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, November 5, 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 authority to lease space for the Kansas City Regional Office.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

The Board further 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 withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, of the following matters:

Application of Sunshine State Bank, South Miami, Florida, for consent to relocate its main office from 6200 Sunset Drive to 5975 Sunset Drive within South Miami, Florida.

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. 46,128–SR Carroll County Bank, Huntingdon, Tennessee

In voting to move these matters from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matters in a meeting open to public observation; that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)); and that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: November 6, 1984.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 84–29653 Filed 11–7–84; 2:48 pm]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, November 14, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, November 15, 1984, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, DC. (Fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Draft Advisory Opinion #1984–33, Colette R. Coleman
Finance Committee report
Routine administrative matters

* * * * *

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 84–29656 Filed 11–7–84; 2:45 pm]

BILLING CODE 6715–01–M

5

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, November 14, 1984.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed extension and revision of the Survey of Ownership of Demand Deposit Accounts of Individuals, Partnerships, and Corporations (FR 2591).
2. Proposed extension and revision of Monthly Survey of Selected Deposits and Other Accounts (FR 2042).
3. Proposed extension and revisions of Consolidated Report of Condition for a New York State Investment Company and its Domestic Subsidiaries (FR 2886a).

Discussion Agenda:

4. Publication for comment on proposed 1985 fee structures for definitive safekeeping and noncash collection services.
5. Proposed 1985 fee schedule for automated clearing house services.
6. Proposed 1985 wire transfer of funds and net settlement fees.
7. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3204.

Dated: November 6, 1984.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–29624 Filed 11–7–84; 12:44 pm]

BILLING CODE 6710–01–M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 11:30 a.m., Wednesday, November 14, 1984.

PLACE: Marriner S. Eccles Federal Reverse Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m., two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 6, 1984

James McAfee,

Associate Secretary of the Board.

[FR Doc. 84–29625 Filed 11–7–84; 12:44 pm]

BILLING CODE 6210–01–M

7

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2:00 p.m., Thursday, November 15, 1984

PLACE: Ala Moana Americana Hotel, Honolulu, Hawaii

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Final Interpretive Ruling and Policy Statement, Field of Membership Policy.
4. Endorsement to CUMIS Bond.
5. Final Rule: Amendment to § 701.21 of NCUA Rules and Regulations, Loans to Members and Lines of Credit to Members.
6. Proposed Rule: § 701.35 of NCUA Rules and Regulations, Share, Share Draft and Share Certificate Accounts.
7. Final Rule: Part 704 of NCUA Rules and Regulations, Corporate Central Federal Credit Unions.
8. Operating Fee for Calendar Year 1985 and Final Rule Amending § 701.6 of NCUA Rules and Regulations, Fees Paid by Federal Credit Unions.

TIME AND DATE: 11:00 a.m., Thursday, November 15, 1984.

PLACE: Ala Moana Americana Hotel, Honolulu, Hawaii

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Appeal Challenging Preliminary Determination of Insurability of a Share Certificate. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357–1100.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 84–29626 Filed 11–7–84; 12:44 pm]

BILLING CODE 7535–01–M

8

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Meeting.

TIME AND DATE: 3:30 p.m., Wednesday, November 14, 1984.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street, NW., Suite 400, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Timothy S. McCarthy, Associate Director, Communications, 202–653–2705.

Agenda

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, May 16, 1984
III. Executive Director's Report
IV. Treasurer's Report
V. Resolution: Technical Amendments of Pension Plan
VI. Resolution: Seventh Annual Meeting
VII. Resolution: Regular Meetings of the Board

Carol J. McCabe,

Secretary.

No. 34, November 7, 1984.

[FR Doc. 84–29655 Filed 11–7–84; 2:48 pm]

BILLING CODE 7570–01–M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of November 12, 1984, at 450 Fifth Street, NW., Washington, D.C.

A closed meeting will be held on Wednesday, November 14, 1984, at 10:00 a.m. An open meeting will be held on Friday, November 16, 1984, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Treadway, Cox, Marinaccio and Peters voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, November 14, 1984, at 10:00 a.m., will be:

Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Friday, November 16, 1984, at 10:00 a.m., will be:

1. Consideration of whether to issue a release announcing a proposal to adopt Rule 3a12–9 under the Securities Exchange Act of 1934 which would deem interests in certain direct participation programs to be exempted securities for purposes of the arranging provisions of sections 7(c) and 11(d)(1) of that Act. For further information, please contact Kathryn V. Natale at (202) 272–2848.
2. Consideration of whether to adopt amendments to Rule 11Aa2–1 under the Securities Exchange Act of 1934, which governs the designation of securities qualified for trading in a national market system. The primary effect of these amendments would be to substantially increase the number of securities that would be eligible for designation as national market system securities. For further information, please contact Andrew E. Feldman at (202) 272–2388.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Alan Dye at (202) 272–2014.

Shirley E. Hollis,

Acting Secretary.

November 6, 1984.

[FR Doc. 84–29654 Filed 11–7–84; 2:48 pm]

BILLING CODE 8010–01–M

federal register

Friday
November 9, 1984

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions, Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Order, 6–84, 49 FR 32473 (1989). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Government 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.

Arizona: AZ84–5005	Mar. 9, 1984.
Arkansas: AR84–4100	Oct. 19, 1984.
Colorado: CO83–5109	Apr. 8, 1983.
Kansas: KS84–4101	Oct. 26, 1984.
Maryland: MD83–3010	June 3, 1983.
New York:	
NY81–3062	Sept. 11,1981.
NY83–3018	May 20, 1983.
Oregon: OR84–5020	June 22, 1984.
Pennsylvania: PA84–3013	May 11, 1984.

Superseadeas 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.

Maryland: MD83–3017 (MD84–3039)	May 13, 1983.
Pennsylvania: PA84–3012 (PA84–3041)	May, 1984.
Wisconsin: WI83–2077 (WI84–5031)	Oct. 7, 1983.

Signed at Washington, D.C. this 2nd day of november 1984.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. AZ84-5005 - MOD. #5 (49 FR 9059 - March 9, 1984) Statewide, Arizona	Basic Hourly Rates	Fringe Benefits
Change:		
Plumbers and Pipefitters		
Yuma, Mohave, Coconino Yavapai, Navajo, Apache, Maricopa and Lapaz Counties:		
Zone 1 see below	15.00	3.33
Zone 2 see below	18.00	3.33

ZONE 1

Base points shall be: Phoenix--the intersection of Central Avenue and Jefferson Street; Flagstaff, Yuma, Kingman, Prescott, Havasu City and Winslow -- the main Post Office building in each city. The "Free Zone" (Zone No. 1) from Phoenix shall be 40 miles from the stated base point. The Free Zone from Flagstaff, Yuma, Kingman, Prescott, Havasu City and Winslow shall be 20 road miles from the stated base point. In addition , all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa and Gilbert, as well as that area bordered or encompassed by Apache Trail on the north, Higley Road on the east, Elliott Road on the south and Arizona Avenue on the west, and Sun City West will be included as Free Zones. Any work contracted for outside of these Free Zones will be determined from the Phoenix base point.

ZONE 2

Pay Zone shall refer to all jobs outside of the Free Zones listed above.

DECISION NO. AR84-4100 - MOD. #1 (49 FR 41139 - 10/19/84) Pulaski Co., Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	$15.78	2.28
Bricklayers	12.65	1.99
Electricians	14.75	2.50+ 3-1/4%

DECISION NO. CO83-5109 - MOD. #6 (48 FR 15404 - April 8, 1983) Statewide Colorado	Basic Hourly Rates	Fringe Benefits
ADD:		
Plumbers:		
Heavy Construction Only: Montezuma County	$17.45	$2.65

DECISION NO. KS84-4101 MOD # 1 (49FR 43176 - October 26, 1984) Shawnee County, Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE		
Ironworkers	$14.25	$3.25
Truck Drivers	11.32	1.20

DECISION NO. PA84-3013 MOD. NO. 3 (49 FR 20229 - May 11, 1984) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters	$15.97	5.61

DECISION NO. NY81-3062 - MOD. #11
(46 FR 45530 - Sept 11, 1981)
Westchester County, New York

CHANGE:

Heading which reads "Mod. #8" and appeared in the Federal Register on August 3, 1984, to read "Mod. #10"

	Basic Hourly Rates	Fringe Benefits
PLUMBERS	19.40	30.25% +f

DECISION NO. MD83-3010- MOD. #8
(48 FR 25100-June 3,1983)
ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL) BALTIMORE & BALTIMORE CITY MARYLAND, & FOR THE HEAVY CONSTRUCTION IN HARFORD & HOWARD COUNTIES,MARYLAND

DELETE:
LABORERS (HEAVY CONSTRUCTION)

LABORERS	8.20	1.225
POWER TOOL OPERATORS, FORM SETTER TENDER	8.30	1.225
JACKHAMMER OPERATOR, 80 POUNDS & OVER	8.46	1.225
FORM SETTER	8.51	1.225
PIPELAYERS,WAGON DRILL OPR AIR TRACK DRILLERS,BURNERS (DEMOLITION) CONCRETE SURFACE TENDER	8.72	1.225
CONCRETE SURFACER	9.53	1.225

DECISION NO. NY83-3018 - MOD. #9
(48 FR 22870 - May 20, 1983)
DUTCHESS, ORANGE, SULLIVAN & ULSTER COUNTIES NEW YORK

CHANGE:

	Basic Hourly Rates	Fringe Benefits
LABORERS (BUILDING):		
ULSTER; ORANGE; SULLIVAN:		
Class 1	13.55	3.45
Class 2	13.80	3.45
Class 3	14.55	3.45
POWER EQUIPMENT OPERATORS:		
SULLIVAN; ULSTER; ORANGE:		
STEEL ERECTION:		
Class F	15.54	5.80+ff

DECISION NO. OR84-5020 - Mod #5
(49 FR 25821 - June 22, 1984)
Statewide Oregon

ADD:
FOOTNOTE "C" (see Mod #4)
(b) Work on buildings, bridges, or docks shall constitute 20% or more of the cost of the project.

CHANGE:

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS:		
Cement Masons	15.49	4.72
Composition workers and power machinery operators	15.80	4.72

STATE: MARYLAND
DECISION NO. MD84-3039
LOCATION: BALTIMORE CITY
DATE: DATE OF PUBLICATION
Supersedes Decision No. MD83-3017 dated May 13, 1983, in 48 FR 21784.
DESCRIPTION OF WORK: Highway Construction Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	12.21	2.07
CARPENTERS	13.80	2.11
CEMENT MASONS	13.69	2.12
ELECTRICIANS	16.60	3.5% +2.70
IRONWORKERS:		
Structural & Reinforcing	14.29	4.61
LABORERS:		
Laborers	8.20	1.225
Power Tool Operators	8.30	1.225
Pipelayers, Wagon Drill Operators, Air Track Drillers, Burners (demol)	8.72	1.225
Mason Tenders & Mortar Mixers (brick & stone work only)	10.45	1.225
Jackhammer Operators - 80# and over	8.46	1.225
LINE CONSTRUCTION:		
Linemen, Cable Splicers, Digging and Equipment Operators	17.00	8 1/4% +.70
Truck with winch, truck with poles or steel handling	10.63	8 1/4% +.70
Groundman	10.20	8 1/4% +.70
PAINTERS:		
Brush and Roller	13.30	2.29
Steel, spray, swinging stages, boatswain chair sand & waterblasting, steam cleaning, and epoxies	14.05	2.29
Ames tool - bazooka	14.30	2.29
Sign Erectors	9.18	4%+a+b
TRUCK DRIVERS		
Pick-up	9.97	2.60+ c+d
Dump, water, fuel, and lube trucks, sweeper, boring machine and miscellaneous equipment	10.25	2.60+ c+d
Drop frame gooseneck and trailer	10.50	2.60+ c+d
Euclid wagon and dumpster	10.65	2.60+ c+d
POWER EQUIPMENT OPERATORS:		
Group I	12.80	3.15
Group II	12.15	3.15
Group III	11.40	3.15
Group IV	10.02	3.15

FOOTNOTES:

a - Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Good Friday, Friday after Thanksgiving and employee's birthday.

b - Vacation: One week per year after 1 year of service, 2 weeks after 3 years of service and 3 weeks after 10 years of service.

c - Paid Holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day, and employee's birthday, providing employee has worked one day and was available for work during the holiday week.

d - Vacation: Employees who have worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation; 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Group I - Backfiller, backhoe, batching plants, cableway, Case type hoe (with a front end bucket over 1-1/4 yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), grader, gradall, hoist (2 active drums or more), pile driving machine, power crane, power shovel, repair mechanic, standards guage locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig and bulldozers (D-9 or equivalent and above).

Group II - Asphalt spreader, bull float, Case type hoe (with a front end bucket 1-1/4 yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow guage locomotive, one drum hoist, power roller on hot mix asphalt, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), subgrader, well-drill and all bulldozers except D-9 or equivalent and above.

Group III - Compressors, conveyors, firemen, fueltruck, grease truck, light plants, mighty midget with compressor, space heaters, welding machines, wellpoint system and all power rollers except on hot mix asphalt.

Group IV - Oilers (all types)

SUPERSEDEAS DECISION

STATE: PENNSYLVANIA

COUNTIES: Bucks, Chester, Delaware, Montgomery & Philadelphia

DECISION NO.: PA84-3041

DATE: Date of Publication

Supersedes Decision No.: PA84-3012 dated May 4, 1984, in 49 FR 19200.

DESCRIPTION OF WORK: Building Construction, including single family homes and garden type apartments up to and including 4 stories (Chester County Building, Construction Only)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS		
ZONE 1	18.75	4.45
ZONE 2	16.32	4.455
BOILERMAKER	18.88	2.865
BRICKLAYERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	10.48	1.84
New Residential: Under 4 stories	16.12	2.57
All other work:		
ZONE 1	16.01	3.82
ZONE 2	16.06	4.39
ZONE 3	16.02	3.78
CARPENTERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently resident use:	12.52	4.42
Residential Under 4		
Bucks, Delaware and Montgomery Counties	13.65	4.11
Philadelphia County	15.72	5.61
All other work	15.82	5.61
CEMENT MASONS:		
Rehabilitation work to include demolition, on any existing structure of not more than four (4) stories which is intended for predominently residental use:		
ZONE 1	10.02	4.29
All other work:		
ZONE 1	14.00	6.54
ZONE 2	14.60	2.75
ZONE 3	10.79	1.65
FINAL CLEAN-UP CREW: When construction cleaning completed and general contractor and all construction sub-contractors are off the job:		
Janitorial Cleaner	4.68	.43+a +b
Window Cleaner	5.99	.43+a +b
DRYWALL FINISHERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:	9.50	2.47
All other work:	15.03	5.69
ELECTRICIANS:		
Rehabilitation work to include demolition, repair & alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	14.92	15%+ 24
ZONE 2	10.74	1.60+ 3%
ZONE 3	9.75	1.19+ 3%
ELECTRICIANS		
ZONE 1		
Commercial	18.67	28%
Residential up to and including 4 stories	17.50	27%
ZONE 2		
Commercial	19.59	16.5%
Residential up to and including 3 stories	17.79	15.5%
ZONE 3		
Commercial	18.82	22½%
Residential up to and including 3 stories	11.40	22½%

DECISION NO. PA84-3041

	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS CONTINUED		
ZONE 4		
Commercial	17.92	2.48+ 3%%
ZONE 5		
Commercial	16.46	1.89+ 3%
ZONE 6		
Commercial	16.70	1.57+ 10%
ZONE 7		
Commercial	15.35	1.84+ 3%
Residential up to and including 4 stories	8.50	.84+3%
ZONE 8		
Commercial	19.68	16 3/4 %+1.00
ZONE 9		
Commercial	14.15	.64+3%
ELEVATOR CONSTRUCTORS:		
Elevator Constructors	19.36	3.29+c +d
Elevator Constructors Helpers	70%JR	3.29+c +d
Elevator Constructors Helpers (Prob.)	50%JR	
GLAZIERS		
ZONE 1	16.04	3.55
ZONE 2	14.04	1.465
IRONWORKERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	11.62	2.54
All other work		
ZONE 1	16.20	8.00
ZONE 2	16.70	5.75
ZONE 3		
Structural & Ornamental	16.75	6.80
Reinforcing	16.82	5.75
Rigger, machinery mover	17.70	4.20
LABORERS:		
Rehabilitation work to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:		
CLASS I	8.55	1.55
CLASS II	8.65	1.55
CLASS III	8.70	1.55
CLASS IV	8.85	1.55
CLASS V	8.95	1.55
CLASS VI	8.49	1.55
LABORERS:		
New Residential under 4 stories	9.08	1.775
All other work		
CLASS I	13.05	3.85
CLASS II	13.15	3.85
CLASS III	12.90	3.85
CLASS IV	13.20	3.85
CLASS V	13.45	3.85
CLASS VI	12.49	3.85
LANDSCAPE LABORERS:		
CLASS I	8.30	1.80+e
CLASS II	8.80	1.80+e
LATHERS		
ZONE 1	15.82	5.61
ZONE 2	16.82	3.23
ZONE 3	11.61	1.01
ZONE 4	11.40	.57
LEAD BURNERS	10.75	.66+f
LINE CONSTRUCTION		
ZONE 1		
Linemen	18.04	.80+6%
Groundmen	10.82	.80+6%
Winch truck operator	12.63	.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%
MARBLE SETTERS	14.20	3.50
MARBLE FINISHERS	11.62	3.85
MILLWRIGHTS	16.32	5.61
PAINTERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structures of not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	10.00	1.885
All other work		
ZONE 1		
Brush	15.00	2.78
Spray, steel & swing	15.55	2.78
Roller	15.00	2.78

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	Basic Hourly Rates	Fringe Benefits
PAINTERS CONTINUED		
ZONE 2		
Commercial, brush	15.38	3.40
Commercial, spray	15.88	3.40
ZONE 3		
Brush	12.15	2.25
Steel and spray	13.20	2.25
Roller	12.15	2.25
ZONE 4		
Brush	15.56	3.48
Steel	16.31	3.48
PAPERHANGERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	10.89	1.58
PILEDRIVERMEN	15.97	6.81+g
POINTERS, CAULKERS AND CLEANERS	15.30	4.20
PLASTERERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or not more than four (4) stories which is intended for predominently residential use:		
ZONE 1	9.49	.94
All other work		
ZONE 1	18.24	1.53
ZONE 2	10.81	1.66
ZONE 3	15.37	.91
PLUMBERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure or not more than four (4) stories which is intended for predominently residential use;		
ZONE 1	12.13	2.25
All other work:		
ZONE 1	19.78	3.94
ZONE 2	18.38	3.59
ROOFERS:		
Shingle, slate, and Tile Mechanic II (for shingle, slate, or tile work) - handles and transports all materials, tools and equipment; clean-up debris	13.92 6.25	2.25 2.25
All other work:	19.57	2.93+h
Mechanic II (for all other work) - Handles and transports all materials, tools and equipment; clean-up debris	8.25	2.93+h
SHEET METAL WORKERS	18.72	4.95
SOFT FLOOR LAYERS:		
Rehabilitation work to include demolition, repair, and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	9.08	4.16
All other work	15.53	5.91
SPRINKLER FITTERS		
ZONE 1	16.92	3.23
ZONE 2	15.62	2.50
STEAM FITTERS		
ZONE 1	19.56	4.16
ZONE 2	18.16	3.81
STONE MASONS		
ZONE 1	15.22	3.70
ZONE 2	16.02	3.80
ZONE 3	15.21	3.32
ZONE 4	14.20	3.50
SOUND AND PUBLIC ADDRESS INSTALLATION TECHICIANS (Existing building only)	9.50	3%
TERRAZZO WORKERS	15.32	2.33
TERRAZZO FINISHERS	11.60	3.85
TILE SETTERS		
Rehabilitation work to include demolition, repair and alteration, on any existing structure of not more than four (4) stories which is intended for predominently residential use:	10.25	1.79
All other work:	13.35	4.80
TILE SETTERS FINISHERS	11.39	3.85
POWER EQUIPMENT OPERATORS		
GROUP 1	17.82	26.6% +J
GROUP 2	17.56	26.6% +j
GROUP 3	16.10	26.6% +j
GROUP 4	15.79	26.6% +j
GROUP 5	14.02	26.6% +j

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	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS CONTINUED		
GROUP 6	13.51	26.6% +j
BUILDING CONSTRUCTION TRUCK DRIVERS		
CLASS I	12.05	2.8725 +k+l
CLASS II	12.15	2.8725 +k+l
CLASS III	12.35	2.8725 +k+l
TRUCK DRIVERS: HEAVY & HIGHWAY INCLUDING SITE PREPARATION, PAVING & UTILITIES ON BUILDING CONSTRUCTION		
CLASS 1	11.90	2.8725 +o+p
CLASS 2	12.00	2.8725 +o+p
CLASS 3	12.20	2.8725 +o+p

Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Indenpence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Good Friday; Decoration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day, plus vacation pay for employee who have been employed by the empolyer for one year may receive five paid holidays; two years ten paid holidays, five years twelve paid holidays; ten years fifteen paid holidays, eighteen years twenty paid holidays, twenty five years twenty five paid holidays.

b. Funeral Leave: Employee's shall be granted three consecutive calendar days in the case of a parent, spouse, child, brother, or sister of an employee, if the employee normal time off falls within the three day period, the employee will be reimbursed for that portion of time normally scheduled for work, should death occur during an employee's schedule vacation, there will be no funeral leave payment. Funeral leave under no circumstances results in a change in employee's basic weekly salary.

c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: a through f, plus the Friday after Thanksgiving Day.

e. Holidays: July 4th; Labor Day and Thanksgiving Day.

f. Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

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FOOTNOTES CONTINUED

g. Holidays; A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holiday & is available for work the day preceding & following the holiday.

h. Holiday: Election Day.

j. Paid Holidays: A through F, providing the employee works the day before and after the holiday.

k. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) 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, employees with five (5) years of more senority shall be eligible for two (2) weeks of vacation.

l. Paid Holidays: Memorial Day; Independence Day; Labor Day; Veterans Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

o. 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.

p. Paid Holidays: Memorial Day; Independence Day; Labor Day and Veterans Day and five (5) personal holidays provided such employee work the schedule work days before and after said holiday; and employee gives employer one (1) week's notice requesting a personal holiday. The eligibility for personal holidays will be as follows; Employee will earn one (1) personal holiday every two (2) months up to a maximum of five (5) personal holidays per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all personal holidays.

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WELDERS - rate prescrived 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 provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1)(ii))."

AREA COVERED BY ASBESTOS WORKERS

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia and Remainder of Bucks County

ZONE 2 - Bridgeton, Durhan, Lower Makefield, Middletown Falls, Morristown, New Hope, Newton, Noxkamixon, Plumstead Riegelsville, Solebury, Tullytown, Tinicum Upper Makefield and Yardley Townships in Bucks County

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Bucks, Chester, Philadelphia Counties, Radnor and Haverford Township in Delaware County, Lower Marion, Abington, Upper Moreland and Cheltenhan Townships in Montgomery County

ZONE 2 - Remainder of Delaware County

ZONE 3 - Remainder of Montgomery County

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bucks, Delaware and Philadelphia Counties, Remainder of Chester County and Remainder of Montgomery County

ZONE 2 - Oxford, Kenneth Square, Avondale and Longwood Townships in Chester County

ZONE 3 - Pennsburg and Pottstown Townships in Montgomery County

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1

Bucks County - 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 09113 to Route 152, north along Route 152 to the Humeville Road, east on Humeville Road to Route 333, north on Route 344 to the junction of Spurs 281 and 252, continue north on Spur 252 to Route 09028, west on 09028 to Route 152, north on 152 to TR 232, north on TR 532 to Tr 113, 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 Borough of New Hope is excluded.

starting at the Delaware at the Delaware River and proceeding southwest along the Plumstead-Solebury and the Plumstead-Buckingham Township lines to Route 09064, northwest on 09064 to U.S. Highway 611 south on 611 to the spur of Route 270, northwest along the spur to Route 397, southwest on 397 to Route 350, southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041 southwest on 09041 to the Montgomery County line.

Delaware County - that portion east of a line following State Highway 320 from Montgomery County to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road, along Powell Road to State Highway 420 and continuing in a straight line to the Delaware River.

Montgomery County - that portion southeast of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309), south on the Bethlehem Pike to the Penllyn Pike, southwest on the Penllyn and Blue Bell Pikes to the Wissahickon Creek, southeast on the Wissahickon Creek to the Butler Pike to North Lane near Conshohocken Borough, southwest on North Lane to Schuylkill River and continuing southeast in a line to the Spring Mill Road and southwest on the Spring Mill Road to Delaware County.

AREA COVERED BY ELECTRICIANS ZONE CONT'D

Philadelphia County - in its entirety.

ZONE 2

Bucks County - Hilltown and New Britain Townships in their entirety; that portion of telford Borough northeast of County Line Road (Main Street) and bounded by West Rockhill and Hilltown Township; that portion of Dublin Borough west of State Highway 313, and that portion of Doylestown and Warrington Townships and Doylestown Borough northwest of a line following U.S. Highway 611 south from Route 09064 to the spur of Route 270, and proceeding northwest along the spur to Route 397, southwest on 397 to Route 350, Southeast on 350 to Route 395, southwest on 395 to Route 09069, southeast on 09069 to Route 09041, southwest on 09041 to the Montgomery County Line.

Chester County - East Coventry, East Vincent, West Vincent, East Pikeland, West Pikeland, Uwchlan, Upper Uwchlan, East Brandywine, Schuylkill and Charlestown Townships in their entirety, and that portion of Caln, East Caln, West Whiteland, East Whiteland, Tredyffrin, Willstown, Easttown Townships and the Borough of Downingtown north of U. S. Highway 30.

Delaware County - That portion of Radnor Township north of U.S. Highway 30 and west of State Highway 320.

Norristown, Montgomery County - That portion northwest of a line following Lower State Road from Bucks County southwest to the Bethlehem Pike (U.S. Highway 309), south on Bethlehem Pike to the Penllyn Pike, southwest onthe Penllyn and Blue Bell Pikes to the Wissahickon Creek to the Butler Pike, southwest Wissahickon Creek to the Butler Pike, southwest on the Butler Pike, to North Lane near Conshohocken Borough, southeast on North Lane to the Schuylkill River and continuing southeast in a line to the Spring Mill Road, southwest on the Spring Mill Road to Delaware County; but excluding Upper Hanover, Douglas, Upper Pottsgrove, West Pottsgrove Townships and also excluding that portion of the

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AREA COVERED BY ELECTRICIANS ZONE CONT'D

ZONE 2 CONT'D

Borough of Pottstown north and west of a line drawn northeast on Keim Street from the Schuylkill River to the Reading Railroad northwest on the railroad to Madison Street, to High Street, east on High Street to Green Street, north on Green Street and northeast on Mintzer Street to the Lower Pottsgrove Township Line, along this township line and the borough line northwest to Adams Street and the Beehive Road, northeast on the Beehive Road to the Township Line at Mervine Street in the State Of Pennsylvania.

ZONE 3

Chester County - That portion south of U.S. Highway 30 and north and west of U. S. Highway 1

Delaware County - That portion south of U.S. Highway 30 and north of that part of U.S. Highway 1 between U.S. Highway 202 and the Chester County Line, and east of that part of U.S. Highway 202 betwen U.S. Highway 1 and the Delaware Line, and west of a line extending from Montgomery County along State Route 320 to Maple, then along the Springfield Road to Saxer Avenue, along Saxer Avenue to Powell Road; along Powell Road to State Highway 420; along 420 and continuing in a straight line to the Delaware River in the State of Pennsylvania.

ZONE 4

Chester County - Oxford, Avondale and Kenneth Square Twps.

ZONE 5

Chester County - West Clan, West Brandywine, Honey Brook, Wallace, West Nantmeal, East Nantmeal, Warwich, South Coventy, Valley Twps. and Coatesville.

Montgomery County - West Pottsgrove, Upper Pottsgrove, Douglas Twps., Pottstown.

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AREA COVERED BY ELECTRICIANS ZONE CONT'D

ZONE 6
Bucks County - Plumstead, Bedminister, Tinicum, Nockomixon, Bridgeton and Durham Townships in their entireties, and that portion of Haycock and Springfield Townships east of a line following State Highway 412, from Northampton County south to Route 09071 to State Highway 212, along highway 212 to Route 09068, and along 09068 to State Highway 313. Also included is that portion of Bublin Borough east of State Highway 313.

ZONE 7
Bucks County - East Rock Hill, West Rock Hill, Milford and Richland Townships in their entirety and that portion of Haycock and Springfield Townships west of a line following State Highway 212 from Northampton County South to Route 09071 along 09071 to State Highway 212, along Highway 212 to Route 09068 and along 09068 to State Highway 313

Montgomery County - Upper Hanover in its entirety

ZONE 8
Bucks 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 Hulmevilla 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 113, north on TR 113 to TR 232 as 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.

ZONE 9
Chester County - That portion of Sadsbury and West Sadsbury Township north of U. S. Highway 30.

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AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Delaware and Philadelphia Counties, Remainder of Bucks, Chester and Montgomery Counties

ZONE 2 - Milford, West Rockville, Rickland, E. Rockville, Haycock, Surham, Springfield, Richlandtown, Sqoherton, Nockamixon Townships in Bucks County, Warwick, S. Coventry, E. Coventry, N. Coventry, Spring City and Royersford Townships in Chester County, Pottstown, Lower Pottsgrove, Limrick, Lower Frederick, Upper Salford, Sounderton, Greeland, Upper Hanover, New Hanover, Douglas, Marlboro Twps. in Mongtomery County

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Bucks County

ZONE 2 - Chester County

ZONE 3 - Delaware, Montgomery and Philadelphia Counties

LABORERS CLASSIFICATIONS DEFINITIONS REHABILITATION AND ALL OTHER WORK OTHER THAN RESIDENTIAL

CLASS I - Striping & dismantling concrete form work, loading, carry 7 handling of all reinforced steel 7 steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers 7 all other pneumatic tools, building scaffolds, raking shoveling 7 tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non metallic pipe & caulking, all other types of Laborers

CLASS II - Mason tender, power buggies, burners on demolition

CLASS III - Wagon drill operator (single)

CLASS IV - Powdermen, wagon drill operator (multiple), circular caissons excavation: Caisson groundmen, Underpinning excavation: Laborers, working at depth of 8 feet or under

CLASS V - Caisson bottom man

CLASS VI - Yard Workers

LANDSCAPE LABORERS CLASSIFICATIONS DEFINITIONS

CLASS I - Landscape Laborers

CLASS II - Farm tractor driver, hydroseeder nozzle man and mulcher nozzle man

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AREA COVERED BY LATHERS ZONES

ZONE 1 - Delaware, Montgomery and Philadelphia Counties, Remainder of Bucks and Chester Counties

ZONE 2 - Coatesville & lower part of Chester County

ZONE 3 - Milford, Trumbersville, Richland, Quarkertown, Springfield, Durham, Riegelsville, Bridgetown, Noxkamixon, Tinicum, Plumstead, Dublin, Bedminister, Haycock, East Rockhill, Perkasie, Sellersville, West Rockhill Townships in Bucks County

ZONE 4 - Solebury, New Hope, Upper Makefield, Wrightstown, Newton, Yardley, Lower Makefield, Morrisville, Falls, Tullytown Townships in Bucks County

AREA COVERED BY LINE CONSTRUCTION

ZONE 1 - Remainder of Bucks County, Chester, Delaware, Montgomery, Philadelphia Counties

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 113, 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 Borough of New Hope and Bristol are included.

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bucks & Philadelphia Counties: Haverford, Newton, Randnor, Maple, Springfield, Upper Darby, Barby, Ridley, Tinicum & Yeondon Townships in Delaware County, Cheltenahm, Abington, Uper and Lower Morland, Springfield Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Southampton, Townships in Montgomery County

ZONE 2 - Chester County and Remainder of Delawre County

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ARE COVERED BY PAINTERS ZONES CONTINUED

ZONE 3 - Pottstown, Pottsgrove, New Hanover and Douglas Townships in Montgomery County

ZONE 4 - Remainder of Montgomery County

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Bucks, Delaware & Philadelphia Counties; remainder of Chester County, Remainder of Montgomery County

ZONE 2- Pennsburg Township in Montgomery County

ZONE 3 - Longwood, Kennett Square, Avondale and Oxford Townships in Chester County

AREA COVERED BY PLUMBERS ZONES

ZONE 1 - Delaware, Chester, Montgomery, Philadelphia Counties; remainder of Bucks County

ZONE 2 - Bridgton, Durnham, Haycock, Milford, Nockamixon, Richland, East Rockhill, West Rockhill and Springfield Townships in Bucks County

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bucks, Chester, Delaware & Montgomery Counties

ZONE 2 - Philadelphia County

AREA COVERED BY STEAMFITTERS ZONES

ZONE 1 - Chester, Delaware, Montgomery, Philadelphia Counties, Remainder of Bucks County

ZONE 2 - Bucks County; Townships of Bridgton, Durham, Haycock, Milford, Nockamixon, Richland, East Rockhill, West Rockhill and Springfield

AREA COVERED BY STONE MASONS ZONES

ZONE 1 - Delaware & Philadelphia Counties; Remainder of Bucks County

ZONE 2 - Montgomery County

ZONE 3 - Chester County

ZONE 4 - Bristol Township in Bucks County

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POWER EQUIPMENT OPERATIONS CLASSIFICATIONS

WAGE GROUP I - Handling steel and stone in connection with erection, cranes doing hook work, any machines handling machinery, cable spinning machine, helicopters, and machines similar to to the above.

WAGE GROUP II - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pippin type backhoes, hoist with two towers, paver 21E and over, all types over-head cranes, building hoists - double drum (unless used as single drum), mucking machines in tunnel, gradalls, front-end loaders, boat captain, tandems scrapers, tower type crane operation, erecting, dismantling, jumping or jacking, drills self-contained (drillmaster type), fork lift (20 ft. and over), batch plant with mixer, scrapers & tournapulls, rollers (high grade finishing), mechanic-welder, spreaders, bulldozers and tractors, and machines similar to the above.

WAGE GROUP III - Conveyors (except building conveyors), 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 IV - Seaman pulverizing mixer, tireman on power equipment, farm tractors, fine grade machines, form line graders, road finishing machines, power broom (self-contained), seed spreader, grease truck, and machine similar to the above, maintenance engineer (power Boat)

WAGE GROUP V - Conveyors (building), welding machines, heaters, wellpoints, pumps, compressors, and machines similar to the above.

WAGE GROUP IV - Fireman, oilers and deck hands (personnel boats), grease truck helpers

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING CONSTRUCTION)

CLASS I - Warehouseman, checker, fork lift driver, stake body truck (single axle), 1½ ton and under vehicles

CLASS II - Truck driver over 1½ tons, dump trucks, tandem and batch trucks, semi-trailers, agitator mixer trucks, and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body Truck (tandem)

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TRUCK DRIVERS CLASSIFICATIONS DEFINITIONS (CONTINUED)

CLASS III - Euclid type-off highway equipment - back or belly dump trucks and double - hitched equipment straddle (Ross) carrier, lowbed trailers

TRUCK DRIVERS, HEAVY & HIGHWAY INCLUDING SITE PREPARATION, PAVING & UTILITIES ON BUILDING CONSTRUCTION CLASSIFICATION DEFINITIONS

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

[FR Doc. 84-29351 Filed 11-8-84; 8:45 am]
BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Calumet, Fond Du Lac, Manitowoc, and Sheboygan

DECISION NUMBER: WI84-5031

DATE: Date of Publication

Supersedes Decision No. WI83-2077 dated October 7, 1983 in 48 FR 45982

DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$17.65	2.01
BOILERMAKERS	17.345	3.25
BRICKLAYERS	12.85	2.44
CARPENTERS	13.61	2.21
PILEDRIVERS & MILLWRIGHTS	14.06	2.11
CEMENT MASONS	12.35	2.44
ELECTRICIANS:		
Calumet Co.	15.78	1.55+ 6%
Manitowoc Co.	15.95	1.40+ 9½%
Fond Du Lac & Sheboygan Cos.	15.02	2.04+ 14%
ELEVATOR CONSTRUCTORS:		
Constructors	17.08	3.00
Helpers	11.96	3.00
Helpers (Prob.)	8.54	
GLAZIERS	12.98	3.13
IRONWORKERS:		
Western part of Fond Du Lac	14.08	3.00
Remainder of Area	14.81	5.55
LABORERS:		
General Laborers	11.03	1.43
Mason Tender & Plaster Tender	11.13	1.43
Jack Hammer	11.28	1.43
LATHERS	12.61	3.16
PAINTERS:		
Fond Du Lac, & N. W. Corner of Calumet Co.:		
Brush	13.35	1.55
Structural Steel	14.10	1.55
Spray & Swing Stage	13.85	1.55
Manitowoc and Remainder of Calumet County:		
Brush	12.10	
Spray	12.60	
Sheboygan County:		
Brush	10.30	1.80
Spray	10.90	1.60
PLASTERERS	12.85	2.44
PLUMBERS & STEAMFITTERS:		
Northwestern Corner of Calumet County	16.04	3.35
Manitowoc Co. and the Northeastern Part of Calumet County	14.42	2.76
Fond Du Lac; Sheboygan & the Remainder of Calumet County	14.97	3.09
ROOFERS:		
Calumet & Manitowoc Cos.	14.50	1.50
Sheboygan Co.	14.50	1.50
Fond Du Lac County	14.50	1.50
SHEET METAL WORKERS	16.08	3.42
TERRAZZO WORKERS & TILE SETTERS	12.85	2.44
POWER EQUIPMEMT OPERATORS:		
Group 1	15.72	3.42
Group 2	15.22	3.42
Group 3	14.44	3.42
Group 4	13.88	3.42
Group 5	13.41	3.42
WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental		

POWER EQUIPMENT OPERATORS (Classifications)

Group 1 - Cranes, shovels, draglines, backhoes, clamshells, derricks caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

Group 2 - Concrete and grout pumps, material hoists, stack hoists, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (10 tons or under), manhoists, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder , bituminous plant and paver operator, roller (over 5 tons), rail level-machine (railroad), tie placer tie extractor, tie tamper, stone leveler, rotary drill operator and blaster, percussion drilling machine, trencher (wheel type or chain type having over 8-inch bucket), elevator

Group 3 - Backfiller, concrete auto breaker (large), concrete finishing machines (road type), roller (rubber tire), concrete batch hopper, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h. p.), pumps (well points), trencher (chain type having bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and fireman (pile drivers and derricks), hoists (automatic), forklift (over 12'), tampers-compactors (riding type), assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammers (small), brooms and sweeper, hoists (tuggers), stump chipper (large), boats (tug, safety, work barges and launch).

Group 4 - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole digger, stone crushers and screening plants, fireman (asphalt plants), air compressor (400 CFM or over), augers (vertical and horizonal), air electric, hydraulic jacks (slip form) prestress machine, skid steer loader, boiler operators (temporary heat), forklift (12' and under)

Group 5 - Generators over 150 KW, pumps over 3", combination small equipment operator, compressors (under 400 CFM), welding machines, heaters (mechanical), generators (under 150 KW), pumps (3" and under), winches (small electric) Oiler and greaser, conveyor.

Unlisted classifications needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

federal register

Friday
November 9, 1984

Part III

Department of the Treasury

Customs Service

19 CFR Parts 4, 6, 7 et al.

Revision of Customs Bond Structure; Final Rule; Correction

Federal Register

Friday
November 4, 1994

Part III

Department of the Treasury

Customs Service

19 CFR Parts 4, 6, 7 et al.
Revision of Customs Bond Structure;
Final Rule; Correction

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 6, 7, 10, 11, 12, 18, 19, 24, 54, 101, 112, 113, 114, 123, 125, 127, 132, 133, 134, 141, 142, 144, 145, 146, 147, 148, 151, 162, 172, 174, and 191

[T.D. 84-213]

Customs Bond Structure; Revision

Correction

In FR Doc. 84-27459 beginning on page 41152 in the issue of Friday, October 19, 1984, make the following corrections:

1. On page 41152, third column, second complete paragraph, line eighteen, "and" should appear between "damages" and "of".

2. On page 41154, first column, line sixteen should read "requirements set forth in Part 111, Customs Regulations (19 CFR Part 111),".

3. On page 41159, third column, the first complete paragraph beginning with "The extent" should begin with "To the extent".

4. On page 41161, first column, second line, "if" should be removed, and "there is" should read "is there".

§ 4.16 [Corrected]

5. On page 41163, third column, § 4.16, line eight, "of" should read "or".

§ 4.38 [Corrected]

6. On page 41164, first column, § 4.38(a), first line, "when" should read "When".

§ 19.12 [Corrected]

7. On page 41169, second column, amendatory language 4., second line, " "smelted, refined" " should read " ", smelted, refined" ".

§ 19.16 [Corrected]

8. On page 41170, first column, amendatory language 16., first line, "(g)(l)" should read "(g)(1)".

§ 101.1 [Corrected]

9. On page 41171, first column § 101.1(k), line four, "to" should appear between "them" and "the".

§ 112.25 [Corrected]

10. On the same page, second column, § 112.25, line ten from the top, "§ 12.23" should read "§ 112.23".

§ 112.26 [Corrected]

11. On the same page, second column, amendatory language 5., line four, "§ 13.26" should read "§ 113.26".

12. On the same page, third column, § 113.31, "party" should appear between "same" and "as".

§ 113.13 [Corrected]

13. On page 41173, first column, § 113.13(d), last line, should end in a period ".".

§ 113.23 [Corrected]

14. On the same page, third column, § 113.23 heading, "made" should appear between "Changes" and "on".

§ 113.27 [Corrected]

15. On page 41174, third column, § 113.27(b), line four, "surely" should read "surety".

§ 113.37 [Corrected]

16. On page 41176, second column, § 113.37(f), **Corporate Sureties Agreement for Limitation of Liability,** line seven, "(surety code" should read "(surety code)".

17. On the same page, third column, § 113.37(g)(2) , line twenty-four, "part" should read "port".

18. On page 41177, first column, § 113.37(g)(4), line fourteen, "ater" should read "after".

§ 113.40 [Corrected]

19. On page 41178, second column, § 113.40(c), line four, "appropriate" should appear between "as" and "is"; and in line six "appropriate" should be removed.

§ 113.63 [Corrected]

20. On page 41180, third column § 113.63(b)(2), third line, "customs" should read "Customs".

§ 141.92 [Corrected]

21. On page 41184, second column, § 141.92 amendatory language 12., line four, "of" should read "on" and "From" should read "Form".

§ 141.101 [Corrected]

22. On the same page, second column, amendatory language 13., line seven should be removed and replaced with, "bond, entered for permanent exhibition".

§ 144.15 [Corrected]

23. On page 41185, third column, § 144.15, amendatory language 6., line four, "A bond" should read "a bond".

§ 144.41 [Corrected]

24. On the same page, third column, § 144.41, amendatory language 9., line two, "a bond" should read "A bond".

BILLING CODE 1505-01-M

federal register

Friday
November 9, 1984

Part IV

Office of Management and Budget

Budget Deferrals and Rescissions; Notice

OFFICE OF MANAGEMENT AND BUDGET

Deferrals and Rescissions

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report eight new deferrals of budget authority for 1985 totaling $107,881,834. The deferrals affect the Departments of Energy, Justice, and State, the Board for International Broadcasting, and the United States Information Agency.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House,
October 31, 1984.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral #	Item	Budget Authority
	Department of Energy	
	Power Marketing Administration	
	Southeastern Power Administration,	
D85-16	Operation and maintenance	12,467
	Southwestern Power Administration,	
D85-17	Operation and maintenance	7,260
	Western Area Power Administration,	
	Construction, rehabilitation, operation	
D85-18	and maintenance	3,000
	Department of Justice	
	Federal Prison System	
D85-19	Buildings and facilities	44,534
	Department of State	
	United States emergency refugee and	
D85-20	migration assistance fund	32,928
	Board for International Broadcasting	
D85-21	Grants and expenses	4,408
	Other Independent Agencies	
	U.S. Information Agency	
D85-22	Salaries and expenses	2,433
	Salaries and expenses, special foreign	
D85-23	currency program	852
	Total, deferrals	107,882

****

SUMMARY OF SPECIAL MESSAGES
FOR FY 1985
(in thousands of dollars)

	Rescissions	Deferrals
Second special message:		
New items	---	107,882
Revisions to previous special messages	---	---
Effects of second special message	---	107,882
Amounts from previous special messages that are changed by this message (changes noted above)	---	---
Subtotal, rescissions and deferrals	---	107,882
Amounts from previous special messages that are not changed by this message	---	1,318,562
Total amount proposed to date in all special messages	---	1,426,444

Deferral No: D85-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Energy

Bureau:
Power Marketing Administration

Appropriation title and symbol:

Southeastern Power Administration, Operation and maintenance

89X0302

OMB identification code:
89-0302-0-1-271

Grant program:
|___| Yes |X| No

Type of account or fund:
|___| Annual
|___| Multiple-year _____ (expiration date)
|X| No-Year

New budget authority..... $ 35,744,000
(P.L. 98-360)
Other budgetary resources 12,737,000

Total budgetary resources 48,481,000

Amount to be deferred:
Part of year $_____
Entire year 12,467,000

Legal authority (in addition to sec. 1013):
|X| Antideficiency Act
|___| Other_____

Type of budget authority:
|X| Appropriation
|___| Contract authority
|___| Other_____

Justification: This account funds the marketing activities of the Southeastern Power Administration (SEPA), an agency that sells wholesale hydroelectric power produced at Corps of Engineers dams in ten southeastern States. SEPA delivers power to its customers by using power transmission lines owned by other utilities because this agency does not own or operate any power lines. One of SEPA's principal activities is the negotiation of power sales contracts. Costs associated with payments to non-Federal utilities for delivery of power are recovered by the Federal government, with interest, in accordance with statutory requirements. During 1984, the negotiations on several new contracts progressed at a slower pace than originally anticipated. As a result, the agency did not need to use almost $12.5 million of funds provided for paying non-Federal utilities to deliver power. It is anticipated that these funds will not be needed in 1985 and can be deferred until 1986. This deferral action is taken under the provisions of the the Anti-Deficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of SEPA's normal power marketing activities in 1985.

Outlay Effect: None.

Deferral No: D85-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Energy

Bureau:
Power Marketing Administration

Appropriation title and symbol:

Southwestern Power Administration, Operation and maintenance

89X0303 1/

OMB identification code:
89-0303-0-1-271

Grant program:
|___| Yes |X| No

Type of account or fund:
|___| Annual
|___| Multiple-year _____ (expiration date)
|X| No-Year

New budget authority..... $ 31,208,000
(P.L. 98-360)
Other budgetary resources 15,074,000

Total budgetary resources 46,282,000

Amount to be deferred:
Part of year $_____
Entire year 7,260,000

Legal authority (in addition to sec. 1013):
|X| Antideficiency Act
|___| Other_____

Type of budget authority:
|X| Appropriation
|___| Contract authority
|___| Other_____

Justification: This account funds the activities of the Southwestern Power Administration (SWPA), an agency that markets wholesale hydroelectric power produced at Corps of Engineers dams in six southwestern States. SWPA activities also include construction, operation and maintenance of approximately 1,660 miles of transmission lines over which the power is distributed to customers. In 1984, the agency did not need to use as much funding as was provided for purchasing power and paying non-Federal utilities to deliver it. The level of unobligated funds carried into 1985 for purchasing power was almost $7.3 million higher than previously assumed. There currently is no plan to use these funds in 1985, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1986. This deferral action is taken under the provisions of the Anti-Deficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of SWPA's normal activities.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-42B).

Deferral No: D85-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... $ 218,230,000 (P.L. 98-360)
Bureau: Power Marketing Administration	Other budgetary resources 48,005,000
Appropriation title and symbol: Western Area Power Administration Construction, rehabilitation, operation and maintenance 89X5068 1/	Total budgetary resources 266,235,000
OMB identification code: 89-5068-0-2-271	**Amount to be deferred:** Part of year $ ____ Entire year 3,000,000
Grant program: |__| Yes |X| No	**Legal authority (in addition to sec. 1013):** |X| Antideficiency Act |__| Other ____
Type of account or fund: |__| Annual |__| Multiple-year ____ (expiration date) |X| No-Year	**Type of budget authority:** |X| Appropriation |__| Contract authority |__| Other ____

Justification: This account funds the Western Area Power Administration (WAPA), which markets power in 15 western States from power generating projects principally operated by the Bureau of Reclamation and the Corps of Engineers. WAPA activities also include the construction, operation and maintenance of about 16,000 miles of power transmission lines over which the power is distributed to customers. In 1984, the agency did not use as much funding as was previously assumed. In particular, an unobligated balance of $3 million resulted from favorable construction contract awards. There is currently no plan to use the additional $3 million in 1985, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1986. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The deferral will have no programmatic effects, because the funds deferred are in excess of the amount necessary for conduct of WAPA's normal activities.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-64A).

Deferral No: D85-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Justice	New budget authority..... $ 86,056,000 (P.L. 98-411)
Bureau: Bureau of Prisons	Other budgetary resources 84,300,000
Appropriation title and symbol: Buildings and Facilities 15X1003 1/	Total budgetary resources 170,356,000
OMB identification code: 15-1003-0-1-753	**Amount to be deferred:** Part of year $ ____ Entire year 44,534,000
Grant program: |__| Yes |X| No	**Legal authority (in addition to sec. 1013):** |X| Antideficiency Act |__| Other ____
Type of account or fund: |__| Annual |__| Multiple-year ____ (expiration date) |X| No-Year	**Type of budget authority:** |X| Appropriation |__| Contract authority |__| Other ____

Justification: This appropriation finances planning, acquisition of sites and construction of new penal and correctional facilities as well as construction, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions. Projects are undertaken to reduce overcrowding, close old and antiquated penitentiaries and provide a safe and humane environment for staff and inmates. The deferral contains $3,250,000 for the Southeast facility, $8,290,000 for the Northeast Level 2/3 facility, $3,250,000 for the Northeast Level 4 facility, $5,000,000 for the Sheridan, Oregon facility and $24,744,000 for modernization. Due to ongoing negotiations for the Sheridan Site and the time required by all the projects for design efforts and the selection of contractors, it will be impossible to complete these projects, for which funding is deferred, during 1985. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: The deferral will have no effect on the buildings and facilities program because the deferred amount cannot be efficiently used if made available in 1985.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-28A).

Deferral No: D85-20

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of State	New budget authority..... $ _____ (P.L. _____)
Bureau: Bureau for Refugee Programs	Other budgetary resources 32,928,000
Appropriation title and symbol: United States emergency refugee and migration assistance fund, executive 1/ 11X0040	Total budgetary resources 32,928,000
	Amount to be deferred: Part of year $ 32,928,000
	Entire year _____
OMB Identification code: 11-0040-0-1-151	Legal authority (in addition to sec. 1013): |X| Antideficiency Act
Grant program: |___| Yes |X| No	|___| Other _____
Type of account or fund:	**Type of budget authority:**
|___| Annual	|X| Appropriation
|___| Multiple-year _____ (expiration date)	|___| Contract authority
|X| No-Year	|___| Other _____

Justification: Section 501 (a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414 (b) (1) of the Refugee Act of 1980 (Public Law 96-212) amended section 2 (c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50,000,000 to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $32,928,000 in unobligated balances from prior-year authority. This amount has been deferred pending Presidential decisions required by Executive Order No. 11922 and to achieve the most economical use of appropriations. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral during 1984 (D84-12A).

Deferral No: D85-21

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Board for International Broadcasting	New budget authority..... $ 97,498,000 (P.L. 98-411)
Bureau:	Other budgetary resources 12,307,834
Appropriation title and symbol: Grants and expenses 954/51145	Total budgetary resources 109,805,834
	Amount to be deferred: Part of year $ 4,407,834
	Entire year _____
OMB identification code: 95-1145-0-1-154	Legal authority (in addition to sec. 1013): |X| Antideficiency Act
Grant program: |X| Yes |___| No	|___| Other _____
Type of account or fund:	**Type of budget authority:**
|___| Annual	|X| Appropriation
|X| Multiple-year Sept. 30, 1985 (expiration date)	|___| Contract authority
|___| No-Year	|___| Other _____

Justification: The Board for International Broadcasting is authorized by the Board for International Broadcasting Act of 1973 to provide grants for the operations of Radio Free Europe/Radio Liberty Inc.

P.L. 98-411 appropriated $97,498,000 for expenses of the Board for International Broadcasting, including grants to RFE/RL, Inc. In addition, P.L. 98-396 (1984 Supplemental Appropriations Act) extended the availability of 1984 exchange rate gains, which would otherwise have been placed in reserve, until September 30, 1985, for the purpose of carrying out the Board for International Broadcasting Act of 1973. The BIB's currently estimated expenses in carrying out the act in 1985 are $105,398,000 and the additional $4,407,834 is deferred until potential supplemental requirements have been defined. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

[FR Doc. 84-29884 Filed 11-8-84; 8:45 am]
BILLING CODE 3110-01-C

Deferral No: D85-22

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
U.S. Information Agency

Bureau:

Appropriation title and symbol:

Salaries and expenses

67X0201 1/

OMB identification code:
67-0201-0-1-154

Grant program:
|___| Yes |X| No

Type of account or fund:
|___| Annual
|___| Multiple-year _____ (expiration date)
|X| No-Year

New budget authority..... $ 545,856,000
(P.L. 98-411)
Other budgetary resources 4,386,000

Total budgetary resources 550,242,000

Amount to be deferred:
Part of year $_____
Entire year 2,433,000

Legal authority (in addition to sec. 1013):
|X| Antideficiency Act
|___| Other_____

Type of budget authority:
|X| Appropriation
|___| Contract authority
|___| Other_____

Justification: The United States Information Agency (USIA) is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et. seq.), the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451, et. seq.), Executive Order 11034 of June 25, 1962, as amended, and the Reorganization Plan No. 2 of 1977 to carry out international communication, cultural and education exchange programs.

P.L. 98-411 appropriated $545,856,000 for expenses required to carry out international communication activities. Of this amount $7,303,000 shall remain available until expended.

This $545,856,000, together with funds appropriated in prior year, will be used for the before-mentioned activities, including the Special International Exhibitions program. It is now estimated that $2,433,000 of funds budgeted for the U.S. participation in the international exposition at Vancouver, Canada and at other international fairs will not be obligated during fiscal year 1985.

This deferral action is taken under the provisions of Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None. The amount deferred could not be obligated before 1986.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1984 (D84-34).

Deferral No: D85-23

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
J.S. Information Agency

Bureau:

Appropriation title and symbol:

Salaries and expenses
(Special foreign currency program)
67X0205 1/

OMB identification code:
67-0205-1-154

Grant program:
|___| Yes |X| No

Type of account or fund:
|___| Annual
|___| Multiple-year _____ (expiration date)
|X| No-Year

New budget authority..... $ 8,000,000
(P.L. 98-411)
Other budgetary resources 3,997,000

Total budgetary resources 11,997,000

Amount to be deferred:
Part of year $_____
Entire year 852,000

Legal authority (in addition to sec. 1013):
|X| Antideficiency Act
|___| Other_____

Type of budget authority:
|X| Appropriation
|___| Contract authority
|___| Other_____

Justification: P.L. 98-411 appropriated $8,000,000 to remain available until expended for the Salaries and expenses (Special foreign currency program) account. The account is used for payment of USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of Treasury determines that the supply of local currency is in excess of the normal requirement of the U.S. Government. In fiscal year 1985, the excess currency countries are Burma, Guinea, India and Pakistan.

As a result of exchange rate savings and recoveries of prior year obligations realized during 1984, the beginning-of-year unobligated balance for this account is estimated to be $3,997,000, which is significantly more than the sum estimated in the 1985 Budget. The deferred amount of $852,000 represents funds that will not be obligated during this fiscal year under current program plans. Accordingly, these funds are reserved for use in succeeding years.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None.

Outlay Effect: None.

1/ This account was the subject of a similar deferral in 1984 (D84-35).

federal register

Friday
November 9, 1984

Part V

Environmental Protection Agency

40 CFR Part 51
Stack Height Regulation; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-2686-2]

Stack Height Regulation

AGENCY: EPA.

ACTION: Proposed rule.

SUMMARY: Section 123 of the Clean Air Act, as amended, requires EPA to promulgate regulations to ensure that the degree of emission limitation required for the control of any air pollutant under an applicable State implementation plan (SIP) is not affected by that portion of any stack height which exceeds good engineering practice (GEP) or by any other dispersion technique. Regulations to implement Section 123 were proposed on January 12, 1979, at 44 FR 2608 and reproposed on October 7, 1981, at 46 FR 49814. The final regulation was promulgated on February 8, 1982, at 47 FR 5864.

The final regulation was challenged by the Sierra Club Legal Defense Fund, Inc., Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania; on October 11, 1983, the U.S. Court of Appeals for the DC Circuit reversed two portions of the regulation, upheld other portions, and remanded certain other portions to the Agency for reconsideration. *Sierra Club* v. *EPA*, 719 F.2d 436 (DC Cir., 1983), *cert. denied*, 104 S. Ct. 3571 (July 2, 1984).

Today's action proposes to revise the Agency's stack height regulation by adding additional provisions and by modifying or rescinding existing provisions as necessary to comply with the court's opinion. Today's action also requests comments on alternative methods of implementing Section 123 in light of the DC Circuit Court mandate. When finalized, this action will require that SIP's be revised to incorporate and implement specific provisions necessary to carry out the requirements contained in Section 123 of the Clean Air Act.

DATES: Comments must be received by the Central Docket Section no later than 4 p.m. (EST) on December 10, 1984. Because the mandate issued by the court requires that EPA promulgate a final regulation not later than January 18, 1985, it will not be possible to extend this comment period beyond the 30 days provided in this notice.

ADDRESS: All comments must be submitted (in triplicate if possible) to: Central Docket Section (LE-131), EPA, Attention: Docket Number A-83-49, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eric O. Ginsburg, MD-15, Office of Air Quality Planning and Standards, EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5540.

SUPPLEMENTARY INFORMATION:

Docket Statement

All pertinent information concerning the development of this regulation is included in Docket Number A-83-49. The docket is open for public inspection between the hours of 8 a.m. and 4 p.m., Monday through Friday, at the EPA Central Docket Section, West Tower Lobby, Gallery One, 401 M Street, SW., Washington, DC. Background documents normally available to the public, such as Federal Register notices and Congressional reports, are not included in the docket. A reasonable fee may be charged for copying documents.

Background

Subject

The problem of air pollution can be approached in either of two ways: through reliance on a technology-based program that mandates specific control requirements (either control equipment or control efficiencies) irrespective of ambient pollutant concentrations, or through an air quality management-based program that relies on ambient air quality levels to determine the allowable rates of emissions control. The Clean Air Act incorporates aspects of both approaches, but the SIP program uses the air quality management approach to establish emission limitations for sources. Implicitly, this approach acknowledges and is based on the normal dispersion of pollutants from their points of origin into the atmosphere.

There are two general methods for preventing violations of the national ambient air quality standards (NAAQS) and prevention of significant deterioration (PSD) increments. Continuous emission controls reduce the quantity, rate, or concentrations of pollutants released into the atmosphere from a source. In contrast, dispersion techniques rely on the dispersive effects of the atmosphere to carry pollutant emissions away from the source and to prevent high concentrations of pollutants near the source. Section 123 of the Clean Air Act limits the use of dispersion techniques by pollution sources to meet the NAAQS and PSD increments.[1]

Tall stacks, manipulation of exhaust gas parameters, and intermittent or supplemental control systems (ICS or SCS) are the basic types of dispersion techniques. Tall stacks enhance dispersion by releasing pollutants into the air at elevations high above ground level, thereby providing greater mixing of pollutants into the atmosphere. The result is to dilute the pollutant levels and reduce the concentrations of the pollutant at ground level, without reducing the total amount of pollution released. Manipulation of exhaust gas parameters increases the plume rise from the source, which increases the effective release height of the pollutant. Intermittent and supplemental control systems vary a source's rate of emissions to take advantage of meteorological conditions. When atmospheric conditions do not favor dispersion and a standard may be violated, the source temporarily reduces its pollutant emissions. When conditions favor rapid dispersion, the source emits pollutants at higher rates.

Use of dispersion techniques in lieu of constant emission controls results in additional atmospheric loadings of pollutants. The use of tall stacks and increased plume rise increases the possibility that pollution will travel long distances before it reaches the ground.

Although overreliance on dispersion techniques may produce adverse effects, use of the dispersive properties of the atmosphere has long been an important factor in air pollution control. For example, some stack height is needed to prevent excessive concentrations of pollutants near a source, which are created by airflow disruptions caused by structures, terrain features, and ground-level meteorological phenomena. Such disruptions cause downwash, wakes, and eddies which can force a plume rapidly to the ground, resulting in excessive concentrations of pollutants near the source. As discussed below, the Clean Air Act recognizes these facts and responds by allowing sources to calculate their emission limitations with explicit consideration of that portion of a source's stack height that is needed to ensure that excessive concentrations due to downwash will not be created near the source. This height is called "good engineering practice" (GEP) stack height.

Statute

Section 123, which was added to the Clean Air Act by the 1977 Amendments, regulates the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. Specifically,

[1] See Section 110(a)(2)(B), 123, 302(k), and 302(m) of the Act, 42 U.S.C. 7410(a)(2)(B), 7423, 7602(k), and 7602(m). For additional discussion of the Act's prohibition of the use of dispersion techniques, see 44 FR 2608-2610.

Section 123 requires that the degree of emission limitation shall not be affected by that portion of a stack which exceeds GEP or by "any other dispersion technique." It defines GEP, with respect to stack heights as:

> the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies or wakes which may be created by the source itself, nearby structures or nearby terrain obstacles . . . [Section 123(c)].

Section 123 further provides that GEP stack height shall not exceed two and one-half times the height of the source unless a demonstration is performed justifying a higher stack. In addition, Section 123 provides that the Administrator shall regulate only stack height credits, rather than actual stack heights.[2]

With respect to "other dispersion techniques" for which emission limitation credit is restricted, the statute is less specific. It states only that the term shall incude ICS or SCS. Regulations proposed at 49 FR 37542, September 24, 1984, would limit such systems for which credit may be allowed to those implemented prior to 1971.

Thus the statute delegates to the Administrator the responsibility for defining key phrases in Section 123: "excessive concentrations," "nearby," with respect to both structures and terrain obstacles, and "other dispersion techniques." It also requires the Administrator to define what constitutes an adequate demonstration justifying stack height credits in excess of 2.5 times the height of a source.

Rulemaking

On January 12, 1979 (44 FR 2608), EPA published a notice proposing limitations on stack height credit and other dispersion techniques. The notice proposed specific rules to be used in determining GEP stack height for any source and specific requirements for SIP's. EPA provided an extended period for the submission of public comments on this proposed regulation. EPA held a public hearing on May 31, 1979, followed by a 30-day period for submission of additional comments (44 FR 24329, April 25, 1979). EPA later requested comments on additional technical information (44 FR 40359, July 11, 1979; and 46 FR 24596, May 1, 1981). EPA then reproposed the regulation with changes made in response to the comments received (46 FR 49814, October 7, 1981). Finally, EPA promulgated the final regulation on February 8, 1982, at 47 FR 5864. Information concerning the development of the regulation was included in Docket Number A–79–01 and is available for inspection at the EPA Central Docket Section.

Litigation

Petitions for review of the 1982 regulation were filed in the D.C. Circuit within the statutory time period. In addition, petitions for reconsideration of the 1982 rule were filed by the Sierra Club Legal Defense Fund, Inc. and the Natural Resources Defense Council, Inc., on April 6, 1982, and by the Commonwealth of Pennsylvania on April 20, 1982. EPA published a notice denying these petitions at 47 FR 31321 (July 19, 1982).

Petitions to review the denial were also filed and consolidated with the previous petitions in the U.S. Court of Appeals for the D.C. Circuit. On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulation, reversing certain portions and upholding other portions. The following is a summary of the court decision.

Plume Impaction

Sections 51.1(ll) and 51.12(l) of the regulation addressed pollutant concentrations estimated to occur when a plume interacts with elevated terrain, by allowing an increase in stack height credit to avoid excessive concentrations under such circumstances, and by allowing the Agency to consider increased stack height to avoid plume impaction in setting the degree of emission limitation required for sources in hilly areas. In reviewing this provision, the court observed that there was "* * * much to commend EPA's action from a policy perspective. Without EPA's plume impaction provisions, the law discriminates harshly against utilities located in mountainous terrain, for it will require them to emit for less than their flatland counterparts" (*Sierra Club* v. *EPA 719F. 2d at 455*). However, the court also held that, "In enacting Section 123, Congress clearly did not intend to legislate geographic equality. In fact, it specifically expected that the tall stacks provision would have a disproportionately heavy impact on polluters in mountain areas" (slip op. 37)(Id.). Accordingly, the court ruled that Section 123 did not permit EPA to make allowances for plume impaction in setting source emission limitations and reversed these portions of the stack height regulation.

Timetable for State Implementation

In the preamble to the final regulation, EPA provided a two-stage process for State implementation of the regulation. This process allowed 9 months for the drafting and submission of rules limiting stack height credit, providing 4 months for EPA review and approval, followed by an additional 9 months for States to revise their emission limitations to be consistent with the State rules. The court found the resulting 22-month period between promulgation of EPA's regulations and submission of revised emission limitations to be contrary to section 406(d)(2) of the Clean Air Act Amendments of 1977 and reversed the Agency's two-stage plan.

Excessive Concentrations

In § 51.1(kk) of the regulation, EPA defined excessive concentrations, based on traditional engineering practice, as a 40-percent increase in pollutant concentrations due to downwash, wakes, and eddy effects caused by structures or terrain features over that which would occur in the absence of such downwash, wakes, or eddy effects. While the court did not question the validity of traditional engineering practice, it held that EPA erred in failing to establish a correlation for the determination of excessive concentrations in a manner that was directly responsive to concerns for public health and welfare under the Clean Air Act. For this reason, the court remanded the definition of excessive concentrations to EPA with instructions to incorporate such a health and welfare related consideration.

Definition of Dispersion Techniques

In § 51.1(hh) of the stack height regulation, EPA defined "dispersion techniques" as those techniques which attempt to affect the concentration of a pollutant in the ambient air by using that portion of a stack exceeding GEP, by varying emission rates according to atmospheric conditions or ambient concentrations of a pollutant, or by addition of a fan or reheater to obtain a less stringent emission limitation. The court found that this definition was too narrow because it may have excluded some techniques that should have been prohibited. As a result, the court ordered EPA to develop broader rules disallowing credit for all dispersion techniques as the term is used in Section 123 of the Clean Air Act. In discussing the different options available to the Agency, the court specifically noted that

[2] The credit is the height assigned to the stack, irrespective of higher actual height, in calculating a source's emission limitations through the use of dispersion modeling.

EPA could either provide a more comprehensive list of prohibited techniques or could define the term broadly, listing specific practices that were to be excluded from that definition.

Automatic Credit for Stack Height Increases up to Formula Height

The definition of GEP stack height contained in § 51.1(ii) established several bases for determining GEP stack height. The first approach established a *de minimis* stack height up to which stacks would be allowed credit with no additonal demonstrations required. The second approach provided formulae that calculated GEP stack height based on the dimensions of nearby structures. The third approach based GEP stack height determinations on fluid modeling analyses or field studies of downwash, wakes, and eddy effects due to nearby structures or terrain obstacles. In its decision, the court found that EPA had not sufficiently established the adequacy of the formulae, holding that there appeared to be a reasonable possibility that the formulae provides more stack height credit in certain situations than was necessary to avoid excessive concentrations due to downwash, wakes, or eddy effects. Furthermore, the court held that the regulation allowed sources to increase the height of their existing stacks up to that allowed by the formulae without a demonstration that such increase is actually needed for the purpose of avoiding excessive concentrations due to downwash, wakes, or eddy effects. For these reasons, the court remanded the definition of GEP stack height to EPA to consider how well the formulae protect against excessive concentrations and whether they are sufficiently reliable to preclude the need for demonstrations to justify increasing the height of existing stacks.

The Allowance of Credit for New Sources Tied into Old Stacks Exceeding GEP Height

Section 51.12(k) of the regulation provided grandfathering protection from GEP requirements for stacks in existence on or prior to December 31, 1970. As written, the regulation did not prohibit sources constructed after December 31, 1970, from receiving credit for tying into grandfathered stacks. In the absence of an explanation from the Agency for not including such a prohibition, the court remanded this issue to EPA for justification.

Absence of a Specific "Nearby" Limitation for GEP Demonstrations

The regulation defines "nearby" for the purposes of application of the GEP stack height formulae as five times the lesser of either the height or projected width of the structure causing downwash, wakes, or eddy effects not to exceed one-half mile. No such distance limitation was placed on structures or terrain features in order for their effects to be considered in field studies and fluid modeling demonstrations. While the court agreed that placing such a limitation on terrain features and structures for the purpose of considering their effects in fluid modeling was clearly arbitrary, the court also held that such arbitrariness was apparently intended by Congress. Consequently, the court remanded this issue to EPA to apply the same "nearby" limitation to field studies and fluid modeling demonstrations.

Reliance on the 2.5H Formula

Section 51.1(ii)(2) of the regulation provided two separate formulae for the calculation of GEP stack height. For sources constructed on or before January 12, 1979, this formula established GEP stack height as 2.5 times the height of the source or other nearby structure (2.5H). Sources constructed after that date were subject to the second formula which specified that GEP stack height was equal to the height of the source or other nearby structure plus 1.5 times the height or width of that structure, whichever is the lesser (H + 1.5L). In reviewing these formulae, the court held that sources constructed on or before January 12, 1979 should not automatically receive the full stack height credit provided by the 2.5H formula, but should be required to demonstrate that the 2.5H formula was actually relied upon in the design of the stack in order to prevent downwash, wakes, and eddy effects caused by the nearly structure. Consequently, these provisions were remanded to EPA to take actual reliance on the 2.5H formula into account.

Plume Rise, Exclusion of Flares, and Definition of "In Existence"

Three other provisions of the regulation were challenged in the Sierra Club suit: The failure to consider plume rise in the establishment of GEP formulae, the exclusion of flares from the definition of "stack," and EPA's definition of "stacks in existence prior to December 31, 1970." In its review of these provisions, the court held that EPA had acted properly and upheld these portions of the regulation.

Other provisions of the stack height regulation, such as the *de minimis* stack height established under § 51.1(ii)(1), were not challenged in the suit and thus remain in effect.

Administrative Proceedings Subsequent to the Court Decision

On December 19, 1983, EPA held a public meeting to take comments to assist the Agency in implementing the mandate of the court. This meeting was announced in the **Federal Register** on December 8, 1983, at 48 FR 54999. Comments received by EPA are included in Docket Number A–83–49 and are available for review in EPA's Central Docket Section. On February 28, 1984, a group of affected industries filed a petition for a writ of certiorari with the U.S. Supreme Court. While the petition was pending before the court, the mandate from the U.S. Court of Appeals was automatically stayed. On July 2, 1984, the Supreme Court denied the petition (104 S.Ct. 3571), and on July 18, 1984, a mandate was formally issued by the U.S. Court of Appeals. This mandate implements the court's decision and requires the Agency to promulgate revisions to the stack height regulation not later than January 18, 1985.

Documents

In conjunction with the 1982 regulation, EPA developed several technical and guidance documents. These served as background information for the regulation, and all were included in Docket Number A–79–01. The following documents have been placed in the National Technical Information Service (NTIS) system and may be obtained by contacting NTIS at 5285 Port Royal Road, Springfield, Virginia 22161.

(1) "Guideline for Determination of Good Engineering Practice Stack Height (Technical Support Document for Stack Height Regulations)," July 1981, EPA, Office of Air Quality Planning and Standards, EPA–450/4–80–023 (NTIS PB82 145301).

(2) "Guideline for Use of Fluid Modeling to Determine Good Engineering Stack Height," July 1981, EPA, Office of Air Quality Planning and Standards, EPA–450/4–81–003 (NTIS PB82 145327).

(3) "Guideline for Fluid Modeling of Atmospheric Diffusion," April 1981, EPA, Environmental Sciences Research Laboratory, EPA–600/8–81–009 (NTIS PB81 201410).

In developing the revisions being proposed today, the Agency also relied on the following additional reference materials. These served as background

information for the regulation. Copies of the documents are available in Docket Number A–83–49. Copies of EPA documents may also be available, depending on supply, from the EPA contact identified above.

(1) Draft "Guidance for Determination of Good Engineering Practice Stack Height (Technical Support Document for the Stack Height Regulation), (With Addenda)," November 1984.

(2) "Economic Impact Assessment for the Proposed Revisions to the EPA Stack Height Regulation," Draft, November 1984.

(3) "Determination of Good Engineering Practice Stack Height-A Fluid Model Demonstration Study for a Power Plant," April 1983, EPA, Environmental Sciences Research Laboratory, EPA–600/3–83–024 (NTIS PB 83207407).

Program Overview

Program

The revision proposed today redefines "excessive concentrations," "dispersion techniques," "Nearby," and certain other important concepts. It also modifies some of the bases for determining the GEP stack height for all sources to which this regulation applies.

This regulation does not limit the physical stack height of any source, or the actual use of dispersion techniques at a source, nor does it require any specific stack height for any source. Instead, it sets limits on the maximum credit for stack height and other dispersion techniques to be used in ambient air modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. Sources are modeled at their actual physical stack height unless that height exceeds their GEP stack height. The regulation applies to all stacks in existence and all dispersion techniques implemented since December 31, 1970.

Excessive Concentrations.

EPA is proposing two alternative approaches to this problem. First, pursuant to the court's opinion, EPA invites comment on whether the approach adopted in 1982, defining "excessive concentrations" in keeping with historic engineering practice, as a 40 percent increase over the levels in the absence of a downwash creating obstacle, in fact protects against dangers to health and welfare.

Second, in the event such a showing cannot be made, EPA is proposing a two-part definition of "excessive concentrations." The proposed regulation requires that the downwash, wakes, or eddy effects induced by nearby structures or terrain features results in an increase in ground-level pollutant concentrations that:

(a) Causes or contributes to an exceedance [3] of a NAAQS or applicable PSD increment; and

(b) Is at least 40 percent in excess of concentrations projected to occur in the absence of such structures or terrain features.

When a flow of air contacts a structure or terrain feature, a region of turbulent air is produced downwind of the structure with a high that is approximately 2.5 times the height of the obstacle. A plume entering this region, i.e., one emitted from a stack that does not exceed the height of the region, is rapidly brought to earth, with a resulting substantial increase in ground-level concentrations.

Because the NAAQS represent pollutant concentrations which the Agency has previously determined to result in adverse health and welfare effects, the inclusion of the exceedance of a NAAQS in the definition of "excessive concentrations" provides a straightforward response to the court's directive. Further information on health and welfare effects is contained in the criteria documents prepared in conjunction with the NAAQS for each pollutant.

The basis for inclusion of the remaining PSD increments in the definition of "excessive concentrations" is less obvious, but is derived from the congressional intent expressed in Section 160(1) of the Clean Air Act. EPA is not proposing to find that adverse health or welfare effects occur at ambient concentrations equivalent to the PSD increments, nor does the Agency believe that it is necessary to do so in order to adequately respond to the requirement established by the court. In its decision, the court ordered EPA to develop a standard that is "responsive to the concern for health and welfare that motivated Congress to establish the downwash exception." [4] In enacting Part C of the 1977 Clean Air Act Amendments, Congress itself stated that the purposes of this part are "(1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipated to occur from air pollution . . . notwithstanding attainment and maintenance of all national ambient air quality standards." [5] Consequently, EPA finds this determination by Congress to provide sufficient justification for inclusion of PSD increments, consistent with the court's mandate.

In its 1981 reproposal and 1982 promulgation, EPA expressed concerns about comparing the short-term, poorly-diluted pollutant concentrations that occur during downwash with the NAAQS and PSD increments, which represent concentrations measured over somewhat longer periods of time and after greater opportunity for dispersion. *See* 46 FR 49819 (October 7, 1981). These concerns still exist. The court's decision, however, requires EPA to find some way to link downwash-induced concentrations with adverse impacts on health and welfare. EPA's criteria documents show that pollutants affect health and welfare at the levels of the NAAQS: the statute and legislative history state that the PSD increments were intended to protect health and welfare. EPA, in the absence of other acceptable alternatives, believes that the NAAQS and PSD increments may constitute acceptable indicators for health and welfare affects under downwash conditions. Since, however, the NAAQS and PSD increments may not be ideal tools for measuring the effects of downwash, EPA particularly invites comments on other approaches to resolving this problem.

Requiring a source to show only that concentrations during downwash would exceed a NAAQS or PSD increment would not demonstrate that the downwash is significant enough to warrant stack height credit. Background pollutant levels or meteorological conditions might allow a source whose stacks emit only a few micrograms of a pollutant to cause or contribute to an exceedance. To ensure that sources obtain stack height credit only when downwash causes significant increases in ground level pollutant concentrations, the proposed regulation retains that portion of the 1982 regulation requiring that pollutant concentratons under downwash conditions be at least 40 percent greater in the presence of the obstacle than they would be without the obstacle.

As explained in the technical support document, researchers have found that a stack 2.5 times the height of a nearby structure reduces the effects of

[3] The term "exceedance" means a value in excess of the standard or PSD increment and should not be confused with "violation," which is defined separately for each pollutant. For additional information on the subject of exceedances versus violations, 40 CFR Part 50, and accompaning appendices further describes the NAAQS, sampling and determination methods. PSD requirements and the increments are described in 40 CFR 51.24 and 52.21.

[4] *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983), page 28.

[5] Clean Air Act (42 U.S.C. 1857 et seq.), Park C. Section 160(1).

downwash produced by the structure so that it increases ground level pollutant concentrations by only 20 to 80 percent (extremely wide buildings and buildings oriented at a 45° angle to the wind were observed to produce increases approaching 80 percent). Consequently, EPA believes it is prudent to set its change in concentration requirements somewhere below this maximum. EPA selected 40 percent as a reasonably conservative choice from the middle of the range of impacts observed. Moreover, the engineeering community has traditionally accepted the increases in concentration due to downwash that were associated with the application of the 2.5H rule. These increases have been found to be in the range of 40 percent.

It was not necessary under the previous definition of "excessive concentrations" to establish a source emission limitation prior to conducting fluid modeling because the definition required only that sources show an increase in concentration due to downwash, wakes, or eddy effects. With the revised definition, it will be necessary to specify an emission rate in the fluid model, in order to determine whether a NAAQS or PSD increment is being exceeded. Consequently, the Agency will require in its technical support document that the emission limitation be established based on either: (1) The existing, approved emission limit; (2) any applicable technology-based emission limit, such as the new source performance standards (NSPS); or (3) the emission limit that would result from the use of GEP formula stack height, whichever is applicable to the source being modeled. Once the emission limitation is identified, fluid modeling may consider the actual downwash, wake, and eddy effects of nearby terrain features and structures on ground level concentrations. Sources will then be allowed to calculate stack height credit based on that height needed to eliminate excessive concentrations caused by such effects.

Definition of GEP Stack Height

The most important issue in this section of the regulations is the use of traditional (2.5H) and refined (H + 1.5L) formula for calculating GEP stack height. The court, in remanding this issue to EPA for further consideration, did not reject the use of a formula, but directed that the formula be reevaluated in light of any revised definition of excessive concentrations. The court also acknowledged elsewhere in its opinion that the formula would necessarily be a somewhat rough rule of thumb. The Agency believes that its reevaluation satisfies the remand and clearly demonstrates the continuing validity of both formula, with the exceptions noted below.

EPA is relying on the following considerations as the bases for its belief in the validity of the formula:

1. In response to the Court's questions concerning the accuracy of the formulae, EPA has reviewed fluid modeling studies for five separate power plants known to have predicted ambient concentrations as well as changes in concentrations due to downwash and found that, in four cases, the concentration predicted to occur with GEP formula stack heights exceeded both the 40 percent and the NAAQS criteria. When the 40 percent criterion was just met (i.e., by increasing stack height), further reductions in emissions would still be required in order to eliminate NAAQS exceedances under downwash conditions in three of these cases. The fifth case demonstrated a GEP stack height lower than that derived from the formula; however, the demonstrated GEP height was less than 10 percent lower than the formula height. This difference was not sufficient to significantly affect the source emission limitation. Generally a change in stack height credit of roughly 10 percent is not likely to significantly change the final emission limitation.

EPA also conducted several modeling exercises using the Industrial Source Complex Model in an effort to better define the reliability of the formula. The results of this modeling indicated that, when emission limitations are calculated based on controlling atmospheric stabilities other than downwash, and using a GEP formula stack, the predicted concentrations in all cases were greater than or equal to the NAAQS under downwash conditions.

2. EPA has found that the formula represents, not an average, but a lower limit, of the height needed to avoid the 40-percent increase in pollutant concentrations that the engineering community has traditionally regarded as excessive. Rather than being statistically distributed uniformly around the formula, the height needed to limit the impact of downwash to a 40-percent increase in concentration tends to be skewed toward greater than formula height. The reason for this skewed distribution is that the formula was developed based on the height needed to reduce downwash caused by a simple structure, with wind direction perpendicular to the side of the structure.

The original 2.5H formula was based on demonstrations of the height needed to avoid excessive concentrations that resulted from downwash caused by a cubic structure. The Agency subsequently reexamined that engineering rule and noted that it tended to overpredict the height needed to limit the impact of downwash when building heights exceeded their widths. EPA responded to this tendency by developing a formula (H + 1.5L) that more conservatively based stack height on the lesser of either the height or width of the structure producing downwash, wakes, or eddy effects. The Agency has more recently examined fluid modeling studies carried out subsequent to the development of the revised formula, and finds that these studies further corroborate the findings on which the H + 1.5L formula was based.

Structures more complex than simple cube- or block-shaped structures produce more complicated air disturbance patterns, which will increase, rather than decrease, ground-level concentrations due to downwash. EPA guidance on the use of the formula requires that the formula be applied to complex structures in a conservative fashion. Sources may not base formula stack height on the total dimensions of complex structures (such as tiered buildings) at their maximum heights and widths but, as described further in the technical support document, must restrict the dimensions that are used in a way that may underestimate the aerodynamic effects of the complex structures.

Finally, when buildings are positioned at an angle to the wind direction, their effective width is increased beyond that on which the formula is based. An angled position may result in an increase in downwash over that which occurs when the building is perpendicular to wind direction. Because the formula is based on studies that assumed a perpendicular wind direction, the formula tends to underpredict the height needed to reduce the impact of downwash to a 40-percent increase.

3. In the legislative history of Section 123, Congress clearly indicated that it expected the traditional 2.5H formula would accurately predict stack height credit in the majority of cases. The facts outlined above corroborate Congress' expectations by showing that, for most sources, the formula provides a conservative prediction of the amount of stack height needed to avoid excessive concentrations. Consequently, Congress' endorsement provides additional support for the use of the formulae.

4. In addition to the data and discussion presented above, EPA views

the formulae as essential for the operation of the Clean Air Act's air quality programs. The Agency is presently aware of fewer than 10 fluid modeling facilities in the United States that may be considered available to conduct the necessary studies to establish GEP stack height.[6] Given that it takes up to 3 months to conduct a fluid modeling study, EPA could expect States and sources to model at most 30 to 40 sources in a year. Since this proposal may affect 400 or more sources, it would not be possible to model all sources—or even a significant fraction of all sources—within the 9-month deadline for plan revisions required by the Clean Air Act and the court's decision.

The limitations on fluid modeling compel EPA to use some type of stack height formula. Despite the limited amount of data that exist to support the 2.5H and H + 1.5L formulae, EPA has found even less to support any alternative formula or screening method.

5. EPA sometimes found it necessary to use a formula when performing fluid modeling to determine GEP height. To determine whether downwash creates excessive concentrations, the modeler must specify an emission rate. If not already established as a part of the SIP or dictated by technology-based standards, such as NSPS, however, the modeler must perform dispersion modeling to determine an appropriate emission rate; this effort requires that a stack height be specified. Since the modeler cannot use fluid modeling until he sets an emission limitation, he must find an alternative method for estimating stack height. The formula is currently the best starting point.

In light of all these considerations, EPA is proposing to continue to allow use of the traditional and refined formulae to set stack height credits. EPA, however, is also proposing to place two new restrictions on the use of the formulae. The first restriction reflects the only two cases where EPA found that formulae may produce stack height credits greater than needed to reduce changes in concentrations to 40 percent: (1) "Porous" structures, such as the unenclosed metal supporting framework or "lattice" used in some refineries and powerplants; and (2) structures whose shapes are aerodynamically smoother than the block-shaped structure used in the development of the formula. The most common examples of such structures are hyperbolic cooling towers, and domed, rounded, or tapered buildings. In such cases, the wind disturbance patterns around the structures are not as well understood, and may not be as great as in the case of simple block structures. Presently, insufficient data exist, and the state of the analytical art is not yet advanced sufficiently to enable EPA to establish an engineering formula to calculate GEP stack height for these structures. While such a formula may be developed in the future, the Agency is currently proposing to require, in its revised GEP guideline document, that sources seeking credit for the effects of porous structures or structures that are domed, tapered or rounded, as in the examples noted above, conduct field studies or fluid modeling demonstrations to determine GEP stack height.

The Agency acknowledges that the effect of this requirement may be to: (1) Encourage owners of porous structures to enclose them, rather than conduct fluid modeling that may result in more restrictive emission limitations; and (2) discourage owners from constructing more aerodynamically smooth structures that could reduce the stack height needed to avoid excessive concentrations due to downwash, wakes and eddy effects. However, allowing use of the formula by the owners of such porous or aerodynamically smooth structures could result in the granting of more stack height credit than is needed to avoid excessive concentrations.

Also, EPA is proposing to revise § 51.1(ii)(2)(ii) of the regulation by providing that, although sources may generally receive formula stack height credit, EPA, the State or local air pollution control agency may require the use of a field study or fluid model if it believes that a further demonstration of GEP stack height is needed.

In light of the Agency's conclusions about the validity of the formula, and the new authority for air pollution control agencies to require specific demonstrations, EPA also believes that it has adequately responded to the court's directive to consider the need for sources to demonstrate the need to raise existing stacks to formula height. Consequently, no such demonstrations will be required unless specifically requested, as provided in the previous paragraph.

Finally, EPA is proposing to revise its restrictions on the use of the traditional formula. EPA is proposing to revise § 51.1(ii)(2)(i) of the regulation to require that, in order for stacks in existence on or before January 12, 1979 to receive stack height credit under the 2.5H formula, source owners demonstrate to EPA that this formula was actually relied on in the design of the stack.

EPA would consider contemporaneous documentary evidence, such as original engineering calculations and facility design plans attesting that the 2.5H equation was, in fact, used as the basis for the design of the facility stack, or that the facility relied on EPA guidance which based GEP stack height on the 2.5H formula. In addition, EPA is considering an alternative that would allow the submission of reconstructed documentation, such as affidavits from individuals and engineering firms responsible for the original design of the facility.

Definition of Nearby

EPA is also proposing to revise § 51.1(ii)(3) to limit the consideration of downwash, wakes, and eddy effects of terrain features only to those features that can be classified as being "nearby" as that term is defined in § 51.1(jj). In proposing this change, the Agency is specifically requesting comments on several aspects of the distance limitation.

For the purposes of demonstrations under § 51.1(ii)(3), terrain features would be considered to be "nearby" if such features fall within a distance of not more than 0.8 km (½ mile). Those portions of terrain falling beyond 0.8 km may be considered if they achieve at a distance of 0.8 km a height greater than or equal to 40 percent of the GEP stack height (i.e., 1/2.5H) calculated using the formula § 51.1(ii)(2)(ii). The extent to which such features may be considered is limited to those portions which fall within 10 times the maximum height of the features, not to exceed two miles.

The rationale for the 40-percent minimum height is that EPA presently allows consideration of structures up to such heights in the use of formula. The rationale for the maximum limit is as follows:

1. EPA conservatively estimates that the wake region proposed by a terrain feature extends downwind approximately 10 times the height of the feature. Current research suggests that this distance can be anywhere between 10 and 15 times the height of the feature.

2. The court indicated the need for a constrained distance limitation and the Agency does not believe that unlimited consideration of complex terrain in GEP determinations is warranted by the statute as indicated by the judicial opinion.

3. The downwash effects of terrain features exceeding 1200 feet within a distance of approximately 2¼ miles (or

[6] A listing of fluid modeling facilities of which EPA is presently aware is included in the docket; this listing should not be construed as an endorsement of any facility, nor a rejection of any other qualified facilities which may exist.

10 times 1200) cannot be overcome, in a practical sense, by construction of a GEP stack. Consequently, greater downwash effects would have to be addressed through reduced emissions.

This provision does not by any means guarantee that such terrain features will, in fact, produce downwash in the fluid model which will justify greater stack height. Rather, it limits the extent to which terrain effects may be considered in fluid modeling.

EPA is proposing to select one of the two options below for applying the distance limitation to new sources versus those sources in existence prior to the date of publication of this notice of proposed rulemaking. Option 1 uses the approach described above for new and existing sources. In Option 2, the Agency is considering an approach that differentiates between stacks in existence at the time this revision to the regulation is proposed and stacks constructed at a later date. Under this option, existing sources would use the approach described above. However, stacks constructed after the date of promulgation of this rule would be modeled using only those portions of terrain features which fall within 0.8 km (½ mile) of the stack. EPA's rationale for this approach is based on its opinion that future sources have greater flexibility to locate in less complex terrain and that, under such circumstances, the Agency should be somewhat more restrictive in allowing stack height credit for terrain effects.

Additionally, the Agency must decide how fluid modeling of the effects of terrain features should be conducted. In preliminary investigations, three general approaches have emerged, and are summarized here (further information on these approaches is included in the technical support document for this proposed rulemaking).

a. Establishing a model baseline that assumes no influencing terrain or structure, i.e., assuming a flat plane up and downwind of the stack; to evaluate the effects of structures and terrain features, a second model run would be conducted by inserting all nearby structures and terrain features, but "cutting off" all structures and terrain beyond the distance limitation such that it appears as a smooth and level plane in the model.

b. Establishing a model baseline in the same manner as the first approach; to evaluate the effects of nearby structures and terrain, the features would be inserted into the model, smoothing and sloping the terrain beyond the distance limitation downward into a single oblique plane.

c. Establishing a model baseline by initially representing in the model all relevant terrain features beyond a distance of 0.8 km for new sources or, for existing sources, $10H_t$, not to exceed 2 miles, but excluding the nearby features, i.e., smoothing and sloping those features falling within the distance limit to minimize their effects; to evaluate the effects of nearby terrain, these latter features would then be inserted into the model, and the resulting concentrations compared to the baseline.

The Agency is presently inclined to adopt the third approach as most accurately distinguishing between the effects of near and far terrain features, but is requesting further comment on the appropriateness of each approach. Additional information on the approaches is contained in the technical support document to this proposal.

In proposing these revisions to the definition of "nearby," EPA recognizes that distance limitations are somewhat arbitrary in nature, but feels that the proposal best comports with the instructions given by the court. The Agency intends to continue to examine the effects of terrain on atmospheric downwash, and the relationship between terrain-induced downwash effects and those produced by structures. In this regard, EPA solicits additional information on terrain-induced downwash, and alternative approaches to satisfying the court remand on this issue.

Definition of Dispersion Techniques

EPA is proposing to revise the definition of "dispersion techniques" to include any practice intended to increase final plume rise. The reason for this inclusion is that, regardless of actual stack height, increasing final plume rise can have the result of increasing the effective release height of pollutants into the atmosphere. A greater effective release height, in turn, can lead to less stringent emission limitations and greater dispersion of pollutants than is justified to avoid excessive concentrations due to downwash, wakes, and eddy effects.

EPA is requesting comment on defining the circumstances under which the combining of gas steams should not be considered a prohibited dispersion technique. The Agency is proposing to allow sources to take credit for such merging of gas streams: (1) Where the facility was originally designed and constructed with merged gas streams, or (2) where it is associated with a change in operation at a facility that includes the installation of pollution control equipment that results in a net reduction in total pollutant emissions.

Sources may combine stacks, or exhaust gas streams in order to use more effective control technologies, which can yield significant reductions in pollutant emissions. A prime example of this is the combining of stacks for the purpose of installing an electrostatic precipitator. EPA is proposing to allow such a source to perform modeling to establish its TSP emission limitation in a way that considers the plume enhancement effects of combining stacks. However, if no additional SO_2 reductions are produced through the change in operation, EPA is proposing that modeling to set the SO_2 emission limitation not be allowed to consider the plume enhancement effect.

Facilities have been traditionally designed, as a standard engineering practice, with multiple flue stacks, or with several emission points ducted into a common stack. Existing facilities, in the process of upgrading their equipment, frequently resort to combining of stacks in place of several existing stacks. While this practice can increase the bouyancy of the effluent gas stream, resulting in higher plume rise and greater dispersion, there are a number of economic reasons for such practices, which may be independent of their potential effects on emission limitations. These economic considerations include the costs of constructing and maintaining separate stacks, limits on the available land, and the cost savings of combining gas streams for the application of a single piece of pollution control equipment over the costs of installing control equipment on numerous separate stacks.

In response to these concerns, EPA has considered several additional alternatives for determining when the practice of merging gas streams should be excluded from the definition of prohibited dispersion techniques. These alternatives are:

1. The resulting stack height is less than the *de minimis* 65 meter height;

2. The maximum allowable emissions are less than 5000 tons per year (or some other size limit);

3. The source demonstrates that the merging of gas streams is for sound engineering or economic reasons; and

4. The source demonstrates, on a case-by-case basis, that such merging is associated with installation of pollution control devices, irrespective of the effect on emissions.

The Agency's rationale for considering Alternatives 1 and 2 is that the emissions from sources eligible for such exemptions are relatively small

and the higher plume rise resulting from merged gas streams in these cases would not have so great an effect on the sources' emission limitations as to contribute significantly to total pollutant burden.

Alternative 3 would acknowledge the many engineering and economic reasons for emerging gas streams and would allow credit for such merging where a source demonstrates to the satisfaction of EPA that the justification for merging gas streams is independent of any potential effect on the source emission limitation. The Agency acknowledges that this approach is inherently subjective and involves some test of intent that might be difficult to administer.

Alternative 4 would presume that if a source is combining the merging of gas streams with the installation of pollution control equipment, that such merging is not being undertaken in order to avoid a more stringent emission limitation, but is being carried out for other reasons. This approach would require some limitation in its application to prevent sources from taking credit for the allow merging of gas streams if the change in operations would yield no significant benefit in controlling pollutant emissions.

EPA's present regulation excludes smoke management in agricultural and silvicultural prescribed burning programs. The Agency is proposing additional exclusions for episodic restrictions on residential woodburning and debris burning. Programs incorporating such restrictions are currently being carried out by a number of State and local agencies around the country as part of EPA-approved SIP's, and can be used to provide expeditious relief in some areas during periods of atmospheric stagnation. EPA does not believe that Congress intended regulation of these source categories under Section 123 of the Clean Air Act.

EPA requests comments on the alternatives described above, and on other bases for excluding the merging of exhaust gas streams from the definition of prohibited dispersion techniques. EPA will consider in the future whether to include or exclude other practices from the definition of dispersion techniques.

New Sources Tied into Pre-1971 Stacks

Where, after December 31, 1970, a new source, or an existing source for which a major modification, as defined in 40 CFR 51.18(j)(1)(v)(*a*), 51.24(b)(2)(i), and 52.21(b)(2)(i), is carried out, has tied into a grandfathered stack of greater than GEP height, EPA is proposing to allow credit only for so much stack height as conforms to GEP, as defined in Sections 51.1 (ii) and (hh) of this proposal. Sources in existence on or before December 31, 1970, for which modifications after that date are not classified as "major," will be allowed to retain full credit for height of the grandfathered stack.

EPA's rationale for the above distinction is that sources in existence on or before December 31, 1970, and in need of minor modification, have limited flexibility, and such modifications would not significantly affect an existing emission limitation. New sources and sources contemplating reconstruction or major modification are better able to accommodate the effects of reducing stack height credit, either through the application of greater emission controls or through relocation to areas with less complex terrain.

State Implementation Plan Requirements

All States would be required to review and revise, as necessary, their SIP's to comply with this new regulation on stack height credits and dispersion techniques. Extensive State and Federal effort will be necessary to review, in detail, all emission sources in accordance with the stack height requirements.

In accordance with Section 406(d)(2)(b) of the Act, revisions to SIP's that are required by the stack height regulation must be submitted within 9 months after promulgation of the regulation. Where existing emission limitations are affected by stack height credit above GEP, the SIP revisions will be required to include any changes needed to bring the limitations into conformance.

Sources in rugged terrain may face serious implementation problems when using current complex terrain screening models to establish emission limitations. Although EPA is currently developing more refined complex terrain models, such models will not be available in time for implementing Section 123. Accordingly, EPA is soliciting comment on whether allowance should be made for implementation problems created by application of GEP stack height credit assumptions to complex terrain sources and, if so, how should allowance be made.

Interim Guidance

EPA intends to use the proposed regulation to govern stack height credits during the period before promulgation of the final regulation. Any stack height credits based on this interim guidance would be subject to review against the final rules and may need to be revised.

Impact Analysis

The air quality and economic impact of the stack height regulation is directly related to the degree that actual stack heights conform to GEP stack heights. Thus, in general when the regulation is applied to tall stack facilities, i.e., those with stack heights greater than GEP, it will have the potential for producing positive air quality impacts (emission reductions and negative economic impacts (increased control cost). Impacts on short stack facilities, if permitted to raise their stacks, are expected to be the reverse.

A preliminary evaluation of the potential air quality impacts and a cost analysis of the regulation was performed on a sample of the potentially affected sources. The impacts identified have been established in isolation of other regulatory requirements. For example, for sources affected by NSPS in 40 CFR Part 60, the degree of emission reduction required by such standards may greatly exceed the degree of emission reduction determined to be needed for the source when it is modeled with a GEP stack height. In this example, the stack height regulation impacts are clearly hypothetical ones and would only have a quantifiable effect if the NSPS did not exist.

The report predicts a range of impacts, from a "low impact" scenario that presumes that many potentially affected sources will be able to justify their existing stack heights, configurations, and emission limitations to a "high impact" scenario which assumes that all of the potentially affected sources will be required to reduce their emissions to some degree. In this regard, the report predicts that the proposed revisions to the regulation will impose annualized costs of between $300 million and $1.4 billion, with total capital costs of between $900 million and $4.6 billion. Reductions in sulfur dioxide emissions are projected within a range of 790,000 tons to 2.88 million tons. To a great extent, affected sources will be able to respond to these changes in the regulation through conversion to lower sulfur fuel. However, some sources may have to install additional control equipment, i.e., scrubbers, and there is likely to be some increase in reliance on those sources with scrubbers already in place.

Regulatory Flexibility Analysis

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have significant economic impacts on a substantial number of small entities. This rule is structured to

apply only to large sources; i.e., those with stacks above 65 meters (213 feet). Based on an analysis of impacts, electric utility plants and possibly several smelters and pulp and paper mills will be significantly affected by this regulation.

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. EPA's initial analysis of economic impacts predicts a potential cost to emission source owners and operators exceeding $100 million; therefore, this is a major rule under Executive Order 12291. However, due to the 6-month promulgation deadline imposed by the court, EPA did not have sufficient time to develop a full analysis of costs and benefits as required by the Executive Order. A preliminary economic impact analysis has been prepared and is in the docket. Consequently, it is not possible to judge the annual effect of this rule on the economy. This proposal was reviewed by the Office of Management and Budget.

Solicitation of Comments

The Agency actively solicits comments on all aspects of the proposed regulation.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

(Sec. 110, 301(a), and 123, Clean Air Act as amended, (42 U.S.C. 7410, 7601(a) and 7423))

Dated: November 7, 1984.

William D. Ruckelshaus,

Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

It is proposed to amend Part 51 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. Section 51.1 is amended by revising paragraphs (hh), (ii), (jj), and (kk) as follows:

§ 51.1 Definitions.

* * * * *

(hh)(1) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(i) Using that portion of a stack which exceeds good engineering practice stack height;

(ii) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(iii) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

(2) The preceding sentence does not include:

(i) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of exhaust gas streams where:

(A) The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; or

(B) Such merging is associated with a change in operation at the facility that includes the installation of pollution control equipment which results in a net reduction in total emissions of the pollutant being controlled. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such control equipment;

(iii) Smoke management in agricultural or silvicultural prescribed burning programs; or

(iv) Episodic restrictions on residential woodburning and debris burning.

(ii) "Good engineering practice (GEP) stack height" means the greater of:

(1) 65 meters;

(2) (i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR Parts 51 and 52,

$$Hg = 2.5H,$$

provided the owner or operator produces evidence that this equation was actually relied on in designing the stack to ensure protection against downwash;

(ii) For all other stacks,

$$Hg = H + 1.5L,$$

where

Hg = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

L = lesser dimension (height or projected width) of nearby structure(s),

provided that the EPA, State or local control agency may require the use of a field study or fluid model to determine GEP stack height for the source; or

(3) The height demonstrated by a fluid model or a field study approved by the EPA, State or local control agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(jj) "Nearby" as used in paragraph (ii) of this section is defined for a specific structure or terrain feature and for purposes of applying the formulae provided in paragraph (ii)(2) of this section means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile), and for conducting demonstrations under paragraph (ii)(3) of this section means not greater than 0.8 km (½ mile). The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

Option 1

For purposes of demonstrations under paragraph (ii)(3) of this section, terrain features may be considered to be nearby if such features fall entirely within a distance of 0.8km (½ mile) from the stack. Portions of terrain features which extend beyond 0.8km may be considered up to a distance equal to 10 times the maximum height of the features, not to exceed 2 miles, if such features achieve a height 0.8km from the stack that is greater than or equal to 40 percent of the GEP stack height determined by the formulae provided in paragraph (ii)(2)(ii) of this section, as measured from the ground-level elevation at the base of the stack.

Option 2

For stacks in existence prior to (date of promulgation), terrain features may be considered to be nearby for purposes of demonstrations under paragraph (ii)(3) of this section if such features fall entirely within a distance of 0.8 km (½ mile) from the stack. Portions of terrain features which extend beyond 0.8 km may be considered up to a distance equal to 10 times the maximum height of the features, not to exceed 2 miles, if such features achieve a height 0.8 km from the stack that is greater than or

equal to 40 percent of the GEP stack height determined by the formulae provided in paragraph (ii)(2)(ii) of this section, as measured from the ground-level elevation at the base of the stack.

For stacks on which construction was commended after (date of promulgation), only those portions of terrain features which fall within a distance of not more than 0.8 km (½ mile) may be considered to be nearby for purposes of demonstrations pursuant to paragraph (ii)(3) of this section.

(kk) "Excessive concentration" for the purpose of determining good engineering practice stack height means a maximum ground level concentration due to emissions from a stack due in part or whole to downwash, wakes, or eddy effects produced by nearby structures or terrain features which individually is at least 40 percent in excess of the maximum concentrations experienced in the absence of such downwash, wakes, or eddy effects (and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program (40 CFR 51.24 and 52.21) an excessive concentration is a maximum ground level concentration due to emissions from a stack due in part or whole to downwash, wakes, or eddy effects produced by nearby structures or terrain features which individually is at least 40 percent in excess of the maximum concentrations experienced in the absence of such downwash, wakes, or eddy effects and that is greater than that permitted by an applicable prevention of significant deterioration increment.) [1]

§ 51.1 [Amended]

2. Section 51.1 is amended by removing paragraphs (ll) and (mm).

§ 51.12 [Amended]

3. Section 51.12 is amended by removing paragraph (l).

4. Section 51.12(j) is amended by removing "and (l)" from the first sentence.

[1] The language in parentheses would be added if the second option under "Nearby" is adopted.

5. Section 51.12(k) is revised as follows:

§ 51.12 Control strategy: General

* * * * *

(k) The provisions of paragraph (j) of this section shall not apply to stacks in existence, or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techiques by sources, as defined in section 111(a)(3) of the Clean Air Act, which were constructed, or for which major modifications, as defined in §§ 51.18(j)(1)(v)(*a*), 51.24(b)(2)(i) and 52.21(b)(2)(i), were carried out after December 31, 1970.

* * * * *

§ 51.18 [Amended]

6. Section 51.18(l) is amended by removing "and (l)" from the first sentence.

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