other men	17.955	1.80
Outside of Locks		
Outside lock tenders, gauge tenders	19.955	1.80
Outside lock tenders' helpers	17.11	1.80

AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)

Air Pressure		
15 lb. up to but less than 26 lb.	1.50	
26 lb. up to but less than 31 lb.	2.00	
31 lb. up to but less than 36 lb.	2.50	
36 lb. up to but less than 41 lb.	3.00	
41 lb. or more	3.50	
LANDSCAPING:		
Landscape Laborers	8.30	1.80+b
Farm Tractor Driver	8.80	1.80+b
Hydroseeder Nozzlemen	8.80	1.80+b
Mulcher Nozzlemen	8.80	1.80+b
LINE CONSTRUCTION		
ZONE 1		
Linemen	20.51	.80+6%
Groundmen	12.31	.80+6%
Winch truck operator	14.36	.80+6%
ZONE 2		
Linemen, cable splicers, heavy equipment operator, truck driver	15.27	.80+10 3/4%
Groundman, winch operator	12.22	.80+10 3/4%
LINE CONSTRUCTION (RAILROAD ONLY)		
Linemen		
"A" equipment operator	13.28	.60+3 3/4%+c
"B" equipment operator	11.61	.60+3 3/4%+c
MILLWRIGHTS:		
Philadelphia (only)	16.32	5.51
PILEDRIVERMEN	14.82	6.16+d
POWER EQUIPMENT OPERATORS:		
Heavy Construction		
Wage Group 1	17.22	26.6% +e

DECISION NO. PA84-3013

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: CONTINUED		
Wage Group 2	16.96	26.6% +e
Wage Group 3	15.70	26.6% +e
Wage Group 4	15.39	26.6% +e
Wage Group 5	14.02	26.6% +e
Wage Group 6	13.51	26.6% +e
Highway Construction, and Water Lines Construction (Off Plant Site)		
GROUP 1	16.97	26.6% +e
GROUP 2	16.75	26.6% +e
GROUP 3	15.43	26.6% +e
GROUP 4	15.06	26.6% +e
GROUP 5	13.87	26.6% +e
GROUP 6	13.52	26.6% +e
HEAVY & HIGHWAY TRUCK DRIVERS:		
Including Site Preparation, Paving and Utilities on Building Construction		
Class 1	11.90	2.8725 +f+g
Class 2	12.00	2.8725 +f+g
Class 3	12.20	2.8725 +f+g

WELDERS - Rate for craft to which the welding is incidential.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))."

DECISION NO. PA84-3013

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia Counties; Remainder of Bucks County.

ZONE 2 - Buck county: That portion east of a line starting at the Delaware River and following the west limits of the Borough of Bristol, along the continuation of U.S. Highway 13 and under the Pennsylvania Railroad Bridge to Route 09113, north along 09113 to Route 152, north along Route 152 to the Hulmeville Rd., east on the Hulmeville to Route 344, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 and Route 09028, west on 09028 to Route 152, north on 152 to Tr 532, north on Tr 532 to Tr 11w, north on Tr 113 to Tr 232 at Anchor Inn, northeast on Tr 232 and continue northeast along Route 659 to Route 09060, west on 09060 to Route 402, north on 402 to the Borough Line at the Southwest corner of the Borough of New Hope. The Boroughs of New Hope and Bristol are included

CLASSIFICTIONS DEFINITIONS FOR LINE CONSTRUCTION (RAILROAD ONLY)

"A" Equipment Operators:

1. Hoisting equipment - when erecting complete towers, erecting framed structures, erecting steel transmission poles, erecting railroad pole extensions and crossbeams and when operating personnel lift baskets.

2. Tension pulling equipment under energized conditions - parallel with other energized circuits or above energized circuits on the same structure, not to include crossovers. Bundled conductor stringing, including static conductors on bundled conductor lines.

3. Excavating augurs 36" inches in diameter or larger, 5/8 cubic yard backhoe and larger, trencher over four feet in depth, bulldozer D-6 (caterpillar) or larger, and blade on finish grade work

"B" Equipment Operators:

Operators of all other equipment

LABORERS CLASSFICATIONS OTHER THAN TUNNEL COMPRESSED AIR & LANDSCAPING

Group 1 - Powderman, multiple wagon drill op. under pinning excavation, bottom men

Group 2 - Finished surface asphalt rakers ops., pipelayers, caulkers conduit and duct layers

DECISION NO. PA84-3013

LABORERS CLASSIFICATIONS (CONTINUED)

Group 3 - Other pneumatic tools ops., labor stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, mortar mixers, concrete pitman & spaders, grademen, asphalt shovelers, men working in shoring, men working in lagging, laborers assistance in the setting of cut stone, granite or artifical stone, hod carriers, scaffold builders, all other laborers on construction with the exception of workers in compressed air

Group 4 - Wagon drill operators

Group 5 - Yard workers: Laborers, scale mixemen, burnermen dustmen, feeder

Group 6 - Free Air Tunnel: Miner bore driver, blasters, drillers, pneumatic shield op., welders & burners

Group 7 - Miners' Helper, form setters, circular caisson excavation bottom men underpinning excavation bottom men

Group 8 - Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels

POWER EQUIPMENT OPERATORS
(HEAVY CONSTRUCTION CLASSIFICATION DEFINITIONS)

Wage Group 1 - Handling steel and stone in connection with erection, cranes doing hook work, any machines handling machinery, cable spinning machine, helicopters, and machines similar to above.

Wage Group 2 - All types of cranes, all types of backhoes, cableways, drag lines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pippin type backhoes, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoist - double drum, (unless used as single drum), mucking machines in tunnel, gradalls, front end loaders, boat captain, tandem scrapers, towers type crane opertion, erecting, dismantling, jumping or jacking, drill self contained (drillmaster type), fork lift (20 ft. and over), motor patrols (fine grade), batch mixer, scrapers & tournapulls, rollers (high grade finishing), mechanic-welder, spreaders, bulldozers and tractors, and machines similar to the above.

DECISION NO. PA84-3013

POWER EQUIPMENT (CONTINUED)

Wage Group 3 - Conveyors (except building converyors), building hoists (single drum), asphalt plant engineers, high or low pressure boilers, concrete pumps, well drillers, fork lift trucks of all types, ditch witch type trencher, motor patrol, concrete breaking machines, rollers, and machines similar to the above.

Wage Group 4 - Seaman pulverizing mixer, tireman on power equipment, maintenance engineer (power boat), farm tractors, fine grade machines, form line graders, road finishing machines, power broom (self-contained), seed spreader, grease truck, and machines similar to the above.

Wage Group 5 - Coveyors (building), welding machines, heaters, wellpoints, compressors, pumps, and machines similar to the above.

Wage Group 6 - Fireman, oilers and deckhands (personnel boats), grease truck helper.

HIGHWAY CONSTRUCTION CLASSIFICATIONS

Wage Group 1 - handling steel and stone in connection with erection, cranes, doing work any machine handling machinery, helicopters, machines similar to the above.

Wage Group 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, pavers 21E and over, trenching machines, graddalls, front-end loaders, boat captain, pippin type backhoes, tandems scrapers, towers type crane operation erecting, dismantling, jumping, or jacking, drills self-contained, (drillmaster type) forklift (20 ft. and over, motor patrols (fine grade), batch plant with mixer, carryalls, scraper, tournapulls, roller (High Grade Finishing), spreaders (Asphalt), bulldozers and tractors, mechanic-welder, and machines similar to the above.

Wage Group 3 - Asphalt plant engineers, concrete pumps, well drillers, ditch witch (small trencher), motor patrols, conveyors, ten-ton roller (grade fill stone base), concrete breaking machines, and machines similar to the above.

Wage Group 4 - Seaman pulverizer, form line grader, fine grade machines, farm tractors, road finishing, concrete spreaders, power broom self contained, seed spreader, grease truck, and machines similar to the above.

Wage Group 5 - Compressors, pumps, well point pumps, welding machines tireman, power equipment, maintenance engineers (Power Boats), and machines similar to the above.

Wage Group 6 - Fireman, oilers and deck hands (Personnel Boats), grease truck helpers.

DECISION NO. PA84-3013

HEAVY AND HIGHWAY TRUCK DRIVERS INCLUDING SITE PREPARATION, PAVING AND UTILITIES ON BUILDING CONSTRUCTION CLASSIFICATIONS

Class 1 - Helpers, stake body truck (single axle, dumpster)

Class 2 - Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)

Class 3 - Euclid type, off-highway equipment or belly dump trucks and double hitched equipment, staddle (ross) carrier, low-bed trailers

FOOTNOTES:

a. Paid Holiday: Labor Day.

b. Paid Holidays: July 4th, Labor Day, and Thanksgiving Day.

c. Paid Holidays: New Year's Day; Decoration Day; Indendence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day; Thanksgiving Day and Christmas.

e. Paid Holidays: New Yer's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing the employee works the day before and after the holiday.

f. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days per calendar year. During each two (2) consecutive months period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation.

g. Paid Holidays: Memorial Day; Independence Day; Labor Day and Veterans Day and five (5) personal holidays provided such employee work the scheduled work days before and after said holiday; and employee gives employer one (1) week's notice requesting a personal holiday. The eligibility for personal holiday every two (2) months up to a maximum of five (5) consecutive month period, emplyee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all personal holidays.

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis
DECISION NO.: TX84-4032 DATE: Date of Publication
Supersedes Decision No. TX83-4081, dated October 21, 1983 in 48 FR 48912.
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	14.74	2.51
CARPENTERS:		
Carpenters	14.36	2.08
Millwrights	14.61	2.08
CEMENT MASONS	13.94	1.30
ELECTRICIANS & CABLE SPLICERS	15.60	.80+ 8-8/10%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.74	3.00+a
Helpers	70%JR	3.00+a
Helpers (Prob.)	50%JR	
GLAZIERS	13.06	1.37
IRONWORKERS	15.00	2.97
LABORERS:		
GROUP 1-General laborer & pier hole men	9.03	1.10
GROUP 2-Mason tender; pipelayer (conc. & clay); cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool op.	9.18	1.10
GROUP 3-Plaster tender; hod carrier; mortar mixer; lather tender	9.36	1.10
GROUP 4-Gunnite over 1½" thick; nozzlemen; machine op.; powderman, sandblaster, & blaster	9.43	1.10
LATHERS	14.36	2.08
LINE CONSTRUCTION:		
Linemen	16.39	.80+ 3⅛%
Groundmen	9.01	.80+ 3⅛%
MARBLE, TILE & TERRAZZO WORKERS	12.75	1.35
MARBLE, TILE & TERRAZZO FINISHERS:		
Marble, tile, terrazzo	8.57	1.31
Floor machine operator	8.33	1.31
Base machine operator	8.82	1.31

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
GROUP 1-Journeyman painters, taping & floating of Sheetrock	$14.00	
GROUP 2-Spray; sandblasting swing stage	14.50	
PLASTERERS	14.79	1.61
PLUMBERS & PIPEFITTERS	17.40	1.27
ROOFERS:		
Roofers; deckmen	9.67	.50
Kettlemen	8.58	.50
Waterproofers	9.10	.50
Helpers-assist journeymen in loading, unloading, distributing, handling materials, clean up work site & any duties that do not require any qualifications or skills	4.51	.50
SHEET METAL WORKERS	15.95	2.32+3%
SOFT FLOOR LAYERS	14.90	2.06
SPRINKLER FITTERS	16.17	3.23
POWER EQUIPMENT OPERATORS:		
GROUP 1	14.75	1.15
GROUP 2	13.50	1.15
GROUP 3	12.15	1.15
GROUP 4	12.05	1.15

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 classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; Crawler dozers or loaders; derricks, power operated (all types); Dragline; cableway; backhoe-crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machines (all sizes); gradall; foundation boring machine; scoopmobile; shovel power operated; pump crete machine; rock crusher operated on job; well points including installations; riding compactor; forklift over 1500 lbs. capacity; flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; pneumatic roller; high-lifts and loaders, 1/3 cu. yd. or less; forklift 1500 lbs. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

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BILLING CODE 4510-27-C

federal register

Friday
May 11, 1984

Part IV

Office of Management and Budget

Budget Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $101,999,550 and one revision to a previously reported deferral increasing the amount deferred by $778,000. The total for the previously deferred deferral is now $55,850,019.

The deferrals affect Funds Appropriated to the President and the Department of Agriculture.

The details of the deferrals are contained in the attached reports.

Ronald Reagan.

The White House,

May 8, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	Agency for International Development	
D84-60	Economic support fund	102,000
	Department of Agriculture	
	Forest Service	
D84-38	Expenses, brush disposal	55,850
	Total, deferrals	157,850

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SUMMARY OF SPECIAL MESSAGES
FOR FY 1984
(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items	---	102,000
Revisions to previous special messages	---	778
Effects of ninth special message	---	102,778
Amounts from previous special messages that are changed by this message (change noted above)	---	55,072
Subtotal, rescissions and deferrals	---	157,850
Amounts from previous special messages that are not changed by this message	636,411	7,249,085
Total amount proposed to date in all special messages	636,411	7,406,935

Deferral No: D84-60

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: (AID) Funds Appropriated to the President
Bureau: International Security Assistance
Appropriation title & symbol: Economic Support Fund 113/41037
OMB identification code: 11-1037-0-1-152
Grant program: [X] Yes [ ] No

Type of account or fund:
[ ] Annual
[X] Multiple-year September 30, 1984 (expiration date)
[ ] No-year

New budget authority (P.L.) $
Other budgetary resources (P.L. 98-63) 108,054,753
Total budgetary resources 108,054,753

Amount to be deferred:
Part of year 101,999,550
Entire year

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other

Type of budget authority:
[ ] Appropriation
[ ] Contract authority
[X] Other Reappropriation

Justification: The Foreign Assistance Act of 1961, as amended, authorizes the President to furnish assistance to promote economic and political stability in foreign countries on such terms and conditions as he may determine. P.L. 98-63 provided deobligation-reobligation authority of grant and loan economic support funds to enable the President to carry out these authorities. Part II, Chapter 4, of the Foreign Assistance Act and Executive Order No. 12163 delegates to the Secretary of State, in cooperation with the Administrator of the Agency for International Development, responsibility for policy decisions and justifications for such programs, including the countries and amounts to be provided.

The funds are deferred pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that approved programs are consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1983 (D83-22).

D84-3B

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344.

This report updates Deferral No. D84-3A transmitted to the Congress on January 22, 1984.

This revision to a deferral of Department of Agriculture funds for brush disposal increases the amount previously reported as deferred from $55,072,019 to $55,850,019. This net increase of $778,000 is attributable to reduced requirements for brush disposal. Increased fuelwood demand has reduced the amount of fuel to be treated.

Deferral No: D84-3B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 16 USC 490): $48,300,000 *
Bureau: Forest Service	Other budgetary resources: 55,072,019 *
Appropriation title & symbol: Expenses, Brush Disposal 12X5206	Total budgetary resources: 103,372,019 *
	Amount to be deferred: Part of year: ____ Entire year: 55,850,019 *
CMB identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of disposing brush and other debris resulting from their cutting operations pursuant to 16 U.S.C. 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permits. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

The Forest Service is currently planning a program of $47.5 million rather than the total amount of $48.3 million that was appropriated. This compares with $48.4 million in 1983 and $48.9 million in 1982. In addition, the current fiscal year reserve of $55.1 million, established pursuant to the Antideficiency Act (31 U.S.C. 1512) as a reserve for contingencies, is deferred. The total deferred amount of $55.8 million is attributed to reduced requirements for brush disposal.

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in FY 1983 (D83-3).

* Revised from previous report.

[FR Doc. 84-12823 Filed 5-10-84; 8:45 am]

BILLING CODE 3110-01-C

federal register

Friday
May 11, 1984

Part V

Environmental Protection Agency

40 CFR Parts 124, 144, 146, and 147
Underground Injection Control Program; Federally-Administered Programs; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 124, 144, 146 and 147

[WH-FRL 2570-2]

Underground Injection Control Program; Federally-Administered Programs

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Safe Drinking Water Act (SDWA) establishes the Underground Injection Control (UIC) program, which is designed to prevent underground injections through wells that may endanger drinking water sources.

SDWA provides for States to apply for and receive approval from EPA to administer their own UIC programs, if they meet EPA's minimum requirements. If a State has not submitted an application or if the State program has been either disapproved or no longer meets the requirements of the Act, the SDWA requires EPA to prescribe a federally-administered UIC program for the State. In Part II of today's **Federal Register** EPA is publishing a final rule establishing EPA-administered programs in 22 jurisdictions. In today's publication, EPA is proposing regulations establishing EPA-administered UIC programs in 13 additional States (including most Indian Lands in these States). In addition, the Agency is proposing four programs for Indian lands in other jurisdictions.

In some cases, the EPA will implement a program covering all classes of wells for the State; in others where an approved State program covers some classes of wells, the Federal program will cover only the remaining classes.

The program proposed today covers all States for which there is not now either an approved State-administered program or a promulgated EPA-administered program (see Table 1). After reviewing public comments, EPA will promulgate each of the programs proposed today unless the Agency approves a State-administered program in the interim.

DATE: EPA will accept public comment on the proposed regulations until June 25, 1984 either in writing or at the informal public hearings to be held at the time and place listed in Table 2. However, EPA intends to forego any hearing in which sufficient public interest is not expressed.

ADDRESS: Written public comments regarding this proposal should be addressed to Judy Long, Comment Clerk, Ground Water Protection Branch, EPA, Office of Drinking Water (WH-550), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John B. Atcheson, Ground Water Protection Branch, EPA, (202) 382-5530.

Table 1—Jurisdictions for Which the Programs Are Proposed

(The proposed program covers all Classes of wells unless otherwise noted)

The UIC Program

Florida (Class II only)
Hawaii
Kansas (Indian Lands only)
Minnesota (Indian Lands only)
Mississippi (Class II only)
North Dakota (Class I, III, IV and V only)
Ohio (Class I, III, IV and V only)
Oregon
Puerto Rico
Rhode Island
South Carolina
South Dakota
Vermont
Virgin Islands
Washington
Wisconsin (Indian Lands only)
Osage Mineral Reserve, Oklahoma (Class II only)

TABLE 2

States/territories	Comments and questions should be directed to	Location of proposed public hearing	Date of public hearing
National hearing	John B. Atcheson, U.S. EPA (WH-550), 401 M Street, SW., Washington, D.C.	U.S. EPA, 401 M St., SW., Rm. S-355, Washington, D.C.	June 11, 1984, 9:00 a.m.-4:30 p.m.
Region I:			
Rhode Island	Jerome Healey, Chief, Water Supply Branch, U.S. EPA, Region I, JFK Federal Building, Boston, Mass.	Auditorium of the Cannon Health Building, 75 Davis St., Providence, R.I.	June 13, 1984, 10:00 a.m. until close of testimony.
Vermont	do	Auditorium of the Pavillion Office Building, 109 State Street, Montpelier, Vt.	June 15, 1984, 10:00 a.m. until close of testimony.
Region II:			
Puerto Rico	Walter Andrews, Chief, Watter Supply Branch, U.S. EPA, Region II, 26 Federal Plaza, New York City, N.Y.	Environmental Quality Board hearing room, Pumarada, Santurce, Puerto Rico.	June 3, 1984, 9:00 a.m.-12:00 noon, 1:00 p.m.-3:00 p.m.
Virgin Islands, St. Thomas.	do	Department of Conservation and Cultural Affairs, 2nd floor conference room, 179 Estate, Altona and Wellgunst, Charlotte Amalie, St. Thomas.	June 6, 1984, 2:00 p.m.-4:00 p.m., 7:00 p.m.-9:00 p.m.
St. Croix	do	Public library, 49-50 King Street, Christiansted, St. Croix.	June 15, 1984, 2:00 p.m.-4:00 p.m., 7:00 p.m.-9:00 p.m.
Region IV			
Florida—Class II and Miccasukee Indians.	Don Guinyard, Chief, WSB (4WM-WS), U.S. EPA, Region IV, 345 Courtland Street, NE., Atlanta, Ga.	Escambia County Health Department, 2251 North Palafax Street, Pensacola, Fla.	June 26, 1984, 10:00 a.m.-7:00 p.m.
		County Commissioners conference room, room 614, c/o Lee County Courthouse, Fort Myers, Fla.	June 28, 1984, 7:30 p.m.; June 29, 1984, 10:00 a.m.
Mississippi—Class II and Choctaw Indians.	do	Woolfolk State Office Building, first floor auditorium, 501 Northwest Street, Jackson, Miss.	June 19, 10:00 a.m.-7:30 p.m.
South Carolina	do	Midland Technical College, Building one, Conference Room 120, Airport Campus, Lexington Ave., West Columbia, S.C.	June 26, 1:00 p.m.-7:30 p.m.
Region V:			
Wisconsin	Robert Hilton, Chief, GWS (SWD-12), U.S. EPA, Region V, 230 S. Dearborn Street, Chicago, Ill.	Holiday Inn, 201 N. 17th Avenue, Wausau, Wis., 715-845-4341.	June 12, 1984, 10:00 a.m.-12:00.
Minnesota	do	Bemidje Holiday Inn, Highway 2 West, Bemidje, Minn., 218 (751) 9500.	June 18, 1984, 10:00 a.m.-12:00.
Ohio	do	Ohio Department of Natural Resources, Fountain Square Bldg., E., Columbus, Ohio.	June 14, 1984, 10:00 a.m.-12:00.
Region VI:			
Osage Reservation	William Honker, Chief, Ground Water Protection Section, U.S. EPA, Region VI, 1201 Elm Street, Dallas, Tex.	Osage Agency Auditorium, Pawhuska, Okla.	June 14, 1984, 9:00 a.m. until close of testimony.
Region VIII:			
South Dakota	Max Dodson, Director, WMD, U.S. EPA, Region VIII, 1860 Lincoln Street, Denver, Colo.	Sigrud Anderson Bldg., game and fish conference room, Pierre, S. Dak.	June 21, 1984, 10:30 a.m.
North Dakota	do	State Heritage Center, project room, Bismarck, N. Dak.	June 18, 1984, 10:00 a.m.
Region IX:			
Hawaii	William Thurston, Chief, WSS (W-2), U.S. EPA, Region IX, 215 Fremont Street, San Francisco, Calif.	McCully Library, 2211 South King Street, Honolulu, Hawaii.	June 28, 1984, 10:00 a.m. until close of testimony.
Region X:			
Oregon	William A. Mullen, Chief, Drinking Water Branch, U.S. EPA, Region X, 1200 Sixth Avenue, Seattle, Wash.	Oregon Department of Environmental Quality, 14th floor conference room, 522 Southwest 5th Ave., Portland, Oreg.	June 18, 1984, 9:00 a.m.-2:00 p.m.

TABLE 2—Continued

States/territories	Comments and questions should be directed to	Location of proposed public hearing	Date of public hearing
Washington	do	EPA Region X, room 12A, 12th floor, 1200 6th Ave., Seattle, Wash.	June 18, 1984, 9:00 a.m.

SUPPLEMENTARY INFORMATION:

I. Background

These regulations are being proposed under the authority of Part C of the Safe Drinking Water Act (SDWA) (42 U.S.C. 300f to 300j–9) and, to the extent that they deal with hazardous waste, the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901–6987). The SDWA is designed to protect the quality of drinking water in the United States, and Part C of the SDWA specifically mandates regulation of underground injection of fluids through wells. A summary of the relevant sections of Part C was provided in earlier rulemakings (see 49 FR 40099). A detailed discussion of the relevant statutory provisions and regulatory development appeared in the first proposal of Federally-administered programs (see 48 FR 40099 *et seq.* September 2, 1983).

To briefly summarize what was explained in that proposal, EPA has promulgated minimum requirements for State UIC programs, as directed by the SDWA, in 40 CFR Parts 124, 144, and 146. The SDWA provides for states, territories, and possessions (referred to below as "States") to apply to EPA for primary enforcement authority to administer the UIC program in their States, and for EPA to approve such programs if they meet the minimum requirements (SDWA Section 1422) or, for Class II (oil-and-gas related) wells if they meet certain minimum statutory requirements (SDWA Section 1425).

If a State fails to submit a program application, if its application is denied, or if an approved program changes such that it no longer meets the requirements of the SDWA and the applicable minimum requirements, the SDWA requires EPA to promulgate an EPA-administered program for the State. In cases where a State has an approved State-administered program for only some classes of wells, EPA must administer the program for the remaining classes. In addition, where a State with an approved State-administered program has chosen not to assert authority over Indian Lands in the State, or has failed to make an adequate demonstration of such authority, EPA must promulgate an EPA-administered program for such Indian Lands.

In Part II of today's **Federal Register** EPA promulgated EPA-administered programs for 22 States. In today's rulemaking action EPA is proposing programs for 13 additional States, which consist of all States for which there is neither an approved State-administered program nor a promulgated EPA-administered program. In some cases the proposed programs cover only some classes of wells, because an approved State-administered program exists covering one or more other classes. EPA is also proposing four EPA-administered programs on Indian Lands that lie within States with approved State-administered programs.

II. Structure of Direct Implementation

A. Contents of the Federally-administered programs

For the reasons outlined in the first proposal (48 FR 40100) the Agency has adopted the following scheme for regulations pertaining to Federally-prescribed State programs:

(1) Requirements necessary to supplement or clarify all the EPA-administered programs, promulgated as amendments to Part 144 in Part II of today's **Federal Register.**

(2) Part 147 contains a subpart for each State program. In the cases where EPA administers the program each subpart:

(a) Makes applicable in each program the UIC minimum requirements of 40 CFR Parts 124, 144 and 146; and

(b) Prescribes additional State-specific requirements.

For State-administered programs, each subpart describes the approved program, and incorporates by reference the appropriate requirements from State stautes and regulations. Such requirements are made a part of the UIC program under the SDWA.

B. Jurisdictions Covered

1. States

EPA is proposing programs for every State which is not currently subject to an approved UIC program or a promulgated EPA-administered program. Several of the States included in this proposal have submitted applications for primary enforcement responsibility which the Agency is in the process of evaluating. It is possible that some of these programs may be approved and therefore administered by the States before the Agency promulgates programs. Nevertheless, the Agency is proposing programs in this rulemaking for all these States.

The Agency is taking this action for two reasons. First, the SDWA mandates that EPA implement a program in States where no State-administered program has been approved, and it specifies a deadline for this action. Second, the Agency was sued for failure to meet this deadline and has signed a stipulation which dictates that we develop and implement programs in all States which do not have programs by the Fall of 1984. To be assured of meeting the requirements of both the SDWA and the stipulation, EPA is proposing programs for all States not covered by a program as of the date of this proposal. If any State-administered program is approved before promulgation of the programs proposed today, EPA will not promulgate the EPA-administered program in that State. If a State-administered program is approved after promulgation, EPA will withdraw the corresponding EPA-administered program.

2. Indian Lands

Indian lands affected by this proposal are of two types: Indian lands within States that are or will be administered by EPA, and Indian lands within states with approved State-administered programs.

Indian lands in EPA-Administered States. Some of the States in which EPA is proposing to implement Federally-administered UIC programs contain Indian lands within their boundaries. EPA intends that the proposed program in a given State apply to Indian lands in that State as well as to non-Indian lands. In requesting comment on the proposal to implement these programs, EPA especially invites Indians on affected Indian lands to submit comments on the appropriateness of the proposed program for those lands. In addition, EPA will make a special effort to contact all affected tribal and other Indian organizations to solicit their comments. Although EPA would prefer to maintain consistency in the Federally implemented program throughout a given State, the Agency is willing to consider variations to the program as it applies to Indian lands if necessary to accommodate Indian concerns.

For one State in which an EPA-administered program has already been promulgated, Minnesota, EPA has received comments from Indians

indicating a preference for a variation from the promulgated program. Consequently, today's proposal includes an amendment to the existing EPA-administered program for Minnesota that prescribes a separate set of requirements applicable to Indian lands in the State. This program is discussed further in Part IV of this preamble concerning the state-specific subparts.

Within States With Approved State-Administered Programs

In the September 2, 1983 proposal (48 FR 40100 *et seq.*) EPA presented four alternative approaches to promulgating UIC programs on Indian lands in States with approved State-administered programs: (1) Implement a program consisting of current UIC minimum requirements; (2) implement a program consisting of requirements patterned after State requirements from the approved program applicable in the rest of the State; (3) adopt a combination of the minimum UIC requirements regulations and the approved State program requirements; or (4) develop unique requirements in response to Indian concerns or other special circumstances. After reviewing comments, EPA published its intent to use any of the four proposed options appropriate to the individual case when implementing programs for Indian lands in primacy States. (See Part II of this issue.)

The great majority of commenters preferred Option 2 for Indian lands in the State in which they were located. Others wanted programs specifically adapted to tribal policies. In such cases, EPA will develop a program similar to the surrounding State's program or a program adapted to other tribal preferences. Because an EPA-administered program based on either approach will necessitate a thorough analysis to assure that it is consistent with EPA's authorities under the SDWA, it has not been possible to develop many of these Indian lands programs for today's proposal. Therefore, EPA will not be proposing many such programs at this time. The Agency intends to do so at the earliest possible time.

For Indian lands in three States, however, EPA has been able to develop programs, and these are included in today's proposal. These programs cover Class II wells on the Osage Mineral Reserve in Oklahoma and all classes of wells on all Indian lands in the States of Kansas and Wisconsin. The Osage program has been designed according to a combination of Options (3) and (4), consisting of requirements drawn from the UIC minimum requirements regulations, the Oklahoma Corporation Commission regulations, the Bureau of Indian Affairs regulations, and unique requirements developed in response to Indian concerns. The Kansas Indian lands program follows Option (1) and thus consists of the EPA minimum requirements regulations. The Wisconsin program follows Option (4), and consists of more stringent requirements in response to Indian preferences. Each of these program is discussed in more detail in Part IV of this preamble.

Definition of Indian lands

In developing programs for Indian lands, it is necessary to specify as precisely as possible the particular lands intended to be covered by each program. To be ensured of comprehensive coverage, EPA intends in most cases to use a generic definition to identify those lands to be covered by Indian lands programs. The definition EPA intends to employ is that of "Indian country," defined by Federal statute at 18 U.S.C. 1151.

EPA believes this definition is most consistent with the concept of Indian lands as the Agency has used it in regulations and UIC program approvals to date. The term accurately describes lands for which EPA must administer the UIC program in the absence of a specific demonstration of State authority based on a statute or treaty.

Therefore, EPA is proposing to add this definition of Indian lands to § 144.3, which applies when referenced in each Indian lands program in Part 147. The jurisdiction of each Indian lands program can be described simply by using the term Indian lands. This is done in each Indian lands program today with the exception of the program for the Osage Mineral Reserve, which is intended to apply only to that specifically identified reserve.

III. General Contents of EPA-administered Programs

Part 147, containing all specific State UIC programs, is established in EPA's first promulgation of EPA-administered programs in the Part II of today's **Federal Register**. A separate subpart of Part 147 corresponds to each State. Today's action proposes to add to Part 147 an EPA-administered program for each of the thirteen States listed and for Indian lands in certain other States. For each of the State programs and one of the Indian lands programs, EPA proposes to make directly applicable the minimum requirements in Parts 124, 144, and 146. In addition, where necessary, each program sets forth certain additional State-specific requirements. These include requirements which—due to geologic, historical or hydrologic conditions—differ from State to State and region to region. They also include regulations that state more specifically requirements that in the minimum standards are only general and afford a broad range of discretion to the Director.

Often, the technical basis for the program being proposed today requires the application of different numerical standards and the use of different approaches to satisfy certain requirements. The SDWA provides for such variations in Section 1422(c), which requires that the Agency consider the varying hydrologic, geologic, and historical conditions in a State and not disrupt existing State programs unnecessarily. Indeed, it is for this reason that the Agency originally built flexibility into the UIC program. Thus, it is necessary to vary some of these more specific requirements from State to State.

For the most part it is such specific requirements, or mechanisms for establishing such standards, that EPA is proposing in each EPA-administered program. Many of these standards apply to wells authorized by rule, since the authorization by rule mechanism requires that specific requirements be imposed by regulations, rather than in permit conditions as can be done for wells authorized by permit. For programs in States with no existing wells, any new wells will be required to receive permits, and the state-specified requirements for wells by rule are not necessary.

A discussion of permitting schedules, mechanical integrity testing schedules, and other administrative considerations can be found in the program description for each of the State programs proposed today. Program descriptions are available at the appropriate Regional Office and at EPA Headquarters.

A. Exempted Aquifers

In the minimum requirements, EPA defines underground sources of drinking water (USDW) quite broadly, but allows exemptions of certain aquifers from treatment as USDWs if they meet certain criteria in § 146.4 that indicate their unsuitability for use as drinking water. The exemption of an aquifer may allow owners or operators of a class or classes of wells to inject into what would otherwise be afforded protection as a USDW. Section 144.7 allows the Director to exempt aquifers or portions of aquifers if they do not serve as a source of drinking water, and will not in the future serve as a USDW because they are:

(1) Mineral, hydrocarbon, or geothermal energy producing; or are expected to bear the above in producible quantities;

(2) Situated at a depth or location that would make recovery of water for drinking water economically or technically impractical;

(3) So contaminated that it would be economically or technologically impractical to render them fit for human consumption; or

(4) Located over a Class III mining area subject to subsidence or catastrophic collapse.

In addition, aquifers or their portions that contain between 3,000 or 10,000 mg/1 TDS and that do not now serve as a source of drinking water may be exempted if they are not reasonably expected to serve as a supply to a public water system.

In some of the programs proposed today, EPA proposes to exempt certain aquifers or portions. The way in which aquifer exemptions are proposed in the various State proposals depends on a number of State-specific factors such as the number of wells and EPA's knowledge of injection activity into aquifers of less than 10,000 mg/1 TDS. It should be noted that Class I, II, III, and IV injections into USDWs are prohibited. EPA-administered programs approach aquifer exemptions in one of the following four ways.

(1) When the Agency has complete and accurate data on injections occurring in aquifers that meet the definition of a USDW, this package proposes to exempt specific portions of the aquifers which qualify under § 146.4.

(2) When the Agency only has information on a well-by-well basis that may not include all injections, it is proposing to exempt known sections where appropriate and is seeking information from the regulated community on whether it wishes to seek additional exemptions. These may be granted if the requests are consistent with § 146.4

(3) Where the Agency lacks information of any injection activity which would require an exemption, the Agency is asking any operator who is injecting into an aquifer that meets the definition of an USDW, to immediately request an exemption if he believes the aquifer qualifies for one, as such an operation would be illegal at the time of the program promulgation without one; and

(4) Where the Agency believes there is no injection activity into a USDW it is proposing no exemptions.

In addition to the aquifers that are being proposed for exemption in this proposal, EPA recognizes that in some cases additional aquifer exemption requests may become appropriate after program promulgation. The nature of the approval process is circumscribed by various existing regulatory and statutory requirements, within which the Agency has a certain degree of administrative discretion. Consequently, EPA is not proposing any more specific procedures for the aquifer exemption process in these regulations.

For State-administered programs, the existing regulations in § 144.7 contemplate that, generally, aquifer exemptions made after a State program is approved are program revisions. For revisions that are "substantial", the program revision process described in § 145.32 involves the rulemaking procedures of public notice, opportunity for comment and publication in the **Federal Register.** For "non-substantial" revisions, a less formal process is sufficient. However, for all aquifer exemptions, the State must provide public notice and opportunity for a hearing before submitting the request to EPA for approval. EPA's preliminary experience with State-administered programs indicates that some aquifer exemptions are properly considered "substantial." Although the program revision concept in § 144.7 does not apply directly to Federally-administered programs, EPA believes that a similar approach should be taken in the latter case as well. This is also consistent with the SDWA, which requires in Section 1422 that EPA make any revisions to a Federally-administered program "by regulation." While EPA does not believe that Congress intended that every minor revision to a program be done by regulation, this provision clearly requires major or substantial revisions to follow rulemaking procedures.

For procedural purposes, to reflect the distinctions between substantial and non-substantial revisions described above, EPA therefore will distinguish between "major" and "minor" aquifer exemptions. Major exemptions will be made by rulemaking procedures. Minor exemptions would ordinarily be made by EPA without publication in the **Federal Register,** although public notice and opportunity for a hearing will be provided in all cases. Where the effect of a proposed exemption that ordinarily would be considered minor appears particularly significant and far-reaching, EPA may choose to use the same rulemaking procedures normally reserved for "major" exemptions. A complete list of all aquifer exemptions will be maintained in the appropriate Regional Office.

Currently, EPA's plans for defining major and minor exemptions are as follows. Major exemptions would be defined as any exemption of an aquifer containing less than 3,000 mg/1 total dissolved solids that is (a) related to any Class I or IV well; or (b) not related to a single permitting action or a single existing enhanced recovery well or project authorized by rule.

All exemptions not defined as major would be considered minor. Minor exemptions would therefore include all exemptions considered as part of a single permitting action. When considered as part of a single permitting action, the permitting process will provide public notice and opportunity for comment and for a hearing, the exemption will be limited to a defined area around the well or facility, and the effect of the exemption will be limited to the activities authorized under the permit. For a single enhanced recovery well or project, EPA would conduct the aquifer exemption process according to the same public participation procedures as provided for permitting actions. Also considered minor exemptions will be those approved because the aquifer contains more than 3,000 mg/1 total dissolved solids and "is not reasonably expected to supply a public water system" see § 146.4(c). This is consistent with the procedures for EPA approval of these exemptions under approved State-administered programs, for which § 144.7 places a 45-day time limit on EPA approval or disapproval of the exemption. If any exemptions proposed under this criterion are not associated with a particular permit application, EPA will still provide notice in the affected area and an opportunity for comment and a hearing, just as normally provided in the permitting process.

B. Pressure Limitation

The current UIC minimum requirements obligate the Director to establish limits on injection pressure. For wells authorized by permit the Director may determine an appropriate pressure on a case-by-case basis. For wells authorized by rule, a general standard must be proposed.

Class I, II, (Salt Water Disposal) and III wells. Part 146 specifies that the injection pressure for Class I and III wells must be limited to assure that operations do not initiate or propagate fractures in the injection zone (except during stimulation) and the confining zones. For Class II wells, the limits should be adequate to prevent fracturing in the confining zones.

Both theoretical and empirical studies indicate that fracture gradients vary

geographically, since they are dependent on lithology and other locally influenced factors. Accordingly, in establishing programs, the Agency is attempting to allow for these variations by proposing an appropriate standard for each State-specific program.

Although these standards may vary between programs, the Agency is proposing to apply a technique common to all State programs using a relatively simple formula that will allow pressures to be monitored at the wellhead, and considers the additional pressure from a standing column of fluid (a function of the density of the fluid and the depth of the injection well). The formula is: Pm = (X − .433 Sg) d. Briefly, the formula starts from an assumed fracture gradient (x) measured in psi/ft)), which has been theoretically or empirically established for a particular State or area.

The additional pressure caused by the fluid in the tubing, which is 0.433 times the specific gravity of the fluid, Sg, is subtracted from the assumed fracture gradient and this value is multiplied by the depth, d, in feet. The resulting figure, Pm, read at the wellhead, is the maximum allowable operating pressure. The calculated value of Pm tends to be a conservative value because the friction loss (from injected fluid against tubing) is not included in the calculation and therefore provides a safety factor. Where appropriate, the State-specific preambles contain a discussion of why specific fracture gradient values were selected.

Where the Agency lacks specific data indicating an appropriate fracture gradient for a particular State, EPA is proposing a value of .733 pounds per square inch (psi) per foot of depth. This value was determined from Warner and Lehr (1977, EPA–600/2–77–240, page 117) which suggests that a range of values from 0.5 to 1.0 psi per foot of depth was appropriate.

In specifying maximum operating pressures for wells authorized by rule, the Agency has proposed conservative values. Owners or operators who believe the specified pressure to be too low have the option of applying for a permit which may specify a higher operating pressure. It should be noted, however, that the specified injection pressures will be used as guidance for those requesting a permit. Operators who wish to receive authorization to inject at higher pressures will bear the burden of proving that the pressures are consistent with requirements in §§ 146.13, 146.23 and 146.33.

Enhanced Recovery and Hydrocarbon Storage Wells

As explained in more detail in the preamble to the promulgation of the first set of EPA-administered programs published in Part II of this issue, recognizes that safe injection pressures may vary considerably, across a State, according to the characteristics of the formation and field into which injection is occurring. Consequently, the specification of a single statewide pressure limit may be unduly conservative for many wells. For Class I, Class II salt water disposal, and Class III wells, this is not a serious problem, since these requirements will apply only for a short time before the wells must be issued permits. In addition, for Class I and III wells, the minumum requirements set forth a more stringent standard for injection pressure than for Class II wells. Class II enhanced recovery and hydrocarbon storage wells, however, are authorized for the life of the well. For these wells, therefore, it is more important to establish injection pressure limits on a formation-by-formation basis.

The Agency does not currently have sufficient data to establish such pressure limits immediately. Therefore, the proposed rules require the owner or operator of each Class II well to submit certain information that will enable the Agency to establish an appropriate pressure for each injection formation used. When a number of operations are conducted in the same field and formation, the requested data may be submitted once on behalf of that group of operations.

As provided in the proposed State-specific rules, this information will be used by EPA to formulate specific maximum injection pressure limits for each formation used for injection. These formation-specific injection pressure limits will be established after local notice and opportunity for comment according to the same procedures as provided for permit issuance in Part 124. Until EPA has determined an appropriate value, injection may continue at a pressure that does not initiate or propagate new or existing fractures in the confining zone. The rules also provide a mechanism for an owner or operator to receive approval to operate at a pressure higher than the limit established for a particular formation, if he demonstrates that his operation can do so without violating the general performance standards of § 144.28(f)(3)(ii) (A) and (B). In certain specialized situations, this mechanism may be used to allow injection at pressures higher than the known formation fracture pressure. EPA recognizes that this is an accepted practice in limited situations, and will approve such higher pressures as long as the operator demonstrates that the general performance standards will not be violated.

The test data that must be submitted usually are already available and EPA will not require duplication of suitable existing information. The demonstration may include, but will not be limited to, fracturing, acidizing and well testing reports prepared for operators by service companies as a result of jobs done for the operators. These data, together with sufficient additional information on fluid characteristics, hole depth, injection flow rates, holes/pipe size and other pertinent technical data needed to calculate an equivalent Instantaneous Shut In Pressure (ISIP), must be provided to the Regional Administrator.

Technical data in the category of reasonably establishing the injection zone fracture pressure are:

1. Instantaneous Shut In Pressure: ISIP is the pressure recorded at the moment the fracture-inducing pumping operations are suddenly discontinued. ISIP is that static pressure required to hold a fracture open, to inject fluids into an established fracture system under dynamic conditions if there were no pipe and/or perforation frictional pressure losses influencing the recorded surface pressure. Appropriate ISIP data of this quality are preferred by the Agency and are often readily available.

2. Formation "breakdown pressure" values from data recorded prior to and during Squeeze Cementing, Acidizing and Acid-Fracturing jobs performed by appropriate service companies. These "breakdown pressure" values are frequently reported as the surface gauge pressure which must, through appropriate engineering calculations, be modified to reflect the corresponding sand-face pressure at which the formation fracture occurs.

3. Water (or fluid) injection "Step-Rate" type testing specifically to determine the "breakdown pressure" of the injection zone prior to the initiation of the enhanced recovery project.

4. Other reliable field test/performance data which the operator can demonstrate as accurately reflecting the actual sand-face fracture pressure of the injection formation.

In no case is the operator of a Class II injection well relieved of his ultimate responsibility to assure that his injection program will not endanger the safety of USDWs as provided for in § 144.12.

C. Cementing and Casing Requirements

The minimum requirements in Part 146 specify cementing and casing requirements for the various classes of wells that are essentially performance requirements: "cemented and cased to prevent the movement of fluids into or between strata * * *." The determination of what constitutes an adequate cementing requirement is subject to local conditions, such as the geology, historical construction practices, hydrology and the geochemistry of the area.

For wells to be authorized by permit, specific casing and cementing requirements can be established as permit conditions. For existing wells, authorized by rule, this is not the case. Existing wells have been constructed using a variety of casing and cementing techniques. Despite this variation, it may be that many of these wells are in compliance with the casing and cementing standard of the minimum requirements that prohibits the movement of fluids. EPA does not, therefore, propose to require that all these existing wells be reworked to comply with uniform casing and cementing techniques. For existing wells that may not be in compliance with the performance standard of the minimum requirements, however, EPA must require certain casing and cementing to be performed in order to bring the well into compliance.

Accordingly, the Agency is proposing State-specific casing and cementing requirements for these situations where appropriate. The requirements adopted here dictate that the Regional Administrator make a determination that the wells may not be in compliance with the above requirements. If such a determination is made he may impose requirements consistent with those adopted here, he may impose other appropriate requirements, or he may require the owner or operator to apply for a permit. In general, these requirements identify the placement of cement relative to the USDWs and the injection zone as well as the quantity and quality of cement to be used. The purpose of the requirements is to be sure that USDWs are effectively cemented off, that injection fluids are isolated in the injection zone, and that the cement used in these activities is of a sufficient quantity and quality to accomplish these goals in the environment in which it is used.

The factors being specified are: methods of placing cement, appropriate volumes and compositions of cement, placement of packers and similar construction requirements. The rationale for selecting these requirements is detailed in the State-specific sections of this preamble. In defining appropriate volumes of cement, the regulations use terms such as "calculated volume". This value can be arrived at through existing industry guidelines, or by calculating the volume of a column equal in height and radius to the section to be cemented (allowing of course for any volume filled by casing).

D. Area of Review

The area of review is that around a well or project that may be affected by the injection activities. The owner or operator is required to identify all abandoned or improperly completed wells within the area of review, and perform corrective action on such wells where appropriate. The minimum requirements in § 146.6 specify two methods for determining an area of review. The Director of a program has the option of requesting a fixed radius, or a radius calculated by an appropriate forumla.

In promulgating this rule, the Agency recognized that both the appropriate fixed radius and the appropriate formula or formulae are subject to local conditions. Indeed, the regulations specify criteria to be considered in applying this requirement in order to assist Directors in establishing an appropriate standard.

Several of the programs being proposed today allow only the use of a fixed radius for defining the area of review. The Agency is proposing this approach for several reasons. First, mathematical models that reliably illustrate particular hydrogeologic conditions may not be established for particular areas. Second, use of a model could slow implementation of the program by requiring evaluation of many equations for specific hydrogeologic formations. Finally, in some cases the use of a fixed radius reflects existing State practice.

IV. State-Specific Subparts

SUBPART K—STATE OF FLORIDA

The proposed addition to Subpart K would require all owners and operators of Class II wells to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this proposed program contains regulations specific to Florida, where discretion is allowed, in order to make the Florida Class II UIC program appropriate and amenable to the combination of historic practices and geology unique to the State. EPA proposes to apply this program to Indian lands in the State. The Agency specifically requests comment from affected Indians on the approaches proposed.

Aquifer Exemptions

Subsequent to promulgation of this program, Class II facilities which are injecting into an underground source of drinking water cannot legally operate unless that aquifer or portion thereof is exempted. EPA is not aware of any such operations at this time and is proposing no aquifer exemptions for Florida.

However, owners or operators should determine whether their facilities are injecting into a USDW as defined in § 146.3. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in § 146.4

Maximum Injection Pressure

As explained in Part III.B. of this Preamble, EPA's approach to establishing pressure limits for existing operations is to set a conservative statewide value for Class II saltwater disposal wells, and to require submission of information that will enable the Agency to establish formation-specific values for Class II enhanced recovery wells. This is the approach being proposed today for Florida.

Casing and Cementing

As explained in Part III.C. of this preamble, EPA's approach for existing wells is to establish state-specific casing and cementing requirements that apply when the Regional Administrator determines that a well may not be in compliance with the standard in the minimum requirements that prohibits the movement of fluids. EPA is proposing specific casing and cementing requirements for the Florida program according to this approach.

Area of Review

The Agency is limiting the options for establishing the area of review for Class II wells to the minimum fixed radius as described in § 146.6(b). The Agency is adopting this approach due in part to the potentially large number of wells involved, and the considerable delay in program implementation caused by processing requests based on many formulae.

SUBPART M—HAWAII

The State of Hawaii does not have an EPA-approved UIC program for any class of well within the State. EPA, therefore, must propose a program for all classes of wells. Because EPA is unaware of any existing Class I, II, III, or IV wells within the State, it is not

proposing any specific provisions for existing wells authorized by rule. Class V wells will be inventoried, but no permitting or other regulatory action beyond the requirements of 40 CFR Parts 144 and 146 are proposed at this time. EPA has determined that the minimum program requirements set forth in 40 CFR Parts 124, 144, and 146 are appropriate for this jurisdiction and proposes to require all owners and operators to comply with these UIC regulations.

Applicants who seek a Federal UIC permit in this jurisdiction should be aware that the State of Hawaii is in the process of developing regulations which may prohibit construction and operation of Class I, II, III, and IV injection wells. As provided in section 1423(c) of the SWDA, the Federal UIC program does not preempt any state or local prohibitions against underground injections.

SUBPART R—KANSAS–INDIAN LANDS

Subpart R contains the UIC program for Kansas, which, for non-Indian lands, is administered by the State. EPA is proposing to add to Subpart R requirements comprising the UIC program for Indian lands in Kansas, to be administered by EPA. The Kansas Indian lands program consists of the UIC minimum requirements regulations at 40 CFR Parts 124, 144 and 146.

Because EPA is not aware of any Class I, II, III or IV wells on Indian lands in Kansas, it is not proposing any specific provisions for existing wells authorized by rule. Class V wells be inventoried within one year of promulgation of the program, but no permitting or other regulatory action beyond those in 40 CFR Parts 124, 144, and 146 is proposed at this time.

EPA has taken this approach, rather than adopt a program tailored to the state-administered program in effect in the rest of the State, for two principal reasons. First, EPA is not aware of any Class I–IV wells in existence in the State nor of any significant level of injection activity anticipated for the future. Thus, development of a federally-administered Indian lands program tailored after the state-administered requirements is necessary to relieve owners and operators of any burden which could result from different approaches being applied to similar operations in the same State. The application of the UIC minimum requirements regulations is therefore the most straightforward and simple means of putting into effect the requirements necessary to cover any injection activity that may become a possibility in the unforeseen future. Second, discussions with all appropriate tribal organizations and with the Bureau of Indian Affairs indicated concurrence with the approach.

SUBPART Y—MINNESOTA

Subpart Y contains the EPA-administered program for Minnesota. EPA is proposing to add to subpart Y provisions establishing a unique program for Indian lands within the State. The EPA-administered program in the rest of the State, being promulgated in part II of today's issue, contains provisions specifying requirements for receiving a Federal permit. State law and policy, however, prohibits most well injections, and Federal law does not preclude the State from enforcing such more stringent standards (see SDWA Section 1423 (c)). In response to Indian wishes for a program at least as stringent as the State's, the Agency is proposing to ban injection through all classes of wells except Class V. This proposal is made on the basis of comments received from representatives of the seven Chippewa Reservations in the State. These comments favored a ban on injection based on the geology and hydrology of the Reservations as well as on consistency with the State approach. Since these Reservations represent the majority of the tribal land in the State, their comments are viewed as being the preference of the majority of the Indians in the State.

SUBPART Z—STATE OF MISSISSIPPI

The proposed addition to Subpart Z would require all owners and operators of Class II wells to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this proposed program contains regulations specific to Mississippi, where discretion is allowed, in order to make the Mississippi Class II UIC program appropriate and amenable to the combination of historic practices and geology unique to the State. EPA proposes to apply this program to Indian lands in the State. The Agency specifically requests comment from affected Indians on the approaches proposed.

Aquifer Exemptions

Subsequent to promulgation of this program, Class II facilities which are injecting into an underground source of drinking water cannot legally operate unless that aquifer or portion thereof is exempted. EPA is not aware of any such operations at this time, and is proposing no exemptions in today's proposal. However, owner or operators should determine whether their facilities are injecting into a USDW as defined in § 146.3. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in § 146.4.

Maximum Injection Pressure

As explained in Part III.B. of this Preamble, EPA's approach to establishing pressure limits for existing operations is to set a conservative statewide value for Class II saltwater disposal wells, and to require submission of information that will enable the Agency to establish formation-specific values for Class II enhanced recovery wells. This is the approach being proposed today for Mississippi.

Casing and Cementing

As explained in Part III.C. of this preamble, EPA's approach for existing wells is to establish state-specific casing and cementing requirements that apply when the Regional Administrator determines that a well may not be in compliance with the standard in the minimum requirements that prohibits the movement of fluids. EPA is proposing specific casing and cementing requirements for the Mississippi program according to this approach.

Area of Review

The Agency is limiting the options for establishing the area of review for Class II wells to the minimum fixed radius as described in § 146.6(b). The Agency is adopting this approach due in part to the potentially large number of wells involved, and the considerable delay in program implementation caused by processing requests based on many formulae.

SUBPART JJ—NORTH DAKOTA

The addition to Subpart JJ proposes to require all owners and operators of Class I, III, IV and V wells to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146 and with additional State-Specific requirements set forth in this subpart.

Aquifer Exemptions

EPA regulations allow the Administrator to exempt specific aquifers if the aquifer meets the criteria established in 40 CFR 146.4.

All Class I and III injection wells which are injecting into an underground source of drinking water become illegal subsequent to the promulgation of the program unless the aquifer or portion of the aquifer has been exempted.

EPA is not aware of any aquifers for which exemption is necessary and appropriate at this time. However, if any

Class I or III wells are injecting into underground sources of drinking water, the owner and operator are encouraged to notify Patrick A. Crotty, Chief, Ground Water Section, Drinking Water Branch, EPA—Region VIII, 1860 Lincoln Street, Denver, Colorado 80295, as quickly as possible to determine the status of their particular operation. Region VIII proposes to accumulate information on these injection operations and, if appropriate, exempt at a later date in accordance with § 144.7.

Maximum Injection Pressure—Class I And III Wells

The Agency is proposing to adopt a simple formula that would prescribe injection pressure, measured at the wellhead, for wells authorized by rule. (See Part III.B. of this preamble for a more detailed discussion.) In addition, injection wells must also comply with the non-fracturing provisions of 40 CFR 144.28(f)(3) notwithstanding the formula calculation.

Area of Review

EPA is proposing to limit the method of determining the area of review to the option listed in 40 CFR 146.06(b), use of a fixed radius of ¼ mile.

EPA-State Coordination

It should be noted that the State of North Dakota has submitted an application for primary enforcement responsibility over Class I, III, IV, and V wells. If this application is approved, the EPA-administered program will not be promulgated or, if promulgated, will be withdrawn. If promulgated, it is still the case that, as provided in Section 1423(c) of the SDWA, the Federal UIC program does not preempt any State or local control regarding underground injection. The State of North Dakota will continue to permit new facilities under existing State statutory authorities and regulations. The EPA and the State will work closely to assure consistent review and requirements.

SUBPART KK—OHIO

The addition to Subpart KK would require all owners and operators of Class I, III, IV, and V wells to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this proposed program contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Ohio UIC program appropriate and amenable to the combination of historic practices and geology unique to Ohio. On September 22, 1983, EPA granted the State of Ohio primary enforcement authority to operate a UIC Class II well program. Ohio has not received primary enforcement authority for Class I, III, IV, and V wells. EPA proposes to operate the program for injection wells other than Class II wells, at least until such time as Ohio is granted primary enforcement authority over the remaining classes of wells.

Aquifer Exemption

Upon the effective date of this program, Class I or II facilities which are injecting into an underground source of drinking water cannot legally operate unless that aquifer or a portion is exempted.

However, EPA is not aware of any such facilities and, therefore, is not proposing to exempt any aquifer at this time, as this is the most environmentally protective course to take. Owners or operators should determine whether their facilities are injecting into a USDW as defined in § 145.6. Should an owner or operator find that he is injecting into a USDW, he may apply for an exemption consistent with criteria and procedures in 40 CFR 144.7 and 146.4 by providing documentation which is satisfactory to the Administrator that the criteria have been met.

Maximum Injection Pressure

EPA is proposing for all Federally-implemented programs the use of a simple forumula that EPA will use in each State program to establish maximum injection pressures, measured at the wellhead, for wells authorized by rule. The formula is discussed in detail in Part III.B. of this preamble.

An appropriate fracture gradient for Ohio is 0.75 psi/ft according to the Ohio Department of Natural Resources and Ohio Environmental Protection Agency. This number is also within the range suggested by Warner and Lehr, and is, therefore, being proposed for use in Ohio. EPA recognizes that this may be a conservative figure for some areas, but operators may receive permission to operate at pressures greater than the pressure being proposed here by demonstrating that the injection does not endanger USDWs. The Agency believes the figure is consistent with the SDWA, without being unduly restrictive to operators.

The State of Ohio has submitted an application for primary enforcement responsibility for Class I, III, IV and V wells. If this program is approved, the Federally-administered program will be rescinded.

SUBPART MM—OREGON

Subpart MM proposes to require all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Oregon UIC program appropriate and amendable to the combination of historic practices and geology unique to Oregon.

EPA is aware of one existing Class II salt water disposal well injecting into an aquifer of greater than 10,000 mg/l total dissolved solids. EPA is unaware of any active Class I, III or IV wells. An inventory of Class V wells has been initiated. Seven hundred Class V wells have been identified to date.

Exempted Acquifers

EPA is not aware of the need for, nor has it been requested to approve, exemptions of any underground sources of drinking water. Therefore, EPA is not proposing to exempt any aquifer at this time. Owners or operators should determine whether their facilities are injecting into a USDW as defined in 40 CFR Part 146.03. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in 40 CFR 144.7 and 146.4.

Maximum Injection Pressure

EPA is proposing for all Federally-implemented programs the use of a simple formula that will prescibe an injection pressure to be measured at the wellhead for wells authorized by rule. The formula is discussed in detail in Part III.B. of this preamble. The 0.733 psi/ft fracture gradient proposed for Oregon was determined from Warner and Lehr (1977, EPA–600/2–77240, page 117) which proposed a range of values from 0.5 to 1.0 psi per foot of depth. The Agency is proposing a fracture gradient falling in the middle of this range because it is seeking a value that adequately protects USDWs but is not overly restrictive. Comment on the appropriateness of this limit for owners or operators of wells authorized by rule is solicited and will be considered in final rulemaking.

It should be noted that this pressure limitation applies to wells authorized under rule. Operators may request permission to inject at higher pressures by applying for a permit and demonstrating in the application that such operations will not violate § 144.28 (f)(3).

The State of Oregon has submitted a complete application for primary enforcement responsibility over all classes of wells. If the State program is approved, the hearing will be cancelled. All persons interested in attending the

hearing, therefore, should confirm that the hearing is being held.

SUBPART OO—RHODE ISLAND

Subpart OO proposes to require all owners or operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146.

Because EPA is not aware of any existing Class I, II, III, or IV wells in Rhode Island, it is not proposing any further specific provisions for existing wells authorized by rule. Class V wells will be inventoried but no permitting or other regulatory action is proposed at this time. All new Class I, II, and III wells in Rhode Island are required to apply for permits prior to initiation of construction.

The State of Rhode Island has submitted a complete application for primary enforcement responsibility over all classes of wells. If this program is approved, the Federally-administered program will be rescinded.

SUBPART PP—SOUTH CAROLINA

Subpart PP proposes to require all owners or operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146.

Because EPA is not aware of any existing Class I, II, III, or IV wells in South Carolina, it is not proposing any further specific provisions for existing wells authorized by rule. Class V wells will be inventoried but no permitting or other regulatory action is proposed at this time.

All new Class I, II, and III wells in South Carolina are required to apply for permits prior to initiation of construction. However, applicants who seek a Federal UIC permit in South Carolina should be aware that the State prohibits the construction of any Class I or IV wells and requires a State permit for any Class II, III, or V (other than heat pump) wells. As provided in section 1423(c) of the SDWA, the Federal UIC program does not prevent enforcement of any State or local laws regarding underground injection provided they do not relieve owners or operators of any Federal requirements.

The State of South Carolina has submitted a complete application for primary enforcement responsibility over all classes of wells. If this program is approved, the Federaly-administered program will be rescinded.

SUBPART QQ—SOUTH DAKOTA

Subpart QQ proposes to require all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulation where discretion is allowed in order to make the South Dakota UIC program appropriate and amenable to the combination of historic practices and geology unique to South Dakota.

EPA is aware of 10 Class II enhanced recovery wells within the State, none of which are on Indian lands. Because EPA is not aware of any existing Class I, III or IV wells in South Dakota, it is not proposing any specific provisions for existing wells authorized by rule for these well classes. Class V wells will be inventoried, but no additional permitting or other regulatory action for Class I, III, or IV wells is proposed at this time.

Maximum Injection Pressure

As explained in Part III.B. of this preamble EPA's approach to establishing pressure limits for existing operations is to set a conservative statewide value for Class II saltwalter disposal wells, and to require submission of information that will enable the Agency to establish formation-specific values for Class II enhanced recovery wells. This is the approach being proposed today for South Dakota.

Casing and Cementing

As explained in Part III. C. of this preamble, EPA's approach for existing wells is to establish state-specific casing and cementing requirements that apply when the Regional Administrator determines that a well may not be in compliance with the standard in the minimum requirements that prohibits the movement of fluids. EPA is proposing specific casing and cementing requirements for the South Dakota program according to this approach.

EPA-State Coordination

All new Class I and Class III wells in South Dakota are required to apply for permits prior to initiation of construction. As provided in section 1423(c) of the SDWA, the Federal UIC program does not prevent enforcement of any State or local controls regarding underground injection, provided that owners and operators are not relieved of their obligation to comply with Federal requirements.

SUBPART UU—VERMONT

Subpart UU proposes to require all owners or operators to comply with the UIC regulations at 40 CFR Parts 124, 144 and 146. Because EPA is not aware of any existing Class I, II, III, or IV wells in Vermont, it is not proposing any further specific provisions for existing wells authorized by rule. Calss V wells will be inventoried but no permitting or other regulatory action is proposed at this time. Any new Class I, II, and III wells in Vermont are required to apply for permits prior to initiation of construction.

The State of Vermont has submitted a complete application for primary enforcement responsibility over all classes of wells. If this program is approvved, the Federally-administered program will be rescinded.

SUBPART WW—WASHINGTON

Subpart WW proposes to require all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146. In addition, this subpart contains regulations that supplement the UIC regulations where discretion is allowed in order to make the Washington UIC program appropriate and amenable to the combination of historic practices and geology unique to Washington.

EPA is aware of one existing Class I industrial well injecting into an aquifer of greater than 10,000 mg/L total dissolved solids. EPA is unaware of any active Class II, III or IV wells. An inventory of Class V wells has been initiated. Six thousand four hundred Class V wells have been identified to date.

Exempted Aquifers

EPA is not aware of the need for, nor has it been requested to approve, any exemptions of underground sources of drinking water. Therefore, EPA is not proposing to exempt any aquifer at this time. Owners or operators should determine whether their facilities are injecting into a USDW as defined in 40 CFR 146.03. Should an owner or operator find that he is injecting into a USDW, he may request an exemption consistent with criteria and procedures in 40 CFR Part 144.7 and 146.04.

Maximum Injection Pressure

EPA is proposing for all federally-implemented programs the use of a simple formula that will prescribe, for wells authorized by rule, an injection pressure to be measured at the wellhead. The formula is discussed in detail in part III.B. of this preamble. The 0.733 psi/ft fracture gradient proposed for Washington was determined from Warner and Lehr (1977, EPA–600/2–77–240, page 117) which proposed a range of values from 0.5 to 1.0 psi per foot of depth

The State of Washington has submitted a complete application for primary enforcement responsibility over all classes of wells. If the State program is approved, the hearing will be cancelled. All persons interested in

attending the hearing, therefore, should confirm that the hearing is being held.

If the State program is approved prior to the date of the scheduled public hearing on the proposed EPA program the hearing will be cancelled. All persons interested in attending the hearing, therefore, should confirm that the hearing is being held.

SUBPART YY—WISCONSIN

Subpart YY sets forth the UIC program for Wisconsin, which is administered by the State as approved by EPA. However, since the State did not assert jurisdiction over Indian lands in the State, EPA must promulgate a program applicable to those lands. EPA is therefore proposing to add to subpart YY an EPA-administered Indian lands program.

This program would consist of a prohibition of all underground injection. This approach is the one preferred by the majority of the tribal organizations in the State. The approach is taken because of the very high value the Indians place on ground water in their reservations. In addition, this approach is largely consistent with the approved state-administered program in effect in the rest of the State, which prohibits all injections other than certain Class V wells.

SUBPART BBB—PUERTO RICO

Subpart BBB proposes to require all owners and operators in Puerto Rico to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146.

Because EPA is not aware of any existing Class I, II, III, or IV wells in Puerto Rico, it is not proposing any specific provisions for existing wells authorized by rule. Class V wells will be inventoried but no permitting or other regulatory action is proposed at this time.

All new Classes I, II, and III wells in Puerto Rico are required to apply for permits prior to initiation of construction.

SUBPART CCC—VIRGIN ISLANDS

Subpart CCC proposes to require all owners and operators to comply with the UIC regulations at 40 CFR Parts 124, 144, and 146.

Because EPA is not aware of any existing Class I, II, III, or IV wells in Virgin Islands, it is not proposing any specific provisions for existing wells authorized by rule. Class V wells will be inventoried but no permitting or other regulatory action is proposed at this time.

All new Classes I, II, and III wells in Virgin Islands are required to apply for permits prior to initiation of construction.

SUBPART GGG—OSAGE MINERAL RESERVE

A. Background

This Osage Mineral Reserve in Oklahoma was established by Act of Congress in 1906, which allows the Osage Indian Tribe, through the Bureau of Indian Affairs (BIA), to establish leasing policies and obtain royalties from oil and gas production. Because of the nature of this grant of authority, the State of Oklahoma does not regulate mineral extraction activities on the Reserve, and the Oklahoma UIC program for Class II wells (those related to the production of oil and gas) approved by EPA on December 2, 1981, does not apply to injection activities on the Reserve. Consequently, EPA must develop a Class II UIC program for the Osage Mineral Reserve. This subpart proposes such a program. A program to regulate Class I, III, IV, and V wells will be developed and promulgated separately.

B. Criteria for Establishing the Osage UIC Program

EPA's national UIC program requirements at 40 CFR 144.2 clarify the authority of the Agency with respect to prescribing UIC programs for Class II wells on Indian lands. Section 144.2 provides that the Administrator may depart from the precise standards of the UIC minimum requirements as long as he considers tribal interest and preferences, consistency with the program of the State in which the Indian lands are located, and the basic statutory requirements of the SDWA. With respect to Indian lands programs generally, EPA proposed on September 2, 1983, (48 FR 40098) four options for he contents of Indian lands programs to be implemented by EPA. These include: (1) a program consisting of current UIC minimum requirements; (2) a program consisting of the requirements of the State-administered program for the State in which Indian lands are located; (3) a program consisting of a combination of Federal and State requirements; and (4) a program diffeent in some respects from both the Federal UIC program and the approved State program containing requirements that respond to concerns and wishes of the affected tribal government.

In consideration of the large number of wells in the Osage Mineral Reserve, and the fact that the Reserve already has a considerable history of regulation of Class II wells, EPA has tentatively decided that the most appropriate approach is to tailor a program specifically to the Reserve, combining the approaches of several of the proposed options. The program being proposed today has been developed by drawing from existing BIA requirements, requirements from the approved Oklahoma UIC program in effect in the rest of the State, the EPA UIC minimum requirements, and the expressed preferences of the Osage Tribe. Following is a brief explanation of how three major sources (the existing BIA program regulating oil and gas production, the Oklahoma Corporation Commission Class II UIC program, and the EPA UIC minimum requirements at Parts 124, 144, and 146) were used in developing the Osage County requirements.

Bureau of Indian Affairs

The BIA is currently regulating all oil and gas production in Osage County and is responsible for the prevention of pollution by oil and gas producers under the authority of 25 CFR Part 226. As a part of this responsibility, BIA requires injection well operators to gain Osage Agency, BIA, approval before drilling, converting, or plugging an injection well. The Osage UIC program incorporates many requirements of the current BIA program but will expand upon these requirements. BIA and EPA will work together based upon the regulations administered by each Agency. A single permit, containing existing BIA conditions and the conditions applied by EPA as part of this rulemaking, will satisfy the requirements of both Agencies. Some of the specific aspects of the BIA program which EPA proposes to adopt are: bonds required by 25 CFR Part 226; BIA forms; setting plugs in abandoned wells to protect currently used aquifers as well as at the base of the lowest USDW; and testing newly converted injection wells to 200 psi to insure that the casing, tubing and packer operate correctly.

Oklahoma Corporation Commission

The Oklahoma Corporation Commission received primacy for the Class II injection well program in Oklahoma on December 2, 1981. Since Osage County is located in Oklahoma and many well operators have facilities both in Osage County and in the rest of the State, EPA has developed a program that includes several requirements similar to the State requirements. Some of the program items that are similar to Oklahoma's are: plugging requirements, the one-fourth inch female fitting to the tubing/casing annulus, and corrective action requirements.

EPA's UIC Minimum Requirements (40 CFR Parts 124, 144, and 146)

This program contains several provisions similar or identical to the EPA regulations, although in some cases they were modified to be more flexible. Some of the sections used are: area permits, emergency permits, permit modifications and terminations, and the appeals procedure.

The approach described above was considered superior to the several other options considered. Adoption of a program identical to the State program approved in Oklahoma would have ensured consistency of the Osage program with the adjoining jurisdiction, but would disrupt the existing regulatory program of the BIA and ignore the preferences of the Osage Tribe for matching certain of the standards and procedures of that BIA program. Another option was to adopt a program consisting of the precise minimum requirements of the national UIC regulations. This option was rejected as being inconsistent with both the BIA and the Oklahoma State programs, ignoring the advantages of coordination and cooperation between programs, the desirability of relative uniformity across jurisdictional lines, and the preferences of the Osage Tribe. At the same time, under the proposed approach the substantive standards of the EPA minimum requirements have been retained with only few and limited exceptions.

These proposed rules are presented in four parts. Sections 147.2901 to 147.2908 contain general provisions applying to all Class II injection wells in Osage County. These provisions include explanations of the area of review concept, the plugging and abandonment requirements, and instructions for obtaining an emergency permit. Sections 147.2909 to 147.2915 contain the rules for authorization of existing Class II injection wells (defined as those wells the construction of which was approved by the Bureau of Indian Affairs (BIA), pursuant to 25 CFR 183, prior to the effective date of this UIC program). Since these wells will be authorized by rule for the life of the well, the operators will not have to apply for an EPA permit. However, these rules contain construction, operation, monitoring and reporting requirements with which the operators must comply. Sections 147.2916 to 147.2928 contain the instructions for submitting a permit application, as well as construction, operation, monitoring, and reporting requirements for injection wells to be drilled or converted after the effect date of the program. Also included are requirements for corrective action, area permits, and permit transfers, modifications, and terminations. Standard permit conditions are outlined in these sections, as well as procedures for the appeal of permit decisions. Section 147.2929 contains the administrative permitting procedures such as preparing draft permits, giving public notice of important actions and responding to comments.

C. Organization and Contents

The Osage UIC program proposed today would be codified as Subpart GGG of Part 147 of 40 CFR. EPA established Part 147 to contain all Federally-administered UIC programs as well as notice of approval for State-administered programs. To help inform the public of all requirements applicable in each State, EPA would also add to Subpart LL, which describes the approved programs administered by Oklahoma, a reference explaining that the requirements for the Indian lands program for the Osage Mineral Reserve in the State are set forth at Subpart GGG.

The four groups of standards just described are the same basic program elements contained in the Federal UIC minimum requirements: general program requirements, program requirements and technical standards for wells authorized by rule, program requirements and technical standards for wells authorized by permit, and procedural (public participation) requirements for the permitting process. Although the format or means of administration of these standards varies from the minimum requirements, the substantive standards themselves are equivalent to the minimum requirements with only few and limited exceptions.

Some variations result from attempts to maintain consistency with the program of the Oklahoma Corporation Commission applicable in the rest of the State. Although that program has been approved by EPA, it does not in every case meet precisely the UIC minimum requirements regulations, because strict equivalence is not required of State Class II programs under Section 1425 of the SDWA. Other variations result from conforming the Osage program to the existing BIA program, or to tribal preferences. As mentioned above, § 44.2 of EPA's regulations provides the flexibility to promulgate programs on Indian lands that contain such variations. The major differences, and rationale for the differences, are outlined below.

Authorization of Underground Injection by Rule (Minimum Requirements: § 44.21; Osage: §§ 147.2909 to 147.2915

Under 40 CFR 144.21, owners or operators of existing salt water disposal wells are required to obtain a permit. For the Osage Class II program, EPA is proposing that existing salt water disposal wells which do not endanger USDWs be authorized by rule for the life of the well unless specifically identified by EPA as needing a permit. It is the preference of the Osage Tribe that owners or operators of existing wells not be routinely subjected to the administrative burden of the permit application process, since they have already provided much of this information to the BIA. Furthermore, under Oklahoma's approved Class II program, owners or operators of existing wells are not routinely required to obtain a new permit. Therefore, the Osage proposal is consistent with the program in effect in the adjoining jurisdiction.

Wells authorized by rule will receive the same technical scrutiny as those being permitted. Wells authorized by rule must meet the same operating, monitoring, mechanical integrity testing, and reporting requirements as wells under permit. EPA will perform an in-depth review of well construction and operation at the time of mechanical intergrity testing. This alternative approach will reduce EPA's administrative paperwork burden of issuing permits for existing wells and will allow EPA to accelerate the mechanical integrity testing schedule for salt water disposal wells. The reduced administrative workload will also allow EPA to witness more of these mechanical integrity tests, with the goal of witnessing all mechanical intergrity tests in Osage County.

Application for a Permit (Minimum Requirements: § 144.31; Osage: § 147.2918)

EPA has decided that certain of the information ordinarily required to be submitted as part of a permit application need not be required for applications under the Osage program. These items are those required in § 44.31 at: paragraph (e)(1) (the activities conducted by the applicant that require him to obtain a permit); paragraph (e)(3) (SIC codes reflecting the products or services of the facility); paragraph (e)(6) (lists of permits or approvals under other regulatory programs); paragraph (e)(7) (map of one mile radius around the facility); and paragraph (e)(8) (brief

description of the nature of the business).

Most of these information items are unnecessary because they tend to be known and uniform among all facilities regulated by the program, given that the program regulates only a single and well-defined class of wells and is contained within a relatively limited geographic area. With respect to notice of other permits received, the coordination that has already been incorporated into this program between EPA and BIA, the only other permitting authority for injection wells in this area, renders such notice unnecessary.

With respect to the mile radius map, the Osage program does require a map showing the area of review (established in § 147.2905 of the proposal as one-fourth mile), which will show the main elements of the facility and surrounding area that are of concern. The requirement of a larger map would not be consistent with either the approved Oklahoma program or the BIA program.

Signatories to Permit Applications and Reports (Minimum Requirements: § 144.32; Osage: § 147.2925(j))

For owners or operators that are not individuals, the minimum requirements specify who may sign permit applications and reports according to their position in the corporation, partnership or municipality. The Osage program would require only that the "owner or operator" sign such documents, a standard somewhat less specific than the minimum standards. The Agency is proposing this approach since it is the standard now employed by the BIA. Since the Agency will be using the BIA permit form with some additions, accepting BIA's signatory requirements will enable EPA to implement the program without unduly disrupting the existing program, while still assuring protection of USDWs.

Mechanical Integrity (Minimum Requirements: § 146.8; Osage: § 147.2912)

§ 147.2912, Operating Requirements, proposes to allow operators to demonstrate mechanical integrity with tracer surveys. This test was approved by EPA for use in the Oklahoma Class II program. Thus, the use in the Osage program is consistent both with § 146.8(d), which allows alternative demonstrations of mechanical integrity with the Administrator's approval, and § 144.2 which allows the Agency to promulgate differing requirements where jurisdictional differences or Indian wishes warrant it—provided the requirements are consistent with the goals of the SDWA, as specified in Section 1421 (b)(1) (A)–(D).

Frequency of Monitoring of Injection Pressure and Rate (Minimum Requirements: § 146.23(b); Osage: §§ 147.2913 and 147.2922)

The minimum requirements require monitoring of the injection pressure and flow rate at least weekly for produced fluid disposal operations and at least monthly for enhanced recovery operations. EPA proposes in the Osage program to match the monthly frequency for enhanced recovery operations but to set the frequency for produced fluid operations at monthly as well. EPA believes that the difference between weekly and monthly monitoring is justified by the advantage of consistency with the approved Oklahoma requirements and the preferences of the Osage Tribe and the BIA.

Plugging and Abandonment Plan (Minimum Requirements: §§ 144.21(c)(5), 144.22(a)(5), and 144.52(a)(6); Osage: § 147.2906)

EPA minimum requirements require owners or operators to prepare and maintain a plugging and abandonment plan within the first year of the UIC program. The proposed Osage regulations do not require such a plan to be developed until the well is to be plugged (the plan must be submitted at least five days before plugging), which must occur within six months of the termination of injection. This approach maintains the advantage of consistency with the adjoining jurisdiction, since the approved Oklahoma program does not require such plans to be prepared prior to actual plugging. In addition, the Agency believes that this difference is justified on the basis of the unique characteristics of the Osage program.

For several reasons, the details of plugging and abandoning wells on the Osage Reserve are likely to be uniform and, therefore, plans will be easier to process than for most other programs. First, the Osage program covers only Class II wells and the construction details of the wells are generally similar. Second, there are a limited number of producing formations within the Osage Reserve, and disposal operations are confined to a few discrete strata. The geology of these strata and overlying strata is well established. Since plugging and abandonment procedures are largely a function of the well construction and the geological and geohydrologic characteristics of the site, the task of developing and evaluating the plans should be relatively simple. Thus, equivalent protection for USDWs is provided in the Osage program without requiring early preparation of plugging and abandonment plans.

Notice of Plugging and Abandonment (Minimum Requirements: §§ 144.21(c)(4), 144.22(a)(4), 144.51(n), and § 144.28(j); Osage: §147.2905)

EPA's minimum requirements regulations currently require notice of plugging and abandonment but leave the minimum advance notice time to the discretion of the Director. For EPA-administered programs in general, EPA has established this time period at 45 days before plugging and abandonment, with the possibility of a shorter time if approved by the Regional Administrator. (See § 144.28(j)(2) published today in Part II of the **Federal Register.** For the Osage program, EPA has proposed to establish this time period at five days before plugging and abandonment.

The primary purpose of the 45-day notice was to allow EPA to review plans and make arrangements to observe the plugging operation if the Agency wished to do so. The same factors described above that demonstrate the lack of a need to require advance preparation of plugging and abandonment plans support the reasonableness of a short notice period. In view of these factors, the fact that Osage county is relatively small, and the fact that EPA is operating a field office in the county, the review of plans and observation of plugging can still be arranged within the five-day time period.

Plugging and Abandonment (Minimum Requirements: §§ 144.28(c)(2)(iii) and 144.52(a)(6); Osage: § 147.2905)

EPA's minimum requirements regulations require that wells be plugged when they are abandoned (§ 146.10), but provide that temporary and intermittent cessation shall not be considered abandonment (§ 144.21(c)(5), 144.22(a)(5), and 144.52(a)(6)). For EPA-administered programs generally, EPA has provided that any cessation of injection that extends longer than two years will not be considered "temporary and intermittent," and that, therefore, the well must be plugged unless the owner or operator notifies the Regional Administrator and demonstrates maintenance procedures that will ensure no endangerment of USDWs during the period of abandonment (see § 144.28(c)(2)(ii) of Part II of today's **Federal Register.**) For the Osage program, EPA is proposing a slightly different approach in § 147.2905, which simply requires that a well be properly plugged within six months of completing injection unless the owner/operator

demonstrates that the well will be reactivated. The main reason for the six months requirement is that this is the standard required by the OCC regulations that apply elsewhere in Oklahoma. In addition, the six months requirement is somewhat more straightforward than the concept of temporary and intermittent cessation of operations, which was employed in EPA's minimum UIC requirements as a more general standard that would afford some flexibility to States. in any case, the six months requirement is at least as stringent as the standard for other EPA-administered programs.

Submittal of Inventory Information (Minimum Requirements: § 144.26; Osage: § 147.2913(a))

The UIC minimum regulations at § 144.26 require that specific information be submitted to the Director. The Osage proposal in § 147.2913(a) requires inventory information to be submitted only upon request. This is because comprehensive well information is already on file with the BIA and the Osage UIC office. Submittal of informaiton already available to EPA would be an unnecessary administrative burden to the operator.

Shortening of Certain Notice Periods (Minimum Requirements: §§ 124.10, 144.31(d), and 144.38; Osage: §§ 147.2926, 147.2929(a), and 147.2944(d))

In several instances, the Osage program proposes to use time periods for public notice or notification of the Regional Administrator by the owner/operator which are less than those specified in the minimum requirements regulations. For example, § 147.2944, Public Notice, specifies a public comment period of 15 days, while 40 CFR 124.10 specifies 30 days. Similarly, § 147.2926, Permit Transfers and § 147.2929(a), Completeness Review, require only 10-day time periods while the minimum requirements at § 144.38 require 30 days of notice for permit transfers, and at § 144.26(d) impose no deadline on EPA for completing reviews. The Agency believes that these lesser time periods are appropriate for the Osage program. The Mineral Reserve is small, the fields well established, and the affected community well acquainted with the activities occurring there. This allows the necessary review, comment, and action to be accomplished by all involved parties within a shorter time. In addition, the times specified are consistent with those in the Oklahoma Class II program and exceed current BIA requirements. Further, the Osage UIC office located in Osage County facilitates contact between the Agency and operators. Considering all these factors, the shorter time periods proposed in the Osage program appear to be justified.

The ten-day period for completeness reviews of permit applications establishments a time limit where none exists in the minimum requirements. EPA would like to point out that the Agency in no way intends that failure to perform the review in the specified time results in any type of automatic determination or approval. Failure would simply constitute a breach of the stated regulatory duty and impose the continued obligation to perform the duty as quickly as possible.

V. Compliance with Regulatory Review Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumer, individual industries, Federal, State or local government agencies, or geographic regions, 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. Accordingly, the impact of the proposed rule is not considered to be major.

These amendments were 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 response by the Agency are available for public inspection at the EPA Office of Drinking Water, 401 M Street, SW., Washington, D.C. 20460.

B. Regulatory Flexibility Act

Today's proposal applies these requirements to new jurisdictions. However, the Agency's analysis indicates that this will not have a significant economic impact on a substantial number of small entities. All of the programs proposed today were contemplated in the original economic analysis of the UIC program, and there has been no major change in the estimates of the burden of the program.

C. Paperwork Burden

The information collection requirements contained in this proposal 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 *et seq.* and have been assigned OMB control number 2040–0042.

List of Subjects

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Indian lands.

40 CFR Part 144

Administrative practice and procedure, Reporting and recordkeeping requirements, Confidential business information, Water supply.

40 CFR Part 146

Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply.

40 CFR Part 147

Administrative practice and procedure, Reporting and Recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

Authority: Safe Drinking Water Act, 42 U.S.C. 300h.

Dated: May 9, 1984.

William D. Ruckelshaus,

Administrator.

PART 144—[AMENDED]

Part 144, Subpart A is amended by adding a definition for "Indian Lands" to § 144.3 to follow the definition of *HWM facility:*

§ 144.3 Definition.

* * * * *

Indian lands means "Indian country" as defined in 18 U.S.C. 1151. That section defines Indian country as:

(a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;

(b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Subpart K—Florida

1. It is proposed to amend Subpart K, by adding §§ 147.501, 147.502, 147.503, and 147.504.

§ 147.501 EPA-administered program—Class II wells.

(a) *Contents.* The UIC program for Class II wells in the State of Florida is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Florida is: (44 days after publication of final rule).

§ 147.502 Aquifer Exemptions. [Reserved]

§ 147.503 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.

Maximum injection pressure. To meet the operating requirements of § 144.28(f)(3)(i) of this chapter, the owner or operator shall use an injection pressure at the well head no greater than the pressure calculated using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

§ 147.504 Existing Class II enhanced recovery and hydrocarbon storage wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of § 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of § 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may by submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) *Casing and cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, of this chapter, the owner or operator shall, when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) Comply with other requirements which the Regional Administrator may specify either in addition to or in lieu of the requirements set forth in paragraphs (b)(1)–(3) of this section as needed to protect USDWs.

(c) *Area of review.* Notwithstanding the alternatives presented in § 146.06 of this chapter, the area of review shall be a minimum fixed radius as described in § 146.06(b) of this chapter.

Subpart M—Hawaii

1. It is proposed to amend Subpart M, by adding a subject heading to § 147.600 and by adding § 147.601.

§ 147.600 State-administered program. [Reserved]

§ 147.601 EPA-administered program.

(a) *Contents.* The UIC program for the State of Hawaii is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for the State of Hawaii is (44 days after publication of final rule).

Subpart R—Kansas

1. It is proposed to amend Subpart R by revising § 147.850 to read as follows:

§ 147.850 State-administered program—Class I, III, IV and V wells.

The UIC program for Class, I, III, IV and V wells in the State of Kansas, except those on Indian lands as described in § 147.860, is the program administered by the Kansas Department of Health and Environment, approved by EPA pursuant to Section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on December 2, 1983 (48 FR 54350); the effective date of this program is December 2, 1983. This program consists of the following elements, as submitted to EPA in the State's program application.

2. It is proposed to amend Subpart R by revising § 147.851 to read as follows:

§ 147.851 State-administered program—Class II wells.

The UIC program for Class II wells in the State of Kansas except those on Indian lands as described in § 147.860, is the program administered by the Kansas Corporation Commission and the Kansas Department of Health and Environment, approved by EPA pursuant to Section 1425 of the SDWA. Notice of this approval was published in the **Federal Register** on February 8, 1984 (49 FR 4735); the effective date of this program is February 8, 1984. This program consists of the following elements, as submitted to EPA in the State's program application.

3. It is proposed to amend Subpart R by adding § 147.860.

§ 147.860 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for all classes of wells on Indian lands in Kansas is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Indian lands in Kansas is (44 days after publication of final rule).

Subpart Y—Minnesota

1. It is proposed to amend Subpart Y by adding a new § 147.1210.

§ 147.1210 Requirements for Indian Lands.

(a) *Purpose and Scope.* This section sets forth additional requirements that apply to injection activities on Indian lands in Minnesota.

(b) *Requirements.* Notwithstanding the other requirements of this subpart, for Indian lands described in paragraph (a), no owner or operator shall construct, operate, maintain, or convert any Class I, II, III, or IV wells. In addition, no owner or operator shall abandon a well without the approval of the Regional Administrator.

(c) *Effective date.* The effective date of the UIC program requirements for Indian lands in Minnesota is (44 days after publication of final rule).

Subpart Z—Mississippi

1. It is proposed to amend Subpart Z, by adding §§ 147.1251, 147.1252, 147.1253, and 147.1254.

§ 147.1251 EPA-administered program—Class II wells.

(a) *Contents.* The UIC program for class II wells in the State of Mississippi is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Class II wells in Mississippi is (44 days after publication of final rule).

§ 147.1252 Aquifer Exemptions. [Reserved]

§ 147.1253 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.

Maximum injection pressure. To meet the operating requirements of § 144.28(f)(3)(i) of this chapter, the owner or operator shall use an injection pressure at the wellhead no greater than the pressure calculated using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the wellhead in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

§ 147.1254 Existing Class II wells authorized by rule.

(a) *Maximum injection pressure.* (1) To meet the operating requirements of § 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at pressures greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of § 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2) (ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission. The data shall be submitted to the Regional Administrator within 1 year of the effective date of this program.

(b) *Casing and cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less then 120% of the calculated volume necessary to cement off a zone.

(4) Comply with other requirements which the Regional Administrator may specify either in addition to or in lieu of the requirements set forth in paragraphs (b)(1)–(3) of this section as needed to protect USDWs.

(c) *Area of review.* Notwithstanding the alternatives presented in § 146.06 of this chapter, the area of review shall be a minimum fixed radius as described in § 146.06(b) of this chapter.

Subpart JJ—North Dakota

1. It is proposed to amend Subpart JJ by adding §§ 147.1751, 147.1753, and 147.1754, and by adding and reserving § 147.1752.

§ 147.1751 EPA-administered program—Class I, III, IV and V wells.

(a) *Contents.* The UIC program for Class I, III, IV, and V wells in North Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators,

and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Class I, III, IV, and V wells in North Dakota is (44 days after publication of final rule).

§ 147.1752 Aquifer Exemptions. [Reserved]

§ 147.1753 Existing Class I and III wells authorized by rule.

Maximum injection pressure. (a) The owner or operator shall limit injection pressure to the lesser of:

(1) A value obtained from the formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = Injection pressure at the wellhead in pounds per square inch

Sg = Specific gravity of injected fluid (unitless)

d = Injection depth in feet; or

(2) The value contained in an existing UIC permit issued by the State of North Dakota under their authorities as established in State regulation NDAC 33-25-01 and 43-02-02.1.

(b) In no case shall the owner or operator allow injection pressure to exceed the operating requirements of § 144.28(f)(3) (i) or (ii).

§ 147.1754 Requirements for all wells.

(a) The owner or operator converting an existing well to an injection well shall check the condition of the casing with one of the following logging tools:

(1) A pipe analysis log; or

(2) A caliper log.

(b) The owner or operator of a new injection will cased with plastic (PVC, ABS, or others) casings shall:

(1) Not construct a well deeper than 500 feet;

(2) Use cement and additives compatible with such casing material; and

(3) Cement the annular space above the injection interval from the bottom of the blank casing to the surface.

(c) The owner or operator of a newly drilled well shall install centralizers as directed by the Regional Administrator.

(d) The owner or operator shall as required by the Regional Administrator:

(1) Protect USDWs by:

(i) Setting surface casing 50 feet below the base of the lowermost USDW;

(ii) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(iii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone; and/or

(4) Comply with other requirements which the Regional Administrator may specify either in addition to or in lieu of the requirements set forth in paragraphs (d)(1)-(3) of this section as needed to protect USDWs.

(e) *Area of review.* Notwithstanding the alternatives presented in § 146.6 of this chapter, the area of review shall be a fixed radius as described in § 146.6(b) of this chapter.

Subpart KK—Ohio

1. It is proposed to amend Subpart KK by adding §§ 147.1801, and 147.1803, and by adding and reserving § 147.1802.

§ 147.1801 EPA-administered program—Class I, III, IV, and V wells.

(a) *Contents.* The UIC program for Class I, III, IV, and V wells in the State of Ohio is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Class I, III, IV and V wells in Ohio is (44 days after publication of final rule).

§ 147.1802 Aquifer Exemptions. [Reserved]

§ 147.1803 Existing Class I and III wells authorized by rule.

Maximum injection pressure. The owner or operator shall limit injection pressure to the lesser of:

(a) A value which will not exceed the operating requirements of § 144.28(f)(3) (i) or (ii) as applicable; or

(b) A value for well head pressure calculated by using the following formula:

$$Pm = (0.8 \times 0.433\ Sg)\ d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

Subpart MM—Oregon

1. It is proposed to amend Subpart MM by adding a subject heading to § 147.1900, by adding §§ 147.1901, and 147.1903, and by adding and reserving § 147.1902.

§ 147.1900 State-administered program. [Reserved]

§ 147.1901 EPA-administered program.

(a) *Contents.* The UIC program for the State of Oregon is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Oregon is (44 days after publication of final rule).

§ 147.1902 Aquifer Exemptions. [Reserved]

§ 147.1903 Existing Class II (except enhanced recovery and hydrocarbon storage) wells authorized by rule.

Maximum injection pressure. To meet the operating requirements of § 144.28(f)(3)(i) of this chapter, the owner or operator shall use an injection pressure at the well head no greater than the pressure calculated using the following formula:

$$Pm = (0.733 \times 0.433\ Sg)\ d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

Subpart OO—Rhode Island

1. It is proposed to amend Subpart OO by adding a subject heading to § 147.2000 and by adding § 147.2001.

§ 147.2000 State-administered program.

§ 147.2001 EPA-administered program.

(a) *Contents.* The UIC program for the State of Rhode Island is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Rhode Island is: (44 days after publication of final rule).

Subpart PP—South Carolina

1. It is proposed to amend Subpart PP by adding a subject heading to § 147.2050 and by adding § 147.2051.

§ 147.2050 State-administered program. [Reserved]

§ 147.2051 EPA-administered program.

(a) *Contents.* The UIC program for the State of South Carolina is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for South Carolina is: (44 days after publication of final rule).

Subpart QQ—South Dakota

1. It is proposed to amend Subpart QQ by adding a subject heading to § 147.2100, and by adding § 147.2101, 147.2102, 147.2103, and 147.2104.

§ 147.2100 State-administered program. [Reserved]

§ 147.2101 EPA-administered program.

(a) *Contents.* The UIC program for the State of South Dakota is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for South Dakota is: (44 days after publication of final rule).

§ 147.2102 Aquifer exemptions.

(a) This section identifies any aquifers or their portions exempted in accordance with §§ 144.7(b) and 146.4 of this chapter at the time of program promulgation. EPA may in the future exempt other aquifers or their portions, according to applicable procedures, without codifying such exemptions in this section. An updated list of exemptions will be maintained in the Regional office.

(b) For all aquifers into which existing Class II wells are injecting, those portions within a ¼ mile radius of the well are exempted for the purpose of Class II injection activities only.

§ 147.2103 Existing Class II Enhanced Recovery and Hydrocarbon Storage Wells Authorized by Rule.

(a) *Maximum Injection Pressure.* (1) To meet the operating requirements of § 144.28(f)(3)(ii) (A) and (B) of this chapter, the owner or operator:

(i) Shall use an injection pressure no greater than the pressure established by the Regional Administrator for the field or formation in which the well is located. The Regional Administrator shall establish such a maximum pressure after notice, opportunity for comment, and opportunity for a public hearings, according to the provisions of Part 124, Subpart A of this chapter, and will inform owners and operators in writing of the applicable maximum pressure; or

(ii) May inject at a pressure greater than those specified in paragraph (a)(1)(i) of this section for the field or formation in which he is operating provided he submits a request in writing to the Regional Administrator, and demonstrates to the satisfaction of the Regional Administrator that such injection pressure will not violate the requirement of § 144.28(f)(3)(ii) (A) and (B). The Regional Administrator may grant such a request after notice, opportunity for comment, and opportunity for a public hearing, according to the provisions of Part 124, Subpart A of this chapter.

(2) Prior to such time as the Regional Administrator establishes field rules for maximum injection pressure based on data provided pursuant to paragraph (a)(2)(ii) of this section the owner or operator shall:

(i) Limit injection pressure to a value which will not exceed the operating requirements of § 144.28(f)(3)(ii); and

(ii) Submit to the Regional Administrator data acceptable to the Regional Administrator which defines the fracture pressure of the formation in which injection is taking place. A single test may be submitted on behalf of two or more operators conducting operations in the same formation, if the Regional Administrator approves such submission.

(b) *Casing and Cementing.* Where the Regional Administrator determines that the owner or operator of an existing enhanced recovery or hydrocarbon storage well may not be in compliance with the requirements of §§ 144.28(e) and 146.22, the owner or operator shall when required by the Regional Administrator:

(1) Protect USDWs by:

(i) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(ii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operation pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone; and/or

(4) Comply with other requirements which the Regional Administrator may specify in addition to or in lieu of the requirements set forth in paragraphs (b)(1)–(3) of this section as needed to protect USDWs.

§ 147.2104 Requirements for all wells.

(a) The owner or operator converting an existing well to an injection well shall check the condition of the casing with one of the following logging tools:

(1) A pipe analysis log; or

(2) A caliper log.

(b) The owner or operator of a new injection well cased with plastic (PVC, ABS, or others) casings shall:

(1) Not construct a well deeper than 500 feet;

(2) Use cement and additives compatible with such casing material; and

(3) Cement the annular space above the injection interval from the bottom of the blank casing to the surface.

(c) The owner or operator of a newly drilled well shall install centralizers as directed by the Regional Administrator.

(d) The owner or operator shall as required by the Regional Administrator:

(1) Protect USDWs by:

(i) Setting surface casing 50 feet below the lowermost USDW; or

(ii) Cementing surface casing by recirculating the cement to the surface from a point 50 feet below the lowermost USDW; or

(iii) Isolating all USDWs by placing cement between the outermost casing and the well bore; and

(2) Isolate any injection zones by placing sufficient cement to fill the calculated space between the casing and the well bore to a point 250 feet above the injection zone; and

(3) Use cement:

(i) Of sufficient quantity and quality to withstand the maximum operating pressure;

(ii) Which is resistant to deterioration from formation and injection fluids; and

(iii) In a quantity no less than 120% of the calculated volume necessary to cement off a zone.

(4) The Regional Administrator may approve alternate casing and cementing practices provided that the owner or operator demonstrates that such practices will adequately protect USDWs.

(e) *Area of Review.* Notwithstanding the alternatives presented in § 146.6 of this chapter, the area of review shall be a fixed radius as described in § 146.6(b) of this chapter.

(f) The applicant must give separate notice of intent to apply for a permit to each owner of record of the land within one-quarter mile of the site. The addresses of those to whom notice is given and the description of how notice was given shall be submitted with the permit applicaton. The notice shall include:

(1) Name and address of applicant;

(2) A brief description of the planned injection activities, including well location, name and depth of the injection zone, maximum injection pressure and volume, and fluid to be injected;

(3) EPA contact person; and

(4) A statement that opportunity to comment will be announced after EPA prepares a draft permit.

This requirement may be waived by the Regional Administrator if he determines that individual notice to all land owners of record would be impractical.

Subpart UU—Vermont

1. It is proposed to amend Subpart UU by adding a subject heading to § 147.2300 and by adding § 147.2301.

§ 147.2300 State-administered program. [Reserved]

§ 147.2301 EPA-administered program.

(a) *Contents.* The UIC program for the State of Vermont is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Vermont is: (44 days after publication of final rule).

Subpart WW—Washington

1. It is proposed to amend Subpart WW by adding a subject heading to § 147.2400, by adding §§ 147.2401 and 147.2403, and by adding and reserving § 147.2402.

§ 147.2400 State-administered program. [Reserved]

§ 147.2401 EPA-administered program.

(a) *Contents.* The UIC program for the State of Washington is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146, and additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Washington is: (44 days after publication of final rule).

§ 147.2402 Aquifer Exemptions. [Reserved]

§ 147.2403 Existing Class I wells authorized by rule.

Maximum injection pressure. To meet the operating requirements of § 144.28(f)(3)(i) of this chapter, the owner or operator shall use an injection pressure at the wellhead no greater than the pressure calculated using the following formula:

$$Pm = (0.733 - 0.433\ Sg)d$$

where

Pm = injection pressure at the well head in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet.

Subpart YY—Wisconsin

1. It is proposed to amend Subpart YY by revising § 147.2500 to read as follows:

§ 147.2500 State-administered program.

The UIC program for Class, I, II, III, IV, and V wells in the State of Wisconsin, other than those on Indian lands as described in § 147.2510, is the program administered by the Wisconsin Department of Natural Resources, approved by EPA pursuant to SDWA Section 1422. Notice of this approval was published in the **Federal Register** on September 30, 1983 (48 FR 44783); the effective date of this program is November 30, 1983. This program consists of a prohibition of all injection wells except heat pump wells and may be found in the following elements, as submitted to EPA in the State's program application.

2. It is proposed to amend Subpart YY by adding § 147.2510.

§ 147.2510 EPA-administered program—Indian lands.

(a) *Contents.* The UIC program for Indian lands in the State of Wisconsin is administered by EPA. This program consists of 40 CFR Parts 144 and 146 and additional requirements set forth in this section. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Requirements.* Notwithstanding the requirements of paragraph (a) of this section for Indian lands in Wisconsin no owner or operator shall construct, operate, maintain, or convert any Class I, II, III, IV or V injection well.

(c) *Effective date.* The effective date of the UIC program requirements for Indian lands in Wisconsin is (44 days after publication of final rule).

Subpart BBB—Puerto Rico

1. It is proposed to amend Subpart BBB by adding a subject heading to § 147.2650 and by adding § 147.2651.

§ 147.2650 State-administered program. [Reserved]

§ 147.2651 EPA-administered program.

(a) *Contents.* The UIC program for Puerto Rico is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for Puerto Rico is: (44 days after publication of final rule).

Subpart CCC—Virgin Islands

1. It is proposed to amend subpart CCC by adding § 147.2701.

§ 147.2701 EPA-administered program.

(a) *Contents.* The UIC program for the Virgin Islands is administered by EPA. This program consists of the UIC program requirements of 40 CFR Parts 124, 144, and 146. Injection well owners and operators, and EPA, shall comply with these requirements.

(b) *Effective date.* The effective date of the UIC program for the Virgin Islands is: (44 days after publication of final rule).

Subpart LL—Oklahoma

1. 40 CFR Part 147, Subpart LL is amended by adding a new § 147.1852 to read as follows:

§ 147.1852 EPA-administered program—Osage Mineral Reserve—Class II Program.

The UIC program for Class II wells located within the Indian lands consisting of the Osage Mineral Reserve, Osage County, Oklahoma, is administered by EPA. This program consists of the requirements set forth at Subpart GGG of this Part.

2. 40 CFR Part 147 is amended by adding a new Subpart GGG to read as follows:

Subpart GGG—Osage Mineral Reserve—Class II Wells

Sec.

147.2901 Applicability and scope.
147.2902 Definitions.
147.2903 Prohibition of unauthorized injection.
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147.2928 Permit termination.
147.2929 Administrative permitting procedures.

Authority: Safe Drinking Water Act, 42 U.S.C. 300h.

Subpart GGG—Osage Mineral Reserve—Class II Wells

§147.2901 Applicability and scope.

This subpart sets forth the rules and permitting requirements for the Osage Mineral Reserve, Osage County, Oklahoma, Underground Injection Control Program. The regulations apply to owners and operators of Class II injection wells located on the Reserve, and to EPA.

§147.2902 Definitions.

Most of the following terms are defined in §144.3, and have simply been reproduced here for the convenience of the reader. This section also includes definitions of some terms unique to the Osage program. Terms used in this subpart are defined as follows:

Administrator—the Administrator of the United States Environmental Proctection Agency, or an authorized representative.

Aquifer—a geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

BIA—The "Bureau of Indian Affairs," United States Department of Interior.

Casing—a pipe or tubing of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and, thus, prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering the hole.

Cementing—the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

Class III Wells—wells which inject fluids:

(1) which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

(2) for enhanced recovery of oil or natural gas; and

(3) for storage of hydrocarbons which are liquid at standard temperature and pressure.

Existing Class III Wells—wells that were authorized by BIA and constructed and completed before the effective date of this program.

New Class III Wells—wells constructed or converted after the affective date of this program, or which are under construction on the effective date of this program.

Confining bed—a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

Confining zone—a geologic formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

Contaminant—any physical, chemical, biological, or radiological substance or matter in water.

Disposal well—a well used for the disposal of waste into a subsurface stratum.

EPA—The United States Environmental Protection Agency.

Fault—a surface or zone of rock fracture along which there has been displacement.

Fluid—material or substance which moves or flows whether in a semisolid, liquid, sludge, gas or any other form or state.

Formation—a body of rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and it mappable on the earth's surface of traceable in the subsurface.

Freshwater—"Underground source of drinking water."

Ground water—water below the land surface in a zone of saturation.

Injection well—a well into which fluids are being injected.

Injection zone—a geological formation, group of formations, or part of a formation receiving fluids through a well.

Lithology—the description of rocks on the basis of their physical and chemical characteristics.

Owner/operator—the owner or operator of any facility or activity subject to regulation under the Osage UIC program.

Packer—a device lowered into a well to produce a fluid-tight seal within the casing.

Permit—an authorization issued by EPA to implement UIC program requirments. Permit does not include the UIC authorization by rule or any permit which has not yet been the subject of final Agency action.

Plugging—the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

Pressure—the total load or force per unit area acting on a surface.

Regional Administrator—the Regional Administrator of Region 6 of the United States Environmental Protection Agency, or an authorized representative.

Subsidence—the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

Underground Source of Drinking Water—an aquifer or its portion:

(1)(i) Which supplies any public water system; or

(ii) which contains a sufficient quantity of ground water to supply a public water system; and

(A) currently supplies drinking water for human consumption; or

(B) contains fewer than 10,000 mg/l total dissolved solids; and

(2) which is not an exempted aquifer.

USDW—Underground Source of Drinking Water

Well—a bored, drilled, or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

Well Injection—the subsurface emplacement of fluids through a bored, drilled, or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

Well Workover—any reentry of an injection well; including, but not limited to, the pulling of tubular goods, cementing or casing repairs; and excluding any routine maintenance (e.g.

re-seating the packer at the same depth, or repairs to surface equipment).

§ 147.2903 Prohibition of unauthorized injection.

(a) Any underground injection, except as authorized by permit or rule issued under the UIC program, is prohibited. The construction of any well required to have a permit is prohibited until the permit has been issued.

(b) No owner or operator shall construct, operate, maintain, convert, plug, or abandon any injection well, or conduct any other injection activity, in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause the violation of any primary drinking water regulation under 40 CFR Part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(c) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

§ 147.2904 Area of review.

(a) The area of review for an injection well or project will be a fixed radius of one-fourth of a mile from the well, field or project.

(b) The zone of endangering influence is the lateral area around the injection well or project in which the injection zone pressures may cause movement of fluid into an underground source of drinking water (USDW) if there are improperly sealed, completed or abandoned wells present. A zone of endangering influence may be determined by EPA through the use of an appropriate formula that addresses the relevant geologic, hydrologic, engineering and operational features of the well, field, or project.

§ 147.2905 Plugging and abandonment.

The owner/operator shall notify the Osage UIC office within 30 days of the date injection has terminated. The well must be plugged within 6 months after termination of injection. The Regional Administrator may extend the time to plug, but only if (1) no fluid movement into a USDW will occur, and (2) the operator has presented a viable plan for utilizing the well within a reasonable time.

(a) Until an injection well has been properly plugged and abandoned, annual reports to the Regional Administrator on well status, and mechanical integrity tests as outlined in §§ 147.2912 and 147.2920 will be required, whether or not injection has ceased.

(b) All wells shall be plugged to prevent movement of fluid into an USDW.

(c) The owner/operator shall notify the Osage UIC office by certified mail at least 5 days prior to the commencement of plugging operations. The Osage UIC office may waive or reduce the 5-day notice requirement when a qualified EPA representative is availalbe to witness the plugging operation. The following information must be submitted as part of the notification:

(1) Type and number of plugs to be used;

(2) Elevation of top and bottom of each plug;

(3) Method of plug placement; and

(4) Type, grade and quantity of cement to be used.

(d) The well shall be kept full of mud as casing is removed. No surface casing shall be removed without written approval from the Regional Administrator.

(e)(1) If surface casing is adequately set and cemented through all freshwater zones (set to at least 50 feet below the base of freshwater), a plug shall be set at least 50 feet below the shoe of the casing and extending at least 50 feet above the shoe of the casing, or

(2) If the surface casing and cementing is inadequate, the well bore shall be filled with cement from a point 50 feet below the base of fresh water to a point 50 feet above the shoe of the surface casing, and any additional plugs as required by the Osage UIC office and/or the Osage Agency.

(3) In all cases, the top 20 feet of the well bore below 3 feet of ground surface shall be filled with cement. Surface casing shall be cut off 3 feet below ground surface and covered with a secure steel cap on top of the surface pipe. The remaining 3 feet shall be filled with dirt.

(f)(1) Except as provided in paragraph (f)(2) of this section, each producing or receiving formation shall be sealed off with a 50-foot cement plug placed at the base of the formation and a 50-foot cement plug placed at the top of the formation.

(2) The requirement in paragraph (f)(i) of this section does not apply if (i) the producing/receiving formation is already sealed off from the well bore with adequate casing and cementing behind casing, and casing is not to be removed, or (ii) the only openings from the producing/receiving formation into the well bore are perforations in the casing, and the annulus between the casing and the outer walls of the well is filled with cement for a distance of 50 feet below the base of the formation and 50 feet the above top of the formation. When such conditions exist, a bridge plug capped with 10 feet of cement set at the top of the producing formation may be used.

(g) When specified by the Osage UIC office, any uncased hole below the shoe of any casing to be left in the well shall be filled with cement to a depth of at least 50 feet below the casing shoe, or the bottom of the hole, and the casing above the shoe shall be filled with cement to at least 50 feet above the shoe of the casing. If the well has a screen or liner which is not to be removed, the well bore shall be filled with cement from the base of the screen or liner to at least 50 feet above the top of the screen or liner.

(h) All intervals between cement plugs in the well bore shall be filled with mud.

(i) A report containing copies of the cementing tickets shall be submitted to BIA within 10 days of plugging completion.

(j) A surety bond must be on file with the Bureau of Indian Affairs (BIA), and shall not be released until the well has been properly plugged and the Regional Administrator has agreed to the release of the bond.

§ 147.2906 Emergency permits.

(a) An emergency permit may be issued if:

(1) There will be an imminent health hazard unless an emergency permit is issued; or

(2) There will be a substantial and irretrievable loss of oil and gas resources, timely application for a permit could not practically have been made, and injection will not result in movement of fluid into an USDW; or

(3) There will be a substantial delay in oil or gas production, and injection will not result in movement of fluid into an USDW.

(b) *Requirements.*

(1) Permit duration.

(i) Emergency permits issued to avoid an imminent health threat may last no longer than the time necessary to prevent the hazard.

(ii) Emergency permits issued to prevent a substantial and irretrievable loss of oil or gas resources shall be for no longer than 90 days, unless a permit application has been submitted during that time; in which case the emergency permit may be extended until a final decision on the permit application has been made.

(iii) Emergency permits to avoid a substantial delay in oil or gas production shall be issued only after a permit application has been submitted

and shall be effective until a final decision on the permit application is made.

(2) Notice of the emergency permit will be given by the Regional Administrator according to the notice procedure for a draft permit within 10 days after issuance.

(3) An emergency permit may be oral or written. If oral, a written emergency permit must be issued within five calendar days.

§ 147.2907 Confidentiality of information.

(a) The following information cannot be claimed confidential by the submitter:

(1) Name and address of permit applicant or permittee.

(2) Information concerning the existence, absence or level of contaminants in drinking water.

(b) Other information claimed as confidential will be processed in accordance with 40 CFR Part 2.

§ 147.2908 Aquifer exemptions.

(a) After notice and opportunity for a public hearing, the Administrator may designate any aquifer or part of an aquifer as an exempted aquifer.

(b) An aquifer or its portion that meets the definition of a USDW may be exempted from USDW status if the following conditions are met:

(1) It does not currently serve as a source of drinking water, and

(2) it cannot now and will not in the future serve as a source of drinking water because:

(i) It is hydrocarbon producing, or can be demonstrated by a permit applicant as a part of a permit application for a Class II operation to contain hydrocarbons that are expected to be commercially producible (based on historical production or geologic information); or

(ii) it is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical; or

(iii) it is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

(3) the Total Dissolved Solids content of the groundwater is more than 3,000 and less than 10,000 mg/l and it is not reasonably expected to supply a public water system.

§ 147.2909 Authorization of existing wells by rule.

All existing Class II injection wells (wells authorized by BIA and constructed or completed on or before the effective date of the Osage UIC program) are hereby authorized. Owners or operators of wells authorized by rule must comply with the provisions of §§ 147.2903, 147.2905, 147.2907, and 147.2910–147.2915.

§ 147.2910 Duration of authorization by rule.

Existing Class II injection wells are authorized for the life of the well, subject to the obligation to obtain a permit if specifically required by the Regional Administrator pursuant to § 147.2915.

§ 147.2911 Construction requirements for wells authorized by rule.

All Class II wells shall be cased and cemented to prevent movement of fluids into USDWs. The Regional Administrator shall review inventory information, data submitted in permit applications, and other records, to determine the adequacy of construction (completion) of existing injection wells. At the Regional Administrator's discretion, well casing and cementing may be considered adequate if it meets the BIA requirements that were in effect at the time of construction (completion) and will not result in movement of fluid into an USDW. If the Regional Administrator determines that the construction of a well authorized by rule is inadequate, he shall require a permit, or he shall notify the owner/operator and the owner/operator shall correct the problem according to instructions from the Regional Administrator. All corrections must be completed within one year of owner/operator notification of inadequacies.

§ 147.2912 Operating requirements for wells authorized by rule.

(a) Each well authorized by rule must have mechanical integrity. Mechanical integrity must be demonstrated within five years of program adoption. The Regional Administrator will notify the well owner/operator three months before proof of mechanical integrity must be submitted to EPA. The owner/operator must contact the Osage UIC office at least five days prior to testing. The owner/operator may perform the mechanical integrity test prior to receiving notice from the Regional Administrator, provided the Osage UIC office is notified at least five days in advance. Conditions of both paragraphs (a)(1) and (a)(2) of this section must be met.

(1) There is no significant leak in the casing, tubing or packer. This may be shown by the following:

(i) Performance of an initial pressure test of the casing/tubing annulus to 200 psi or the maximum injection pressure, whichever is greater, or the pressure specified by the Regional Administrator, to be repeated thereafter, at five year intervals, for the life of the well; or

(ii) Monitoring of pressure in the casing/tubing annulus monthly and reporting of the pressure information annually, following an initial pressure test as described in Paragraph (a)(i) of this section; or

(iii) testing or monitoring programs approved by the Regional Administrator on a case-by-case basis, and

(2) There is no significant fluid movement into a USDW through vertical channels adjacent to the well bore. This may be shown by any of the following:

(i) Cementing records (need not be reviewed every five years);

(ii) Tracer survey (in appropriate hydrogeologic settings; must be used in conjunction with at least one of the other alternatives);

(iii) Temperature log;

(iv) Noise log; or

(v) Other tests deemed acceptable by the Regional Administrator.

(b) Injection pressure at the wellhead shall be limited so that it does not initiate new fractures or propagate existing fractures in the confining zone adjacent to any UDSW. The owner/operator shall use an injection pressure at the wellhead no greater than the pressure calculated by using the following formula:

$$Pm = (0.75 - 0.433\ Sg)d$$

where:

Pm = injection pressure at the wellhead in pounds per square inch

Sg = specific gravity of injected fluid (unitless)

d = injection depth in feet

(c) Injection wells or projects which have exhibited failure to confine injection fluids to the authorized injection zone or zones may be subject to restriction of injection volume and pressure, or shut-down, until the failure has been identified and corrected.

§ 147.2913 Monitoring and reporting requirements for wells authorized by rule.

(a) The owner/operator has the duty to submit inventory information to the Regional Administrator upon request. Such request may be a general request to all operators in the County (e.g., public notice, or mailout requesting verification of information).

(b) the operator shall monitor the injection pressure (psi) and rate (bbl/day) at least monthly, with the results reported annually. The annual report shall specify the types of methods used to generate the monitoring data.

(c) The owner/operator shall notify the Osage UIC office within 30 days of any mechanical failure or down-hole problems involving well integrity, well

workovers, or any noncompliance. As required, operators must apply for and obtain a workover permit from the Bureau of Indian Affairs Osage Agency before reentering an injection well. If the condition may endanger an USDW, the owner/operator shall notify the Osage UIC office orally within 24 hours, with written notice including plans for testing and/or repair to be submitted within five days. If all the information is not available within five days, a followup report must be submitted within 30 days.

(d) The owner/operator shall determine the nature of injected fluids initially, when the nature of injected fluids is changed or when new constituents are added. The records should reflect the character of the new fluid and the date changes were made.

(e) The owner/operator shall retain all monitoring records for three years, unless an enforcement action is pending, and then until three years after the enforcement action has been resolved.

§ 147.2914 Corrective action for wells authorized by rule.

Based on the Regional Administrator's discretion, corrective action to prevent movement of fluid into a USDW may be required for improperly sealed, completed or abandoned wells (i.e., wells or well bores which may provide an avenue for fluid migration into a USDW) within the zone of endangering influence (as defined in § 147.2904, Area of Review) of an injection well authorized by rule.

(a) EPA will notify the operator when corrective action is required. Corrective action may include:

(1) Well modifications:

(i) Recementing;

(ii) Workover;

(ii) Reconditioning;

(iv) Plugging or replugging;

(2) Limitations on injection pressure to prevent movement of fluid into an USDW;

(3) A more stringent monitoring program; and/or

(4) Periodic testing of other wells to determine if significant movement of fluid has occurred.

(b) If the monitoring discussed in paragraphs (a)(3) or (a)(4) of this section indicate the potential endangerment of an USDW, then action as described in paragraphs (a)(1) or (a)(2) of this section must be taken.

§ 147.2915 Requiring a permit of wells authorized by rule.

(a) The Regional Administrator may require the owner or operator of any well authorized by rule to apply for an individual or area permit. The Regional Administrator shall notify the owner/operator in writing that a permit application is required. The notice shall contain:

(1) Explanation of need for application;

(2) Application form and, if appropriate, a list of additional information to be submitted; and

(3) Deadline for application submission.

(b) Cases in which the Regional Administrator may require a permit include:

(1) The owner or operator is not in compliance with provisions of the rule;

(2) Injection well is no longer within the category of wells authorized by rule;

(3) Protection of USDW's requires that the injection operation be regulated by requirements which are not contained in the rule; or

(4) Discretion of Regional Administrator.

(c) Injection is no longer authorized by rule upon the effective date of a permit or permit denial, or upon failure of the owner/operator to submit an application in a timely manner as specified in the notice described in paragraph (a) of this section.

(d) Any owner/operator authorized by rule may request to be excluded from the coverage of the rules by applying for an individual or area UIC permit.

§ 147.2916 Coverage of permitting requirements.

The owner or operator of a new Class II injection well or any other Class II well required to have a permit in the Osage Mineral Reserve shall comply with the requirements of §§ 147.2903, 147.2907, 147.2918–147.2928.

§ 147.2917 Duration of permits.

Unless otherwise specified in the permit, the permits will be in effect until the well is plugged and abandoned or the permit terminated. The Regional Administrator will review each issued permit at least once every five years to determine whether it should be modified or terminated.

§ 147.2918 Permit application information.

(a) The owner/operator must submit the original and three copies of the permit application, with two complete sets of attachments, to the Osage UIC office. The application should be signed by the owner/operator or a duly authorized representative. The application should also include appropriate forms (i.e., BIA's Application for Operation or Report on Wells and EPA's permit application). The applicant has the burden of proof to show that the proposed injection activities will not endanger USDWs.

(b) The application shall include the information listed below. Information required by paragraphs (b) (5), (7), or (10) of this section that is contained in EPA or BIA files may be included in the application by reference.

(1) Map using township-range sections showing the area of review and identifying all wells of public record penetrating the injection interval.

(2) Tabulation of data on the wells identified in paragraph (b)(1) of this section, including location, depth, date drilled, and record of plugging and/or completion.

(3) Operating data:

(i) Maximum and average injection rate;

(ii) Maximum and average injection pressure;

(iii) Whether operation is on cyclic or continuous operation basis; and

(iv) source and appropriate analysis of injected fluids, including total dissolved solids, chlorides, and additives.

(4) Geologic data on the injection and confining zones, including faults, geological name, thickness, permeability, depth and lithologic description.

(5) Depth to base of fresh water.

(6) Schematic drawings of the surface and subsurface details of the well, showing:

(i) Total depth or plug-back depth;

(ii) depth to top and bottom of injection interval;

(iii) depths to tops and bottoms of casing and cemented intervals, and amount of cement to be used;

(iv) size of casing and tubing, and depth of packer; and

(v) hole diameter.

(7) Proof that surety bond has been filed with the BIA Superintendent in accordance with 25 CFR 226.6. A surety bond must be maintained until the well has been properly plugged.

(8) Verification of public notice, consisting of a list showing the names, addresses, and date that notice of permit application was given or sent to:

(i) The surface land owner;

(ii) Tenants on land where injection well is located or proposed to be located; and

(iii) Each operator of a producing lease within one-half mile of the well location.

(9) Plans for corrective action needed for wells within the area of review, penetrating the injection zone, that are not properly completed or plugged.

(10) All available logging and testing data on the well (for existing wells, i.e., wells to be converted or wells previously authorized by rule).

(11) Results of mechanical integrity test for existing wells (owners/operators of new wells must submit proof of mechanical integrity before operation is approved).

§ 147.2919 Construction requirements for wells authorized by permit.

(a) All Class II wells shall be sited so that they inject into a formation that is separated from any USDW by a confining zone free of known open faults or fractures within the area of review.

(b) All Class II wells shall be cased and cemented to prevent movement of fluids into or between USDWs. Requirements shall be based on the depth to base of fresh water, and the depth to the injection zone. Newly drilled Class II wells must have surface casing set and cemented to at least 50 feet below the base of fresh water, or the equivalent (e.g., long string cemented to surface). At the Regional Administrator's discretion, the casing and cementing of wells to be converted may be considered adequate if they meet the BIA requirements that were in effect at the time of construction (completion), and will not result in movement of fluid into a USDW.

(c) Owner/operators shall provide one-fourth inch female fittings with cut-off valves, connected to the tubing and the tubing/casing annulus so that the injection pressure and annulus pressure may be measured by an EPA representative by attaching a gauge having a one-fourth inch male fitting.

(d) Construction may not be started until approval has been granted by a permit, unless authorized by an area permit.

§ 147.2920 Operating requirements for wells authorized by permit.

(a) For new Class II wells, injection shall be through adequate tubing and packcer. Packer shall be run on the tubing and set inside the casing within 75 feet of the top of the injection interval. For existing Class II wells, injection shall be through adequate tubing and packer, or according to alternative operating requirements approved by the Regional Administrator, as necessary to prevent the movement of fluid into a USDW.

(b) Each well must have mechanical integrity. Mechanical integrity of the injection well must be shown prior to operation. The owner/operator must notify the Osage UIC office at least five days prior to mechanical integrity testing. Conditions of both (b) (1) and (2) must be met.

(1) There is no significant leak in the casing, tubing or packer. This may be shown by the following:

(i) Performance of an initial pressure test of the casing/tubing annulus to 200 psi or the maximum injection pressure, whichever is greater, or the pressure specified by the Regional Administrator, to be repeated thereafter, at five-year intervals, for the life of the well; or

(ii) Monitoring of pressure in the casing/tubing annulus monthly and reporting of the pressure information annually, following an initial pressure test as described above; or

(iii) Testing or monitoring programs approved by the Administrator on a case-by-case basis; and

(2) There is no significant fluid movement into a USDW through vertical channels adjacent to the well bore. This may be shown by any of the following:

(i) Cementing records (need not be reviewed every five years);

(ii) Tracer survey (in appropriate hydrogeologic settings; must be used in conjunction with at least one of the other alternatives);

(iii) Temperature log;

(iv) Noise log; or

(v) Other tests deemed acceptable by the Administrator.

(c) Injection pressure at the wellhead shall not initiate new fractures or propagate existing fractures in the confining zone adjacent to any USDW.

(d) Injection wells or projects which have exhibited failure to confine injected fluids to the authorized injection zone or zones may be subject to restriction of injected volume and pressure, or shut-in, until the failure has been identified and corrected.

(e) Operation shall not commence until proof has been submitted to the Regional Administrator, or an EPA representative has witnessed that any corrective action specified in the permit has been completed.

§ 147.2921 Schedule of compliance.

(a) The permit may, when appropriate, specify a schedule of compliance leading to compliance with the Safe Drinking Water Act and the Osage UIC regulations.

(1) Any schedule of compliance shall require compliance as soon as possible, and in no case later than three years after the effective date of the permit.

(2) If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.

(i) The time between interim dates shall not exceed one year.

(ii) If the time necessary for completion of any interim requirement is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(3) The permit shall be written to require that if a schedule of compliance is applicable, progress reports be submitted no later than 30 days following each interim date and the final date of compliance.

§ 147.2922 Monitoring and reporting requirements for wells authorized by permit.

(a) The owner/operator shall notify the Osage UIC office within 30 days of the date on which injection commenced.

(b) The operator shall monitor the injection pressure (psi) and rate (bbl/day) at least monthly, with the results reported annually. The annual report shall specify the types of methods used to generate the monitoring data.

(c) The owner/operator shall notify the Osage UIC office within 30 days of any mechanical failure or down-hole problems involving well integrity, well workovers, or any noncompliance. (Operators should note the obligation to apply for and obtain a workover permit from the Bureau of Indian Affairs Osage Agency before reentering an injection well.) If the condition may endanger an USDW, the owner/operator shall notify the Osage UIC office orally within 24 hours, with written notice including plans for testing and/or repair to be submitted within five days. If all the information is not available within five days, a followup report must be submitted within 30 days.

(d) The owner/operator shall retain all monitoring records for three years, unless an enforcement action is pending, and then until three years after the enforcement action has been resolved.

§ 147.2923 Corrective action for wells authorized by permit.

All improperly sealed, completed or abandoned wells (i.e., wells or well bores which may provide an avenue for movement of fluid into an USDW) within the zone of endangering influence (as defined in § 147.2904, Area of Review) that penetrate the injection zone of a Class II well, must have corrective action taken to prevent movement of fluid into a USDW.

(a) EPA will review completion and plugging records of wells within the zone of endangering influence that penetrate the injection zone and will notify the operator when corrective action is required. Corrective action may include:

(1) Well modifications, including:

(i) Recementing;
(ii) Workover;
(iii) Reconditioning; and/or
(iv) Plugging or replugging;
(2) Permit conditions to limit injection pressure so as to prevent movement of fluid into a USDW;
(3) A more stringent monitoring program; and/or
(4) Periodic testing of other wells within the area of review to determine if significant movement of fluid has occurred. If the monitoring discussed in paragraphs (a)(3) or (a)(4) of this section indicates the potential endangerment of a USDW, then action as described in paragraphs (a)(1) or (a)(2) of this section must be taken.
(b) If the Regional Administrator has demonstrable knowledge that wells within the zone of endangering influence will not serve as conduits for fluid movement into a USDW, the permit may be approved without requiring corrective action. However, additional monitoring shall be required to confirm that no significant migration will occur.

§ 147.2924 Area permits.

(a) Area permits may be issued for more than one injection well if the following conditions are met:
(1) All existing wells are described and located in the permit application;
(2) All wells are within the same well field, project, reservoir or similar unit;
(3) All wells are of similar construction; and
(4) All wells are operated by the same owner/operator.
(b) Area permits shall specify:
(1) The area within which injection is authorized; and
(2) The requirements for construction, monitoring, reporting, operation and abandonment for all wells authorized by the permit.
(c) Area permits can authorize the construction and operation of new wells within the permit area, if:
(1) The permittee notifies the Regional Administrator in the annual report of when and where any new wells have or will be drilled;
(2) The new wells meet the criteria outlined in (a) and (b) above; and
(3) The effects of the new wells were addressed in the permit application and approved by the Regional Administrator.

§ 147.2925 Standard permit conditions.

(a) The permittee must comply with all permit conditions, except as authorized by an emergency permit (described in § 147.2906). Noncompliance is grounds for permit modification, permit termination or enforcement action
(b) The permittee has a duty to halt or reduce activity in order to maintain compliance with permit conditions.
(c) The permittee shall take all reasonable steps to mitigate any adverse environmental impact resulting from noncompliance.
(d) The permittee shall properly operate and maintain all facilities installed or used to meet permit conditions. Proper operation and maintenance also includes adequate operator staffing and training, adequate funding, and adequate engineering capability available.
(e) This permit may be modified or terminated for cause (see §§ 147.2927 and 147.2928). The filing of a request by the permittee for a permit modification or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
(f) This permit does not convey any property rights, or any exclusive privilege.
(g) The permittee shall furnish, within a reasonable time, information that the Regional Administrator requests, for determination of permit compliance, or if cause exists, for permit modification or termination.
(h) The permittee shall allow EPA representatives, upon presentation of appropriate credentials or other documentation, to:
(1) Enter permittee's premises where a regulated activity is conducted or located, or where records required by this permit are kept;
(2) Have access to and copy records required by this permit;
(3) Inspect any facilities, equipment, practices or operations regulated or required by this permit; and
(4) Sample or monitor any substances or parameters at any location for purpose of assuring compliance with this permit or the SDWA.
(i) Monitoring and records.
(1) Samples and monitoring data shall be representative of injection activity.
(2) Permittee shall retain monitoring records for three years.
(3) Monitoring records shall include:
(i) Date, exact place and time of sampling or measurement;
(ii) Individual(s) who performed the measurements;
(iii) Date(s) analyses were performed;
(iv) Individual(s) who performed the analyses;
(v) Analytical techniques or methods used, including quality assurance techniques employed to insure the generation of reliable data; and
(vi) Results of analyses.
(j) Signatory requirements.

All applications, reports or information submitted to the Regional Administrator or the Osage UIC office must be signed by the injection facility owner/operator or his duly authorized representative. The person signing these documents must make the following certification:

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(k) Reporting requirements.
(1) The permittee shall notify the Regional Administrator as soon as possible of any planned changes to the facility.
(2) The permittee shall give advance notice to the Regional Administrator of any planned changes which may result in noncompliance.
(3) This permit is not transferable to any person except after notice to the Regional Administrator in accordance with § 147.2926.
(l) A new injection well shall not commence injection until construction is complete and the Regional Administrator has been notified of completion of construction and has given his approval to commence injection.

§ 147.2926 Permit transfers.

(a) Permits may be transferred to another permittee:
(1) If the current permittee notifies the Regional Administrator at least 10 days before the proposed transfer date; and
(2) If the notice includes a written agreement between the existing and new permittees containing:
(i) A specific date for transfer of permit responsibility, coverage and liability; and
(ii) Assurance that the new permittee has a surety bond on file with BIA; and
(3) If the Regional Administrator does not respond with a notice to the existing permittee that the permit will be modified.
(b) If the conditions in paragraph (a) of this section are met, the transfer is effective on the date specified in paragraph (a)(2)(i).

§ 147.2927 Permit modification.

(a) Permits may be modified for the following causes only (with the exceptions listed in paragraph (b) of this section regarding minor modifications):

(1) There are substantial changes to the facility or activity which occurred after permit issuance that justify revised or additional permit conditions.

(2) The Regional Administrator has received information (e.g., from monitoring reports, inspections) which warrants a modified permit.

(3) The regulations or standards on which the permit was based have changed.

(4) The Regional Administrator has received notice of a proposed permit transfer.

(5) An interested person requests in writing that a permit be modified, and the Regional Administrator determines that cause for modification exists.

(6) Cause exists for termination under § 147.2928, but the Regional Administrator determines that permit modification is appropriate.

(b) Minor modifications.

(1) Minor modifications do not require that the procedures listed in paragraph (c) of this section be followed.

(2) Minor modifications consist of:

(i) Correcting typographical errors;

(ii) Requiring more frequent monitoring or reporting;

(iii) Changing ownership or operational control (see § 147.2926, Permit Transfers); or

(iv) Changing quantities or types of injected fluids, provided:

(A) The facility can operate within conditions of permit;

(B) The facility classification would not change.

(c) Modification procedures.

(1) A draft permit shall be prepared with proposed modifications.

(2) The draft permit shall follow the general permitting procedures (i.e., public comment period, etc.) before a final decision is made.

(3) Only the changed conditions shall be addressed in the draft permit or public review.

§ 147.2928 Permit termination.

(a) Permits may be terminated for the following causes only:

(1) Noncompliance with any permit condition.

(2) Misrepresentation or failure to fully disclose any relevant facts.

(3) Determination that the permitted activity endangers human health or the environment.

(4) Interested person requests in writing that a permit be terminated and the Regional Administrator determines that request is valid.

(b) Termination procedures.

(1) The Regional Administrator shall issue notice of intent to terminate (which is a type of draft permit).

(2) Notice of intent to terminate shall follow the general permitting procedures (i.e., public comment period, etc.) before a final decision is made.

§ 147.2929 Administrative permitting procedures.

(a) *Completeness review.* (1) The Regional Administrator shall review each permit application for completeness with the application requirements in § 147.2918. The review will be completed in 10 days, and the Regional Administrator shall notify the applicant whether or not the application is complete.

(2) If the application is incomplete, the Regional Administrator shall:

(i) List the additional information needed;

(ii) Specify a date by which the information must be submitted; and

(iii) Notify the applicant when the application is complete.

(3) After an application is determined complete, the Regional Administrator may request additional information to clarify previously submitted information. The application will still be considered complete.

(4) If an applicant fails or refuses to correct deficiencies in the application, the permit may be denied and appropriate enforcement actions taken.

(b) *Draft permits.*

(1) After an application is deemed complete, the Regional Administrator shall either prepare a draft permit or notice of intent to deny the permit (which is a type of draft permit). If the Regional Administrator later decides the tentative decision to deny was wrong, he shall withdraw the notice of intent to deny and prepare a draft permit.

(2) A draft permit shall contain at least the following information:

(i) The standard permit conditions in § 147.2925;

(ii) Any monitoring and reporting requirements;

(iii) The construction and operation requirements; and

(iv) Plugging and abandonment requirements.

(c) *Statement of basis.* (1) The Regional Administrator shall prepare a statement of basis for every draft permit.

(2) The statement of basis shall briefly describe the draft permit conditions and the reasons for them. In the case of a notice of intent to deny or terminate, the statement of basis shall give reasons to support the tentative decision.

(3) The statement of basis shall be sent to the applicant, and to any other person who requests a copy.

(d) *Public notice.*

(1)(i) The Regional Administrator shall give public notice when:

(A) A permit application has been tentatively denied;

(B) A draft permit has been prepared;

(C) A hearing has been scheduled; or

(D) An appeal has been granted.

(ii) The applicant shall give public notice that he is submitting a permit application.

(iii) Public notice is not required when a request for permit modification or termination is denied. However, written notice will be given to the permittee and the requester.

(iv) Public notices may include more than one permit or action.

(2)(i) Public notice of a draft permit (including notice of intent to deny) shall allow at least 15 days for public comment.

(ii) Public notice of a hearing shall be given at least 30 days before the hearing.

(3)(i) Public notice given by the Regional Administrator for the reasons listed in paragraph (d)(1)(i) of this section shall be mailed to the applicant, and published in a daily or weekly paper of general circulation in the affected area.

(ii) Notice of application submission required by paragraph (d)(1)(ii) of this section shall be given to the surface landowner, tenants on the land where an injection well is located or is proposed to be located, and to each operator of a producing lease within one-half mile of the well location prior to submitting the application to the Regional Administrator.

(4) The notice of application submission in paragraphs (d)(1)(ii) and (d)(3)(ii) of this section shall contain:

(i) The applicant's name and address;

(ii) The legal location of the injection well;

(iii) Nature of activity;

(iv) A statement that EPA will be preparing a draft permit and that there will be an opportunity for public comment; and

(v) The name and phone number of EPA contact person.

(5) All other notices shall contain:

(i) The name, address, and phone number of the Osage UIC office and contact person for additional information and copies of the draft permit;

(ii) Name and address of permit applicant or permittee;

(iii) Brief description of nature of activity;

(iv) Brief description of comment period and comment procedures;

(v) Location of the information available for public review; and

(vi) In the case of a notice for a hearing the notice shall also include:

(A) date, time, and location of hearing;

(B) reference to date of previous notices of the same permit; and

(C) brief description of the purpose of the hearing, including rules and procedures.

(e) *Public comments.* (1) During the public comment period, any person may submit written comments on the draft permit, and may request a public hearing. A request for hearing shall be in writing and state the issues proposed to be raised in the hearing.

(2) The Regional Administrator shall consider all comments when making the final decision, and shall respond to comments after the decision is made. The response shall:

(i) Specify if any changes were made from the draft permit to the final permit decision, and why;

(ii) Briefly describe and respond to all significant comments on the draft permit made during the comment period, or hearing, if held; and

(iii) Be made available to the public.

(f) *Public hearings.* (1) The Regional Administrator shall hold a public hearing whenever he finds a significant amount of public interest in a draft permit, based on the requests submitted, or at his discretion.

(2) Any person may submit oral or written statements and data concerning the draft permit. The public comment period shall be automatically extended to the close of any public hearing held, or may be extended by the hearing officer at the hearing.

(3) A tape recording or written transcript of the hearing shall be made available to the public.

(g) *Reopening of the comment period.* (1) If any of the information submitted during the public comment period raises substantial new questions about a permit, the Regional Administrator may:

(i) Prepare a new draft permit;

(ii) Prepare a revised statement of basis; or

(iii) Reopen the comment period.

(2) Comments submitted during a reopened comment period shall be limited to the substantial new questions that caused its reopening.

(3) Public notice about any of the above actions shall be given and shall define the scope of the new questions raised.

(h) *Issuance and effective date of a permit.* (1) After the close of the comment period on a draft permit, the Regional Administrator shall make a final permit decision. The Regional Administrator shall notify the applicant and each person who commented or requested to receive notice. The notice shall include reference to the procedures for appealing a permit decision.

(2) A final permit decision shall become effective 30 days after giving notice of the decision unless:

(i) A later date is specified in the notice;

(ii) Review is requested under § 147.2929(j); or

(iii) No comments requested a change in the draft permit, in which case the permit is effective immediately upon issuance.

(i) *Stays of contested permit conditions.* If a request for review of a final UIC permit § 147.2929(j) is granted, the effect of the contested permit conditions shall be stayed and shall not be subject to judicial review pending final agency action. If the permit involves a new injection well or project, the applicant shall be without a permit for the proposed well pending final agency action. Uncontested provisions which are not severable from those contested provisions shall be stayed with the contested provisions.

(j) *Appeal of permits.* (1) Any person who filed comments on the draft permit or participated in the public hearing may petition the Administrator to review any condition of the permit decision. Any person who failed to file comments or participate in the hearing may petition for administrative review only to the extent of the changes from the preliminary permit to the final permit decision.

(2) A person may request review of a final permit decision within 30 days after a final permit decision has been issued. The 30-day period within which a person may request review begins with the service of notice of the Regional Administrator's final permit decision unless a later date is specified in that notice.

(3) The petition requesting review shall include:

(i) A demonstration that the petition is eligible under the requirements of paragraph (j)(1) of this section; and, when appropriate,

(ii) A showing that the condition in question is based of:

(A) A finding of fact or conclusion of law that is clearly erroneous; or

(B) An exercise of discretion or important policy consideration which the Administrator, in his discretion, should review.

(4) The Administrator may also decide, on his initiative, to review any condition of any UIC permit issued under these requirements. The Administrator must act under this paragraph within 30 days of the date notice was given of the Regional Administrator's action.

(5) Within a reasonable time following the filing of the petition for review, the Administrator shall issue an order either granting or denying the request. To the extent that review is denied, the conditions of the final permit decision become final agency action.

(6) Public notice shall be given by the Regional Administrator of any grant of a review petition by the Administrator. Notice shall be sent to the applicant, the person requesting the review, appropriate persons on the Osage County mailing list and to newspapers of general circulation in the county. Included in the notice shall be a briefing schedule for the appeal and a statement that any interested person may file an amicus brief. Notice of denial of the review petition will be sent only to the person(s) requesting the review.

(7) A petition to the Administrator, under paragraph (j) (1) and (2) of this section is a prerequisite to the seeking of judicial review of the final agency action. For purposes of judicial review, final agency action occurs when a final UIC permit is issued or denied by the Regional Administrator and agency review procedures are exhausted. A final permit decision shall be issued by the Regional Administrator:

(i) When the Administrator issues notice to the parties involved that review has been denied;

(ii) When the Administrator issues a decision on the merits of the appeal and the decision does not include a remand of the proceedings; or

(iii) Upon the completion of the remand proceedings if the proceedings are remanded, unless the Administrator's remand order specifically provides that the appeal of the remand decision will be required to exhaust the administrative remedies.

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S.J. Res. 136 / Pub. L. 98-275

To recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters. (May 8, 1984; 98 Stat. 168) Price: $1.50

H.R. 5298 / Pub. L. 98-276

White House Conference on Small Business Authorization Act. (May 8, 1984; 98 Stat. 169) Price: $1.50

S. 2460 / Pub. L. 98-277

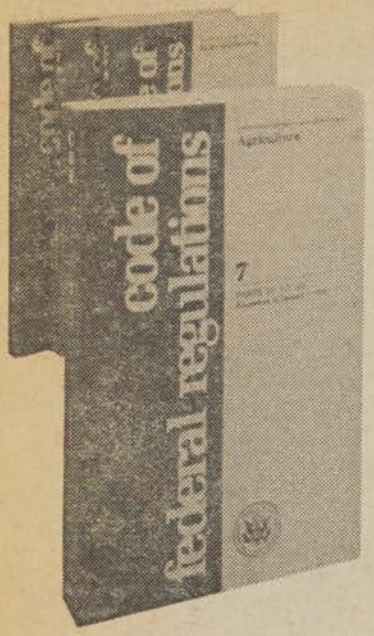
To designate a Federal building in Augusta, Maine, as the "Edmund S. Muskie Federal Building". (May 8, 1984; 98 Stat. 172) Price: $1.50

S. 2597 / Pub. L. 98-278

To authorize the awarding of special congressional gold medals to the daughter of Harry S Truman, to Lady Bird Johnson, and to Elie Wiesel. (May 8, 1984; 98 Stat. 173) Price: $1.50

S. 2461 / Pub. L. 98-279

To designate a Federal building in Bangor, Maine, as the "Margaret Chase Smith Federal Building". (May 8, 1984; 98 Stat. 176) Price: $1.50



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