Baltimore City is the nonattainment area for CO.

EPA's review of the State of Maryland's SIP submittals is divided into the following sections:

A. Ozone SIP

1. Emission Inventory
2. Modeling/Demonstration of Attainment
3. Reasonable Further Progress
4. Stationary Source Controls
5. Transporation Control Measures
6. Inspection and Maintenance (I/M)

B. Carbon Monoxide SIP

C. Additional Requirements

**A. The Ozone ($O_3$) SIP Evaluation/Approval**

Both February 3, 1983 **Federal Register** Notices (FRNS) for the Maryland National Capital Interstate and Metropolitan Baltimore Intrastate AQCRS proposed approval of the first five (5) sections of the 1982 $O_3$/CO SIP, as listed above. Since all public comments on the FRNS have been sufficiently resolved, EPA approves the first five portions of the 1982 $O_3$ SIP, with the exception of the revised schedule for additional VOC controls.

As stated above, the approvability of the revised schedule for VOC controls and the I/M portion of the SIP will be addressed in a separate Notice apearing elsewhere in today's **Federal Register.**

**B. Carbon Monoxide SIP Evaluation/Approval**

Both February 3, 1983 FRNS for the Maryland National Capital Interstate and Metropolitan Baltimore Intrastate AQCRS proposed approval of the 1982 CO SIP, except for the I/M portion. No significant comments were received on the CO SIP, therefore, EPA approves the CO SIP, including the revised attainment date of July 1, 1984 and December 31, 1987 for the Metropolitan Baltimore Intrastate and Maryland National Capital Interstate AQCRS, respectively. As with the $O_3$ SIP, the approvability of the I/M portion of the SIP will be addressed in a separate Notice appearing elsewhere in today's **Federal Register.**

**C. Additional Requirements/Approval**

Both February 3, 1983 FRNS for the subject AQCRS proposed approval of this portion of the 1982 SIP. No comments were received; therefore, EPA approves this portion of the SIP.

**Summary of EPA Action**

EPA approves the 1982 $O_3$/CO SIP, excluding the schedule for VOC controls and the I/M section. This approval is based on EPA's determination that the plan meets the requirements of Sections 110(a)(2) (A)–(F), (H)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under 5 U.S.C. Section 605(b), the Administrator has determined that this action will not have a significant impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

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

**Authority:** Sections 110(a), 172, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a), 7502 and 7601(a)).

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

Dated: March 1, 1984.

**William D. Ruckelshaus,**
*Administrator.*

## PART 52—[AMENDED]

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

### Subpart V—Maryland

Section 52.1070 is amended by adding paragraph (c)(71) to read as follows.

**§ 52.1070 Identification of plan.**

* * * * *

(c) * * *

(71) Plan Revision, excluding the schedules for additional VOC controls and the required Vehicle Emissions Inspection Program, providing for attainment of the Ozone and Carbon Monoxide Standards, submitted by the State on July 1, 1982 for the Metropolitan Baltimore Intrastate Air Quality Control Region (AQCR) and November 5, 1982 for the Maryland portion of the National Capital Interstate AQCR.

[FR Doc. 84–6252 Filed 3–7–84; 8:45 am]
BILLING CODE 6560-50-M

**40 CFR Part 52**

**[A-1-FRL 2541-5]**

## Approval and Promulgation of Implementation Plans; Massachusetts; Petroleum Liquid Storage in External Floating Roof Tanks

**AGENCY:** Environmental Protection Agency (EPA)

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan revisions submitted by the State of Massachusetts. These revisions will reduce volatile organic compound emissions from petroleum liquid storage in external floating roof tanks. The intended effect of this action is to aid the State in its reasonable further progress towards attainment of the ozone standard as required under Part D of the Clean Air Act.

**EFFECTIVE DATE:** April 9, 1984.

**ADDRESSES:** Copies of the submittal are available for public inspection at Room 2313, JFK Federal Building, Boston, MA 02203; Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408 and the Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Cynthia L. Greene, (617) 223–5133.

**SUPPLEMENTARY INFORMATION:** On November 18, 1983 (48 FR 52491) EPA published a Notice of Proposed Rulemaking (NPR) on Massachusetts' draft regulation for the control of volatile organic compound (VOC) emissions from the storage of petroleum liquid in external floating roof tanks. Massachusetts submitted the final regulation (310 CMR 7.02(12)(a)1(e)) on December 2, 1983 and it fulfills the commitments requested in the NPR. Those commitments are that:

1. The owner or operator of the tank will be required to maintain records for two years, and

2. Any alternative control devices will be reviewed by the Department to determine that the control device design assures a rigid, permanently attached roof, that will cover the entire tank and prevent excessive emissions from wind-induced turbulence.

Installation of this type of cover will convert the external floating roof tanks into internal floating roof tanks and will protect the primary seal from wind-induced turbulence and thus loss of emissions.

No comments were received on the November 18, 1983 NPR. The revisions and the rationale for EPA's proposed action are explained in that NPR and will not be restated here.

**Final Action**

EPA is approving the revision to 310 CMR 7.02(12)(a)1(e) "Organic Material, Bulk Plants and Terminals Handling Organic Material" for the control of petroleum liquid storage in external floating roof tanks.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

**List of Subjects in 40 CFR Part 52**

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

Authority: Sections 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

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

Dated: March 2, 1984.

**William D. Ruckelshaus,**

*Administrator.*

## PART 52—[AMENDED]

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

### Subpart W—Massachusetts

1. Section 52.1120, is amended by adding paragraph (c)(56) as follows:

**§ 52.1120 Identification of Plan.**

* * * * *

(c) * * *

(56) A revision to Regulation 310 CMR 7.02(12)(a)1(e) for petroleum liquid storage in external floating roof tanks submitted on December 2, 1983.

* * * * *

[FR Doc. 84-6244 Filed 3-7-84; 8:45 am]

BILLING CODE 6560-50-M

**40 CFR Part 62**

**[Docket No. AW203aMD; AD-III-FRL-2535-4]**

## Air Programs; Approval of Revisions to Maryland State Plan for Controlling Total Reduced Sulfur Emissions

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The State of Maryland has submitted a Secretarial Order which contains a compliance schedule for the Westvaco Paper Mill. The schedule requires Westvaco to achieve full compliance with the State's total reduced sulfur (TRS) regulation by September 1, 1985. EPA proposes to approve the State's Secretarial Order as part of Maryland's Section 111(d) (Clean Air Act) Plan to control TRS emission. This Order meets all of the applicable requirements of 40 CFR Part 60.

**EFFECTIVE DATE:** April 9, 1984.

**ADDRESSES:** Copies of the revision and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air & Waste Management Division, Curtis Building, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Mrs. Patricia Gaughan

Maryland Air Management Administration, 201 West Preston Street, Baltimore, MD 21201, Attn: Mr. George P. Ferreri.

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford (3AW13) at the Region III address stated above or telephone 215/597-8392.

**SUPPLEMENTARY INFORMATION:** On May 11, 1982, 47 FR 20127, EPA approved a plan for the State of Maryland, required by Section 111(d) of the Clean Air Act, to control total reduced sulfur (TRS) emissions from Kraft Pulp Mills. The plan contains one State regulation, COMAR 10.18.14, which controls TRS emissions. The regulation applies to only one source—the Westvaco Fine Papers Division, located in Luke, Maryland. The State's TRS plan and the listing of Westvaco as a TRS source are codified in 40 CFR Part 62, Subpart V.

On September 24, 1982, the State of Maryland submitted to EPA a Secretarial Order for the Westvaco Corporation's Kraft Pulp Mill. This Order, which EPA will process as the revision to Maryland's Section 111(d) Plan to control TRS emissions, would allow Westvaco to come into compliance on September 1, 1985. Specifically, the Order requires Westvaco to do the following:

1. Install by November 1, 1984 an incineration system using the existing lime kiln to treat noncondensible gases from the digesters and multiple effect evaporation.

2. Install by June 1, 1985, a new TRS continuous monitoring system.

3. Install by September 1, 1985 a new black liquor oxidation system.

The Secretarial Order also allows Westvaco to discharge TRS emissions from the digesters and multiple-effect evaporators directly into the atmosphere for periods not to exceed twenty (20) days per year when the lime kiln is out of operation for regular maintenance. During this 20-day period, Westvaco will utilize a flare to treat TRS emissions from the digesters.

The State submitted proof that a public hearing was held on September 21, 1982 in Cumberland, Maryland, as required by 40 CFR 60.23. According to testimony given by both Westvaco and the State at the State's public hearing, the installation of the black liquor oxidation system will reduce TRS emissions by 97% from the uncontrolled level and meet the emission limitations contained in COMAR 10.18.14.

**Notice of Proposed Rulemaking**

On August 2, 1983, 48 FR 34978, EPA proposed approval of this Secretarial Order and requested public comment. During the 30-day public comment period, no comments were received.

**EPA Evaluation**

Section 10.18.03 of COMAR limits TRS emissions from the entire kraft pulp mill facility (recovery boilers, digesters, evaporators, and smelt tanks) to 0.6 lb/ton of oven dried pulp (ODP). According to information supplied by Maryland on April 25, 1983, the total TRS emissions attributed to the digesters and evaporators, when controlled by the kiln, amount to 0.002 lb/tons ODP. However, the emissions from these sources could be relatively significant when the kiln is shutdown.

A letter dated September 28, 1983 from the State of Maryland stated that Westvaco has agreed to install a natural gas-fired flare to control TRS emissions during periods when the kiln is not operating. Maryland will consider use of the flare as achieving compliance with their regulation only during times when the kiln is not operating. The manufacturer, John Zink Company, estimates that the temperature and retention time of the flare will approach those recommended in the EPA guideline document. In addition, Maryland has stated that it believes Westvaco will be in compliance with COMAR 10.18.14 through use of this flare system. Based on this information and Maryland's suggestion that it is justified in departing from EPA's Emission Guideline in addressing digester emissions during kiln shutdown, EPA approves the State's flare requirements as meeting 40 CFR 60.24, including § 60.24(d).

In the April 25, 1983 letter, Maryland stated that although the lime kiln is located in West Virginia, it will be inspected by the Maryland Air Management Administration, since the emissions originate from sources located in Maryland and, therefore, is subject to COMAR 10.18.14. EPA finds this procedure to be acceptable. The compliance schedule in the Secretarial Order contains a date (September 1, 1985) by which the necessary control equipment must be installed. This date will also be the date by which final compliance must be attained with the requirements of COMAR 10.18.14 for that specific equipment.

### EPA Actions

Based on the above information, EPA approves the State of Maryland's Secretarial Order for the Westvaco Corporation as part of Maryland's Section 111(d) Plan to control TRS emissions.

EPA believes that, based on the information provided by Maryland, the State's Order conforms to the requirements of 40 CFR Part 60.

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

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

### List of Subjects in 40 CFR Part 62

Air pollution control, Fluorides, Sulfur, Intergovernmental relations, Reporting and record keeping requirements.

Dated: February 17, 1984.

William D. Ruckelshaus,

*Administrator.*

## PART 62—[AMENDED]

Title 40, Part 62 Subpart V of the Code of Federal Regulations is revised to read as follows:

* * * * *

### Subpart V—Maryland



Authority: Clean Air Act, Sec. 111(d).

### Subpart V—Maryland

### Plan for Control of Designated Pollutants from Existing Facilities—Section 111(d) Plan

#### § 62.5100 Identification of plan.

(a) *Identification of plan.* Maryland Plan for Control Designated Pollutants from Existing Facilities (111(d) plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist from sulfuric acid plants, submitted by the Secretary of Health and Mental Hygiene, State of Maryland on August 30, 1978.

(2) Control of TRS emissions from kraft pulp mills, submitted by the Governor of Maryland on May 18, 1981, and approval of a compliance schedule, submitted by the State of Maryland on September 24, 1982.

(c) *Designated facilities.* The plan applies to existing facilities in the following categories of sources:

(1) Sulfuric Acid Plants;

(2) Kraft Pulp Mills.

### Sulfuric Acid Mist From Existing Sulfuric Acid Plants

#### § 62.5101 Identification of sources.

(a) The plan applies to the following existing sulfuric acid plants:

(1) Olin Corporation, Baltimore City, Maryland.

### Total Reduced Sulfur Emissions From Existing Kraft Pulp Mills

#### § 62.5102 Identification of sources.

(a) The plan applies to existing facilities at the following kraft pulp mills:

(1) Westvaco Fine Papers Divisions, Luke, Maryland.

[FR Doc. 84-6091 Filed 3-7-84; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 180

[PP 2F2645/R631; PH FRL 2499-4]

## Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethalfluralin

*Correction*

In FR Doc. 84-1 beginning on page 390 in the issue of Wednesday, January 4, 1984, make the following corrections:

1. On page 390, third column, under "SUPPLEMENTARY INFORMATION", eleventh line "-ethyl-N-" should have read "[*N*-ethyl-*N*-".

2. On page 391, first column, fourth complete paragraph, seventh line, "25.5" should have read "22.5".

BILLING CODE 1505-01-M

## INTERSTATE COMMERCE COMMISSION

## 49 CFR Part 1033

[Fifty-fourth Revised Service Order No. 1473]

## Various Railroads Authorized to Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Fifty-fourth Revised Service Order No. 1473.

**SUMMARY:** Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

**EFFECTIVE DATES:** 12:01 a.m., March 8, 1984, and continuing in effect until 11:59 p.m., July 31, 1984, unless otherwise modified, amended or vacated by order of this Commission.

**FOR FURTHER INFORMATION CONTACT:** M. F. Clemens, Jr., (202) 275-7840 or 275-1559.

**SUPPLEMENTARY INFORMATION:**

Decided: March 2, 1984.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254

(RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting at Item 6., the authority for the Norfolk and Western Railway Company (NW), to operate the Rock Island's former Pullman District. This authority was deleted at the request of the involved carrier and the Rock Island Trustee, and represents an acquisition of the Rock Island property by NW pursuant to Finance Docket No. 30281. Remaining items in Appendix A are renumbered accordingly.

Appendix A of this order is revised by adding at renumbered Item 6.A., the authority for the Cadillac and Lake City Railway Company (CLK) to operate between Falcon, Colorado and its existing operation at Limon.

Appendix B, of the previous order, is revised by deleting lines 31, 32, and 36, which authority is no longer required by Burlington Northern.

Finally, the effective period of this order is extended until July 31, 1984.

It is the opinion of the Commission that an emergency exists requiring that the railroads named in the appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered:*

**§ 1033.1473 Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).**

(a) Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a), Pub. L. 96–154.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement, between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., March 8, 1984.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1984, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

**List of Subjects in 49 CFR Part 1033**

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

**James H. Bayne,**

*Acting Secretary.*

**Appendix A**

**RI Lines Authorized To Be Operated by Interim Operators**

1. *Peoria and Pekin Union Railway Company (PPU):*

A. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

2. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

3. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

4. *Chicago and North Western Transportation Company (CNW):*

A. At Omaha, Nebraska, 0.1 mile of industrial trackage in the vicinity of 19th and Pierce Streets.

5. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

B. From Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

*6. *Cadillac and Lake City Railway Company (CLK):*

A. From Falcon, Colorado (milepost 591.3) to Caruso, Kansas (milepost 430.0) a distance of 161.3 miles.

B. Over-head rights from Caruso, Kansas (milepost 430.0) to Colby, Kansas (milepost 387.0), a distance of approximately 43 miles, in order to effect interchange with the Union Pacific Railroad.

7. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

8. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

9. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Blue Island, Illinois (milepost 16.61), to Mokena, Illinois (milepost 29.6).

C. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

D. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

E. From Pullman Junction, Chicago, Illinois (milepost 13.2); running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights and to effect interchange at the Kensington and Eastern Yard.

10. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

B. At St. Joseph, Missouri.

11. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa (milepost 225.1).

B. At Vinton, Iowa (milepost 23.4), and west on the Iowa Falls Line to Dysart, Iowa (milepost 40.37).

12. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage was sold to CNW, however, the RI trustee holds rights for overhead use.)

E. From East Des Moines, Iowa (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance 113.79 miles.

F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. (This trackage is currently leased to the MILW, see Item 5.B.)

G. From Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35).

H. From Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.

I. At Rock Island, Illinois including 26th Street Yard.

J. From Altoona to Pella, Iowa.

13. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

14. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. From Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

15. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. Kyle will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

B. From Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.

C. From Belleville (milepost 225.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.

16. *North Central Oklahoma Railway, Inc. (NCOK):*

A. From Mangum, Oklahoma (milepost 97.2) to Anadarko, Oklahoma (milepost 18.14).

B. From El Reno, Oklahoma (milepost 515.0) to Hydro, Oklahoma (milepost 553.0) a distance of approximately 38 miles.

C. From Geary, Oklahoma (milepost 0.0) to Homestead, Oklahoma (milepost 42.8) a distance of approximately 43 miles.

D. From North Enid, Oklahoma (milepost 0.30) to Ponca City, Okalhoma (milepost 54.8) a distance of approximately 54.5 miles.

17. *Burlington Northern Railroad Company (BN):*

A. At Burlington, Iowa (milepost 0 to milepost 2.06).

18. Omaha, Lincoln and Beatrice Railway Company (OLB):

A. At Lincoln, Nebraska (milepost 559.16 to milepost 561.37).

19. *Texas North Western Railway Company (TNW):*

A. From Hardesty, Oklahoma (milepost 119.20) to Liberal, Kansas (milepost 152.35) a distance of approximately 33.15 miles.

20. *Farmrail Corporation (FMRC):*

A. From west of Elk City (milepost 615.0) to west of Erick, Oklahoma (milepost 642.0), a distance of approximately 27 miles.

21. *East Camden and Highland Railroad Company (EACH):*

A. From Eldorado, Arkansas (milepost 100.50) to Lillie, Louisiana (milepost 125.28) a distance of approximately 24.78 miles.

* Changed.

## Appendix B

| Line No. | Location to be operated | Railroads using | Rock Island functions to be performed |
|---|---|---|---|
| 1 | Rock Island Jct., IL, switches | CO/BO, CWPS, CR, CSL | Track maintenance. |
| 2 | To ICG connection, Cottage Ave., Chicago, IL. | CWPS | Track maintenance. |
| 3 | Irondale Branch, Chicago, IL | CWPS, CR | Track maintenance. |
| 4 | Chicago, IL, Regional Port District, Lake Calumet Harbor, West Side. | ICG, CR, CSSB | Track maintenance. |
| 5 | Chicago (La Salle St. Station)—Joliet, IL | RTA | Dispatching performed at Des Moines, IA (surburban train operation). |
| 5a | Joliet, IL—16th and Clark Streets | ICG, RTA | Interlocking towers. |
| 6 | Moline-East Moline, IL, crossing signals | BN, DRINW | Highway crossing signal maintenance. |
| 7 | Rock Island, IL—28th Street | BN | Switchtender handles crossing and BN switches. |
| 8 | West Davenport-Muscatine, IA | MILW | Track and signal maintenance dispatching performed at Des Moines, IA, which controls entry switch at West Davenport (automatic block signal). |
| 9 | Burlington-Mediapolis, IA | BN | Track maintenance; dispatching performed at Des Moines. Highway crossing signals maintenance on BN trackage. |
| 10 | Eddyville-Beacon, IA | CNW | Track maintenance. |
| 11 | Cedar Rapids, IA—4th Street trackage | ICG | Track maintenance. |
| 12 | Cedar Rapids, IA—9th Avenue crossing | CNW | Control of CNW-RI crossing and highway crossing signal maintenance. |
| 13 | Waterloo, IA—McKinley Street crossing signals. | CNW | Highway crossing signal maintenance. |
| 14 | Iowa Jct.-Hollis, IL (Peoria Terminal Co.) | TPW | Track maintenance; dispatching performed by Peoria yardmaster. |
| 15 | Des Moines (Easton Blvd.) West Des Moines, IA. | CNW | Track and signal maintenance; operate and maintain RI and CNW tracks; signals-switches controlled at Short Line Tower (automatic block signal). |
| 16 | Almena Jct.-CB&Q Jct., KS (Oronoque) | BN | Track maintenance; dispatching performed at Des Moines, IA; hand thrown switches (automatic block signal). |
| 17 | Colorado Springs-Roswell Industrial District, CO. | ATSF | Track maintenance. |
| 18 | Council Bluffs, IA—6th, 7th, 8th St. crossing signals. | BN | Highway crossing signal maintenance. |
| 18a | Council Bluffs, IA, vicinity BN of 14th Street | BN | Diamond crossing maintenance. Interlocking plant maintenance and operation. |
| 19 | Albert Lea-Glenville, MN | CNW-ICG | Track and signal maintenance; dispatching performed at Des Moines, IA, which controls CTC. |
| 20 | Glenville, MN—Manly, IA | CNW | Operator at Manly. |
| 21 | Inver Grove-South St. Paul, MN | CNW, SOO | Track and signal maintenance; dispatching performed at Des Moines, IA, which controls CTC. |
| 22 | Limon, CO | UP | Operator. |
| 23 | Polo-Airline Jct., MO | MILW | Track and signal maintenance; dispatching performed at Des Moines, IA, which controls CTC from Polo to Birmingham. (Birmingham to Airline Jct. CTC controlled by MILW at Truman Bridge under RI dispatcher's direction.) |
| 24 | Atchison, KS—St. Joseph, MO | ATSF | Track and signal maintenance; dispatching performed at El Reno, OK. |
| 25 | Wathena-Troy, KS | UP | Track and signal maintenance; dispatching performed at El Reno, OK. |
| 26 | Herington, KS—MP crossing interlocking | MP | Interlocking controlled by RI operator (cannot be lined for MP and left unattended—signalling on MP cleared directionally). |
| 27 | Dodge City, KS | ATSF | Between Dodge City and ATSF Jct. over Arkansas River bridge track and bridge maintenance only (line not in service at present). |
| 28 | McAlester-Shawnee, OK | MKT | Track and signal maintenance. |
| 29 | Shawnee-Oklahoma City, OK | ATSF-MKT | Track and signal maintenance. |
| 30 | Malvern-Hot Springs, AR | MP | Dispatching performed at El Reno, OK. |
| 33 | Memphis, TN, Section "A" trackage (1,460 feet) owned by LN. | ICG, LN, SOU | Track maintenance. |
| 34 | Briark-West Memphis, AR | SSW-MP | Track and signal maintenance; dispatching performed at El Reno, OK. CTC controlled from Kentucky St. |
| 35 | West Memphis-Brinkley, AR | SSW | Track and signal maintenance; dispatching performed at El Reno, OK. ABS—Block signals operator at Brinkley. |
| 37 | Iowa Falls, IA | ICG | Interlocking towers. |
| 38 | Rock Island Junction, AR to Hermitage, AR | WSR | Maintenance. |
| 39 | Thompson, NE | BN | Diamond crossing maintenance. |
| 40 | Beatrice, NE | BN | Diamond crossing maintenance. |
| 41 | Centerville, IA | BN | Interlocking plant maintenance and operation. |
| 42 | La Salle, IL | BN | Diamond crossing maintenance. |
| 43 | Ottawa, IL | BN | Interlocking plant maintenance. |
| 44 | Colona, IL | BN | Interlocking plant maintenance. |
| 45 | St. Joseph, MO | BN | Diamond crossing maintenance. |

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 672

[Docket No. 40228-20]

## Groundfish of the Gulf of Alaska

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Emergency interim rule and request for comments.

**SUMMARY:** The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fishery being conducted in the Western and Central Regulatory Areas of the Gulf of Alaska and, therefore, is increasing the incidental catch limits of Pacific halibut allowed to be taken by U.S. fishermen while trawling for groundfish. He is also exempting from those limits trawling with off-bottom gear. This action is necessary to avoid underutilization and economic wastage of the groundfish resource known to be available and is intended to promote full achievement of the desired harvest level of certain groundfish species.

**DATES:** In § 672.20, paragraph (e)(1) is suspended from 12:00 noon, Alaska Standard Time (AST), March 8, 1984 until 12:00 noon AST, June 6, 1984. In § 672.20, a new paragraph (e)(3) is added, to be effective in place of paragraph (e)(1) from 12:00 noon AST, March 8, 1984 until June 6, 1984. Comments must be received by April 9, 1984.

**ADDRESS:** Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

**SUPPLEMENTARY INFORMATION:** The domestic and foreign groundfish fishery in the 3- to 200-mile fishery conservation zone of the Gulf of Alaska is managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). It was approved by the Assistant Administrator for Fisheries (Assistant Administrator), NOAA, on February 24, 1978, and implemented by a final rule effective December 1, 1978 (43 FR 52709, Nov. 14, 1978). It has been amended eleven times.

The original FMP contains restrictions on both foreign and domestic trawling in the Western and Central Regulatory Areas of the Gulf of Alaska that are designed to minimize the taking of Pacific halibut, a species important to another group of domestic fishermen, the halibut longliners. Foreign fishermen are restricted to the use of off-bottom gear when trawling in the Western (159°W.–170°W. longitude) and Central (147°W.–159°W. longitude) Regulatory Areas from December 1 through May 31, a period when juvenile Pacific halibut are in shallow water and are more subject to capture in trawls. Domestic trawlers may use on-bottom gear during this period, but if the total domestic take of halibut in the Western or Central Regulatory Area reaches 29 or 52 metric tons (mt), respectively, all further trawling by domestic fishermen in that regulatory area is prohibited until June 1.

These limits for the prohibited species catch (PSC) were implemented in 1978 and approximated one percent of the amount of Pacific cod expected to be taken annually by domestic fishermen in 1979 and the years following. Domestic catches of groundfish have increased annually since 1979 as market opportunities developed. Most of the increase is attributed to the large quantities of pollock taken in joint-venture fisheries operating in the Shelikof Strait region of the Central Regulatory Area. Relatively few halibut are taken in this fishery because only off-bottom trawl gear has been employed. For example, in 1983 only about 4 mt of halibut was taken incidental to a pollock catch of 132,000 mt. Directed catches of certain other groundfish species that are typically taken with bottom trawls, particularly Pacific cod and flounders, have also been increasing bycatch of halibut in domestic groundfish operations.

The abundance of halibut has increased in the Gulf of Alaska since the FMP was first implemented, and the domestic longline fisheries for them have harvested or exceeded available quotas in recent years. The greater prevalence of halibut has caused them to be more subject to incidental capture by trawls. Recognizing that more halibut will be taken incidental to the groundfish harvest and that the domestic groundfish fisheries would probably reach the existing halibut bycatch limits early in 1984, the Council voted unanimously at its December, 1983, meeting to request the Secretary to implement an emergency rule to increase the allowable incidental catch limits of halibut to 270 mt and 768 mt in the Western and Central Regulatory Areas, respectively. Because few halibut are taken with off-bottom trawl gear, the Council also voted unanimously to request the Secretary to implement an emergency rule to exempt users to off-bottom trawl gear from that restriction.

Under section 305(e) of the Magnuson Act, the Secretary finds that an emergency exists in the developing domestic groundfish fishery because of the present bycatch limits for halibut and has increased those limits to 270 mt and 768 mt in the Western and Central Regulatory Areas, respectively, for a period of 90 days. If, during the period from December 1, 1983, through the 90-day duration of the emergency rule, domestic trawlers reach these limits, the appropriate regulatory areas will be closed to bottom trawling, and domestic trawlers will be restricted to the use of off-bottom trawl gear only. This emergency rule will be in effect for 90 days. We anticipate repromulgating this emergency rule so that it will be effective until June 1, 1984.

**Classification**

The Assistant Administrator has determined that this rule is necessary to respond to an emergency situation and it is consistent with the Magnuson Act and other applicable law. This action will avoid the disruption that would otherwise occur in the developing domestic groundfish fishery.

The Assistant Administrator also finds that, because achieving the existing halibut PSCs is imminent in the Central Regulatory Area and is expected in the Western Regulatory Area, the reasons justifying promulgation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment, or to delay for 30 days the effective date of the rule under the provisions of 5 U.S.C. 553 (b) and (d). However, comments are invited for a period of 30 days following the effective date of this rule. Comments should be sent to the Director, Alaska Region, at the address above. The Council intends to develop for public review an amendment to the FMP to resolve or mitigate for the long term the halibut bycatch problem. Comments on this emergency rule will be considered by the Council in developing that amendment.

The Assistant Administrator prepared an environmental assessment/final regulatory flexibility analysis (EA/FRFA) for this action and concluded that there will be no significant impact on the human environment, as defined by the National Environmental Policy Act. A copy of the EA/FRFA is available at the address above.

The NOAA Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. He made his decision on the basis of the cost/benefit analysis contained in the EA/FRFA, which is available at the address above. The emergency rule is exempt from the normal review procedures of E.O. 12291 as provided in § 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it was not possible to follow the regular procedures of that order.

This rule will have a significant beneficial economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. This determination is also based on the analysis presented in the cost/benefit regulatory analysis contained in the EA/FRFA. A summary of the cost/benefit analysis follows:

Based on fall, 1983, figures, a total of 38 domestic vessels, fishing for joint ventures, and 54 other domestic fishing vessels will benefit from increasing the PSC limits. These gains are not affected by additional costs for enforcement or observers. The observers for the joint-venture operations are placed on the processing vessels and their salaries are paid by the joint ventures. The halibut fleet in recent years has grown dramatically in response to the improving conditions in the halibut resource and also as a result of fishermen's expectations of a limited entry system. In 1983, a total of 2,295 vessels (1,849 and 446 in IPHC Regulatory Areas 3A and 3B, respectively) participated in the halibut fishery. Halibut vessels fishing in future years will be adversely affected by this emergency rule. The losses incurred from the emergency rule by the halibut fishery will come in future years from lower revenues because young halibut will be killed by the trawlers and removed from the stock. If the young halibut were allowed to grow naturally and had been caught by the halibut fleet, and assuming no change in the size of the fleet, the per-boat present value of the losses from this emergency interim rule would be, on average, between $664 and $874 per year, assuming a 10 percent discount rate and based on the preliminary data on participation in IPHC Regulatory Areas 3A and 3B during 1983. The value of the loss is a net, present-value measure, regardless of exogenous shifts in the biomass of the halibut stocks. The short-term benefit to groundfish fishermen of this emergency rule, however, on a per-boat basis is between $20,278 and $37,176. Although this analysis should be used with caution when deriving policy for the long run, evidence of overriding benefits exist to justify this short-term emergency rule.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the Alaska Coastal Management Program; this determination has been submitted for review by the responsible State agency.

**List of Subjects in 50 CFR Part 672**

Fish, Fisheries, Reporting and recordkeeping requirements.

Dated: March 2, 1984.

**Carmen J. Blondin,**

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

For the reasons set out in the preamble, Part 672 is amended as follows:

## PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for Part 672 reads as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*

2. In § 672.2 a definition for "bottom trawl" is added in appropriate alphabetical order to read as follows:

**§ 672.2 Definitions.**

* * * * *

*Bottom trawl* means a trawl in which the ground rope of the net is equipped with bobbins or roller gear.

* * * * *

3. In § 672.20, paragraph (e)(1) is suspended from 12:00 noon AST, March 8, 1984 until 12:00 noon AST, June 6, 1984. A new paragraph (e)(3) is added, effective 12:00 noon AST, March 8, 1984 until 12:00 noon AST, June 6, 1984, to read as follows:

**§ 672.20 Optimum yield.**

* * * * *

(e) * * *

(3) If, during the period between December 1, and May 31, the Regional Director determines that the estimated total trawl catch of halibut in any regulatory area by vessels regulated by this part will reach amounts listed below, the Secretary will issue a field order under § 672.20 (a) prohibiting, until June 1, groundfish fishing with bottom trawls in that regulatory area by vessels regulated by this part.

| Regulatory area | Catch amount (mt) |
|---|---|
| Western | 270 |
| Central | 768 |
| Eastern | 31 |

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