"COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-22425 Filed 8-16-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-10-FRL 2189-6]

Notice of Issuance of PSD Permit to Chucach Electric Association Incorporated

Notice is hereby given that on August 6, 1982, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Chugach Electric Association, Inc. for approval to expand the hours of operation for turbine No. 4 at the Bernice Lake Power Plant near Kenai, Alaska.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: August 6, 1982.

Robert S. Burd, Jr.,

Acting Regional Administrator.

[FR Doc. 82-22344 8-16-82; 8:45 am]

BILLING CODE 6560-50-M

[A-10-FRL 2189-5]

Notice of Issuance of PSD Permit to Omega Fuels Incorporated

Notice is hereby given that on August 5, 1982, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to Omega Fuels, Inc. for approval to construct an ethyl alcohol manufacturing plant near Kennewick, Washington.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: August 5, 1982.

Robert S. Burd, Jr.,

Acting Regional Administrator.

[FR Doc. 82-22345 Filed 8-16-82; 8:45 am]

BILLING CODE 6560-65-M

[FRL 2109-5]

Notice of Findings Preliminary to Lodging of Amended Consent Decrees

AGENCY: Environmental Protection Agency.

ACTION: Notice of findings preliminary to lodging of amended consent decrees.

SUMMARY: The Administrator indicates her preliminary intention to exercise her discretion and agree to extensions of compliance dates of United States Steel Corporation under the Steel Industry Compliance Extension Act of 1981.

EFFECTIVE DATE: August 10, 1982.

FOR FURTHER INFORMATION CONTACT: Michael S. Alushin, Acting Associate, Enforcement Counsel for Air (EN-329), Office of Legal and Enforcement Counsel, United States Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-2820.

SUPPLEMENTARY INFORMATION:

Background

In July, 1981, Congress enacted the Steel Industry Compliance Extension Act (SICEA), Pub. L. No. 97-23, popularly known as "Steel Stretchout," which amended Section 113 of the Clean Air Act. The legislation was drawn up in response to the recommendations of the Tripartite Committee, an ad hoc group of representatives from industry, labor, government and environmental groups called together by the President in 1980 to address the special problems of the steel industry.

The environmental history of the steel companies in this country has been an arduous one. In the Clean Air Act Amendments of 1970, 42 U.S.C. 1857 *et seq.* (1970) amended 1977), Congress directed the federal Environmental Protection Agency to promulgate air quality standards for various air pollutants, and required the states to adopt plans (State Implementation Plans, or SIPs) to attain and maintain the standards, imposing control measures on individual sources where necessary. In 1975, representatives of the steel industry testified to a House Subcommittee that no steel plants were in compliance with the SIP requirements then applicable to them.[1]

In the Clean Air Act Amendments of 1977, Congress extended the deadlines for attainment of the national ambient air quality standards and at the same time strengthened the Act considerably.

In 1977, using the new enforcement authority provided by Congress, EPA launched a vigorous campaign to bring the steel companies and other major polluters into compliance with the SIPs. By 1979, EPA had negotiated consent decrees with many of the major steel producers. Other plants were covered by new rigorous SIP requirements specifically tailored to iron and steel manufacturing processes. Pollution control in the steel industry, however, required tremendous infusions of capital, greater than for many other heavy industries: for example, in 1980, nineteen percent of the steel industry's capital expenditure went for environmental clean-up, as opposed to nine percent for electric utilities, and five percent for automobile manufacturers. House Report *supra* at 9. Not only was the percentage of capital invested higher, but according to the steel companies, it was more difficult for them to raise. *Id.* Moreover, at the same time they were belatedly spending siginificant sums on pollution control, American steel companies were losing ground in the marketplace to imports from mills overseas. Domestic plants which could not compete were closing. The industry argued that the only long term solution was to quickly and substantially modernize U.S. facilities. Such an effort, however, would put additional pressure on limited capital resources.

In the SICEA, Congress adopted a compromise devised by the Tripartite Committee to mitigate these competing claims for capital. In essence, Congress gave the EPA Administrator authority to extend deadlines for installation of certain capital-intensive pollution control equipment for up to three years

[1] Hearings on H.R. 2622 and H.R. 2650 before the Subcommittee on Health and the Environment, Serial No. 94-24 at 690, May 1975, cited in H.R. Rep. No. 97-121, 97th Cong., 1st Sess. (1981) (House Report) at 4.

if a company agreed to use the money saved instead for capital investments which improved the efficiency and productivity of its steelmaking facilities. Thus Congress provided that each company which took advantage of the Act eventually would spend twice the value of the deferred pollution controls—it would still meet all its environmental obligations (albeit later than initially required) and it would invest at least an equal *additional* sum in modernization.

To insure that stretchout relief went only to companies that were meeting their obligations under the law in good faith, Congress drew up eligibility criteria, including a requirement that each applicant demonstrate that it is in compliance with all the requirements of its existing Federal consent decrees, or that any violations are *de minimis* in nature. Section 113(e)(1)(E), 42 U.S.C. 7413(e)(1)(E). Moreover, to obtain relief, a company must agree to bring all of its other facilities into compliance with all applicable emission limitations (installing reasonably available control technology where necessary). Section 113(e)(1)(C), 42 U.S.C. 7413(e)(1)(c). In addition, it must agree to interim pollution control measures, scheduled increments of progress with stipulated penalties for failures to meet the deadlines, and whatever other requirements, such as monitoring, the Administrator finds appropriate. *Id.* The decree must prohibit any degradation of air quality below current levels. *Id.*, and see Section 113(e)(1)(F), 42 U.S.C. 7413(e)(1)(F).

To consent to any extensions, the Administrator must find that the company has satisfied all these statutory requirements. The statute places the burden of proof on the company. Section 113(e)(2), 42 U.S.C. 7413(e)(2).

The vehicle Congress chose for granting relief is a new consent decree, or an amendment to an existing consent decree, to be lodged in Federal district court and to include the terms of the extension and the undertakings of the company required by the statute. The court must of course approve the decree before it becomes effective. Anyone who wishes to challenge the decree or the Administrator's findings may do so in the same forum. Sections 113(e)(7)(B), 113(e)(8) and 304(b)(1)(B), 42 U.S.C. 7413(e)(7)(B), 7413(e)(8) and 7604(b)(1)(B).

In short, the Administrator first determines in each case if an applicant qualifies for stretchout relief according to the criteria listed in the statute. If she preliminarily finds a company is eligible for relief, she then negotiates with the company to obtain the decree described above.

Application of U.S. Steel Corporation

On September 14, 1981, the U.S. Steel Corporation filed an application with the EPA requesting relief under SICEA. It supplemented its application periodically, filing its final submission on July 26, 1982. In its application, the company requested the Administrator to defer until after December 1982 compliance obligations at five facilities requiring expenditures of approximately $89.6 million. It proposed instead to select modernization projects of at least equal value to the pollution control deferral costs.

U.S. Steel is the largest domestic producer of steel. It has also been the object of vigorous enforcement efforts on the part of Federal, State and local authorities since the early 1970's. By now U.S. Steel has consented to the entry of six Federal judicial decrees.

Preliminary EPA Decision

The Administrator has made a preliminary determination that U.S. Steel satisfies certain of the statutory requirements as set out in more detail below. She therefore has agreed to negotiate with the company to fashion a consent decree that also meets the requirements of the Act. Until the decree is completed to her satisfaction and entered in court, the Administrator may in her discretion withdraw her consent if circumstances warrant.

Issues Raised in Preliminary Determination

Two issues arose in the processing of U.S. Steel's application for stretchout. The first concerns the so-called "necessity test"—the requirement that deferral of compliance obligations be "necessary" to permit investment in modernization projects, section 113(e)(1)(A), 42 U.S.C. 7413(e)(1)(A). The second involves the requirement that the company be in compliance with all of its consent decrees, or that any violations be *de minimis* in nature. Section 113(e)(1)(E), 42 U.S.C. 7413(e)(1)(E).

The Necessity Test

In the spring of 1982, U.S. Steel purchased the Marathon Oil Company for approximately $6.1 billion in a takeover contest. The assets used for the Marathon merger were very large compared to the pollution costs U.S. Steel seeks to defer under the SICEA.

The Administrator has nevertheless determined that U.S. Steel is eligible for relief under SICEA. It is true that the Marathon acquisition suggests that U.S. Steel *could* have gone ahead with modernization even without stretchout. However, the Administrator interprets the Act to require a company to demonstrate, not that it *could not* modernize without compliance extensions, but rather that it *would not*. Though the statute requires that an extension be "necessary" to moderization, "necessary" is not defined in the text of the statute. One must look to other provisions and the legislative history to determine what Congress intended. The House and Senate Reports do reflect concern that some small, undiversified steel companies might be so short of capital that simply as a matter of capital availability they could not continue to meet their environmental obligations and modernize at the same time. However, the legislative history indicates equally clearly that Congress designed SICEA to accomplish a broader objective as well: to draw money back into steel, to encourage the U.S. steel industry to upgrade its steel-making capital stock rather than abandoning it, to bring about investments in steel which would otherwise not have been made. House Report, *supra*, at 12. This larger purpose is reflected for example, in Section 113(e)(2) which limits qualifying modernization projects to those which "would not be made during the same time period if extension(s) of time for compliance with clean air requirements were not granted pursuant to this subsection". *Id.*

U.S. Steel has submitted an affidavit stating that unless relief is granted under SICEA, it will not undertake the modernization projects listed in its application. The Administrator finds that this showing satisfies the requirements of the statute.

The De Minimis Requirement

As indicated above, to consent to relief, the Administrator must also find that an applicant is in compliance with all of its Federal consent decrees, or that any violations are *de minimis* in nature. Section 113(e)(1)(E), 42 U.S.C. 7413(e)(1)(E).

The text of the Act does not defin *de minimis*; as in many other statutes, Congress has left to an administrative agency the task of working out the meaning of a critical term in case-by-case analysis. The legislative history adds little by way of gloss, although it is apparent the Congress included the *de minimis* requirement at least to be sure that, first, progress towards environmental goals continued steadily even with stretchout, and second, that relief would be denied to "bad actors," companies which disregarded

environmental requirements at the expense of others who complied.

For present purposes, the Administrator has adopted an interpretation of *de minimis* based on the normal meaning of the phrase—small, of little concern. She has evaluated each violation separately to determine if it is *de minimis*, rather than, for example, assessing the significance of a violation in the context of a company's entire compliance effort. This interpretation requires the Administrator, *inter alia*, to deny relief to a company if she finds even one violation which is not *de minimis*.

U.S. Steel is a party to six different consent decrees. Agency review turned up numerous violations. Some of them were clearly of small concern. There were, for example, violations which had already been cured; there were short delays in meeting certain interim compliance schedule dates where the company would nevertheless meet the final compliance deadline; there were some cases where pollution control equipment had been installed but the company shut down the facility before a compliance demonstration could be completed. There were delays in controlling a number of sources because better control techniques became available after some of the early decrees were signed, and the company needed a short time to switch. In some cases, EPA and U.S. Steel agreed to modify decree requirements to reflect the change in circumstances. There is language in the House Report on the SICEA (not in the text of the Act or the Senate Report, however) which suggests that, in general, decrees may not be amended in order to bring companies into compliance for purposes of Section 113(e)(1)(E). The changes at issue here, however, were made for a reason unrelated to SICEA—to facilitate the introduction of improved technology. The Administrator doubts that Congress intended to stop such routine adjustments while a SICEA application was pending, and thus believes that these technical amendments fall outside of the House Committee's ban.

There were two categories of violations which required further analysis—certain emission limitation violations, and certain compliance schedule violations.

At several facilities U.S. Steel installed pollution control equipment which was inadequate to meet emission limitations set out in the applicable consent decree. In each case, even with controls the source exceeded the standard by a significant amount. The Administrator nevertheless finds these violations are *de minimis* under SICEA because the sources have been shut down. As long as this state of affairs continues, technically the sources are in compliance with their emission limitations. Even if this situation is thought to represent a violation, however, the air is not being polluted and the violation surely must be considered less serious for that reason. Moreover, based on information in the record, the Administrator finds that these shutdowns were made in good faith, not to evade the requirements of the Act. The company has taken and is continuing to take remedial measures to improve the performance of the faulty equipment. In any amendment to decrees under SICEA, the Administrator will require that these and similar sources operate in compliance when operation recommences.

The Conference Committee stated in its Report that "it is not the policy of the Clean Air Act or the intent of the Congress that air quality standards or emission limitations be met by cutbacks in production or reductions in employment." Joint Explanatory Statement of the Committee of Conference, H.R. Rep. No. 97–61, 97th Cong. 1st Sess. (1981), at p. 6. The Committee substituted this passage for a provision in the Senate bill which specifically addressed employment, presumably to give the Administrator more flexibility to achieve the purposes of the Act. The Administrator believes that considering shutdown in a *de minimis* determination does not violate either the letter or the spirit of the Committee's observation. First, the shutdowns at issue here are generally temporary. More important, the alternative to making a positive finding based on shutdown is denying the applicant all stretchout relief. The stretchout relief is likely to add more jobs, and more secure jobs, than temporary shutdowns would cost, so the overall effect of a liberal shutdown policy would be to *promote* employment.

U.S. Steel has also failed to purchase and install certain pollution control devices as required by provisions of other decrees. Consent decrees for steel companies and other industrial sources often require not only final compliance with emission limitations by a particular date, as above, but also set intermediate deadline for submission of engineering plans, issuance of purchase orders, and installation of control equipment—so-called "increments of progress"—to ensure that the work will be completed on time. U.S. Steel has missed a number of these intermediate deadlines. In each case, however, the deadline for final compliance was in 1982, after U.S. Steel first applied for strectchout relief and after SICEA was passed; indeed even the *interim* requirements violated, with one exception, occurred in the last three months of 1981 or later. In addition, these are among the deadlines the company requested the Adminstrator to "stretch" under SICEA. The Administrator believes that Congress intended that she consent to the extension of such late-maturing deadlines, provided all the other requirements of the Act were satisfied, and she therefore finds these particular compliance schedule violations *de minimis* under Section 113(e)(1)(E), 42 U.S.C. 7413(e)(1)(E).

As indicated above, Congress did not define *de minimis* in the text of the Act, but left its application largely to the Administrator's discretion, at least in the first instance. After considering all the facts and circumstances of each violation, the Administrator has concluded the schedule violations are *de minimis*. The Clean Air Act Amendments of 1977 required each state to demonstrate compliance with the national ambient air quality standard for particulate matter (the standard at issue here) by December 31, 1982, and, with respect to each of its "non-attainment" areas, to take all reasonably available control measures to ensure that they would meet the statutory deadline. Section 172, 42 U.S.C. 7502. Therefore, when EPA entered into a consent decree with an individual source, it normally required that all equipment be installed and operating by December 31, 1982, at the latest. (In many decrees, of course, compliance was feasible, and was required, much earlier.) However, the vehicle by which Congress proposed to make funds available for modernization was the deferral of certain capital expenditures, that is, requirements to buy pollution control equipment. If companies were required to continue purchasing equipment up to the 1982 deadline until the Administrator granted relief, on pain of denial of stretchout, the whole statutory scheme would be defeated. If such late maturing obligations were not eligible, there would be virtually nothing left to stretch, and no additional funds would be available for modernization. If violations of such obligations could not be found to be *de minimis* companies would be caught in a "Catch 22": in order to remain eligible for any relief, as time passed they would have to deny themselves increasing increments of relief.

There is one passage in the House Report which suggests the opposite conclusion—that *any* compliance

schedule violation which is not cured before the Administrator acts on the violator's application is not *de minimis* and will bar relief. This structure does not appear in the text of the Act itself, however, or in the Senate Report. (Indeed, the Senate appears to have taken a quite different position, tolling schedule violations on the date of the passage of the Act. S. Rep. No. 133, 97th Cong. 1st Sess. (1981) at 3.) Moreover, when the House Committee drafted this passage, it was widely anticipated that relief would be granted quickly. Thus it is unlikely that the Committee intended its suggestion to have the drastic effect described above. The passage was included primarily to prevent backsliding-taking off controls already supposed to be in place—and to limit the benefits of the Act to companies which had acted on their environmental obligations in good faith. Finding violations of certain late maturing deadlines to be *de minimis* in no way compromises these objectives.

Finally, several of the sources at which U.S. Steel failed to install equipment are presently shut down. From an equitable point of view it seems unreasonable to hold a company strictly to a compliance schedule drawn up on the assumption that a facility would be operated continuously, if the facility subsequently shuts down. Provided that the company commits to begin work on pollution control sufficiently in advance of startup so that the facility is in compliance as soon as it begins to operate again, there will be no increase in air pollution over that contemplated by the original schedule (there is less if the facility stays down for any length of time). Hence one could reasonably find that shutdown represented an additional basis for finding a violation of a late maturing compliance deadline to be *de minimis* under the Act. Once again, EPA intends to insist that any final consent decree under SICEA contain a requirement that such sources attain final compliance with applicable emission limitations before they re-open.

Findings

On the basis of information submitted by the applicant and other information available to me (including background documents prepared by EPA and available for public inspection at the Central Docket Section, West Tower, EPA Headquarters, Washington, D.C.; refer to Docket No. EN 81-16B), I make the following preliminary Findings:

(1) I find that the following compliance obligations (capital expenditures necessary to achieve compliance with SIP and RACT where applicable) may be extended:

Project	Cost (dollars in millions)
A. Fairless Works:	
i. Open hearth tapping	2.0
ii. Blast furnace casthouses (2)	2.0
iii. Sinter plant	29.0
B. Lorain Works:	
i. Blast furnace casthouses (3)	3.0
ii. Basic oxygen process shop	11.5
C. National-Duquesne Works:	
i. Blast furnace No. 6 casthouse	2.0
D. Gary Works:	
i. Blast furnace casthouses (6)	8.0
ii. Coke Battery No. 1 stack	7.0
iii. Basic oxygen process shop fugitives	19.1
E. South Works:	
i. Blast furnace casthouses (2)	3.0
ii. AOD electric furnace fugitives	3.0
Total	89.6

I find that the following compliance obligations may not be extended:

A. Lorain Works: Fuel Distribution Facility

This fuel distribution program is currently not a requirement under either the Federal consent decree or the Federally-approved Ohio Implementation Plan. Also, EPA has not designated RACT guidelines for this program. SICEA permits compliance extensions only for sources subject to SIP or RACT or consent decree requirements.

(2) I find (a) that the extensions of compliance are necessary to allow the company to make those capital investments in its iron- and steel-making operations which are described in confidential portions of the application, (b) that each of the investments will improve the efficiency and productivity of the company's iron- and steel-making operations and (c) that each modernization investment is proposed to be made at communities which already contain iron- and steel-making facilities.

The company asserted that the identity of the modernization projects listed is proprietary business information and entitled to confidential treatment by the Agency. EPA has concluded that the company's assertions have met the standards set forth in 40 CFR Part 2 and are, therefore, entitled to confidential treatment. The company will be required to commit to invest in projects to be selected from the list an amount of capital equal to the amount of pollution control expenditures deferred herein.

(3) I find that in order to achieve compliance with the Clean Air Act (and RACT where applicable) at all sources in its iron- and steel-producing operations the company will be required to make at least the following capital expenditures (based upon EPA's estimate of the amount of capital remaining to be expended from this day forward):

Description	Cost (dollars in millions)
A. Fairfield:	
Coke Battery No. 2 pushing	7.0
Coke Battery No. 2 larry car purge	0.2
Coke Battery No. 2 stack	7.0
Coke Battery No. 2 preheater	0.2
Coke Battery No. 5 and 6 pushing	15.0
Coke Battery No. 9 stack	5.0
Q-BOP "C"	3.0
Q-BOP "U" and "X"	12.0
Blast Furnace No. 5 casthouse	1.0
Blast Furnace No. 6 casthouse	1.0
Blast Furnace No. 7 casthouse	1.0
Sinter line No. 4 windbox	5.0
B. Geneva:	
Open Hearth tapping	0.1
Blast Furnace No. 1, 2, 3 casthouse	0.1
Sinter handling	0.1
Sinter discharge	0.1
Coke quenching	0.4
Coke Batteries No. 1, 2, 3, 4 pushing	3.0
C. Lorain:	
Coke Batteries "G", "H", "I", "J"	6.0
Coke quenching (5 towers)	7.9
Blast Furnace casthouse (3)	3.0
Basic Oxygen Shop fugitives	11.5
D. Baytown: Electric Arc Furnace secondary	12.0
E. Fairless:	
Electric Arc Furnace secondary	12.0
Coke Battery No. 1 and 2 pushing	7.0
Blast Furnace Casthouse (1)	1.0
Blast Furnace Casthouses (2)	2.0
Open Hearth tapping	2.0
Sinter plant	29.0
F. Edgar Thompson:	
Blast Furnace No. 3 casthouse	1.0
Basic Oxygen furnace	2.0
G. Saxonburg:	
Sinter lines No. 2 and No. 3	2.0
H. Homestead:	
Blast Furnace No. 3 casthouse	1.0
Blast Furnace No. 4 casthouse	1.0
Open Hearth tapping	6.0
I. South:	
Pug Mills (2)	0.4
Electric Arc Vessel 411 and 412	6.4
AOD electric arc fugitives	3.0
Basic Oxygen furnace	0.8
Blast Furnace casthouses (2)	3.0
Sinter plant	6.5
J. Gary:	
Coke Battery No. 1 stack	7.0
Coke Battery No. 1 pushing	0.2
Coke Battery No. 1 doors	0.3
Coke Battery No. 2 pushing	0.2
Coke Battery No. 2 charging	1.0
Coke Battery No. 2 offtakes	1.0
Coke Battery No. 2 doors	0.3
Coke Battery No. 3 pushing	2.5
Coke Battery No. 3 charging	1.0
Coke Battery No. 3 offtakes	1.0
Coke Battery No. 3 doors	0.3
Coke Battery No. 7 offtakes	0.2
Coke Battery No. 13 offtakes	0.2
Coke Battery No. 13 doors	0.2
Coke Battery No. 15 charging	0.3
Coke Battery No. 15 offtakes	0.1
Coke Battery No. 16 offtakes	0.1
Coke Quench Towers 1, 5, 8, 9	14.0
Sinter plant No. 2 windbox/discharge	10.0
Sinter plant No. 3 windbox	1.6
Blast Furnace No. 4 casthouse	1.0
Blast Furnace No. 6 casthouse	1.0
Blast Furnace No. 7 casthouse	1.0
Blast Furnace No. 8 casthouse	1.0
Blast Furnace No. 10 casthouse	1.0
Blast Furnace No. 13 casthouse	3.0
Basic Oxygen Furnace No. 1 secondary	0.1
Basic Oxygen Furnace No. 1 Hot Metal Transfer	3.0
Q-Basic Oxygen secondary	13.0
Q-Basic Oxygen Furnace Hot Metal Transfer	3.0
K. Duquesne: Blast Furnace No. 6 casthouse	2.0
Total	252.3

(4) I find that a "phased program of compliance" (as defined in section 113(e)(2) of the Act) would require the company to make the capital expenditures on the following schedule:

At least $192.5 million by December 31, 1983.

At least a total of $222.4 million by December 31, 1984.

At least a total of $252.3 million by December 31, 1985.

(5) I find that an integration of the qualifying capital expenditures and the "phased program of compliance" schedule, when allowing for the required modernization investments under section 113(e)(1)(B), results in the following required schedule of capital expenditures:

At least $162.7 million for non-deferred pollution control to meet SIP, RACT, and existing decrees by December 31, 1982. A portion of this total represents costs associated with control programs for sources which are shut down and which may not resume operation until sometime after 1982. Therefore, this spending requirement may be modified to reflect this fact. In no event shall any of these sources be allowed to resume operation except in compliance with the SIP, RACT, or consent decree, where applicable, since the compliance program is not deferred herein.

At least $89.6 million for improving efficiency and productivity by July 16, 1983. SICEA requires the investments in modernization projects be made within two years from the date of enactment of the law which occurred on July 17, 1981.

At least a total of $192.5 million for pollution control projects by December 31, 1983.

At least a total of $222.4 million for pollution control projects by December 31, 1984.

At least a total of $252.3 million for pollution control projects by December 31, 1985.

To the extent possible, the decrees must incorporate this spending schedule.

(6) I find that the company will have sufficient funds to comply with the capital expenditure requirements set forth in finding (5).

(7) I find that the company is not in compliance with its existing Federal judicial consent decrees entered under Section 113(b) of the Clean Air Act, but that such violations are *de minimis* in nature. In particular, I find the following violations of the following consent decree provisions are *de minimis* in nature:

A. *United States of America v. United States Steel Corporation,* U.S. District Court for the Northern District of Illinois, Eastern Division, C.A. No. 76 C 4545, Part II, paragraphs 2 and 3:

Under the terms of the decree, the company was required to install a Wet ESP to control sinter plant windbox particulate emissions to achieve compliance with Illinois Pollution Control Board Rules 202(b) and 203(d)(2) as drawn at the date of entry of the decree. Compliance was required in August 1980. U.S. Steel installed an Electro-Dynamic Venturi Scrubber which has not achieved compliance with the aforesaid rules applicable to the windbox. For example, a December 1981 test showed emissions of approximately 102 lbs./hour versus a standard of approximately 65 lbs./hour.

The sinter plant operations were discontinued for business reasons by the company on March 19, 1982, and thus, are not presently a source of particulate emissions. Furthermore, U.S. Steel has filed a sworn affidavit which states as follows:

> During the period of shutdown United States Steel Corporation will perform work to improve emission control at these facilities as required to meet the standards which will apply when operations resume. It is United States Steel Corporation's intent that upon resumption of operations these facilities will be in compliance with the emission limitations applicable at that time.

Finally, the South Works sinter plant, when operating, recycles the emissions from the discharge end through the windbox for energy efficiency purposes. The result is that emissions from the discharge end are well below the allowable for the discharge end. The combined allowables for the discharge and windbox ends are greater than the actual emissions from the both ends combined and are vented through a common stack.

In view of all of the facts and circumstances surrounding this violation, I find the violation to be *de minimis* in nature.

B. *Alabama Air Pollution Control Commission, and the State of Alabama, ex rel. William J. Baxley, Attorney General, and Jefferson County Board of Health, and United States Environmental Protection Agency* v. *United States Steel Corporation,* U.S. District Court for the Northern District of Alabama, Southern Division, C.A. No. 77-H-1630-S:

i. Part III, paragraph B.4.: Under the terms of the decree, the company is required to employ an enclosed pushing system on Coke Battery No. 2 resulting in the capture of 85 percent of the total particulate emissions generated by the pushing process. Filterable particulate emissions from the gas cleaning device are limited to 0.030 lb./ton of coke pushed in the dry coal mode. These standards have not been achieved Compliance was required in 1979.

This source is presently on "idle hot", thus no emissions are being generated from the pushing process. An affidavit submitted by the company indicates that the Fairfield Works is not likely to be brought back on line until 1984, thus, Coke Battery No. 2 is not likely to be a source of air pollution for over one year. In addition, the affidavit cited in paragraph (7)A above applies to this source as well.

In view of all of the facts and circumstances surrounding this battery, I find the violations to be *de minimis* in nature.

ii. Part III, paragraph B.3.: Under the terms of the decree, the company was required to demonstrate that particulate emissions during the larry car purge at Coke Battery No. 2, a relatively small source of particulate matter, contain no more than 0.02 gr./dscf of filterable particulate matter. The company has not conducted the required performance test to demonstrate compliance with this standard, although control equipment has been installed.

As stated above, Coke Battery No. 2 is presently on "idle hot" and is not likely to resume operation until 1984. Thus, it will not be a source of emissions for over one year. The affidavit quoted in paragraph (7)A above applies to this source as well. In view of all of the facts and circumstances, I find the failure to performance test to be a violation that is *de minimis* in nature.

iii. Part III, paragraph B.11.: Under the terms of the decree, the discharge from the preheater stack associated with Coke Battery No. 2 is limited to 0.020 gr./dscf of filterable particulate matter. The company has not demonstrated compliance.

As stated above, the Fairfield Works is presently shut down and is not likely to resume operation until 1984. Thus, no coal would be preheated for coking. Also, the affidavit quoted in paragraph (7)A above applies to this source as well.

In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

iv. Part III, paragraph C.6.: Under the terms of the decree, the particulate mass emission rate from the combustion stack at Coke Battery No. 9 is limited to 0.015 gr./dscf. The decree provided that the company could demonstrate compliance with the standard within 120 days after initial charging of the battery (which occurred on February 20, 1979) by means of certain operation and maintenance

procedures. In the event that compliance was not demonstrated by means of the operation and maintenance procedures, the decree provided that a gas cleaner be installed and demonstrated to comply with the standard by June 20, 1981. The company did not demonstrate compliance by means of operation and maintenance procedures and the company has not purchased or installed a gas cleaner.

This battery has been on "idle hot" since August 23, 1980, and is not likely to resume operation until 1984. The affidavit quoted in paragraph (7)A. applies to this source as well.

In view of all the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

v. Paragraph IV, C.2.: Under the terms of the decree, the company was required to demonstrate compliance with the mass emission limitation of 0.030 lbs. per ton of coke pushed from the pushing process at Coke Battery No. 9 by September 1, 1980.

Although the company has achieved 0.030 lbs. per ton when only the "front half" of the sampling train is analyzed, the "full train" analysis showed marginal violations although the control system is very clean and efficient. EPA is analyzing the data to determine whether or not the decree should only require the "front half" as the appropriate compliance determination method.

This battery has been on "idle hot" since August 23, 1980. In addition, as stated above, the Fairfield Works is shut down presently so there are no emissions from the pushing process. The source is not likely to resume operation until 1984. The affidavit quoted in paragraph (7)A. above applies to this source as well.

In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

vi. Paragraph IV, 3.v. and 4.v.: Under the terms of the decree, the company was required to meet "all applicable Sections of the Alabama Air Pollution Control Rules and Regulations, Jefferson County Air Pollution Control Rules and Regulations, and Alabama Implementation Plan" for the control of particulate emissions from the Q-BOP shop vessels "U" and "X" by March 31, 1979.

The company has not installed controls necessary to comply with the applicable regulations.

However, as stated above, the Fairfield Works is shutdown presently and is not likely to resume operation until 1984. Thus, it is not likely to be a source of particulate matter for over one year.

In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

vii. Paragraph IV, 4.e.: Under the terms of the decree, the company was required to demonstrate compliance by means of performance tests with the particulate emission standards applicable to sinter lines Nos. 1, 2, and 3, by February 28, 1980. The company has installed equipment but has not conducted a performance test. A performance test conducted on sinter line No. 4, which utilizes the same type of equipment, showed compliance. EPA engineers believe that when performance tested lines Nos. 1, 2, and 3 are likely to show compliance.

In addition, as stated above, the Fairfield Works is presently not operating and is not likely to resume operation until 1984.

In view of all of the facts and circumstances, I find the failure to conduct performance tests at these sinter lines to demonstrate compliance to be violations that are *de minimis* in nature.

C. *United States of America v. United States Steel Corporation,* Case No. C-79-225, U.S. District Court for the Northern District of Ohio, Eastern Division, Paragraph IV C.:

Under the terms of the decree, the company was required to place purchase orders for control equipment at the Basic Oxygen Furnace Shop. Those purchase orders were issued on time but since the company was then proposing an alternative and more cost-effective control strategy, the project was not continued on schedule. In order to accommodate more cost-effective strategies, EPA and the company negotiated a modification of the decree requirements to reflect the alternative control strategy with the same final compliance date as the original strategy. That negotiated modification is pending action at EPA.

The company has initiated construction of the alternative controls. In addition, it has requested a SICEA extension of the compliance deadline for this source. In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

D. *United States of America, and City of Bordentown, State of New Jersey, and Commonwealth of Pennsylvania, Department of Environmental Resources v. United States Steel Corporation,* C.A. No. 79-3645; *United States of America, and Commonwealth of Pennsylvania, Department of Environmental Resources v. United States Steel Corporation,* C.A. No. 80-0743, U.S. District Court for the Eastern District of Pennsylvania:

i. Part III, paragraph B.2.: Under the terms of the decree, the company was required on June 30, 1981, to either place purchase orders for the control of the sinter plant windbox, or, notify the plaintiffs that operation of the sinter plant would be discontinued on or before December 31, 1982. The company has not placed purchase orders or made the aforesaid notifications. The company also did not commence installation of the control equipment by the December 31, 1981, deadline.

The company applied for an extension of the compliance requirements in the September 14, 1981, application. The Fairless Works is located in a primary attainment area for particulate matter. In view of all of the facts and circumstances, I find the violations to be *de minimis* in nature.

ii. Part II, paragraph B.2.a.: Under the terms of the decree, the company was required to place purchase orders for the control of blast furnace casthouse particulate emissions from one casthouse by March 1, 1982. The company did not issue the purchase order. EPA believes that the final compliance date in the decree can still be achieved. The company applied for an extension for this source in its September 14, 1981, SICEA application. The Fairless Works is located in a primary attainment area for particulate matter. In view of all the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

iii. Paragraph I.B.4.: Under the terms of the decree, visiable emissions are prohibited from leaking from the offtakes at coke batteries No. 1 and No. 2 in excess of five percent of all offtakes on each battery. Any visible leaks from the doors are prohibited in excess of 10 percent of the total number of doors on each battery. Compliance was required by April 1, 1982.

On July 27, 1982, EPA inspectors determined that the offtake leakage rate was 6.3 percent at coke battery No. 1. However, the inspection indicated that the offtakes are well luted and that the leaks were minor. A July 23, 1982, inspection by the Pennsylvania Department of Environmental Resources (DER) showed a five percent leakage rate. Monthly self-monitoring data compiled by the company has been analyzed by EPA. The analysis showed exceedances of the standard but indicated a steady and continuing trend

of improvement by the company in reducing the leaks.

Self-monitoring data from the company also indicated sporadic exceedances of the door leakage standard at battery No. 1 from April through early July. However, EPA's July 27, 1982, inspection showed a door leakage rate of only 6.9 percent and indicated that the doors are being properly cleaned.The DER inspection of July 23, 1982, showed a 9.8 percent rate. Both the EPA and DER inspections indicate that emissions are below the allowable levels, but it is EPA's practice to observe several days of operation before compliance is considered officially demonstrated. This battery is scheduled to be taken out of operation at the end of July 1982.

Coke battery No. 2 was only operated for 14 days since the compliance deadline. It was shut down on April 15, 1982, and has not been operated since then. The company's self-monitoring data for those 14 days of operation indicated exceedances of the standards. During the period of shutdown, however, the company has repaired and adjusted the doors with the aim of reducing the potential for leakage. With respect to the offtakes on battery No. 2, the company intends to employ the same luting material it has recently employed at No. 1 with improved results over earlier materials. The company has asserted that when the battery resumes opeation it will operate better than batter No. 1.

Finally, the Fairless Works is located in a primary attainment area for particulate matter.

In view of all of the facts and circumstances surrounding these violations, I find them to be *de minimis* in nature.

E. *United States of America, and Commonwealth of Pennsylvania Department of Environmental Resources, and County of Allegheny, and United Steelworkers of America Local Union No. 1397, and Group Against Smog and Pollution v. United States Steel Corporation,* C.A. No.-79–709, U.S. District Court for the Western District of Pennsylvania:

i. Paragraph 8 b.1.A.: Under the terms of the decree, the company was to achieve and demonstrate compliance with the visible emission standard applicable to the Duquesne Works No. 6 blast furnace casthouse on April 30, 1982. In order to achieve compliance the decree sets forth a schedule which required the installation of control equipment to be commenced on October 30, 1981, and to be completed on January 31, 1982. The company had failed to comply with either of the requirements but they are the type of late maturing obligations Congress intended for relief in SICEA.

The company applied for an extension of this compliance program in its SICEA application of September 14, 1981. The company did not thereafter meet the schedule but instead continued experimentation with a cost-effective technique know as "suppression technology." In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

ii. Paragraph 8 b.1.A.: Under the terms of the decree, the company was to demonstrate compliance with the applicable visible emission standard at the Edgar Thomsom Works blast furnace casthouse No. 1 by September 30, 1981, and at the Edgar Thomson Works blast furnace casthouse No.2 by October 30, 1981. In both cases, control equipment was installed but due to business conditions the furnaces were taken out of operation before the performance tests were officially conducted. Unofficial observations by EPA technical personnel indicate that the installed equipment is probably capable of meeting the applicable standard.

In view of all of the facts and circumstances surrounding the failure to conduct the performance tests, I find the violations to be *de minimis* in nature.

iii. Paragraph 8 b.1.A.: Under the terms of the decree, the company was to demonstrate compliance with the applicable visible emission standard at the Edgar Thomson No. 3 blast furnace casthouse by May 31, 1982. Control equipment was to be completely installed by February 28, 1982. The equipment has not been completely installed and there has been no compliance demonstration.

The control equipment is being installed as part of a major rebuild of the furnace which has not yet been completed. Installation of the control equipment has been commenced. The furnace was shut down to begin the major rebuild on November 11, 1979, and has not operated since. In other words, it has not been a source of particulate matter for nearly three years. In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

iv. Paragraph 8 b.1.A.: Under the terms of the decree, the company was required to demonstrate compliance with the visible emission standard applicable to the Homestead Works No. 3 blast furnace casthouse on February 28, 1982, and at the Homestead Works No. 4 blast furnace casthouse on June 30, 1982. In order to achieve compliance, the consent decree provides that the control equipment was to be installed by November 11, 1981, and March 31, 1982, respectively. Equipment was not installed.

Blast furnace No. 3 has been shut down since June 10, 1981, and No. 4 since March 26, 1982, and are not presently sources of particulate matter. In addition, these shutdowns occurred prior to the final compliance date in each case. In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

v. Paragraph 9.: Under the terms of the decree, the electrostatic precipitator on strand No. 1 of the Saxonburg Works sinter plant was to be performance tested by December 31, 1981. This requirement originated from an order of the Pennsylvania Department of Environmental Resources and was incorporated by reference in the Federal consent decree.

On April 2, 1982, the company shut down the sinter plant for business reasons. The source is presently not emitting any particulate matter. In addition, the company installed an electrostatic precipitator which EPA engineers believe is likely to be capable of achieving the emission limitation. In view of all of the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

vi. Paragraph 3.: Under the terms of the decree, the company was required to undertake a control program for particulate emissions from 13 coke batteries at the Clairton Works. Compliance schedules were established for each process associated with cokemaking including charging, pushing, doors, topside, and stacks. Although the company has demonstrated compliance with the standards related to charging, doors, stacks, and topside (except for a very minimal lid leak problem at battery 15), the compliance program standards associated with the pushing process have not been achieved despite an ongoing, vigorous, good faith effort by the company.

Pushing emissions are controlled at Clairton by use of a mobile gas capture and cleaning system known as a "Chemico Car" system. U.S. Steel has spent approximately $50 million on this system. At the time the standards were negotiated for the decree, there was uncertainty regarding what the actual performance of the system would be.

U.S. Steel's initial experience with the system at Clairton indicated that significant violations of the standards for capture and mass emissions were

occurring. At the same time, the availability of the system was quite low.

Since the initial poor performances of the system at Clairton, U.S. Steel has undertaken a vigorous improvement program. Availability of the system has increased significantly while capture and gas cleaning have improved markedly. Particulate emissions from the Clairton Works have decreased dramatically. U.S. Steel is continuing its efforts to improve all aspects of the performance and availability of the Chemico system.

In addition, as of July 26, 1982, all of the batteries at the Works are either on cold shutdown or "idle hot".

In view of all of the facts and circumstances surrounding these violations, I find them to be *de minimis* in nature.

F. *United States of America and State of Utah v. United States Steel Corporation*, C.A. No. C-80-0661W, United States District Court for the District of Utah, Central Division:

i. Paragraph B.4.k.: Under the terms of the decree, the company was required to install "beanie hoods" by March 1, 1982, for the control of particulate emissions from the open hearth furnace shop tapping operation. The company did not install the hoods. However, prior to the installation deadline, the company proposed to substitute a different, more cost-effective control program for open hearth tapping known as "suppression technology". A modification to the decree to reflect this change in control strategy will be lodged in the district court by the Department of Justice shortly.

In view of all the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

ii. Paragraph B.3(a)(4).: Under the terms of the decree, the company was required to begin the installation of a "local hooding" system by August 1, 1981, to control particulate emissions from the casthouses at blast furnaces No. 1, 2, and 3. Installation of the hooding system was not initiated. However, prior to the installation deadline, the company proposed to substitute a different more cost-effective control strategy known as "suppression technology" which has been developed for blast furnaces as well as open hearth tapping.

A modification to the decree to reflect this change in control strategy will be lodged in the district court by the Department of Justice shortly. In view of all of the facts and circumstances surrounding these violations, I find them to be *de minimis* in nature.

iii. Paragraph B.6.(c).: Under the terms of the decree, the company was required to control particulate emissions from the power house bypass stack to certain limits. At the time the decree was signed, the parties believed that the emission limitations reflected good combustion performance. Subsequently, performance tests were conducted which revealed exceedances of the emission limitations in the decree. However, EPA observed that the combustion equipment was in fact performing well. Thus, it became apparent to EPA that the emission limitations were more stringent than that which reflected good combustion performance.

A modification to the decree to incorporate the standards will be lodged in the district court by the Department of Justice shortly. In view of all of the facts and circumstances surrounding these violations, I find them to be *de minimis* in nature.

iv. Paragraph B.7.: Under the terms of the decree, the company was required to control particulate emissions from the finishing mill stacks to certain limits. At the time the decree was signed, the parties believed that the emission limitations reflected good combustion performance. Subsequently, performance tests were conducted which showed exceedances of the emission limitations in the decrees. However, EPA observed that the combustion equipment was performing well in fact. Thus, it became apparent to EPA that the emission limitations were more stringent than that which reflected actual good combustion performance.

A modification to the decree to incorporate the standards will be lodged in the district court shortly. In view of all of the facts and circumstances surrounding these violations, I find them to be *de minimis* in nature.

v. Paragraph C.1.b.: Under the terms of the decreee, the company was required to place a purchase order by October 1, 1981, for a treatment unit to control furnace gas and tapping emissions from the open hearth shop by September 1, 1983. This treatment unit would have been control equipment above and beyond that required by law and was agreed upon by the parties in lieu of EPA pressing a claim for civil penalties for past Clean Air Act violations. The company did not place a purchase order for the equipment. However, EPA and the company have agreed to a substitute control program which includes the installation of computers to maintain precise automatic control of all combustion processes at the soaking pits; installation of continuous emission monitors to provide for feedback to the control system at the soaking pits; installation of a new mixed gas mixing station with computer control to automatically control and stabilize the BTU value of mixed gases going to all rolling mill processes; installation of fume suppression technology at the mixer building to control emissions from the hot metal transfer; and, installation of gallery conveyor covers on the coke handling system between the blast furnace and the coke plant. Each of these programs will provide an environmental benefit above and beyond that required by law and will be completed by the same date and the treatment unit would have been completed.

A modification to the decree to incorporate theses projects will be lodged by the Department of Justice in district court shortly.

In view of all the facts and circumstances surrounding this violation, I find it to be *de minimis* in nature.

vi. Paragraph B.2.(g)(1)(B): Under the terms of the decree, the combustion stacks on the coke batteries are limited to emissions of opacity not greater than 20% as determined by EPA Reference Method 9. Observations made by this Reference Method have indicated sporadic violations. However, because these are sources which can be stack tested for mass emissions, mass emission limitations are also established and compliance with the mass emission limitations is determined in accordance with EPA Method 5. Tests conducted using Method 5 indicated compliance with the mass emission limitation while concurrent Reference Method 9 observations showed violations. In view of all of the facts and circumstances surrounding these opacity violations, I find them to be *de minimis* in nature.

vii. Paragraph B.4.(e): Under the terms of the decree, U.S. Steel is undertaking a research and development project to develop a continuous emissions monitoring device for open hearth emissions. A study was to be submitted by July 1, 1981, but unforseen technical difficulties have delayed completion of the study. In addition, the company has been attempting to correct the difficulties and the State and EPA have contributed to the study. In view of all of the circumstances, I find the failure to complete the study, to be a violation that is *de minimis* in nature.

The preceding list is a compilation of violations of existing Federal judicial consent decrees which are presently known to me and which continue to the present. Several other violations of Federal decrees which occurred since

the entry of the decrees are no longer occurring and are, therefore, not addressed herein. The list of violations which I have found to be *de minimis* in nature for purposes of the Steel Industry Compliance Extension Act of 1981 should not be construed in any manner as expression of Agency policy regarding the propriety of or nature of determinations which the Agency would make or remedies which the Agency would seek in circumstances or in contexts other than under the Steel Industry Compliance Extension Act of 1981.

(8) I find that the extensions of compliance contemplated herein will not result in degradation of air quality during the term of the extensions.

Based on those findings, I have decided to exercise my statutory discretion and preliminarily consent to the extension of certain deadlines of compliance contingent upon the successful negotiation and agreement between the company and the United States of Federal judicial decrees containing the provisions required by Section 113(e)(1)(C). This exercise of my discretion is entirely contingent upon such successful negotiation and should the parties be unable to frame a complete and total agreement, then no such extensions shall be granted.

In particular, I hereby give my preliminary consent to the entry of proper decrees which require capital expenditures to be made on the schedule reflected in my finding number (5) above to the extent possible. The negotiation of such decrees is underway and decrees may be presented to me for my review in the next few weeks. Intervenors in the existing decrees are being notified of these preliminary findings and provided opportunity for participation in the negotiation of modifications. Any persons wishing to comment on these preliminary findings should do so without delay. Comments should be sent to Michael Alushin (EN–329), Office of Legal and Enforcement Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460. Telephone: (202) 382–2820.

Notice is hereby given that in the event of successful negotiation and agreement between the company and the United States of such Federal decrees, such decrees will be lodged and public commentary provided for under the provisions of 28 CFR 50.7 by **Federal Register** publication by the Department of Justice without any further **Federal Register** notice on behalf of the Environmental Protection Agency.

Dated: August 10, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82–22343 Filed 8–16–82; 845 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Report Forms Under OMB Review; Request for Comments

AGENCY: Equal Employment Opportunity Commission.

ACTION: Request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed form under review is listed below.

DATE: Comments must be received on or before September 17, 1982. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESS: Copies of the proposed form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

EEOC Agency Clearance Officer: Thomas P. Goggin, Office of Administration, Room 3230, 2401 E Street, NW., Washington, DC 20506; Telephone (202) 634–6983.

OMB Reviewer: Richard Eisinger, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–6880.

Type of Request—Extension (Decrease, in Burden)

Title: Request for Systemic Investigation.

Form Number: EEOC FORM 363.

Frequency of Report: On Occasion.

Type of Respondent: Individuals or households, business/other institutions.

Standard Industrial Classification (SIC) Code: All.

Description of Affected Public: Individuals and organizations concerned with equal employment opportunity.

Responses: 300.

Reporting Hours: 75.

Federal Cost: $15,000.

Applicable under Section 3504(h) of Public Law 96–511: Not applicable.

Number of Forms: 1.

Abstract—Needs/Uses: This form is intended to assist members of the public in providing the necessary information when they request the Commission to initiate a systemic investigation of possible employment discrimination under title VII of the Civil Rights Act of 1964.

Dated: August 9, 1982.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 82–22312 Filed 8–16–82; 8:45 am]

BILLING CODE 6570–06–M

FEDERAL MARITIME COMMISSION

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 7, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.