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Federal Register

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Presidential Documents

Title 3—

The President

Proclamation 5297 of January 31, 1985

Modification of Tariffs on Certain Sugars, Sirups, and Molasses

By the President of the United States of America

A Proclamation

1. Headnote 2 of Subpart A, Part 10, Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as the "TSUS," provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in items 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ."

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

2. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and Statutes of the United States, including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A, Part 10, Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded:

A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A, Part 10, Schedule 1 of the TSUS are modified and the following rates are established:

	Rates of Duty	
	1	2
155.20	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.	1.9875¢ per lb. less 0.028125¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.284375¢ per lb.
155.30	Dutiable on total sugar at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption on and after the date of this Proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-2927
Filed 2-1-85; 11:02 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12504 of January 31, 1985

Protection of Semiconductor Chip Products

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Semiconductor Chip Protection Act of 1984 (17 U.S.C. 901 *et seq.*) and in order to provide for the orderly implementation of that Act, it is hereby ordered that, subject to the authority of the Director of the Office of Management and Budget under Executive Order No. 11030, as amended, requests for issuance by the President of a proclamation extending the protection of Chapter 9 of title 17 of the United States Code against unauthorized duplication of semiconductor chip products to foreign nationals, domiciliaries, and sovereign authorities shall be presented to the President through the Secretary of Commerce in accordance with such regulations as the Secretary may, after consultation with the Secretary of State, prescribe and cause to be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
January 31, 1985.

[FR Doc. 85-2928
Filed 2-1-85; 11:03 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 84-339]

Honey Bee Tracheal Mite; Addition to List of Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends regulations in Subpart 92 of the Domestic Quarantine Notices by retitling the quarantine and regulations as "Subpart-Honey Bee Tracheal Mite"; by adding the States of Florida and Louisiana to the list of States quarantined because of the honey bee tracheal mite, *Acarapis woodi;* by adding the State of Florida, portions of four parishes in Louisiana, and one county in Texas to the list of regulated areas; and by redescribing previously designated regulated areas in two counties in Texas. This action is necessary on an emergency basis to prevent the artificial spread of the honey bee tracheal mite from infested areas in Florida, Louisiana, and Texas to noninfested areas of the United States.

DATES: Effective date of amendment January 28, 1985. Written comments concerning this final rule must be received on or before April 5, 1985.

ADDRESS: Written comments concerning this rulemaking should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, APHIS, USDA, Federal Building, 6505 Belcrest Road, Room 611, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this final action. Due to the possibility that the honey bee tracheal mite could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

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

Background

This document amends §§ 301.92(a) and 301.92-3(c) of "Subpart-Honey Bee Tracheal Mite" quarantine and regulations (7 CFR 301.92 *et seq.;* previously captioned "Subpart-Acarine Mite" and referred to below as the "regulations") by adding the States of Florida and Louisiana to the list of States quarantined for honey bee tracheal mite; by adding the State of Florida, portions of Iberia, Lafayette, St. Martin, and Vermilion Parishes in Louisiana, and a portion of Nueces County in Texas to the list of regulated areas; and by redescribing previously designated regulated areas in Bee and Live Oak Counties in Texas. Prior to the effective date of this amendment, the regulations quarantined only the State of Texas, and restricted the interstate movement of regulated articles from regulated areas in Bee, Cameron, Chambers, Floyd, Hale, Harris, Hidalgo, Live Oak and Motley Counties in Texas in order to prevent the artificial spread of the honey bee tracheal mite. This document also changes the previously used common name of the mite, *Acarapis woodi,* from "Acarine mite" to "honey bee tracheal mite".

Quarantined States and Regulated Areas

The honey bee tracheal mite, *Acarapis woodi,* is an internal parasitic mite of honey bees (bees of the genus *Apis*). The mite reduces the ability of the bees to fly and thereby causes scarcity of food in bee colonies. Consequently, the mite contributes to a loss of field bees which results in substantial reductions in pollination. An infestation of honey bee tracheal mite disease in honey bee colonies can severely damage important agricultural commodities that depend upon pollination by the bees for production. These agricultural commodities include forage crops, fruits, vegetables, and oil crops.

Under the regulations, States where honey bee tracheal mite is found are quarantined, and areas in the quarantined State are designated as regulated areas under criteria described below in order to prevent the movement of regulated articles interstate from regulated areas. An area in a quarantined State is designated as a regulated area if it is an area where the honey bee tracheal mite has been found or an area in which the Deputy Administrator has reason to believe the honey bee tracheal mite is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the honey bee tracheal mite, or its inseparability for quarantine enforcement purposes from localities in which the honey bee tracheal mite occurs. Less than an entire quarantined State is designated as a regulated area if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine and regulations which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those imposed with respect to

the interstate movement of such articles; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the honey bee tracheal mite.

Recent surveys conducted by inspectors of the Plant Protection and Quarantine (PPQ), a unit within the Animal Plant Health Inspection Service, U.S. Department of Agriculture (USDA), and officials of State agencies of Florida, Louisiana, and Texas have established that a honey bee tracheal mite infestation is widespread throughout the State of Florida, in the parishes of Iberia, Lafayette, St. Martin, and Vermilion in Louisiana, and in the county of Nuecesin, Texas, respectively. These areas remain infested at this time.

Officials of USDA and the State agencies of Louisiana and Texas have begun eradication programs in the infested areas in Louisiana and Texas and are continuing to intensively survey areas in Louisiana and Texas for the honey bee tracheal mite. Further, Louisiana and Texas have taken action to impose restrictions on the intrastate movement of regulated articles from infested areas in order to prevent the artificial spread of the honey bee tracheal mite within Louisiana and Texas. The State of Florida, however, has removed restrictions previously imposed on the intrastate movement of regulated articles within Florida because of a determination that the honey bee tracheal mite is widespread throughout the State. Currently, Florida is not regulating the movement of articles within Florida to prevent the artificial spread of the honey bee tracheal mite.

Therefore, because of the existence of these honey bee tracheal mite infestations and in accordance with the criteria discussed above for designating and entire State or a portion of a State as regulated area, it is necessary to impose restrictions of the interstate movement of regulated articles from anywhere in the State of Florida, and from certain areas in Louisiana and Texas in order to prevent the artificial spread interstate of honey bee tracheal mite. Also, in accordance with the criteria discussed above, it is necessary to add the States of Florida and Louisiana to the list of quarantined States in § 301.92(a) (the State of Texas was previously quarantined).

This document designates the following areas as regulated areas in § 301.92–3(c):

Florida

The entire State.

Louisiana

Iberia Parish: That portion of the parish lying west of the west shoreline of Lake Fausse Pointe except Marsh Island.

Lafayette Parish: Those portions of T. 11 and 12 S., R. 5 E., and the E. ⅓ of T. 11 S., R. 4 E. lying in the parish.

St. Martin Parish: That portion of the parish lying south of the north line of T. 11 S. and west of Highway 31.

Vermilion Parish: T. 13 S., R. 4 E.; those portions of T. 11, 12, and 13 S., R. 5 E. lying in the parish; E. ½ of T. 12 S., R. 4 E.; and that portion of the E. ⅓ of T. 11 S., R. 4 E. lying in the parish.

Texas

Nueces County: That portion of the county within the city limits of Corpus Christi bounded by a line beginning at a point where State Highway 357 (Saratoga Blvd.) intersects Staples Road; then northerly along Staples Road to its intersection with State Highway 358 (Padre Island Drive); then easterly along State Highway 358 to its intersection with Airline Road; then northerly along Airline Road to its intersection with Ocean Drive; then northwesterly along Ocean Drive to its intersection with Morgan Avenue; then westerly along Morgan Avenue to its intersection with Old Brownsville Road; then southwesterly along Old Brownsville Road to its intersection with State Highway 357; then easterly along State Highway 357 to the point of beginning.

This document also amends the regulations by redescribing previously designated regulated areas in Bee and Live Oak Counties, Texas as follows:

(1) The regulated area in Bee County, Texas, previously described as "The portion of Bee County within the area bounded by a line beginning at the intersection of the Bee County line and Farm Road 623; then easterly on Farm Road 623 to the intersection of U.S. Highway 59; then westerly on U.S. Highway 59 to the intersection of the Bee County line; then northerly along Bee County line to the point of beginning." Is redescribed as "That portion of the county bounded by a line beginning at a point where Live Oak-Bee County line intersects Farm to Market Road 799; then north 4.25 miles along said county line to its intersection with an unnumbered road; then east 4.75 miles along the unnumbered road to an imaginary point; then south 8.25 miles from said imaginary point along an imaginary line parallel to the Live Oak-Bee County line to its intersection with an unnumbered road; then west along the unnumbered road to its intersection with the Live Oak-Bee County line; then north 3.3 miles along said county line to the point of beginning."

(2) The regulated area in Live Oak County, Texas, previously described as "The portion of Live Oak County within the area bounded by a line beginning at the intersection of the Live Oak County line and U.S. Highway 59; then westerly on U.S. Highway 59 to the intersection of Interstate Highway 37; then northwesterly along Interstate Highway 37 to the intersection with State Highway 72; then easterly along State Highway 72 to its intersection with Farm Road 1358; then easterly on Farm Road 1358 to its intersection with Farm Road 623; then easterly on Farm Road 623 to the Live Oak County line; then southerly along the Live Oak County line to the point of beginning." Is redescribed as "That portion of the county bounded by a line beginning at a point where Interstate Highway 37 intersects Farm to Market Road (FM) 1358; then east 6.75 miles along FM 1358 to its intersection with an unnumbered road in the settlement of Karon; the east 1.25 miles along the unnumbered road to the Live Oak-Bee County line; then south 7.75 miles along said county line to its intersection with an unnumbered road; then west 2.25 miles along the unnumbered road to its intersection with FM 1596; then northwesterly 5 miles along FM 1596 to its intersection with an unnumbered road; then southwest 3 miles along the unnumbered road to its intersection with Interstate Highway 37; then north along said highway to the point of beginning."

The areas in Bee and Live Oak Counties in Texas has been redesignated as regulated areas in § 301.92–3(c) in accordance with the criteria for designating regulated areas discussed elsewhere in the document. These areas have been redescribed from the previous designation in order to conform more precisely the description of the boundaries in the regulated areas with names of roads commonly used and easily identifiable. Although, the effect of redescribing these boundaries is to slightly reduce the size of the regulated area, the redesignation meets the regulatory criteria used in designating an area as regulated areas in § 301.92–3(c).

Miscellaneous

This document retitles Subpart 92 from "Subpart-Acarine Mite" to "Subpart Honey Bee Tracheal Mite." and changes the name of "Acarine Mite" whenever previously used in Subpart 92 to "honey bee tracheal mite" in order to use the correct common name for mite, *Acarapis woodi*, in the Subpart.

Executive Order 12291 and Regulatory Flexibility Act

The emergency nature of this action makes it impracticable for the Agency to follow the procedures of Executive Order 12291 with respect to this interim rule. In order to help prevent the spread of honey bee tracheal mite, immediate action is warranted to regulate the movement of regulated articles.

This emergency situation also makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act impracticable. Since this action may have a significant economic impact on a substantial number of small entities, the final Regulatory Impact Analysis, if required,

will address the issues required in sections 603 and 604.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (Agriculture), Quarantine, Transportation, Honey bee tracheal mite.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances referred to above, newly captioned "Subpart—Honey Bee Tracheal Mite" quarantine and regulations (7 CFR 301.92 through 301.92–9) are amended as follows:

§ 301.92—301.92–9 [Amended]

1. In Part 301, the title "Subpart—Acarine Mite" is recaptioned as "Subpart—Honey Bee Tracheal Mite", and any references in §§ 301.92—301.92–9 to "Acarine mite" are changed to "honey bee tracheal mite."

§ 301.92 [Amended]

2. In § 301.92(a) the States of "Florida" and "Louisiana" are added in alphabetical order to the list of quarantined States.

§ 301.92–3 [Amended]

3. In § 301.92–3(c), previously designated regulated areas in Bee and Live Oak Counties in Texas are redescribed, and the following areas in Florida, Louisiana, and Texas are added in alphabetical order to the list of regulated areas as follows:

* * * * *

(c) The areas described below are designated as regulated areas:

Florida

The entire State.

Louisiana

Iberia Parish: That portion of the parish lying west of the west shoreline of Lake Fausse Pointe except Marsh Island.

Lafayette Parish: Those portions of T. 11 and 12 S., R. 5 E., and the E. ½ of T. 11 S., R. 4 E. lying in the parish.

St. Martin Parish: That portion of the parish lying south of the north line of T. 11 S. and west of Highway 31.

Vermilion Parish: T. 13 S., R. 4 E.; those portions of T. 11, 12, and 13 S., R. 5 E. lying in the parish; E. ½ of T. 12 S., R. 4 E.; and that portion of the E. ½ of T. 11 S., R. 4 E. lying in the parish.

Texas

Bee County: That portion of the county bounded by a line beginning at a point where Live Oak-Bee County line intersects Farm to Market Road 799; then north 4.25 miles along said county line to its intersection with an unnumbered road; then east 4.75 miles along the unnumbered road to an imaginary point; then south 8.25 miles from said imaginary point along an imaginary line parallel to the Live Oak-Bee County line to its intersection with an unnumbered road; then west along the unnumbered road to its intersection with the Live Oak-Bee County line; then north 3.3 miles along said county line to the point of beginning.

* * * * *

Live Oak County: That portion of the county bounded by a line beginning at a point where Interstate Highway 37 intersects Farm to Market Road (FM) 1358; then east 6.75 miles along FM 1358 to its intersection with an unnumbered road in the settlement of Karon; then east 1.25 miles along the unnumbered road to the Live Oak-Bee County line; then south 7.75 miles along said county line to its intersection with an unnumbered road; then west 2.25 miles along the unnumbered road to its intersection with FM 1596; then northwesterly 5 miles along FM 1596 to its intersection with an unnumbered road; then southwest 3 miles along the unnumbered road to its intersection with Interstate Highway 37; then north along said highway to the point of beginning.

* * * * *

Nueces County: That portion of the county within the city limits of Corpus Christi bounded by a line beginning at a point where State Highway 357 (Saratoga Blvd.) intersects Staples Road; then northerly along Staples Road to its intersection with State Highway 358 (Padre Island Drive); then easterly along State Highway 358 to its intersection with Airline Road; then northerly along Airline Road to its intersection with Ocean Drive; then northwesterly along Ocean Drive to its intersection with Morgan Avenue; then westerly along Morgan Avenue to its intersection with Old Brownsville Road; then southwesterly along Old Brownsville Road to its intersection with State Highway 357; then easterly along State Highway 357 to the point of beginning.

* * * * *

Authority: Secs. 105 and 106, 71 Stat. 32 and 33 (7 U.S.C. 150dd, 150ee); 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 28th day of January 1985.

William F. Helms,

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

[FR Doc. 85–2702 Filed 2–1–85; 8:45 am]

BILLING CODE 3410–34–M

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 613, Amdt. 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 613, Amendment 2, increases the quantity of fresh oranges that may be shipped during the period January 25–31, 1985. Such action is needed to provide for orderly marketing of fresh navel oranges for the period specified due to the marketing situation confronting the orange industry. The Navel Orange Administrative Committee, at a meeting on January 22, 1985, recommended a quantity of oranges that may be shipped during the period February 1–7, 1985. At a meeting on January 29, the committee recommended an amendment to increase the quantity previously recommended for the February 1–7, 1985, period. Based on available supply and demand information and a USDA estimate that the 1984–85 season average fresh equivalent on-tree returns to producers for such oranges will be substantially above parity, it is the decision of the Agricultural Marketing Service not to approve any prorate regulation for the week ending February 7, 1985, nor thereafter until further notice.

DATES: Amended Regulation 613 (§ 907.913) is effective for the period January 25–31, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This amendment is issued under the Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and

information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act by establishing and maintaining, in the interests of producers and consumers, an orderly flow of oranges to market, and avoiding unreasonable fluctuations in supplies and prices for the week ending January 31, 1985. This action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

This action is consistent with the marketing policy for 1984–85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on January 29, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Marketing Agreements and Orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

Section 907.913 Navel Orange Regulation 613 paragraphs (a) through (d) are hereby revised to read:

§ 907.913 Navel Orange Regulation 613.

(a) *District 1:* 1,600,000 cartons;
(b) *District 2:* Unlimited cartons;
(c) *District 3:* Unlimited cartons;
(d) *District 4:* Unlimited cartons.

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

Dated: January 31, 1985.

Thomas R. Clark,

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

[FR Doc. 85–2850 Filed 1–31–85; 1:43 pm]

BILLING CODE 3410–02–M

7 CFR Part 920

Kiwifruit Grown in California; Reporting, Pack, Container Stamping and Inspection Requirements; and Expenses and Assessment for the 1984–85 Fiscal Period

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: The final rule establishes reporting, inspection, container stamping, pack and exempt outlet requirements pursuant to the marketing order for kiwifruit grown in California. Expenses and assessments for the Kiwifruit Administrative Committee for the 1984–85 fiscal period are also established. The rule is designed to implement the newly established kiwifruit marketing order for the benefit of producers and consumers.

EFFECTIVE DATE: February 7, 1985. Sections 920.201 and 920.301 terminate on August 1, 1985.

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

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

A proposed rule was published in the **Federal Register** on December 19, 1984 (49 FR 49302), which contained the actions established herein. That proposed rule provided an opportunity to file comments through January 3, 1985. A notice of an extension of the period for filing comments to January 10, 1985 was published in the **Federal Register** on January 7, 1985 (50 FR 835). Comments were submitted by the Kiwifruit Administrative Committee, Foothill Farms, Gordon W. Heidt, Edward G. Cheak, and Richard M. Peekema. One grower submitted a request to extend the comment filing period an additional 30 days. That request was denied because another extension of time would not be appropriate if any final rule is to apply to the 1984–85 fiscal period, as was indicated in the notice.

The final rule is issued under the marketing agreement and Order No. 920 (7 CFR Part 920; 49 FR 39657), regulating the handling of kiwifruit grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) (hereinafter referred to as the "act"). The rule is based on the recommendations of the Kiwifruit Administrative Committee (hereinafter referred to as the "committee"), the comments received and other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

At its October 12, 1984, meeting, the committee noted that for the past two years, inspection and grading have been on a voluntary basis and concluded that buyer confidence in California kiwifruit is low because some uninspected fruit has been sold which did not meet the specified U.S. Grade. The committee indicated that buyer confidence is necessary for selling the increasing supplies of California kiwifruit. This is especially necessary given the increased level of competition of kiwifruit in world markets. Thus, to develop such buyer confidence the committee recommended the following requirements for the 1984 crop: (1) Mandatory inspection within 14 days of the date of shipment; (2) grade and lot stamping on each container; and (3) pack specifications for kiwifruit shipped in flats.

As authorized in § 920.55, the proposal was to add § 920.301 to specify that for the period ending July 31, 1985, handlers would be required to have all kiwifruit inspected by the Federal-State Inspection Service prior to shipment. For kiwifruit U.S. No. 2 or better, such inspection should be performed within 14 days of shipment. However, this rule waives the 14 day requirement for fruit inspected and certified as unclassified because no purpose would be served by reinspecting such fruit. Also, the proposal was to require that each container be stamped with a lot stamp and a grade stamp. The lot stamp would be supplied by the Inspection Service to signify that the kiwifruit had been inspected. The grade stamp would show the grade as certified by the Inspection Service. The applicable grades would be U.S. Fancy, U.S. No. 1, and No. 2 as specified in the U.S. Standards for Grades of Kiwifruit. Fruit that did not meet one of those standards would be labeled "unclassified". The committee recommended in its comment that § 920.301 should be changed from that

proposed to provide that the grade and lot identification stamp be applied to either the flat or the master container in accordance with normal Federal-State Inspection Service procedures. That is, in order to minimize the burden on handlers and the Inspection Service, the grade stamp would not be applied to individual flats when they were packed in master containers. Also, the lot stamp would be applied by, or under direction of the Inspection Service to an appropriate number of flats or master containers, to achieve positive lot identification, not necessarily every container as proposed.

Comments filed by Foothill Farms, Richard M. Peekema, Gordon W. Heidt and Edward G. Cheak opposed the establishment of the inspection and other regulatory requirements for 1984 crop kiwifruit either because the quality requirements were too lenient, or because it would be unfair, discriminatory or otherwise illegal to regulate only part of the 1984 crop. These commentors maintained that it has not been shown that there exists a marketing problem requiring regulation.

However, such implementation at this time is consistent with the approved committee marketing policy and the conclusions drawn from the February 1984 order promulgation hearing. Specifically, the record indicates that some fruit inspected and certified at time of packing as U.S. No. 1 or No. 2 may not be shipped for several months and may deteriorate in quality during storage or subsequent handling. Thus, buyers receive fruit which does not meet the specified standards, and growers' returns may not even cover harvesting and packing costs, especially when the fruit is shipped on a consignment basis. Taken together, these practices seem to undermine trade confidence. Thus, consumers and growers will benefit by prompt implementation of initial rules and regulations.

Section 920.301 would also require that kiwifruit shipped in flats (containers with six to ten pounds of kiwifruit) meet the pack requirements of the U.S. Standards with a modified tolerance for size variation to bring the pack requirement into conformity with current industry practices. The pack requirements pertain to the size and size uniformity of kiwifruit packed in flats and are necessary to build buyer confidence in California kiwifruit.

As authorized in § 920.55(a), § 920.110(a) would exempt handlers from inspection and certification requirements if the Inspection Service determined that it was not practicable to provide inspection at the time and place designated by the handler. Such a waiver provision is designed to relieve the burden on small handlers, primarily those in remote areas. However, all shipments made under such waivers, should comply with all regulations in effect.

As authorized § 920.54, § 920.110(b) would exempt sales of certain fruit from inspection and other marketing order requirements for minimum quantity sales on the farm, at certified farmers markets, or at retail stands. In response to a comment filed by Richard M. Peekema that flea markets were not included under the exemption, the final rule specifically defines retail stand to include flea markets and any other outlets approved by the committee. Such handling of kiwifruit exempted under § 920.110(b) would be for home use, not for resale. This exemption allows for the sale of additional quantities of fruit and should not materially affect the primary commercial markets for kiwifruit.

The comment filed by Foothill Farms said that this exemption would only result in cheating, game playing and other forms of getting around the rule. However, experience in other orders indicates that such exemption can be enforced so as to minimize possible abuses. Thus, the benefits of the exemption prescribed in § 920.110(b) outweigh the risk of order violation, and that paragraph should be established as provided herein.

As authorized in § 920.60, § 920.160 would require handlers to submit to the committee within five days after the month of shipment, a handler report of shipment and inventory data. In addition, handlers would be required to report the beginning inventory data no later than five days after all fruit is packed. These reports are currently required of all handlers by the California Kiwifruit Commission. Thus, handlers already have the necessary data required and any burden of this requirement would be insignificant. These reports are necessary for compliance and statistical purposes, and may supply additional information on which to base future marketing policies.

In his comment, Richard M. Peekema stated that such reporting and recordkeeping requirements would impose a significant burden on small growers who would for the first time be regulated as handlers since they sold their own fruit. As previously discussed with respect to exemptions, however, such handlers would be exempted from the requirements of §§ 920.60 and 920.160 when they sold fruit in the exempt outlets specified in § 920.110(b).

Section 920.40 authorizes the committee to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning. Section 920.41 provides that the funds to cover such expenses shall be defrayed by levying assessments on handlers of kiwifruit. Thus, for the period October 12, 1984, through July 31, 1985, expenses of $184,500 should be established. That amount includes $93,500 for inspection services pursuant to § 920.55(c), and $91,000 for the administrative costs. These expenses would be covered by assessments on handlers of $0.0275 per container for inspection plus an additional pro rata amount according to the weight of kiwifruit in the container. The committee recommended this assessment schedule as a means to collect funds in a manner that would minimize the burden on handlers to compute such total assessments.

In its comment the committee noted that it did not intend that a master container of flats replace the flat for purposes of assessment and inspection. Thus, § 920.201 has been changed from the proposal to provide that the assessment for a master container of flats shall be computed by multiplying the assessment rate for flats ($0.0545) by the number of flats. Such a change assures a equitable basis for assessment.

The comments submitted by Foothill Farms and Richard M. Peekema both stated that any assessment should not apply on a retroactive basis to October 12, 1984, the effective date of the order. They said such an action would violate Federal law and the Constitution. The order authorizes the collection of assessments for committee expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period. Thus, there is authority for such collection from October 12, 1984. Nevertheless, to exercise such authority in the current fiscal period could place an excessive administrative burden on the committee and handlers since it might be difficult to compute such assessments in the absence of inspection and reporting requirements. Thus, assessments should be collected in the current fiscal period beginning on the effective date of the rules and regulations established herein.

After considering all the comments received, along with information and the recommendations submitted earlier by the committee it is found that upon good cause shown it is impracticable, unnecessary, and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because interested persons

were given an opportunity to submit information and views on the requirements specified in this rule at open meetings at which the committee recommended issuance of such requirements to become effective as soon as possible. California kiwifruit handlers have been apprised of the final rule's provisions; and shipment of these fruits is currently in progress. This rule is intended to improve the orderly marketing of California kiwifruit. The provisions in the final rule, are with minor exceptions, the same as those in a proposed rule published in the **Federal Register**, for which a 22-day comment period was provided.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting or recordkeeping provisions included in this final rule are being submitted for approval to the Office of Management and Budget (OMB). They will not be effective until OMB approval has been obtained.

List of Subjects in 7 CFR Part 920

Marketing Agreements and Orders, Kiwifruit, California.

PART 920—[AMENDED]

Therefore, 7 CFR Part 920 is amended by adding Subpart-Rules and Regulations to include §§ 920.110, 920.160, 920.201 and 920.301 as follows (§§ 920.201 and 920.301 terminate on August 1, 1985, and will not be published in the Code of Regulations):

1. Section 920.110 is added to read as follows:

§ 920.110 Exemptions.

(a) *Waivers.* A handler may handle kiwifruit without inspection and certification, as prescribed under § 920.55, if all shipments made under such waivers comply with all regulations in effect, and all the following conditions are met:

(1) The handler requests the Federal-State Inspection Service to provide inspection during its regular working hours at least 4 hours in advance of the time when inspection is needed. The request need not be in writing but it shall be confirmed immediately in writing by the inspection service.

(2) The Federal-State Inspection Service advises the handler that it is not practicable to provide inspection at the time and place designated by the handler. This advice may be verbal but it shall be confirmed in writing by the Federal-State Inspection Service. A confirmed copy thereof shall be forwarded by the inspection service to the office of the Kiwifruit Administrative Committee.

(3) The Federal-State Inspection Service furnishes the handler with the waiver number which shall cover the kiwifruit on which inspection is requested.

(4) When instructed to do so, the handler plainly and conspicuously marks the end of each container with the letter "W" and the waiver number assigned by the Federal-State Inspection Service. The letter "W" and the number shall not be less than one-half inch in height.

(b) *Minimum quantities.* Notwithstanding any other provision of this section, kiwifruit may be handled without regard to the provision of §§ 920.41, 920.52, 920.55 and 920.60 under the following conditions:

(1) Such kiwifruit are for home use and not for resale.

(2) The net weight of such kiwifruit sold to any one person during any one day does not exceed 200 pounds.

(3) Such kiwifruit are handled by the person who produced them and, the handling takes place: (i) On the premises where grown, (ii) at a packing house, or retail stand (roadside stand, flea market or any other outlet approved by the committee) which is operated by said handler, or (iii) at a Certified Farmers Market.

2. Section 920.160 is added to read as follows:

§ 920.160 Reports.

(a) When requested by the Kiwifruit Administrative Committee, each shipper who ships kiwifruit shall furnish a report of shipment and inventory data to the committee no later than the fifth day of the following month of such shipment, or such other later time established by the committee. That report shall show: (1) The reporting month; (2) the name and other identification of the shipper; (3) the number of containers by type and weight by shipment destination category; (4) inventory at the end of the reporting month by container, and with respect to flats, the size of the kiwifruit; (5) the amount of kiwifruit lost in repack; and (6) the amount of fruit set aside for processing.

(b) *Beginning inventory data.* Each handler shall file with the committee no later than five days after all fruit is packed, or such other later time as the committee may establish, the handler's beginning inventory by container and with respect to flats, the sizes of the kiwifruit packed in such flats.

3. Section 920.201 is added to read as follows:

§ 920.201 Expenses and assessments.

Expenses of $184,500 by the Kiwifruit Administrative Committee are authorized for the period October 12, 1984, through July 31, 1985. The assessment for kiwifruit handled (shipped) beginning February 7, 1985 through July 31, 1985, shall be $0.0275 per container for inspection, plus the following amount as applicable: (1) Flats (6–10 pounds of kiwifruit), $0.0270; (2) containers (11–35 pounds) which are either volume fill or master containers of bags, $0.0776; or (3) bulk containers with 36 or more pounds, $0.00337 per pound: *Provided,* That the assessment for a master container of flats shall be computed by multipying $0.0545 by the number of flats contained in the master container.

4. Section 920.301 is added to read as follows:

§ 920.301 Inspection, pack and container regulations.

(a) On and after February 7, 1985 through July 31, 1985, no handler shall handle (ship) kiwifruit unless prior to handling such kiwifruit meet the following requirements (as applicable):

(1) Each lot of kiwifruit shall be inspected by the Federal or Federal-State Inspection Service: *Provided,* That all kiwifruit which meets the requirements of U.S. Fancy, U.S. No. 1 or U.S. No. 2 grades and is so stamped on each container or master container pursuant to paragraph (a)(2) of this section, shall be inspected and certified as meeting such requirements within 14 days of shipment.

(2) The containers or master containers of kiwifruit shall be plainly stamped in accordance with normal Federal-State Inspection Service procedures, prior to shipment, with a Federal-State Inspection Service lot identification stamp number, assigned by such Service, showing that such kiwifruit have been inspected in accordance with § 920.55. In addition, each container or master container shall be stamped with the grade classification, determined pursuant to paragraph (a)(1) of this section, as follows: U.S. Fancy, U.S. No. 1, U.S. No. 2, or, for kiwifruit which does not meet any of those grades, unclassified.

(3) All kiwifruit shipped in flats shall meet the standard pack requirements contained in § 51.2338 of the U.S. Standards for Grades of Kiwifruit: *Provided,* That fairly uniform in size shall mean the diameter of fruit in containers numerically marked to denote size may not vary more than ½ inch (12.7 mm) in size 30 and larger; not more than ⅜ inch (9.5 mm) in sizes 31

thru 38; and not more than ¼ inch (6.4 mm) in size 39 and smaller. Not more than five percent by count of the fruit in any container may be outside the diameter range specified for the respective size.

(b) As used herein, "U.S. Fancy", "U.S. No. 1" and "U.S. No. 2" mean the same as defined in the United States Standards for Grades of Kiwifruit (7 CFR 51.2335—51.2340). "Flat" means a container holding kiwifruit which weigh in the aggregate six to ten pounds.

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

Dated: January 30, 1985 to become effective February 7, 1985. Sections 920.201 and 920.301 terminate on August 1, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85–2829 Filed 1–31–85; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83–ASW–47; Amdt. 39–4988]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 47 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of any incorrect AN/NAS standard bolts, installed in certain flight control applications, with the required Bell Helicopter Textron, Inc., standard bolts on all Bell Model 47 helicopters equipped with 37-foot diameter main rotor systems and hydraulic boost in longitudinal and lateral cyclic flight control systems. The AD is needed to prevent failure of the incorrect AN/NAS standard bolts which could cause the loss of a helicopter as a result of inoperative flight controls.

DATES: Effective February 6, 1985. Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable alert service bulletin may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101.

A copy of the alert service bulletin is contained in the Rules Docket located at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth Texas 76106.

FOR FURTHER INFORMATION CONTACT: Tyrone D. Millard, Helicopter Certification Branch, ASW–170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth Texas 76101, telephone number (817) 877–2594.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of any incorrect AN/NAS standard bolts, installed in certain flight control applications, with the required Bell Helicopter Textron, Inc. (BHTI), standard bolts on all Bell Model 47 helicopters equipped with 37-foot diameter main rotor systems and hydraulic boost in longitudinal and lateral cyclic flight control systems, was published in the **Federal Register** on February 28, 1984.

The proposal was prompted by two failures of AN standard bolts installed in flight control applications where BHTI standard bolts are used. Incorrect AN/NAS standard bolts which are installed in flight control application could fail resulting in inoperative flight controls.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The FAA has determined that this regulation only involves 850 aircraft at an approximate cost of $95 per aircraft. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron, Inc.: Applies to Model 47G–2A, G–2A–1, G–3, G–3B, G–3B–1, G–3B–2, G–3B–2A, G–4, G–4A, G–5, G–5A, J, J–2, J–2A, and K helicopters with 37-foot diameter main rotor systems and hydraulic boost in longitudinal and lateral cyclic flight control systems, certificated in all categories.

(Airworthiness Docket No. 83–ASW–47).

Compliance is required within the next 100 hours' time in service after the effective date of this AD.

To prevent critical flight control failure in the main rotor system, accomplish the following:

(a) Inspect for and remove any incorrect AN/NAS standard bolts installed between hydraulic servo and swashplate control plate, Part Number (P/N) 47–150–184–7, which are not listed in the applicable and current illustrated parts breakdown manual. For removal of incorrect AN/NAS standard bolts, utilize the applicable maintenance and overhaul instructions.

(b) Install, torque, and safety, required Bell Helicopter Textron, Inc., standard bolts, utilizing applicable and current maintenance and overhaul instructions and illustrated parts breakdown manual.

(c) Inspect flight control system for safety and security.

(d) Any equivalent method of compliance with this AD must be approved by the Manager, Helicopter Certification Branch, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

(e) Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to fly the aircraft to a base where the requirements of this AD may be accomplished.

(Bell Helicopter Alert Service Bulletin No. 47–83–8 pertains to this subject)

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

This amendment becomes effective February 6, 1985.

Issued in Fort Worth, Texas, on January 17, 1985.

C.R. Melugin Jr.,

Director, Southwest Region.

[FR Doc. 85–2739 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ACE–11]

Alteration of Transition Area; Lawrence, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Lawrence, Kansas, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lawrence Municipal Airport, Lawrence, Kansas, utilizing the Topeka, Kansas VORTAC as a navigational aid. The intended

effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: April 11, 1985.

FOR FURTHER INFORMATION CONTACT: Dale L. Carnine, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, an additional instrument approach procedure is being developed for the Lawrence, Kansas, Municipal Airport utilizing the Topeka, Kansas, VORTAC as a navigational aid. The establishment of this new instrument approach procedure based on this approach aid entails alteration of the transition area at Lawrence, Kansas, at or above 700 feet above the ground within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984.

Discussion of Comments

On Pages 46155 and 46156 of the **Federal Register** dated November 23, 1984, the FAA published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lawrence, Kansas. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, by altering the following transition area:

Lawrence, KS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lawrence Municipal Airport (latitude 39°00'41" N; longitude 95°12'56" W); within 2 miles each side of the Topeka, Kansas VORTAC 116° radial, extending from the 5-mile radius area to 13 miles SE of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles NW of the airport, counter-clockwise within the 5-mile radius area to within 2 miles each side of the 145° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 9 miles SE of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69))

This amendment becomes effective at 0901 GMT April 11, 1985.

Issued in Kansas City, Missouri, on January 21, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85-2743 Filed 2-1-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Office of Regulatory Affairs Officials, et al.

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to certification of true copies and use of the Department seal; disclosure of official records; research, investigation, and testing programs and health promotion programs; and service fellowships. Titles of officials delegated the authorities above are being updated where appropriate.

EFFECTIVE DATE: February 4, 1985.

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

SUPPLEMENTARY INFORMATION: The reorganization of November 15, 1984 (49 FR 45260), merged the Executive Director of Regional Operations (EDRO) into the Office of Regulatory Affairs (ORA).

This document revises § 5.22 *Certification of true copies and use of Department seal* (21 CFR 5.22); § 5.23 *Disclosure of official records* (21 CFR 5.23); § 525 *Research, investigation, and testing programs and health information and health promotion programs* (21 CFR 5.25); and § 5.26 *Service fellowships* (21 CFR 5.26). This document also deletes references to EDRO officials, adds ORA officials to the delegations where appropriate, and otherwise corrects titles of officials in other organizations which were changed by earlier reorganizations.

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

List of Subjects in 21 CFR Part 5

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

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

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. By revising § 5.22, to read as follows:

§ 5.22 Certification of true copies and use of Department seal.

(a) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of records on file within the Food and Drug Administration, and to cause the seal of the Department to be affixed to such certifications:

(1) The Associate and Deputy Associate Commissioners.

(2) The Director, Executive Secretariat.
(3) The Executive Officer, Office of the Commissioner.
(4)(i) The Director and Deputy Director, Office of Enforcement, Office of Regulatory Affairs (ORA).
(ii) The Director and Deputy Director, Office of Regional Operations, ORA.
(iii) The Director, Office of Regulatory Resource Management, ORA.
(iv) The Chief, Administrative Management Staff, Office of Regulatory Resource Management, ORA.
(5)(i) The Director, Division of Management Systems and Policy, Office of Management and Operations (OMO).
(ii) The Chief, Dockets Management Branch, Division of Management Systems and Policy, OMO.
(6) The Director, Freedom of Information Staff, Office of Legislation and Information.
(7)(i) The Director and Deputy Director, Center for Drugs and Biologics (CDB).
(ii) The Director, Office of Management, CDB.
(iii) The Director and Deputy Director, Office of Consumer and Professional Affairs, CDB.
(iv) The Chief, Freedom of Information Branch, the Chief, Biologics Information Section, and Freedom of Information Officers, Office of Consumer and Professional Affairs, CDB.
(v) The Directors and Deputy Directors of the Offices of Drug Research and Review, Biologics Research and Review, Drug Standards, Epidemiology and Biostatistics, and Compliance, CDB.
(vi) The Directors of the Divisions of Drug Quality Evaluation, Drug Labeling Compliance, and Drug Quality Compliance, Office of Compliance, CDB.
(8)(i) The Director and Deputy Director, Center for Food Safety and Applied Nutrition (CFSAN).
(ii) The Director, Office of Management, CFSAN.
(iii) The Director, Office of Compliance, CFSAN.
(iv) The Director, Division of Regulatory Guidance, and the Director, Division of Cooperative Programs, Office of Compliance, CFSAN.
(v) The Director, Division of Food Technology, Office of Nutrition and Food Sciences, CFSAN.
(9)(i) The Director and Deputy Director, Center for Devices and Radiological Health (CDRH).
(ii) The Director and Deputy Director, Office of Management and Systems, CDRH.
(iii) The Director and Deputy Director, Office of Compliance, CDRH.
(iv) The Director, Division of Compliance Operations, Office of Compliance, CDRH.
(10)(i) The Director and Deputy Director, Center for Veterinary Medicine (CVM).
(ii) The Director and Deputy Director, Office of Management, CVM.
(iii) The Director and Deputy Director, Office of Surveillance and Compliance, CVM.
(iv) The Director and Deputy Director, Division of Compliance, Office of Surveillance and Compliance, CVM.
(11)(i) The Director and Deputy Director, National Center for Toxicological Research (NCTR).
(ii) The Director, Office of Management, NCTR.
(12)(i) Regional Food and Drug Directors.
(ii) District Directors.
(iii) Chiefs of Station Offices.
(iv) The Director, Winchester Engineering and Analytical Center.
(v) The Director, Minneapolis Center for Microbiological Investigations.
(vi) The Director, New York Laboratory Division, Region II.
(vii) The Director, Science Division, Region IV.
(b) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents:
(1) The Associate and Deputy Associate Commissioners.
(2) The Director, Division of Human Resources Management, Office of Management and Operations.
(c) The Chief, Regulations Editorial Staff and his/her alternates, Division of Regulations Policy, Office of Enforcement, ORA, are authorized to certify true copies of **Federal Register** documents.

2. By revising § 5.23(a) (4) and (5), to read as follows:

§ 5.23 Disclosure of official records.

(a) * * *
(4) The Chief, Dockets Management Branch, Division of Management Systems and Policy, Office of Management and Operations.
(5) Program officials at all organizational levels down to and including branch level for all Headquarters organizations.
* * * * *

§ 5.25 [Amended]

3. By removing paragraph (a)(6) of § 5.25 *Research, investigation, and testing programs and health information and health promotion programs.*

4. By revising § 5.26(g), to read as follows:

§ 5.26 Service fellowships.

* * * * *

(g) The Director, Office of Regulatory Resource Management, Office of Regulatory Affairs.

Effective date. This regulation shall become effective February 4, 1985.

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

Dated: January 28, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-2735 Filed 2-1-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 84F-0011]

Indirect Food Additives: Adjuvants, Production Aids, And Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane as an antioxidant/stabilizer in ethylene-vinyl acetate copolymers used in contact with alcoholic foods. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective February 4, 1985; objections by March 6, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 21, 1984 (49 FR 25520), FDA announced that a food additive petition (FAP 4B3764) had been filed by Ciba-Geigy Corp., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]methane as an antioxidant/stabilizer in ethylene-vinyl acetate copolymers that comply with 21

CFR 177.1350 and that are used in articles contacting alcoholic foods.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

Currently, use of the subject additive in ethylene-vinyl acetate copolymers is restricted to articles that contact nonalcoholic foods, at a maximum level of 0.5 percent by weight of the ethylene-vinyl acetate article. The agency has reflected this restriction by including the authorization for the use of the subject additive in ethylene-vinyl acetate copolymers that comply with § 177.1350 in entry 3 of the list of limitations on the use of the additive in § 178.2010. This entry includes all of the authorizations for use of the subject additive in polymers that contact nonalcoholic foods.

The petitioner has requested that the use of the subject additive in ethylene-vinyl acetate copolymers complying with § 177.1350 be moved from entry 3 and included in a new entry that would permit its use in such copolymers that contact alcoholic, as well as nonalcoholic, foods. The agency is modifying the existing regulation for this additive accordingly. It should be noted that in accord with the data presented by the petitioner, the maximum permitted use level of the additive in ethylene-vinyl acetate articles that contact alcoholic foods is restricted to 0.2 percent by weight and thus differs from the level, cited above, that is permitted for such articles that contact nonalcoholic foods.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously concluded that this action will not have a significant impact on the human environment and that an environmental impact statement is not required. FDA has not received any new information or comments that would alter its previous determination that there is no significant impact on the human environment, and that an environmental impact statement is not required. The evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Food Safety and Applied Nutrition (21 CFR 5.61), Part 178 is amended in § 178.2010(b) by amending the entry for the substance "Tetrakis[methylene(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane" by revising entry 3 and adding a new entry 10 to the list of limitations to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* *	* * *
Tetrakis[methylene)3,5-di-*tert*-butyl-4-hydroxy-hydrocinnamate)] methane (CAS Reg. No. 6683-19-8).	For use only: * * * 3. At levels not to exceed 0.5 percent by weight of the following polymers when used in articles that contact nonalcoholic food: Polystyrene and rubber-modified polystyrene complying with § 177.1640 of this chapter; ethylene-acrylic acid copolymers complying with § 177.1310 of this chapter; ethylene-methacrylic acid copolymers, ethylene-methacrylic acid-vinyl acetate copolymers and their partial salts complying with § 177.1330 of this chapter; isobutylene polymers complying with § 177.1420 of this chapter; and styrene butadiene copolymers used in compliance with regulations in Parts 174, 175, 176, 177, 178, and § 179.45 of this chapter. * * * 10. At levels not to exceed 0.5 percent by weight of ethylene-vinyl acetate copolymers complying with § 177.1350 of this chapter, except that when such polymers are used in articles that contact alcoholic food, the use level shall not exceed 0.2 percent by weight, and the articles may be used only under conditions of use E, F, and G described in Table 2 of § 176.170(c) of this chapter.
* *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 6, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading on this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation is effective February 4, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: January 25, 1985.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-2733 Filed 2-1-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 85-007]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and special local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations

are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between October 1, 1984 and December 31, 1984 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 426-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since Marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period October 1, 1984 through December 31, 1984 unless otherwise indicated:

Docket Number	Location	Type	Date
COTP Boston, MA, Reg. 84-14	Salem Sound/Harbor	Safety Zone	8 NOV 84
COTP Boston, MA, Reg. 84-13	Salem Sound/Harbor	Safety Zone	1 NOV 84
COTP Providence, RI, Reg. 84-02	Narragansett Bay	Safety Zone	28 OCT 84
COTP Providence, RI, Reg. 84-03	Narragansett Bay	Safety Zone	9 DEC 84
COTP Memphis, TN, Reg. 84-10	Mississippi River, Mile 786.0	Safety Zone	17 OCT 84
COTP Memphis, TN, Reg. 84-11	Mississippi River, Mile 811.0	Safety Zone	3 NOV 84
COTP Louisville, KY, Reg. 84-11	Ohio River, Mile 612.0	Safety Zone	27 OCT 84
COTP Memphis, TN, Reg. 84-04	McKellar Lake, Memphis, TN	Safety Zone	3 OCT 84
CCGD2 84-45	Tennessee River, Mile 425.0	Spec. Local Regulations	20 OCT 84
CCGD3 84-67	N.Y. Upper Bay, Lower Hudson River	Safety Zone	16 OCT 84
CCGD3 84-68	N.Y. Harbor, Newark Bay	Security Zone	12 OCT 84
CCGD3 84-72	Jamaica Bay	Security Zone	26 OCT 84
CCGD3 84-66	N.Y. Upper Bay, Lower Hudson River	Safety Zone	8 OCT 84
CCGD3 84-71	N.Y. Hudson River, East River	Security Zone	19 OCT 84
CCGD3 84-69	Jamaica Bay	Security Zone	18 OCT 84
CCGD3 84-70	N.Y. Upper Bay, Lower Hudson River	Security Zone	18 OCT 84
CCGD3 84-66	N.Y. Upper Bay, Lower Hudson River	Safety Zone	8 OCT 84
CCGD3 84-78	Riverhead, Long Island, N.Y.	Safety Zone	13 DEC 84
CCGD3 84-75	Long Island Sound, CT-NY	Security Zone	5 DEC 84
CCGD3 84-75	Long Island Sound, CT-NY	Security Zone	19 DEC 84
COTP New London, CT, CCGD3 84-76	Thames River, New London, CT	Safety Zone	8 DEC 84
COTP Hampton Roads, VA, Reg. 84-15	Thimble Shoal Channel	Safety Zone	1 NOV 84
COTP Hampton Roads, VA, Reg. 84-13	S. Branch Elizabeth River	Safety Zone	1 NOV 84
COTP Wilmington, NC, Reg. 84-06	Cape Fear River	Safety Zone	4 NOV 84
COTP Wilmington, NC, Reg. 84-07	Cape Fear River	Safety Zone	16 NOV 84
COTP Hampton Roads, VA, Reg. 84-08	James River	Safety Zone	13 OCT 84
COTP Hampton Roads, VA, Reg. 84-14	James River	Security Zone	27 OCT 84
COTP Hampton Roads, VA, Reg. 84-16	Anchorage—Cape Henry, VA	Safety Zone	17 DEC 84
COTP Miami, FL, CCGD7 84-38	Port Everglades Harbor, FL	Safety Zone	1 NOV 84
COTP Miami, FL, CCGD7 84-37	Lummus Island, Miami, FL	Safety Zone	16 OCT 84
COTP Miami, FL, CCGD7 84-44	Fishermans Channel, Biscayne Bay	Safety Zone	1 DEC 84
COTP Jacksonville, FL, Reg. 84-45	Jacksonville Beach, FL	Safety Zone	30 NOV 84
CCGD7 84-47	Matheson Hammock, FL	Spec. Local Regulations	22 DEC 84
CCGD7 84-43	Annual Christmas Boat Parade, Intracoastal Waterway	Spec. Local Regulations	14 DEC 84
CCGD7 84-42	Lighthouse Point Yacht Club, Christmas Parade	Spec. Local Regulations	14 DEC 84
CCGD7 84-36	5th Annual, Flagler National Bank, Holiday Boat Parade	Spec. Local Regulations	20 DEC 84
CCGD7 84-46	Key Biscayne Yacht Club, Light Boat Parade	Spec. Local Regulations	16 DEC 84
CCGD7 84-41	Boca Raton, Christmas Boat Parade	Spec. Local Regulations	16 DEC 84
COTP Mobile, AL Reg. 84-02	Gulfport, MS	Security Zone	1 OCT 84
COTP New Orleans, LA Reg. 84-11	Gulf Intracoastal Waterway, Mile 35.0	Safety Zone	24 JUL 84
COTP New Orleans, LA Reg. 84-13	Mississippi River, Mile 90.2	Safety Zone	21 APR 84
CCGD11 84-75	Santa Monica Bay, CA	Spec. Local Regulations	18 OCT 84
COTP San Diego, CA Reg. 84-08	San Diego Bay, CA	Safety Zone	11 NOV 84
CCGD11 84-82	Colorado River, Mile 179.5	Spec. Local Regulations	16 NOV 84
CCGD11 84-80	London Bridge, Day's Ski Show	Spec. Local Regulations	6 OCT 84
CCGD11 84-68	Marina del Rey, Offshore Powerboat Race	Spec. Local Regulations	16 SEP 84
CCGD11 84-70	Laughlin, NV	Spec. Local Regulations	6 OCT 84
COTP San Diego, CA Reg. 84-07	San Diego, CA	Security Zone	22 OCT 84
CCGD11 84-91	Newport Harbor, CA	Spec. Local Regulations	17 DEC 84
COTP San Francisco, CA Reg. 84-05	San Francisco Bay	Safety Zone	18 NOV 84
COTP Honolulu, HI Reg. 84-05	Molokini Island, HI	Safety Zone	27 NOV 84

Dated: January 30, 1985.

C.M. Holland,

Captain, U.S. Coast Guard, Executive Secretary, Marine Safety Council.

[FR Doc. 85-2788 Filed 2-1-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 222

Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: This document establishes a new closing date for the receipt of applications for assistance for fiscal year (FY) 1985 under sections 2 and 3 of Pub. L. 81-874, the Impact Aid Program. The closing date is being extended from January 31, which is in the current regulations, to March 21, 1985. The new date will be effective for FY 1985 only. The distribution of application forms was delayed this year, and the extension is necessary to allow adequate time for applicant local educational agencies to complete their applications.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the Federal Register. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Farning, Chief, School Assistance Branch, Division of Impact Aid, Department of Education, 400 Maryland Avenue, SW. (FOB-6, Room 2059), Washington, D.C. 20202-6272. Telephone: (202) 245-8171.

SUPPLEMENTARY INFORMATION: This amendment does not make a substantive change in the regulations for the Impact Aid Program. The closing date of March 21, 1985 will be effective for FY 1985 only. Otherwise, the closing date for applications for sections 2 and 3 is January 31, contained in the current program regulations (34 CFR 222.11(a)).

This change in the closing date will not delay regular impact aid payments under section 3(c)(1) of Pub. L. 81-874 for those LEAs whose applications were received by January 31. However, payments for other section 3(c)(1) applications and payments under section 3(d)(2)(B) and section 2 may be delayed by the time extension.

It is the practice of the Department of Education to provide an opportunity for public comment on proposed regulations. However, because this amendment is a procedural rule, the Secretary has determined that publication of this document as a proposed rule for public comment is not required under 5 U.S.C. 553(b)(A).

(Catalog of Federal Domestic Assistance No. 84.041, School Assistance in Federally Affected Areas—Maintenance and Operation.)

Dated: January 31, 1985.

Gary L. Jones,

Acting Secretary of Education.

The Secretary amends Part 222 of Title 34 of the Code of Federal Regulations as follows:

Part 222—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR EDUCATION OF CHILDREN WHERE LOCAL EDUCATIONAL AGENCIES CANNOT PROVIDE SUITABLE FREE PUBLIC EDUCATION

Section 222.11 is amended by adding a new paragraph (g) to read as follows:

§ 222.11 Final date for filing applications.

* * * * *

(g) Notwithstanding paragraph (a) of this section, the final date for filing an application for financial assistance for fiscal year 1985 under sections 2 and 3 of the Act is March 21, 1985.

(20 U.S.C. 240(a)(1))

[FR Doc. 85-2882 Filed 1-31-85; 4:55 pm]

BILLING CODE 4000-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

[Acquisition Circular AC-85-2]

Threshold for Application of Trade Agreements Act

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular provides the new dollar threshold required for the applicability of the Trade Agreements Act of 1979 as authorized by the U.S. Trade Representative under E.O. 12260. The intended effect is to provide guidance to GSA contracting activities pending a revision to the Federal Acquisition Regulation.

DATES: Effective date: January 25, 1985.

Expiration date: This Acquisition Circular will expire July 25, 1985, unless canceled earlier or extended.

Comment date: Comments must be submitted on or before March 6, 1985.

ADDRESS: Comments may be submitted to Carol A. Farrell, 18th and F Sts., NW., Room 4027, Office of GSA Acquisition Policy and Regulations, Washington, D.C. 20405, (202) 523-3822.

FOR FURTHER INFORMATION CONTACT: Frank Padula, Office of GSA Acquisition Policy and Regulations (VP), (202) 524-3823.

SUPPLEMENTARY INFORMATION: Pursuant to 41 U.S.C. 450(h)(1), a determination has been made to waive the requirement for publication of procurement procedures for public comment before the regulation takes effect. The January 1, 1985, effective date for the change in the dollar threshold under the Trade Agreements Act of 1979, creates an urgent and compelling circumstance which makes advance publication impracticable. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Therefore, no regulatory flexibility analysis has been prepared. This circular does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

Authority: 40 U.S.C. 486(c).

In 48 CFR Chapter 5, the following Acquisition Circular is added to Appendix C at the end of the Chapter to read as follows:

January 25, 1985.

General Services Administration Acquisition Regulation; Acquisition Circular No. AC-85-2

To: All GSA contracting activities.

Subject: Threshold for application of Trade Agreements Act.

1. *Purpose.* This Acquisition Circular is issued to provide guidance on implementing the change in the dollar threshold for applicability of the Trade

Agreements Act, pending a formal revision to the Federal Acquisition Regulation (FAR).

2. *Background.* The United States Trade Representative (TR) is authorized under Executive Order 12260 to determine the appropriate dollar threshold required for the applicability of the Trade Agreements Act of 1979. The TR changed the threshold from $161,000 to $156,000 effective January 1, 1985. (See 49 FR 44959, November 13, 1984.)

3. *Effective date.* January 25, 1985.

4. *Expiration date:* This Acquisition Circular expires 6 months after issuance (July 25, 1985) unless canceled earlier or extended.

5. *Reference to regulation.* Section 25.402(a), 25.402(c), 25.403(a), 25.405, 25.405(e) and 52.225-9 of the Federal Acquisition Regulation and Section 553.370-3507 of the General Services Administration Acquisition Regulation.

6. *Instructions/Procedures.*

(a) Annotate FAR 25.402(a), 25.402(c), 25.403(a), 25.405 and 25.405(e) to reflect the new dollar threshold of $156,000.

(b) A class deviation to FAR clause 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payments Program (APR 1984), has been approved authorizing contracting officers to change the dollar threshold appearing in paragraph (b) of the clause from $161,000 to $156,000.

(c) Pending a revision of the GSA Form 3507, Supply Contract Clauses, contracting officers shall notify bidders/offerors of the revision to the FAR clause by including a clause substantially as follows in solicitations and contracts subject to the Trade Agreements Act:

Trade Agreements Act—Applicability (January 1985)

Article 30 (FAR 52.225-9 Buy American Act—Trade Agreements Act—Balance of Payments Program (APR 1984)) of GSA Form 3507 is amended by changing the dollar value specified in paragraph (b) from $161,000 to $156,000.

(d) All solicitations issued on or after January 1, 1985, that are subject to the Trade Agreements Act shall cite the new dollar threshold of $156,000.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

[FR Doc. 85-2726 Filed 2-1-85; 8:45 am]

BILLING CODE 6820-61-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1312

[Ex Parte No. MC-97 (Sub-2)]

Investigation Into Practices of Motor Common Carriers of Property on Residential and Redelivered Shipments

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The Commission is eliminating the regulations set forth at 49 CFR 1312.28(c)(3), which govern the assessment of charges by motor common carriers on shipments to or from private residences and similar locations and require prenotification before delivery to those locations. This action is being taken to allow carriers to adopt residential delivery rules tailored to meet their needs and the needs of the shipping public.

EFFECTIVE DATE: May 6, 1985.

FOR FURTHER INFORMATION CONTACT: Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Notice of proposing removal of § 1310.15(e) was published at 48 FR 55149, December 9, 1983. At 49 FR 38614, October 1, 1984, in No. 37321, *Revision of Tariff Regulations, All Carriers,* former § 1310.15(e) was absorbed unto new Part 1312 as § 1312.28(c)(3).

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C., 20423 or call 289-4327 (D.C. metropolitan area) or toll free (800) 424-5403.

We reiterate the certification in the December 8, 1983, notice that this action will not have a significant economic impact on a substantial number of small entities because we are allowing rules tailored to meet the needs of carriers and the shipping public.

The present residential delivery rules should be deleted. This decision does not significantly affect the quality of the human environment or energy conservation.

List of Subjects in 49 CFR Part 1312

Motor Carriers.

§ 1312.28 [Amended]

Title 49 of the Code of Federal Regulations is amended by removing paragraph (c)(3) of § 1312.28.

Authority: 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: January 15, 1985.

By the Commission, Chairman Taylor, Vice Chairman Andre, Commissioners Sterrett, Gradison, Simmons, Lamboley and Strenio. Commissioner Gradison commented with a separate expression. Commissioners Simmons and Lamboley dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 85-2808 Filed 2-1-85; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1312

[Ex Parte No. 435]

Modify Rules Governing Tariff Amendments

AGENCY: Interstate Commerce Commission.

ACTION: Correction of final rule.

SUMMARY: The Commission is correcting a provision which it inadvertently adopted in its notice of final rules for this proceeding. Those rules authorize delayed transmission of tariff publications to subscribers only when they agree to it in writing in advance. The correction will allow presently effective rules permitting a delay in the transmission of short-notice tariff publication to subscribers for five calendar days after the date copies for official filing are sent to the Commission to remain in effect.

DATE: The effective date of the correction is February 4, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence C. Herzig (202) 275-7151.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** at 50 FR 459, January 4, 1985, the Commission adopted a final rule in this proceeding which would authorize delayed transmission of tariff publications to subscribers only when they agree to it in writing in advance. Several motor carrier rate bureaus have filed petitions for a stay and petitions for reopening of this proceeding. The bureaus show that the presently effective rule at 49 CFR 1312.6. provides that new short-notice publications shall be sent to each subscriber within five calendar days of the date of copies for official filing are sent to the Commission. Short-notice publications are defined as publications authorized to be filed without notice or on notice of less than ten days. Under the terms of the rule which was adopted in this proceeding authority to delay the transmission of short-notice publications would no longer be automatic and could only be obtained by an advance written agreement by a

subscriber to such a delay. This rule change was not intended and therefore we are correcting the final rule in order to maintain the automatic authority to delay the transmission of short-notice tariff publications. This action will satisfy the concerns of the petitioning bureaus and therefore their petitions will be dismissed.

This decision is issued pursuant to 5 U.S.C. 553 and 49 U.S.C. 10762.

It is ordered:

1. The final rules adopted in this proceeding are corrected to the extent shown in the appendix.

2. The petitions for stay and petitions for reopening are dismissed.

Decided: January 31, 1985.

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

James H. Bayne;

Secretary.

Appendix

PART 1312—REGULATIONS FOR THE PUBLICATION POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

1. Paragraphs (a) through (c) of § 1312.6 were revised at 49 FR 459, January 4, 1985. Paragraphs (a) through (c) are correctly revised to read as follows:

§ 1312.6 Furnishing copies of tariff publications.

(a) *Definitions.* "Subscriber," as used in this section means any party other than carrier participants in the tariff that is voluntarily furnished, or any party that requests that it be furnished, one or more copies of a particular tariff with or without subsequent amendments or reissues of that tariff. "Short-notice publication," as used in this section means a tariff publication authorized to be filed without notice or on notice of less than 10 days.

(b) *Sending new publications to subscribers.* (1) The publishing carrier or agent shall send each newly-issued tariff, supplement, or loose-leaf page as requested to each subscriber by first class mail, or other means requested in writing by the subscriber.

(2) Newly-issued tariffs, supplements, or loose-leaf pages other than short-notice publications shall be sent to each subscriber not later than the time the copies for official filing are sent to the Commission except that with the advance, written permission of the subscriber any publication may be sent not later than 5-working days after the time the copies are sent to the Commission. New short-notice publications shall be sent to each subscriber within 5 calendar days of the date the copies for official filing are sent to the Commission.

(3) Carriers or agents may, if acceptable to a subscriber, furnish only specific portions of original tariffs and amendments affecting those portions.

(c) Certification. The letter of transmittal accompanying the copies to the Commission shall contain the following certification:

I certify that compliance with 49 CFR 1312.6 has been [in the case of advance agreements by the subscriber to delayed transmission or in the case of short-notice publications 'will be'] made.

[FR Doc. 85-2865 Filed 2-1-85; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 50, No. 23
Monday, February 4, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

Documentary Requirements; Nonimmigrants; Waivers Admission of Certain Inadmissible Aliens; Parole; Direct Transits; Restriction for Citizens of Bangladesh, India, Pakistan and Sri Lanka

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The proposed rule restricts citizens of Bangladesh, India, Pakistan and Sri Lanka from transiting the United States without visas. This waiver of visas for transits from the above mentioned countries has become a means of circumventing immigration laws once they arrive in the United States. An increasing number of aliens use the transit without visa provision to get into the United States under the guise of transit passengers and have no intention of continuing on to a third country. These individuals either abscond from the custody of the airline that brought them to the United States or continue on to the third country which by design is usually contiguous to the United States or is an adjacent island. From there they often return to the United States effecting an entry without inspection with the help of organized smuggling rings. In an effort to control this continued abuse of transit without visa privileges, the Immigration Service is proposing to add the four countries noted above to the list of countries whose nationals are precluded from transiting through the United States without a visa.

DATE: Comments must be received on or before March 6, 1985.

ADDRESS: Please submit written comments in duplicate to the Director of Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 2011, Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, Telephone: (202) 633–3048

For Specific Information: Janet M. Charney, Immigration Inspector, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, Telephone: (202) 633–2694

SUPPLEMENTARY INFORMATION: The Immigration Service has found that in comparison to other nationalities, large numbers of nationals from Bangladesh, India, Pakistan, and Sri Lanka have continually abused the transit without visa provisions of the Immigration and Nationality Act. Many of these individuals abscond from the custody of the airlines which brought them to the United States and which are legally responsible for facilitating their departure from the United States on a particular flight. This transit without visa provision is also being used by many of these people to travel through the United States to Central America where they are smuggled back into the United States across the Southern border by organized syndicates.

On February 24, 1982, at 47 FR 8005 the Service restricted Afghanistan citizens from transiting the United States without visas. Though the Afghan case differs from the four nationalities now at issue, all are examples of how the waiver of visas for transits are used as a means of circumventing immigration laws. The Afghans used the transit provisions as a means of effecting entry into the United States where they promptly applied for asylum thereby circumventing refugee procedures abroad. This same situation is developing with regard to citizens of Sri Lanka and Bangladesh. In light of this, the Government of Canada, which shares many of the same immigration problems we have, has instituted visa requirements for Sri Lankans and Bangladeshis. This is in reponse to the large number of nationals from these countries who have similarly attempted to circumvent Canadian Immigration law by using their visa exempt privileges. In Montreal alone, there was an average of eighty asylum requests per month as of March, 1983. This number included Sri Lankans and Bangledeshis as well as Iranians.

In an example of the fallout from stricter Canadian legal requirements for entry, nineteen Sri Lankans who now require Canadian visas were refused boarding on a flight to Canada from the United States where they had arrived as transits. The carrier was concerned about being fined by the Canadian authorities for bringing improperly documented aliens into Canada. The entire group of nineteen then immediately asked for asylum in the United States.

A current trend involves Bangladesh nationals transiting through Bermuda to the Bahamas where they are smuggled into the United States from Bimini and instructed on how to obtain illegal employment. These smuggling attempts are highly organized and as a result, the United States Government through the Department of State is attempting to engage the support the Governments of Bermuda and the Bahamas in dealing with this problem. Many of these individuals had originally transited without visa through the U.S. to the Bahamas.

Nationals of India and Pakistan have also taken advantage of the transit without visa provisions in the law to effect illegal entry into the United States. More recently, many Afghanis and Iranians who are precluded by regulation from transiting without a visa have attempted entry using Pakistani and Indian passports which they have been able to obtain with relative ease. The impact from this problem has been felt in Canada as well. As a result, the Canadians included Pakistan on the list of countries requiring visas in 1977 and the Indians were added to the list in 1981.

In an attempt to prevent the continued circumvention of immigration law, the Service is reviewing the entire transit without visa program. As a preliminary step, the Immigration Service is withdrawing the transit without visa privilege as it applies to citizens of Bangladesh, India, Pakistan, and Sri Lanka.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule

would not be a major rule as defined in section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure Aliens Foreign officials Passports and visas Travel restrictions.

Accordingly, it is proposed to amend Chapter I of Title 8 of the Code of Federal Regulations as follows:

PART 212—DOCUMENTARY REQUIREMENT: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. In 212.1, paragraph (e) would be revised to read as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(e) *Direct transits*—(1) *Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I–426 to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided,* That such alien is in possession of a travel document or documents establishing his/her identity and nationality and ability to enter some country other than the United States.

(2) *Waiver of passort and visa.* On the basis of reciprocity, the waiver of passport and visa is available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he/she is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

(3) *Unavailability to transit.* This waiver of passport and visa requirement is not available to an alien who is a citizen of Afghanistan, Bangladesh, Cuba, India, Iran, Iraq, Pakistan or Sri Lanka. This waiver of passport and visa requirement is not available to an alien who is a citizen or national of North Korea (Democratic People's Republic of Korea) or Democratic Republic of Vietnam and is a resident of the said countries.

(4) *Foreign government officials in transit.* If an alien is of the class described in section 213(d)(8) of the Act, only a valid unexpired visa and a travel document valid for entry into a foreign country for at least 30 days from the date of admission to the United States are required.

* * * * *

(Secs. 103 and 212 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103 and 1182))

Dated: January 22, 1985.

Alan C. Nelson,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 85–2800 Filed 2–1–85; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 71

[Docket No. PRM–71–10]

State of Wisconsin; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt of petition for rulemaking from the State of Wisconsin.

SUMMARY: The Commission is publishing for public comment this notice of receipt of a petition for rulemaking dated December 13, 1984, which was filed with the Commission by the State of Wisconsin. The petition was docketed by the Commission on December 17, 1984, and has been assigned Docket No. PRM–71–10. The petitioner requests that the Commission establish a regulatory process, that would provide an opportunity for public participation, for the evaluation and approval of proposed shipments of irradiated reactor fuel (spent fuel).

DATE: Submit comments by April 5, 1985.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date

ADDRESSES: All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

For a copy of the petition, write the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The petition and copies of comments may be inspected and copied for a fee at the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7086 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

I. Background

The petitioner points out that the transportation of irradiated reactor fuel is an increasingly significant activity because nuclear reactor facilities are reaching maximum capacity of their spent fuel storage pools. Additionally, there is a reduction in away-from-reactor storage, with the General Electric facility at Morris, Illinois, offering the only off-site storage alternative.

Since the petitioner is a state through which numerous shipments of irradiated reactor fuel have passed and through which future shipments are scheduled, the petitioner has an interest in protecting its citizens by ensuring that transporters of spent fuel have adequately prepared for potential emergencies.

As the petitioner indicates, there have been over 200 highway shipments of spent fuel through the State of Wisconsin since August 1983. Additional shipments have been scheduled by rail and are expected to continue over the next five years.

For each of these shipments, the petitioner alleges, there has been no Federal agency considering the need for the shipments, the safety or environmental risks associated with the selected routes, or the propriety of exposing the public to these risks. The petitioner further alleges that there is no agency currently requiring adequate safeguards to protect against emergencies.

II. Federal Responsibility

The petitioner indicates that there are three Federal agencies which could potentially influence spent fuel transportation decisionmaking.

Department of Energy

The Department of Energy (DOE), under the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) is responsible for the long-term storage and disposal of commercially generated

spent fuel. However, in its draft Mission Plan, DOE has indicated that its responsibility for spent fuel will not begin until it accepts title to the waste in 1998. In addition, DOE has specifically informed the petitioner that its policy against unnecessary shipments of wastes does not apply to NRC licensees prior to 1998, unless such wastes are being shipped to a Federal interim storage facility (which does not yet exist).

Department of Transportation

The Department of Transportation (DOT) exercises jurisdiction over spent fuel transportation, under the Hazardous Transportation Act (42 U.S.C. 1801 et seq.). The petitioner points out that DOT has established generic rules for highway transportation of radioactive waste. In addition, petitioner alleges, DOT has uniformly held that state efforts at regulation are preempted by Federal regulations.

Nuclear Regulatory Commission

The NRC, the petitioner points out, currently regulates spent fuel shipments to a limited extent (10 CFR 71.12; 10 CFR Part 71, Subpart H; and 10 CFR 73.37). The petitioner alleges, however, that the NRC does not evaluate the potential safety and environmental risks of the shipments or the need for the shipments and only gives cursory attention to emergency planning. In addition, the petitioner points out that the NRC does not regulate the carrier or consider its safety record.

III. Petitioner's Solution to the Problem

The petitioner alleges that there is a significant gap in the regulatory program regarding shipment of spent fuel shipments, because no Federal agency considers the risks associated with specific routes. Furthermore, no Federal agency considers the need for the shipment or the propriety of the shipment in light of potential risks, and the public has no opportunity to participate in the decision to transport waste.

IV. Proposed Amendments to 10 CFR Part 71

Therefore, the petitioner proposes the following amendments to 10 CFR Part 71: Advance approval for transportation of irradiated reactor fuel.

(a) No licensee may transport, or deliver to a carrier for transport, in a single shipment, a quantity of irradiated reactor fuel in excess of 100 grams in net weight of irradiated fuel, exclusive of cladding or other structural or packaging material, which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding, unless that licensee first obtains the approval of the Commission.

(b) An application for approval of a shipment of irradiated reactor fuel must be made in writing at least 120 days prior to the proposed shipment, and must demonstrate that:

(1) The applicant has fulfilled the requirements of §73.37 of this chapter;

(2) The proposed shipment is necessary to meet the requirements of the licensee's operating license or required minimum fuel storage capacity;

(3) The proposed route complies with all applicable DOT safety and routing regulations;

(4) There are no route-specific conditions or hazards which create unique risks of accidents, sabotage, or radiological exposure; and

(5) The applicant has evaluated alternatives to the proposed shipment and alternative routes and has demonstrated that the proposed shipment is the alternative for handling the irradiated reactor fuel which provides the least risk of radiological exposure to the public.

(6) The proposed shipping cask is shown to be capable of withstanding all reasonably foreseeable incidents along the proposed route which could interrupt the shipment.

(c)(1) Upon receipt of the application, the Commission shall provide notice of receipt of the application in the **Federal Register** and to each state along the proposed route.

(2) Any interested person, including any state or municipality along the proposed route, may submit written comments and request a hearing concerning the applicant's compliance with paragraph (b)(1) of this section, within 30 days after publication of the application in the **Federal Register.**

(3) The Commission shall issue a decision on the application within 60 days after completion of any hearing held under paragraph (c)(2) of this section.

(d) The Commission's action under this section is an action for which an environmental impact statement may be necessary, in accordance with 10 CFR 51.21.

V. Conclusions

In conclusion, the petitioner asserts that the NRC has the primary responsibility to protect against the risks of radiation exposure, and the petitioner requests the NRC to adopt the proposed rule that will provide the NRC and the public the opportunity to evaluate the propriety of spent fuel shipments. Finally, the petitioner requests that the NRC refrain from approving the routes for any shipments of irradiated reactor fuel until the requested rule has been promulgated.

Dated at Washington, D.C., this 30th day of January 1985.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 85-2826, Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-CE-3-AD]

Airworthiness Directives; British Aerospace Model 3101 Jetstream Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to British Aerospace (BAe) Model 3101 Jetstream airplanes which would require a modification to the electrical system to insure that the emergency lighting system is maintained at full charge. BAe has reported that the internal discharge rate of the emergency lighting power pack during periods of airplane non-use may reduce the charge level below that necessary to provide light during an airplane emergency evacuation. The proposed modification will assure that the power packs will contain a sufficient charge for this purpose at all times.

DATE: Comments must be received on or before March 10, 1985.

ADDRESSES: BAe Alert Service Bulletin (ASB) No. 33-A-JM7431, Revision 1, dated October 7, 1984, applicable to this AD may be obtained from British Aerospace, Engineering Department, Post Office Box 17414, Dulles International Airport, Washington, D.C. 20041; Telephone (703) 435-9100 or the Rules Docket at the address below.

Send comments on the proposal in duplicate to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-CE-3-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT:
Mr. H. Chimerine, Brussels Aircraft Certification Office, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. L. Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above, will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and emergency aspects of the rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-CE-3-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

BAe has reported that the inservice internal discharge rate of its Model 3101 Jetstream airplane emergency lighting power pack is in excess of the rate declared by the manufacturer. This internal discharge rate is such that it would be necessary to apply a prolonged charge after an aircraft has been out of service for a number of hours in order to regain the minimum charge necessary to provide light for an emergency airplane evacuation. Without power on the essential busbar, an initially fully charged power pack will become fully discharged within 94.5 hours, i.e., less than four days. Complete recharging by the aircraft system will then require 20 hours.

As a result, BAe has issued ASB No. 33-A-JM7431, Revision 1, dated October 7, 1984, which specifies a modification (Modification JM7431) to the emergency lighting power pack charging system. This modification will incorporate a trickle charge facility which is connected to the aircraft battery when the airplane is idle (master switch OFF). Existing provision for charging the power packs whenever a 28 volt DC power supply exists on the essential busbar, i.e. whenever the generators are on line or whenever the battery master switch is in the internal position, irrespective of the position of the emergency lighting control switch, remain unchanged.

The United Kingdom Civil Aviation Authority (U.K.C.A.A.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in the United Kingdom had classified this Alert Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under United Kingdom registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the U.K.C.A.A. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of BAe ASB No. 33-A-JM7431, Revision 1, dated October 7, 1984, and the mandatory classification of this Alert Service Bulletin by the U.K.C.A.A. Based on the foregoing, the FAA believes that this condition addressed by this Alert Service Bulleting is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require modification of the electrical system per BAe Modification JM7431 within 100 hours time-in-service.

The cost of accomplishing the proposed mofification is $142.14 per airplane. There are approximately 22 U.S. registered airplanes affected by the proposed AD. The cost to the private sector is estimated to be $3,127.08. Few if any, small entities own the affected airplanes. The cost of compliance is so small that it would not impose a significant economic input on any such owners. Therefore, I certify that this action: (1) Is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the critera of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, aircraft, Safety.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulation (14 CFR 39.13) by adding the followng new AD:

British Aerospace: Applies to Model 3101 Jetstream (all serial numbers) airplanes, certificated in any category.

Compliance: Required within 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure adequate emergency lighting system power pack charge for lighting during emergency airplane evacuation, accomplish the following:

(a) Incorporate British aerospace (BAe) Modification JM7431 in accordance with the instructions contained in BAe Alert Service Bulletin No. 33-A-JM7431, Revision 1, dated October 7, 1984.

(b) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and section 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Issued in Kansas City, MO, on January 24, 1985.

John E. Shaw,

Acting Director, Central Region.

[FR. Doc. 85-2742 Filed 2-1-85; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 85-CE-1-AD]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C-TC and P 68 Observer Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD) applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C-TC and P 68 Observer airplanes. This AD would require the safety wiring of the aileron control chain, the inspection of the aileron control cables for wear, and on the P 68C-TC model airplanes only, replacement of two aileron control cable guides. Loss of the chain safety lock and cable wear have been reported which could result in disengagement or breaking of the aileron control cable and cause loss of control. These actions will assure the integrity of the aileron control system.

DATES: Comments must be received on or before March 9, 1985.

ADDRESSES: Service Bulletins (S/B) No. 59 Revision 1 (dated November 30, 1983), S/B No. 59 Revision 2 (dated June 27, 1984), Service Instruction No. 18 and S/B No. 64 Revision 1 (dated September 10, 1984) applicable to this AD may be obtained from Partenavia Costruzioni Aeronautiche S.p.A., via Cava, Casoria-Napoli (Italy) or the Rules Docket at the addresses below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-CE-1-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 pm., Monday through Frday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. H. Chimerine, Brussels Aircraft Certification Office, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. H. Belderok, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above, will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and emergency aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-CE-1-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The manufacturer, Partenavia Costruzioni Aeronautiche S.p.A. has received reports of loss of the aileron chain cable safety locks at the control wheel, and chafing of the aileron control cables by the cable guard plates behind the engine compartment firewall on a P 68 model airplane. As a result, Partenavia has issued S/B No. 59, Revision 2, and S/B No. 64, Revision 1, which require safety lockwiring the chain safety locks and an inspection for wear on a portion of the aileron control cable which contacts the cable guard plates behind the engine firewall. The Registro Aeronautico Italiano (R.A.I.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has issued Italian Airworthiness Directives No. 84-1301/P 68-29, Revision 1, and No. 84-146/P 68-32, which makes these Service Bulletins and the actions recommended therein by the manufacturer mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the R.A.I. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche Service Bulletin No. 59, Revision 2 and Service Bulletin No. 64, Revision 1 and the issuance of AD No. 84-1301/P 68-29, Revision 1, and AD No. 84-146/P 68-32 by the R.A.I. Based on the foregoing, the FAA believes that the situation addressed by these service bulletins and Italian ADs is an unsafe condition that may exist on other products of this type design certificated for operation in the United States.

Consequently, the proposed AD, applicable to all Model P 68, P 68B, P 68C, P 68C-TC and P 68 Observer series airplanes, would require the safety lockwiring of the cable chain safety locks, the inspection of the aileron control cable behind the engine firewall adjacent to the cable guard plates, and on the P 68-TC model airplane only, replacement of the cable guard plates with new parts. The FAA has determined that, on the U.S. registry, there are approximately eight Model P 68C-TC airplanes and 51 Model P 68 airplanes affected by the proposed AD. The cost of complying with the proposed AD is estimated to be $10 for the inspection of the cable (59 airplanes affected), $10 for the labor to lockwire the chain safety locks (33 airplanes affected), $25 for the cable guard plate kit (required only on P 68C-TC model airplanes) and $350 per airplane for the labor to install the plates (four airplanes affected). The total cost is estimated to be $2,420 to the private sector. Because of the limited number of affected airplanes and their distribution among several owners, few if any small entities are expected to experience a significant economic impact as the result of this proposal.

Therefore, I certify that: (1) This action is not a major rule under the provision of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by

contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to all Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer series (all Serial Numbers (S/N) 001 through 335, and XXX–01TC to XXX–23TC, plus XXX–26TC) airplanes ceritificated in any category.

Compliance: Required within the nest 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the loss of aileron control, accomplish the following:

(a) On all P 68 Models from S/N 001 through S/N 335, safety lockwire the aileron cable chain safety lock, Part Number (P/N) 68–5.2017–3, as described in Partenavia Service Bulletin (S/B) No. 64, Revision 1, dated September 10, 1984.

(b) On all P 68, P 68B, P 68C, P 68C–TC and P 68 Observer Models from S/Ns 001 to and including 289, 305 and 312, except 261, 279, 284 and 286, visually inspect the aileron control cable behind the engine compartment firewall for wear caused by rubbing against the cable guard plates as described in the Instructions of Partenavia S/B No. 59, Revision 1, dated Nobvember 30, 1983, and replace any cables that exhibit wear damage as defined in this S.B.

(c) On all P 68C–TC Models from S/N XXX–01TC to and including XXX–23TC, and XXX–26TC, replace aileron cable guard plates as described in Partenavia S/B No. 59, Revision 2.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); Sec. 11.85 of the Federal Aviation Regulations (14 CFR Sec. 11.85))

Issued in Kansas City, MO, on January 22, 1985.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 85–2740 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 85–CE–2–AD]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD) applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer airplanes. This AD would require the periodic visual inspection of the front and rear wing spars for cracks until reinforcement plates are installed. This proposed action is based upon Partenavia receiving reports of cracks being found in the wing spars. The inspections required by this AD will eliminate these cracks before they adversely affect the airworthiness of the wing.

DATES: Comments must be received on or before March 8, 1985.

ADDRESSES: Service Bulletin (SB) No. 65, Revision 1, dated September 27, 1984, applicable to this AD may be obtained from Partenavia Costruziona Aeronautiche S.p.A. via Cava, Casoria-Napoli (Italy) or the Rules Docket at the addresses below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85–CE–2–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. H. Chimerine, Brussels Aircraft Certification Office, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. H. Belderok, FAA, ACE–109, 601 East 12th Street, Kansas, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above, will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. Comments are specifically invited on the overall regulatory, economic, environmental and emergency aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–CE–2–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The manufacturer, Partenavia Costruzioni Aeronautiche S.p.A. has received reports of cracks in the front and rear wing spar on Model P 68 series airplanes. As a result, Partenavia has issued S/B No. 65, Revision 1, which requires the repetitive visual inspection of the front and rear spars until modified as described in this bulletin. The Registro Aeronautico Italiano (R.A.I.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the R.A.I. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche S/B No. 65, Revision 1, dated September 27, 1984, and the mandatory classification of this Service Bulletin by the R.A.I. Based on the foregoing, the FAA believes that the condition

addressed by the service bulletin is an unsafe condition that may exist on other products of this type design certificated for operation in the United States.

Consequently, the proposed AD would require repetitive visual inspections of the front and rear spars for cracks on Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer airplanes until modified in accordance with Partenavia Costruzioni Aeronautiche S/B No. 65, Revision 1, dated September 27, 1984. The FAA has determined there are approximately 56 U.S. registered airplanes affected by the proposed AD. The cost of accomplishing each inspection required by the proposed AD is estimated to be $280 per airplane. The total cost is estimated to be $15,680 to the private sector. Because of the limited number of affected airplanes and their distribution among a number of owners, few if any small entities are expected to experience a significant economic impact as the result of this proposal.

Therefore, I certify that: (1) This action is not a major rule under the provision of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contracting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to all Model P 68, P 68B, P 68C, P 68C–TC and P 68 Observer series (Serial Numbers 001 thru 328) airplanes certificated in any category.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To preclude the failure of the wing spar, within 100 hours time-in-service after the effective date of this AD or upon accumulating 2,100 hours time-in-service, whichever occurs later, and thereafter at intervals not exceeding 500 hours time-in-service since the last inspection accomplish the following:

(a) Visually inspect the front and rear wing spars for cracks as described in Part A of Partenavia S/B No. 65, Revision 1, dated September 27, 1984.

(b) If cracks are found as a result of any inspection required by Paragraph (a) of this AD, prior to further flight, accomplish the modification described in Part B of Partenavia S/B No. 65, Revision 1, dated September 27, 1984.

(c) The repetitive inspections required by Paragraph (a) of this AD may be discontinued when the modification in Paragraph (b) of this AD is accomplished.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); Sec. 11.85 of the Federal Aviation Regulations (14 CFR Sec. 11.85))

Issued in Kansas City, MO, on January 22, 1985.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 85–2741 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 157 and 284

[Docket No. RM85–1–000 Phase I]

Interstate Transportation of Gas for Others

Issued: January 30, 1985.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of public conference.

SUMMARY: On December 24, 1984, the Federal Energy Regulatory Commission (Commission) issued the first phase of its inquiry into the effects on the natural gas industries of the Congressionally-mandated transition to competitive pricing of natural gas at the wellhead. (50 FR 114, January 2, 1985). The first notice seeks information concerning the effect of partial decontrol of natural gas prices on the Commission's regulation of the interstate transportation of natural gas on behalf of non-owner shippers, that is, shippers who seek transportation on a pipeline system in which they do not have an ownership interest. In addition to permitting anyone to file written comments, the notice of inquiry invites interested persons to participate in a public conference. This notice informs interested persons of the time, place and format of this public conference.

DATES: The public conference will convene at 9 a.m. on Wednesday, February 20, 1985. Requests to participate and the amount of time requested must be directed to the Secretary on or before February 13, 1985.

ADDRESSES: The hearing will be held at: Hearing Room A, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Requests to participate and questions regarding participation should be directed to: The Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth Plumb, Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 (202) 357–8400.

SUPPLEMENTARY INFORMATION: On December 24, 1984, the Commission issued a Notice of Inquiry that requests comments and information concerning the effect of partial decontrol of natural gas prices on the Commission's regulation of the interstate transportation of natural gas on behalf of non-owner shippers.[1] A non-owner shipper is a shipper who seeks transportation on a pipeline system in which it does not have an ownership interest. This notice was the first phase of an inquiry into the effects on the natural gas industries of the congressionally-mandated transition to competitive pricing of natural gas at the wellhead. In addition to permitting anyone to file written comments, the notice invites interested persons to participate in a public conference that will convene at 9 a.m. on Wednesday, February 20, 1985.

The public conference will not be of a judicial or evidentiary nature. Persons requesting to speak will be divided into paticipant panels and will be permitted time to present prepared remarks. There will be no cross examination of persons presenting statements. However, the Commissioners and the staff panel may question these persons. In addition, anyone may submit to the presiding officer questions to be asked of persons on the participant panels. The presiding officer will determine whether the question is relevant and whether the

[1] Interstate Transportation of Gas for Others, (50 FR 114; January 2, 1985) (Notice of Inquiry).

time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearing. Transcripts of the hearing will be available in the public file for this proceeding, Docket No. RM85–1–000 (Phase–1), in the Commission's Office of Public Information, and may be ordered from that office.

As stated in the December 24, 1984, Notice, requests to participate in the hearing should be submitted on or before February 13, 1985, to the Office of the Secretary, and it should request the amount of time required for the oral presentation. Persons participating at the hearing should, if possible, bring 50 copies of their statement to the conference. A list of the participants in the conference will be available in the Commission's Office of Public Information and at the hearing room on the morning the conference is convened.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85–2772 Filed 2–1–85; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 341

[Docket No..76N–052N]

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for Over-the-Counter Nasal Decongestant Drug Products

Correction

In FR Doc. 85–681, beginning on page 2220, in the issue of Tuesday, January 15, 1985, make the following corrections:

1. On page 2221, in the first column, in the second complete paragraph, in the sixteenth line, "introduced into" should read "introduced or initially delivered for introduction into".

2. On page 2238, in the second column, in the third line from the top, "71741" should read "71742".

3. Also on page 2238, in the second column, in the twelfth line, "Subchapter B" should read "Subchapter D".

4. Also in the second column, in the 23rd line, "(p), 355," should read "(p), 352, 355,".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 471 and 468

[OW-FRL-2770–1]

Nonferrous Metals Forming and Metals Powders Point Source Category and the Copper Forming Point Source Category; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comment.

SUMMARY: EPA has obtained additional data and information necessary to respond to comments made on the nonferrous metals forming and metals powders (hereinafter, nonferrous metals forming) effluent limitations guidelines, pretreatment standards, and new source performance standards proposed under the authority of the Clean Water Act. EPA is making the data and information available for public inspection and comment. EPA is also giving notice that it is considering technical amendment to the applicability of the copper forming effluent limitations guidelines, pretreatment standards, and new source performance standards.

DATES: Comments on the data and information must be submitted by March 6, 1985.

ADDRESSES: Send comments to Ms. Janet K. Goodwin, Industrial Technology Division (WH–552), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Attention: EGD Docket Clerk. The supporting information and data described in this notice are available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) PM–213. The comments on this notice will be made available for public inspection as they are received at the above location. The EPA public information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Technical information may be obtained from Ernst P. Hall, at (202) 382–7126.

SUPPLEMENTARY INFORMATION: EPA proposed effluent limitations guidelines, pretreatment standards, and new source performance standards for the nonferrous metals forming point source category on March 5, 1984 (49 FR 8112). The comment period closed on May 4, 1984. EPA received comments on this proposal from 22 commenters.

After considering the nature and content of the comments, the Agency dicided to collect additional information to fill certain data gaps and clarify comments. Engineering and sampling visits were made to nine nonferrous metals forming plants to collect process flow and chemical analysis data. The nine plants are involved in the metal powder (iron, copper and aluminum), nickel-cobalt, titanium, zirconium-hafnium, refractory metals, precious metals or uranium subcategories. Trip reports from these plant visits that were claimed confidential by the companies are in the confidential record; the rest are in the public record. The nonconfidential trip reports of plants visited before proposal are also in the public record.

EPA has obtained clarification and completion of data collection portfolio (dcp) information. We have also received several newly completed dcp's. All nonconfidential dcp's are in the public record.

Regulatory Flows

Based on the new data collected and its re-examination of existing data, the Agency has made changes to several of the Best Practicable Control Technology Currently Available (BPT) regulatory flows in the category which are used to derive the BPT mass-based effluent limitations and standards. On the average, the changes made are slight; the median change to the proposed BPT flows in only about −23 percent.

The Agency has also reconsidered several Best Available Technology Economically Achievable (BAT) regulatory flows. Although we still intend to include flow reduction and in-process controls in the model BAT technology, several BAT regulatory flows have changed based on the new data collected or existing data that were clarified. The median change made to BAT flows is only about −17 percent. Some slight changes in these regulatory flows might still occur in the final regulation as a result of additional data which have been requested.

As discussed in the proposal, regulatory flows are based on the average water discharge per unit of production for each subcategory operation. Revised regulatory flow allowances for BPT, BAT, PSES, PSNS and NSPS for each process waste stream in each subcategory are in the record.

New information was obtained from an aluminum powder producer since proposal. In the dcp response, the plant reported using a wet scrubber for air pollution control but subsequently

discontinued the use of this scrubber and now employs dry air pollution control methods. Since this was the only plant which discharged this waste stream, we now believe the appropriate discharge allowance for this waste stream is zero.

Four companies commented on the flow reduction requirements for surface treatment rinses based on the application of countercurrent cascade rinsing, particularly as it applies to nickel-cobalt forming. The Agency continues to believe that cascade countercurrent rinsing is an effective method of flow reduction, but recognizes that other flow reduction methods are used and may be equally effective. For example, since proposal we have visited a nickel-cobalt forming plant that has achieved a significant water savings by re-using process water in several different processes prior to discharge. We believe that while this plant is presently meeting the BAT regulatory flows through water reuse, it could also meet these flows through countercurrent cascade rinsing. This alternative flow reduction method should cost no more than countercurrent cascade rinsing, in fact, the costs associated with water reuse should involve only minor expenses for re-piping with perhaps some pumping. EPA invites comment on the application of this alternative to countercurrent cascade rinsing and other similar alternatives to the BAT model technology.

Treatment Effectiveness Concentrations

The proposal included limits and standards for a number of nonconventional metal pollutants based on engineering estimates of the model treatment techology's effectiveness. Several commenters augued that these treatment effectiveness concentrations are not achievable. The Agency has subsequently obtained additional data on pollutant concentrations in both the process wastewaters and treated effluent which show the effectiveness of lime and settle treatment in removing titanium, zirconium, uranium, columbium, tungsten, and tantalum. These new data, which are included in the record of this rulemaking , indicate that the following concentrations can be achieved by the BAT model end-of-pipe treatment technology of lime, settle and filter:

	Long-term average (mg/l)	One-day maximum (mg/l)	Monthly average (mg/l)
Titanium	0.13	0.53	0.23
Zirconium	4.81	19.7	9.01
Uranium	2.64	10.8	4.81
Columbium		0.12	
Tungsten	0.85	3.48	1.55
Tantalum		0.45	
Molybdenum	0.94	3.85	1.71

We expect to sample another plant that manufactures and forms uranium to collect additional data on the treatment effectiveness of lime and settle treatment for the uranium forming subcategory. These data will be added to the public record as soon as they are available. We believe that the achievable concentration of uranium (as measured by fluorometry analytical methods) with properly operated lime, settle and filter treatment may be smaller than the data tabulated above indicate.

Data collected at two refactory metals forming plants using x-ray fluorescence analytical methods indicate that lime and settle treatment reduces columbium and tantalum levels to below the level of detection when a neutral pH is maintained. Another sampled lime and settle treatment system is operated at a higher pH, from 10.5 to 11.5. Effluent concentrations of columbium and tantalum collected from this system are significantly higher. Therefore, the data indicate that if the treatment system is operated at a pH near 8, columbium and tantalum should be removed to below the level of detection. Since these levels were below the level of detection, it is impossible to determine precisely what lower limit is achievable, or to monitor for compliance with any lower level. Therefore, the level of detection was used as the one-day maximum concentration for the lime and settle treatment effectiveness and EPA is considering establishing no long-term average 30- or 10-day average concentration. Although the lime, settle and filter treatment, as the more advanced technology, should reduce the discharge level of these metals still further, the Agency intends to use the level of detection as the bsasis for the one-day maximum for this technology as well since, as explained above, a lower level cannot be determined.

The treatment effectiveness concentration for tungsten using x-ray fluorescence analytical methods is based on data collected at the treatment system with the high pH (10.5 to 11.5) described above. The data indicate that maintaining the pH within this range achieves significantly better removal of tungsten than a pH near 8. Therefore, refactory metals forming plants that treat wastewaters containing both columbium-tantalum and tungsten or other regulated metals that precipitate at a higher pH may need to use a two-stage lime and settle treatment to meet the limitations. This will be reflected in the cost estimates for this subcategory.

The Agency intends to establish limitations and standards for gold, platinum and palladium for the precious metals forming subcategory. We have obtained information indicating that gold, platinum and palladium can be treated to less than the level of detection (0.01 mg/l) analyzed by a graphite furnace atomic adsorption spectrophotometer. The model technology that would achieve this removal is lime, settle, and filter technology with an ion exchange column added as a final polishing step. This technology is demonstrated at precious metals manufacturing plants which claim to achieve a level of 0.01 mg/l without difficulty. Since the level of detection is the same, we propose to use this level as the basis for establishing the daily maximum for the precious metals subcategory and not establish any monthly average requirements. The information the Agency has indicates that the cost of the ion exchange should be balanced by the value of the metal recovered; therefore, we have assumed there will be no cost for this technology. We invite comment and additional information regarding this approach.

EPA also received several comments about the toxic metal pollutant limits which were derived using the lime, settle and filter treatment effectiveness data based in part on EPA's combined metals data base (CMDB). Several comments focused on the achievability of the nickel treatment effectiveness concentration which forms the basis for the nickel limits and standards. The Agency sampled two nickel forming plants and has added data to the record from other industrial categories (including iron and steel, battery manufacturing and nonferrous metals manufacturing). These data further demonstrate that the concentration basis for nickel is achievable with the application of the BAT model treatment.

We are also adding data to the record that supports the achievability of the lead limits. These data come from battery manufacturing, iron and steel manufacturing, metal molding and casting and nonferrous metals manufacturing plants. We have placed pertinent parts of these data in the public record for the nonferrous metals forming category.

We have also reviewed the treatment effectiveness of molybdenum. The proposed molybdenum limits and standards were based on engineering estimates of the effectiveness of lime,

settle and filter treatment. Data from the subsequent proposal of effluent limitations guidelines and standards for the nonferrous metals manufacturing point source category, Phase II, shows that a molybdenum manufacturing plant can achieve a concentration of 1.41 mg/1 on a long-term basis with lime and settle treatment and that the addition of a filter should reduce this to 0.93 mg/1 on a long-term average basis. These sampling data and information on molybdenum co-precipitation with iron are in the public record.

Effluent Limitations and Standards

EPA has not recalculated the effluent limitations and standards for each pollutant regulated for each process in each subcategory. These effluent limitations will be derived using the same methodology as was used in the proposed rule. The discharge allowance for each pollutant is the product of the regulatory flow and the treatment effectiveness concentration and therefore can be readily calculated from the information available in the record. Any persons with questions about the effluent limitations that would be applicable to them should call or write the technical contact listed in the beginning of this notice.

Compliance Costs

As discussed in the preamble to the proposed regulation, the Agency has re-estimated the cost of compliance for this category using a revised costing methodology. We have now estimated costs on a plant-by-plant basis for each nonferrous metals forming discharger. The plant-by-plant cost estimates have been summed to derive subcategory and category totals. The Agency costed three levels of treatment: level 1 is lime and settle end-of-pipe treatment and flow normalization, level 2 has flow reduction technologies and in-process controls in additon to lime and settle treatment, and level 3 adds a polishing filter to level 2. Except for confidential data, these costs appear in the public record for this rulemaking. We invite comment on the revised costing methodology.

Using these plant-by-plant costs, we have recalculated the total cost of compliance for the nonferrous metals forming category. In the proposal, the cost estimates for level 1 treatment for the entire category were $7.8 million for capital investment and $4.6 million in annual costs; comparable revised costs are $10.6 million (in 1982 dollars) in capital costs and $6.8 million in annual costs. Proposed cost estimates for Level 3 treatment (BAT and PSES) for the entire category were $10.5 million for capital investment and $5.7 million annually; comparable revised costs are $13.1 million in capital costs and $8.4 million in annual costs. The proposed regulation also considered level 2 as BAT for two subcategories. The proposed cost estimates for this level of treatment were $9.2 million in capital costs and $5.1 million in annual costs; comparable revised estimates are $11.9 million in capital costs and $7.7 million in annual costs. The Agency invites comments on the estimates of compliance costs for nonferrous metals forming plants.

Treatment Technologies

The Agency is considering the application of new treatment technologies for achieving the proposed limits for specific pollutants such as molybdenum present in nonferrous metals forming process wastewaters. As an alternative or supplement to the model treatment technology, we are considering treatment using a sacrificial electrode or sulfide precipitation to remove metals. A discussion of the sacrificial electrode technoloy has been placed in the public record. Data provided by the vendor of this technology show the effectiveness of the technology in treating metals; in particular this treatment technology appears to be an effective treatment technology for the pollutant molybdenum. This technology is currently used at several industrial facilities and while we do not have specific data on its cost, we do not expect this technology to be significantly more costly than lime, settle and filter treatment. We invite comments and additional data concerning the costs and application of this technology.

Sulfide precipitation is considered an effective treatment technology capable of achieving better removals for some pollutants than hydroxide precipitation and is available to nonferrous metals forming plants. A sulfide precipitation, settling and filter treatment system costs approximately the same as a hydroxide percipitation, settling and filter treatment system. Data on costs, as well as data on treatment effectiveness, for sulfide percipitation from nonferrous metals manufacturers and battery manufacturers which have been incorporated into the nonferrous metals forming record.

At one plant sampled after proposal, the Agency observed and sampled an organic solvent cleaning process that involves the generation of contaminated rinsewater. (This process was not included in the proposal.) We are considering establishing a zero discharge allowance for this waste stream. Other plants perform the same process without generating any wastewater, because they use solvents which need not be followed by a water rinse. We believe this plant could achieve zero discharge from this process by converting the water rinse into a second cleaning step. This process change should achieve the same product quality as a water rinse at very little cost. The second stage solvent cleaning could be counter flowed and reused in the first stage. This would generate no additional spent solvent to be hauled away and would cost no more than a two-stage countercurrent water rinse which is estimated to cost about $16,000 in capital investment and $3600 for operation and maintenance.

Categorization

The Agency is considering making some minor revisions to the applicability of this regulation. The proposal included limits of various beryllium forming processes, including the forming of beryllium alloys such as beryllium nickel. Beryllium alloys were included in the subcategory applicable to the metal present in the largest proportion. However, the presence of beryllium as an alloying agent even in very small quantities (as low as 0.1 percent) imparts unique metallurgical qualities to the alloy and may necessitate additional surface treatment. The Agency, therefore, plans to gather additional data on beryllium alloys and to re-propose effluent limitations guidelines and standards at a later date for beryllium forming and beryllium alloy forming. Since companies that process beryllium or beryllium-containing alloys tend to process a range of alloys at the same plant, we believe this change will benefit industry by regulating all beryllium forming processes in the same category. In settlement of litigation challenging the copper forming regulation (40 CFR Part 468), EPA has agreed to propose to amend the applicability of the existing copper forming regulation to exclude plants that form beryllium copper from the present regulation, and to add a new subcategory to the copper forming category that would apply to beryllium-copper forming. If the data EPA receives indicate that pure beryllium forming and other beryllium alloy forming result in similar discharges, EPA may include all these discharges under the beryllium-copper forming subcategory of copper forming. This change will affect plants in the nonferrous metals forming

category and we specifically request comments on this readjustment of the categorization.

The Agency is also considering making some changes to the applicability of the precious metals subcategory. As with beryllium, at proposal, an alloy was grouped in the metal forming category or subcategory according to the principal metal, i.e. the metal that is present in the greatest amount. However, in the case of precious metals, this approach may not be appropriate. The precious metals producers and processors tend to consider as precious metals, alloys which would be out of the scope of the proposed precious metals subcategory. For example, 8 karat gold alloy contains less than 50 percent by weight of gold, the balance being mostly copper. Therefore, 8 karat gold would not be included in the proposed precious metals forming subcategory but would instead be included in the copper forming category. Yet it is generally considered a gold alloy by companies that process it. Additionally, there is a group of silver alloys that range from about 40 to 60 percent silver that are considered to be silver alloys by the companies that process them and are processed in the same equipment as alloys with a higher silver content. Therefore, we intend to revise the applicability of the precious metals subcategory to include gold alloys that contain 30 percent gold or greater and silver alloys that contain 30 percent silver or greater. Since all of the plants that form these alloys were already at least partially covered by the precious metals forming subcategory, we believe this change will simplify the application of EPA regulations by regulating similar alloys formed by the same plant in the same subcategory. These alloys were previously covered by the copper forming regulation or other subcategories of the nonferrous metals forming category.

The Agency intends to gather additional data on the chemical characteristics of some uncharacterized process waste streams. We also expect to visit and collect samples from one additional titanium forming plant. These data will be placed in the public record as they become available.

Dated: January 25, 1985.

Jack E. Ravan,

Assistant Administrator for Water.

[FR Doc. 85-2750 Filed 2-1-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 12

[CGD 84-068]

Certification of Seamen

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is calling for comments on the proposed total revision of 46 CFR Part 12, Certification of Seamen. This proposal contemplates additional requirements, such as physical examinations, mandatory training, and drug/alcohol screening for initial certification and retention of Merchant Mariners Documents. In addition, this revision will incorporate changes in the statutes, clarify policy and procedures, and improve the overall readability of the regulations.

DATES: Comments should be submitted on or before June 1, 1985.

ADDRESSES: Comments should be submitted to the: Executive Secretary, Marine Safety Council (G-CMC), (CGD 84-068), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593. Comments will be available for inspection at the Marine Safety Council (G-CMC), Room 2110, (202) 426-1477, between the hours of 8 a.m. and 4 p.m., Monday through Friday except holidays.

FOR FURTHER INFORMATION CONTACT: Lt.jg. Sean T. Connaughton, Project Manager, Office of Merchant Marine Safety (G-MVP), (202) 426-2240.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, arguments and data. Comments should include the name and address of the person making them, identify this Notice, give the specific section of the proposal to which the comment applies, and the reasons for the comment. All comments received before expiration of the comment period will be considered before final action is taken on this Notice. No public hearing is planned at this stage of the rulemaking process. Public hearings may be held, however, after the Notice of Proposed Rulemaking is published.

Discussion

The present regulations in Part 12 contain procedures and requirements for the issuance of Merchant Mariner's Documents, the qualifications and sea service necessary for the advanced ratings of Able Seaman, Lifeboatman, Qualified Member of the Engine Department and Tankerman, as well as the qualifications necessary for such ratings as food handler, apprentice engineer, and apprentice mate.

A number of problems and changes have necessitated the total revision of Part 12. First, there are changes needed because of additions and amendments to the statutes. This includes the passage of the Sail Training Vessel Act of 1982, with its provision for Able Seamen—Sail, the Commercial Fishing Industry Vessel Act of 1984, with its provision for Able Seamen—Fishing Industry, and the recodification of Title 46, Shipping with its numerous citation and language changes. Present regulations neither provide for these specialized ratings nor cite the current statute.

Another problem was that many persons were applying for, and receiving, Merchant Mariner's Documents without any real intent to use them for service aboard United States flag vessels. This increased the administrative burden on the Coast Guard since permanent files are maintained on all document applicants and holders. To control administrative costs, the Coast Guard adopted the use of Temporary Certificates for Service/Identification in 1982. This policy is not currently discussed in the regulations. The continuing trend of equipping vessels with laborsaving devices on deck and in the engineroom has had wide ranging efffects. This new equipment has not only decreased the numbers of personnel required for vessel operation, but has impacted on the qualifications necessary to ensure that the personnel aboard can perform their jobs competently. The reduction in crew also implies the need for personnel trained in a wide variety of areas to meet emergency situations. The current provisions for crew qualifications do not take into account this trend toward high technology vessel systems and reduced manning levels.

In the past, the Coast Guard has only addressed the problem of physical standards for mariners applying for qualified ratings. The shipboard environment is a harsh one and emergencies at sea, especially medical emergencies, are magnified by the distances to shoreside assistance. A seaman unfit to perform his duty or unable to answer the emergency needs of a vessel is a danger to himself as well as his shipmates. The dimensions of this problem are currently increasing as non-watchstanding positions are being eliminated from vessels. As a result, marginally fit seamen who would

normally be involved in a non-watchstanding billet must be placed in watchstanding positions that they may no longer be competent for. Also the elimination of the Public Health Service's marine hospitals and the increased use of private physicians for required physical examinations has created a situation in which many required examinations are being conducted by persons not familiar with Coast Guard standards or the maritime environment. Since minimum standards are not specifically delineated in law or regulation, seamen are not being properly screened. The problem of unfit personnel, specifically poor eyesight or hearing, employed on vessels is continuing to grow, especially since the average age of the merchant mariner community steadily moves upward. Some seamen now possess Merchant Mariner's Documents with endorsements allowing employment in positions with responsibilities that they are not physically able to fulfill competently.

The growth in the use and abuse of narcotics and alcohol in society has drawn national attention to the safety problems associated with persons under the influence of such drugs. This safety problem is greatly increased aboard ship and persons under the influence pose hazards to both ship and crew. Congress, in recognizing this, gave the Coast Guard the authority, in 46 United States Code 7503, to deny the issuance of a Merchant Mariner's Document to a user or abuser of dangerous drugs. Until recent advances in drug screening procedures were made, there was no accurate method to test for such use or abuse.

Another problem involves Mobile Offshore Drilling Units (MODU). Recent marine accidents point to the fact that these vessels are unique platforms and that their marine equipment is different from traditional ship systems. Present regulations to not address the unique characteristics of MODU operation.

Proposal

Because of the problems discussed above, the following revisions of 46 CFR Part 12 are being considered:

a. It is intended to include the endorsement of Able Seaman—Sail. This is necessary due to the passage of the Sail Training Vessel Act of 1982, Pub. L. 97-322. This endorsement for sail training vessels may be obtained after six months of sea service on sail training vessels of at leat 15 gross tons.

b. It is also intended to include the endorsement of Able Seaman—Fishing Industry. This is necessary due to the passage of the Commercial Fishing Industry Vessel Act of 1984, Pub. L. 98-364. This endorsement for service on certain fish processing vessels, as delineated in 46 U.S.C. 7312, may be obtained after six months of sea service onboard seagoing vessels of at least 15 gross tons.

c. It is intended to include regulations regarding the procedures for issuance of Temporary Certificates of Service/Identification. This will formalize present policy into regulation.

d. It is intended to include the procedures for issuing foreign seamen Merchant Mariner's Documents for entry ratings. This will reflect a recent interpretation of the statutes which broadened the parameters for foreigners to obtain documents.

e. It is being considered whether to require certain basic training and qualifications for persons applying for an original Merchant Mariner's Document for entry ratings (Ordinary Seaman, Wiper and Steward Department). These qualifications are believed necessary due to the emergency and normal routine requirements aboard vessels, especially those with reduced crewing levels, and the need to familiarize novice seaman with shipboard life to reduce personnel casualties. Some questions that need to be considered are:

1. What type of training should be required, i.e., topics, duration, classroom and/or field training, etc.?

2. Who should bear the cost of such training?

3. Should physical examinations be required?

4. Should drug/alcohol screening be required?

f. Firefighting training is being considered as an inclusion in the requirements to obtain an original Merchant Mariner's Document or additional endorsements. This is designed to answer the increasing need to have more qualified personnel to meet the emergency needs aboard all U.S. flag vessels. Some questions that need to be considered are:

1. What type of training should be required, i.e., topics, duration, classroom and/or field training, etc.?

2. Should there be refresher training, and if so, what form should it take and at what time interval?

3. Who should bear the cost of such training?

g. The Seafarers Health Improvement Program (SHIP) standards for physical examinations are being considered for use as Coast Guard standards. These standards, developed by an industry working group, are based on a thorough analysis of the physical qualifications required of seamen to safely perform their duties. Although these standards are too lengthy to state here, it is adequate to say that SHIP does provide an exact and accurate picture of individual seaman's health and aptitude. Copies of the SHIP standards are available upon request from: Seafarers Health Improvement Program, Executive Secretary, 17 Battery Place, Suite 2233, New York, New York 10004. Some questions to be considered are:

1. Should the SHIP standards be adopted or are there alternative standards that could be utilized?

2. Will adopting these standards benefit safety?

3. Should both retention and entry standards be adopted?

h. It is being considered whether to require retention physicals on a periodic basis. This is to better guarantee that seamen continue to be qualified to perform their normal duties, and ensure that the seamen are able to respond effectively to emergency situations. Some questions to be considered are:

1. How often should the physicals be given?

2. Should drug and/or alcohol screening be included?

3. Should complete physical examinations be given, or only sight and sound tests?

4. Should there be separate standards for the different ratings (i.e., watchstanding ratings as opposed to non-watchstanding ratings)?

i. The updating of the Qualified Member of the Engine Department (QMED) ratings is being considered in order to have the ratings reflect modern power plants and technology. Some ratings may be eliminated or qualifications changed, and some ratings may be added in order to update the QMED rating to reflect the current needs of the industry. Some questions to be considered are:

1. What ratings need to be revised or eliminated?

2. Should ratings be added and what qualifications should they have?

3. Should the entire unlicensed engine ratings be completely revised to reflect the present automation and diesel trends?

j. It is intended to include the endorsements of Able Seaman—Mobile Offshore Unit and Lifeboatman—Mobile Offshore Unit. These endorsements may be obtained after twelve months of sea service and accompanying examination. These endorsements are designed to address the special needs and environment aboard Mobile Offshore Units.

k. It is intended to generally update the regulations with new United States

Code citations, current terminology, and comprehensible structure.

It must be stressed that the Coast Guard hopes to elicit as many comments as possible for the above items as well as any other suggestions or data that may be deemed appropriate for this project. The Coast Guard is attempting to rectify identified problems and address future trends and will consider any alternative approaches offered. It is through revising Part 12 that the Coast Guard will make shipping in the merchant marine safer, protecting the lives of seamen and the cargo or passengers that our vessels carry.

The important items under consideration are summarized as follows: entry level qualifications, entry level and retention physical examinations for all mariners (including drug/alcohol testing), firefighting training for all mariners, the adoption of SHIP standards for physical examinations and the revision of Qualified Member of the Engine Department ratings.

List of Subjects in 46 CFR Part 12

Seamen.

Authority

The proposed revisions are to be made under the authority of 46 U.S.C. 2103–2104; 46 U.S.C. 7301–7319; 46 U.S.C. 7501–7503; 46 U.S.C. 7701–7705; 46 U.S.C. 8701–8703; and 49 CFR 1.46.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

January 30, 1985.

[FR Doc. 85–2811 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–14–M

Coast Guard

46 CFR Part 67

[CGD 84–027]

Documentation of Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Coast Guard published a notice of proposed rulemaking (49 FR 45623) on November 19, 1984 concerning changes pertaining to the marking of vessels documented under the laws of the United States. Public comments were invited by February 19, 1985. A request has been received for an extension of the comment period. In consideration of the request, the closing date for comments is extended to the close of business on April 19, 1985.

DATE: Comments must be received on or before April 19, 1985.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/24), (CGD 84–027), U.S. Coast Guard, Washington, D.C. 20593. Comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2110, U.S. Coast Guard Headquarters, 21000 Second Street, SW., Washington, D.C. 20593, (202) 426–1477 between the hours of 7 a.m. and 4 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert R. Meeks (Staff Attorney), Office of Merchant Marine Safety, (202) 426–1492, or (202) 426–1493. Normal office hours are between 7 a.m. and 3:30 p.m. Monday through Friday, except holidays.

Dated: January 30, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 85–2812 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

Review of Regulations Implementing the Endangered Species Act Exemption for Certain Raptors; Raptor Propagation Permits; Federal Falconry Standards; Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of the comment period.

SUMMARY: The Service published a Notice of Intent and request for comments January 4, 1985 (50 FR 518) concerning its review of regulations published in 50 CFR Part 21, in particular amended regulations concerning falconry permits (50 CFR 21.28), Federal falconry standards (50 CFR 21.29), a special purpose raptor propagation permit (50 CFR 21.27), and creating a new raptor propagation permit (50 CFR 21.30). Written public comments were solicited to be received by February 4, 1985. Comments have been received requesting additional time for comments. The Service therefore is extending the comment period on the proposed rule to allow the public an opportunity to comment fully.

DATE: Written comments on the proposed review are due on June 4, 1985.

ADDRESSES: Comments may be mailed to Director (LE), U.S. Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, U.S. Fish and Wildlife Service, 3rd Floor, 1375 K Street NW., Washington, D.C. between 7:45 a.m. and 4:15 p.m. Comments should bear the identifying notation REG 14–02–002069. Comments received may be inspected weekdays during normal business hours at the Service's Division of Law Enforcement, 3rd Floor, 1375 K Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: By regulation published July 8, 1983 (48 FR 31600) effective August 8, 1963, the Fish and Wildlife Service amended regulations concerning falconry permits (50 CFR 21.28), Federal falconry standards (50 CFR 21.29), a special purpose raptor propagation permit (50 CFR 21.27), and creating a new raptor propagation permit (50 CFR 21.30). Pursuant to these amended regulations raptor propagators and most falconers could purchase, sell, or barter captive-bred raptors, including raptors otherwise "exempt" from such activities by virtue of protections under the Endangered Species Act of 1973 and the Migratory Bird Treaty Act. During the comment period, the Fish and Wildlife Service received numerous comments concerning effects of implementation of the proposed rule.

In accordance with its responsibilities to protect wildlife, including raptor species, the Fish and Wildlife Service will review the regulations governing the possession, sale, purchase, barter, and use of raptors. In particular the Fish and Wildlife Service solicited public comment concerning its review of regulations published in 50 CFR Part 21. Numerous comments have been received requesting an extension of time in order to allow the public to participate more fully in the proposed review. The Service believes these requests to be reasonable and extends the comment period an additional one hundred twenty days.

FOR FURTHER INFORMATION CONTACT: Kathleen King, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone (202) 343–9242.

Dated: January 29, 1985.

Susan Recce,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–2721 Filed 2–1–85; 8:45 am]

BILLING CODE 4310–55–M

Notices

Federal Register
Vol. 50, No. 23
Monday, February 4, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Natural Resources Management Guide Meeting; Phoenix, AZ

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Phoenix, Arizona, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on February 15, 1985, 2:00 p.m. to 4:00 p.m.

Comments must be received no later than March 18, 1985.

ADDRESSES: Meeting location at Farmers Home Administration Suite 275, 201 East Indianola, Phoenix, Arizona.

Written comments and further information will be addressed to: State Director, FmHA, Suite 275, 201 East Indianola, Phoenix, Arizona 85012 (602) 241–5086.

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Arizona State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Arizona. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: January 28, 1985.

Glendon D. Deal,

Acting Director, Program Support Staff.

[FR Doc. 85–2818 Filed 2–1–85; 8:45 am]

BILLING CODE 3410–07–M

Natural Resource Management Guide Meeting; Woodland, CA

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Woodland, California, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on February 12, 1985, 2:00 p.m. to 4:00 p.m.

Comments must be received no later than March 14, 1985.

ADDRESSES: Meeting location at Farmers Home Administration Conference Room, 459 Cleveland Street, Woodland, California.

Written comments and further information will be addressed to: State Director, FmHA, 459 Cleveland Street, Woodland, California 95695 (916) 666–3382.

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's California State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in California. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

January 25, 1984.

David J. Howe,

Director, Program Support Staff.

[FR Doc. 85–2816 Filed 2–1–85; 8:45 am]

BILLING CODE 3410–07–M

Natural Resource Management Guide Meeting; Dover, DE

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Dover, Delaware is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on February 20, 1985, 10:00 a.m. to 12:00 p.m.

Comments must be received no later than March 22, 1985.

ADDRESSES: Meeting location at FmHA State Office, 2319 South Dupont Highway, Dover, Delaware.

Written comments and further information will be addressed to: State Director, FmHA, 2319 South Dupont Highway, Dover, Delaware 19901 (302) 697–9530.

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Delaware State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Delaware. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide

can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: January 29, 1985.

Glendon D. Deal,

Acting Director, Program Support Staff.

[FR Doc. 85-2820 Filed 2-1-85; 8:45 am]

BILLING CODE 3410-07-M

Natural Resource Management Guide Meeting; Orono, ME

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of meeting.

SUMMARY: The Farmers Home Administration (FmHA) State Office located in Orono, Maine, is announcing a public information meeting to discuss its draft Natural Resource Management Guide.

DATES: Meeting on February 19, 1985, 9:00 a.m. to 11:00 a.m.

Comments must be received no later than March 21, 1985.

ADDRESSES: Meeting location at USDA Office Building, Orono, Maine.

Written comments and further information will be addressed to: State Director, FmHA, USDA Office Building, Orono, Maine 04473 (207) 866-4929.

All written comments will be available for public inspection during regular work hours at the above address.

SUPPLEMENTARY INFORMATION: FmHA's Maine State Office has prepared a draft Natural Resource Management Guide. The Guide is a brief document describing the major environmental standards and review requirements that have been promulgated at the Federal and State levels and that affect the financing of FmHA activities in Maine. The purpose of the meeting is to discuss the Guide as well as to consider comments and questions from interested parties. Copies of the Guide can be obtained by writing or telephoning the above contact.

Any person or organization desiring to present formal comments or remarks during the meeting should contact FmHA in advance, if possible. It will also be possible at the start of the meeting to make arrangements to speak. Time will be available during the meeting to informally present brief, general remarks or pose questions. Additionally, a 30-day period for the submission of written comments will follow the meeting.

Dated: January 28, 1985.

Glendon D. Deal,

Acting Director, Program Support Staff.

[FR Doc. 85-2817 Filed 2-1-85; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration

Title: Consumption (Usage) and Reclaiming of Industrial Diamond and Cubic Boron Nitride in 1984

Form number: Agency—ITA-992; OMB—N/A

Type of request: New collection

Burden: 370 respondents; 555 reporting hours

Needs of uses: The information collected from producers of diamond dies (natural and synthetic) is required in support of mobilization preparedness responsibilities assigned to the Department of Commerce under the Defense Production Act as amended, to manage the supply and production of diamond dies (natural and synthetic). The Federal Emergency Management Agency uses the data for its management of the Strategic and Critical Materials Stockpile, and for applications of Title III of the Defense Production Act of 1950. The Department of Commerce uses the data in support of its industrial mobilization planning preparedness programs.

Affected public: Businesses or other for-profit institutions, small businesses or organizations.

Frequency: Triennially.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Sheri Fox, 395-3785.

Agency:-International Trade Administration

Title: Export Trading Companies Contact Facilitation Service

Form number: Agency—ITA-4094P; OMB-0625-0120

Type of request: Revision of a currently approved collection

Burden: 2,500 respondents; 825 reporting hours

Needs and uses: Thousands of U.S. firms produce products that are marketable overseas but have never exported. The purpose of the Export Trading Company Act of 1982 is to increase United States exports of products and services by encouraging more efficient export trade services to U.S. producers and suppliers. Section 104 of the Act directs Commerce to provide such a service. As a result, Commerce developed the Contact Facilitation Service and the information collected is used to help provide this service.

Affected public: State or local governments, businesses or other for-profit institutions, small businesses or organizations.

Frequency: On occasion, annually.

Respondent's obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Sheri Fox, 395-3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: January 30, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-2815 Filed 2-1-85; 8:45 am]

BILLING CODE 3510-CW-M

DEPARTMENT OF THE DEFENSE

Office of the Secretary

President's Chemical Warfare Review Commission; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting.

Name of the committee: President's Chemical Warfare Review Commission (CWRC).

Dates of meeting: Tuesday, February 19, 1985 through February 22, 1985.

Time of meeting:

0930-1600—19 February (Open)

0830-1630—20 February (Open)

0830–1730—21 February (Open)
0830–1730—22 February (Open)

Place:

19–20 February, Washington, D.C.
21–22 February, Ft. Benning, GA

Agenda: The President's Chemical Warfare Review Commission (CWRC) will hold its initial meetings and take a field trip to Ft. Benning, GA during this period. The CWRC will receive background briefings including an overview of the issues to be addressed by the Commission, chemical warfare (CW) history, current CW policies, and participate in a field trip as follows:

Tuesday, 19 February 1985

—*Morning Session*—Charge to Commission, Opening Statement and Introduction to CW
—*Afternoon Session*—(Continue) Introduction to CW

Wednesday, 20 February 1985

—*Morning Session*—What is CW? Briefings on CW Agents and CW History
—*Afternoon Session*—(Continue) CW History; additional briefings on Military Advantages and Biotechnology

Thursday and Friday 21–22 February 1985

Field trip to Ft. Benning, GA

The meetings are open to the public. Any person may attend and/or file requests to appear before the Board or file statements with the Board at the time said in the manner permitted by the Board. The Board Staff Manager, LtCol Frank Sisti, may be contacted for further information at (202) 695–1097.

Joseph P. Northrop,

Acting Staff Manager, Presidential Review, Commission on Chemical Warfare Deterrence.

[FR Doc. 85–2842 Filed 2–1–85; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been changed as follows: The 7 March 1985 meeting has been rescheduled to:

DATES: 4 March 1985, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, D.C. 20336.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Advanced Air Defense.

Dated: January 30, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–2778 Filed 2–1–85; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been changed as follows: The 24 April 1985 meeting has been rescheduled to:

DATE: 18 April 1985, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Washington, DC. 20336.

FOR FURTHER INFORMATION CONTACT: Major Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on future initiatives in emergency planning.

Dated: January 30, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–2779 Filed 2–1–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Army Science Board; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of meeting: Thursday, 21 February 1985.

Time: 1330–1630 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board Steering Committee will meet for discussions on membership taskings, functional subgroup operations, and future study efforts. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–2780 Filed 2–1–85; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of meeting: Tuesday–Thursday, 26–28 February 1985.

Times of Meeting: 0830–1700 hours, 26 & 27 February (Closed) (full panel); 0830–1200 hours, 28 February (Closed) (subpanel chairs).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board 1985 Summer Study Panel on Manpower Implications of Logistic Support for Army 21 will meet to organize the study panel, receive background briefings, and plan future meetings to include the final 2-week working session in August. This follow-on to the 1984 Summer Study on Technology to Improve Logistics and Weapon Support for Army 21 will focus on facilitating the battalion task force's mission. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–2781 Filed 2–1–85; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following NDRB itinerary for January 1985 through May 1985 has been approved, but remains subject to modification if required:

22 through 30 January 1985, San Francisco/San Diego, California
15 through 19 April 1985, Chicago, Illinois
6 through 10 May 1985, Dallas, Texas

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to their residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, Virginia 22203–1989.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be mailed a notification of the date and place of their hearing when personal appearance has been requested.

For further information concerning the NDRB, contact: Captain R.A. Ways, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 905, 801 North Randoph Street, Arlington, Virginia 22203–1989, (202) 696–4881.

Dated: January 29, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–2759 Filed 2–1–85; 8:45 am]

BILLING CODE 3810-AE-M

Chief of Naval Operations Executive Panel Advisory Committee, Technology Transfer Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Technology Transfer Task Force will meet February 20 and 21, 1985, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to review technology transfer policy and issues. The entire agenda for the meeting will consist of discussions of key issues related to technology transfer in the national security context, the appropriate Navy role in that process, and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meetings be closed to the public because they will be concerned with matters listed in section 552b[c](1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756–1205.

Dated: January 29, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–2758 Filed 2–1–85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Application Notice for the Secretary's Discretionary Program—Planning Grants To Develop Teacher Incentive Structures

AGENCY: Department of Education.

ACTION: Application notice for the transmittal of applications for fiscal year 1985.

SUMMARY: The Secretary of Education (the Secretary), under the Secretary's Discretionary Program for Fiscal Year 1985, announces a grant competition and invites applications for new grants for planning projects to develop teacher incentive structures to improve the quality of elementary and secondary education by influencing teacher recruitment and teacher personnel systems, and by making the teaching profession more attractive to a wider range of talented individuals. Authority for this program is contained in section 583 of the Education Consolidation and Improvement Act of 1981 (ECIA) (20 U.S.C. 3851).

Closing Date for the Transmittal of Applications

An application for a grant must be mailed or hand-delivered by April 15, 1985.

Program Information

The ECIA was enacted as Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to State and local educational agencies to meet the special needs of educationally deprived children, and Chapter 2 consolidates 28 elementary and secondary level education grant programs funded in Fiscal Year 1981 into a single authorization of grants to States for the same purposes set forth in the programs consolidated.

Section 583(a) of Chapter 2 authorizes the Secretary to carry out directly, or through grants or contracts, projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by the ECIA, (2) carry out research and demonstrations related to the purposes of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or (4) are designed to assist State and local educational agencies in the implementation of programs under the ECIA.

Eligible Applicants

State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions may apply for a grant. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Final regulations for the Secretary's Discretionary Program, to be

codified in 34 CFR Part 760, published October 26, 1984 (49 FR 43226).

(b) Any final annual priority, adopted by the Secretary. A notice of the proposed annual funding priority, for the Secretary's Decretionary program—Planning Grants to Develop Teacher Incentive Structures—is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priority. If there are any substantive changes made in this proposed priority when published in final form, applicants will be given the opportunity to amend or resubmit their applications; and

(c) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78).

Selection Criteria

(a) In evaluating applicants, the Secretary will use the selection criteria contained in § 760.31 of the regulations. The maximum possible points for all the criteria is 100 points, and the minimum value assigned by the regulations for each criterion is as follows:

(1) Plan of operation. (20 points)

(2) Quality of key personnel. (15 points)

(3) Budget and cost effectiveness. (5 points)

(4) Evaluation plan. (5 points)

(5) Adequacy of resources. (5 points)

(6) Improving elementary and secondary education. (10 points)

(7) National significance. (15 points)

(8) Applicant's commitment and capacity. (10 points)

(b) Furthermore, the proposed regulations authorize the Secretary to distribute an additional 15 points among the criteria listed in the proposed regulations.

The Secretary will distribute these additional points as follows:

(1) *Plan of operation.* 10 additional points will be added for a possible total of 30 points.

(2) *Quality of key personnel.* 5 additional points will be added for a possible total of 20 points.

(c) The Secretary uses the procedures contained in § 75.217 of EDGAR to select applications for funding.

Private School Children Participation

To receive a grant under the competition described in this notice, a local educational agency must comply with the provisions of section 586 of the ECIA, governing equitable participation of private school children in the purposes and benefits of Chapter 2. Applicants are referred to the regulations implementing Chapter 2 of the ECIA codified at 34 CFR Part 298 (47 FR 52368, November 19, 1982) as a guide to the extent and nature of the required consultation with private school officials and the required provision of benefits to private school children.

Length of Awards

Applicants may apply for funding for a project from 6 to 12 months in duration.

Available Funds

It is estimated that up to 75 awards will be made for $10,000 to $20,000 each. This estimate assumes that applications of satisfactory quality will be received. This estimate does not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Pursuant to a Congressional directive in the conference report accompanying the Department's fiscal year 1985 appropriation act (which is incorporated by reference in the 1985 continuing resolution), the Department plans to use fiscal year 1985 Secretary's Discretionary Program funds to support 1984 projects that have not received the full amount of their funding commitments due to the freeze on fiscal year 1984 funds imposed as a result of ongoing litigation in *United States* v. *Board of Education of the City of Chicago.* At such time as the fiscal year 1984 funds are released by the District Court, accounting adjustments will be made so that 1985 grants can be awarded using fiscal year 1985 funds.

Application Information

Applications are required to be prepared and submitted in accordance with 34 CFR Part 75. Application forms may be obtained by writing to: Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202.

The Secretary requires an applicant to submit an original and two copies of its application to the above address, and the Secretary strongly urges that the narrative portion of the application not exceed 10 pages in length.

(Approved OMB Number 1880-0505, Expiration Date 9/85.)

Instructions for Transmittal of Applications

Applications Delivered By Mail. An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84:122A, Washington, D.C. 20202. Applications will be accepted only if they are mailed on or before April 15, 1985. An applicant must show one of the following as proof of mailing:

(a) A legibly dated U.S. Postal Service Postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any proof of mailing acceptable to U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept the following as proof of mailing: (1) A private metered postmark; (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first-class mail. Each applicant whose grant application does not meet the closing date in this notice will be notified that the application will not be considered and that the application will be returned.

Application Delivered by Hand. An application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 5873, 7th and D Street, SW., Washington, D.C. 20202.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m., Washington, D.C. time, daily except Saturdays, Sundays, and Federal Holidays. An application that is hand-delivered will not be accepted after 4:30 p.m. on April 15, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Enderlein, Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4181, Washington, D.C. 20202. Telephone: (202) 472-1762.

(20 U.S.C. 3851)

(Catalog of Federal Domestic Assistance 84.122 Secretary's Discretionary Program)

Dated: January 30, 1985.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 85-2806 Filed 2-1-85; 8:45 am]

BILLING CODE 4000-01-M

Secretary's Discretionary Program; Planning Grants To Develop Teacher Incentive Structures

AGENCY: Department of Education.

ACTION: Notice of proposed annual funding priority and required activities for fiscal year 1985.

SUMMARY: The Secretary proposes an annual funding priority for planning grants to be funded under the Secretary's Discretionary Program. The Secretary proposes to reserve funds for the development of plans for teacher incentive structures designed to improve the quality of elementary and secondary education.

DATE: Comments must be received on or before March 6, 1985.

ADDRESSES: Comments should be addressed to the Office of the Secretary, U.S. Department of Education, 400 Maryland Avenue SW., Room 4161, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas E. Enderlein, Office of the Secretary. Telephone: (202) 472–1762.

SUPPLEMENTARY INFORMATION:

Program Information

The Education Consolidation and Improvement Act of 1981 (ECIA) [20 U.S.C. 38511) was enacted as Title V of the Omnibus Budget Reconciliation Act of 1981 [Pub. L. 97–35). The ECIA has two principal purposes: Chapter 1 provides financial assistance to State and local educational agencies to meet the special needs of educationally deprived children, and Chapter 2 consolidates 28 elementary and secondary level education grant programs funded in Fiscal Year 1981 into a single authorization of grants or contracts, programs and projects that: (1) Provide a national source for gathering and disseminating information on the effectiveness of programs designed to meet the special educational needs of educationally deprived children and others served by ECIA, and for assessing the needs of such individuals; (2) carry out research and demonstrations related to the purposes of the ECIA; (3) are designed to improve the training of teachers and other instructional personnel needed to carry out the purposes of the ECIA; or (4) are designed to assist State and local educational agencies in the implementation of programs under the ECIA.

The Secretary has determined that certain unmet national needs exist within the scope of the Discretionary Program. More specifically, the National Commission on Excellence in Education has identified improving the quality of elementary and secondary level teaching through incentives as an urgent national educational need. The Report of the Commission recommended that salaries for the teaching profession be professionally competitive, market-sensitive, and performance based. The Report further recommended that school officials and teachers cooperate to develop career ladders for teachers which distinguish among the beginning instructor, the experienced teacher, and the master teacher.

Funding Priority

To address the need to improve the quality of elementary and secondary teaching and to stimulate interest in this area, the Secretary proposes to reserve funds under the Discretionary Program for the development of teacher incentive structures. These planning grants would be intended to assist in the development of plans for teacher incentive structures to improve the quality of elementary and secondary level teaching by influencing teacher recruitment and teacher personnel systems, and by making the teaching profession more attractive to a wider range of talented individuals.

Funds for this competition are reserved only for the costs of developing teacher incentive plans, not for the cost of implementing such plans. Furthermore, pursuant to 34 CFR 760.10(b), funds provided for these planning grants may not be used as general operating revenue to meet local needs of any applicant. For these reasons, funds awarded under this competition may not be used to pay salaries, merit pay increases or bonuses for classroom teachers.

Activities

The Secretary proposes to require certain activities as a condition of funding under this priority. The teacher incentive structure to be planned would have to combine a well-specified teacher evaluation system, which may include peer judgement arrangements, with one or more of the following elements:

—Pay differentials based on a merit pay system, that is, one in which limited numbers of teachers could qualify for the highest payment.
—A career ladder structure that clearly specifies successive labels or teaching positions analogous to the system used in higher education.
—Nonsalary forms of recognition for superior teaching or contribution to the improvement of the overall instructional program.

The Secretary proposes to require that the incentive structure be developed by, or in conjunction with, a *local school district*, and to be suitable to be used as a model for implementation by other States or by other local school districts. In other words, the grants would be intended to assist in the development of incentive structure plans to be implemented in a particular local school district or districts. The incentive structure being planned would also have to include staff development and in-service training and would have to provide for collecting and reporting results and for making information available to other school districts. The Secretary proposes to encourage the submission of applications that will affect or have the potential to affect large numbers of elementary and secondary students and teachers in a single setting. Planning of the incentive structures would have to be conducted with the participation of appropriate interested local groups. The Secretary proposes to encourage activities aimed at achieving wide support for the final plan from high-level school officials and commitment from the various interested local groups, including support from the private sector.

The Secretary proposes to encourage collaboration with institutions of higher education in the planning and development of teacher incentive structures. An appropriate university for such collaboration would be one, for example, that pays its faculty on a merit basis and that uses peer review, faculty participation, and objective criteria in evaluating faculty members. The purpose of this collaboration would be to enable the applicant/planner to learn from the university's experience with career ladders as well as to promote interest, on the part of the university, in the need for teacher incentive structures at the elementary and secondary level.

An example of a career ladder plan is one that would enable an outstanding teacher to progress along a career ladder that has clearly specified levels or teaching positions. Each successive level or position would be distinguished by increasing teacher responsibilities and opportunties while the teacher would be maintaining superior classroom performance. Analogous to the system used in higher education, progress from one level to the next would be based on an evaluation system that includes peer review, teacher participation, and objective criteria.

The Secretay proposes to require that the plan developed be submitted to the U.S. Department of Education for dissemination upon request. Funding for projects under these grants would be limited to the cost of developing a workable plan.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 4181, 400 Maryland Avenue, SW., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 3851)

(Catalog of Federal Domestic Assistance 84.122, Secretary's Discretionary Program)

Dated: January 30, 1985.

Gary L. Jones,

Acting Secretary of Education.

[FR Doc. 85-2805 Filed 2-1-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Guaranteed Student Loan Program and Plus Program

AGENCY: Department of Education.

ACTION: Notice of Special Allowance for Quarter Ending December 31, 1984.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP) or the PLUS Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1). Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending December 31, 1984, the special allowance will be paid at the following rates:

	Applicable interest rate (percent)	Annual special allowance rate (percent)	Special allowance rate (percent) for quarter ending Dec. 31, 1984
GSLP loans or PLUS loans made prior to Oct. 1, 1981	7	5.75	1.4375
	9	3.75	0.9375
GSLP loans or PLUS loans made on or after Oct. 1, 1981	7	5.71	1.4275
	8	4.71	1.1775
	9	3.71	0.9275
	12	0.71	0.1775
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies;

(b) *Step 2.*

Subtract from that average the applicable interest rate (7, 8, 9, 12, or 14 percent) of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder; and

(2) In the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent;

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

FOR FURTHER INFORMATION CONTACT: Nancy Eakin, Program Specialist, or Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: January 30, 1985.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 85-2804 Filed 2-1-85; 8:45 am]

BILLING CODE 4000-01-M

Office of Special Education and Rehabilitative Services

Discretionary Grant Programs

AGENCY: Department of Education.

ACTION: Application Notice Establishing Closing Dates for Transmittal of Certain Fiscal Year 1985 Noncompeting Continuation Applications.

SUMMARY: The purpose of this application notice is to inform potential applicants of fiscal and programmatic information and closing dates for transmittal of noncompeting continuation applications for projects under certain programs administered by the Department of Education under the Office of Special Education and Rehabilitative Services

Organization of Notice

This notice contains two parts. Part I includes, in chronological order, the list of all closing dates covered by this notice. Part II consists of the individual application announcements for each program. These announcements are in the same order as the closing dates listed in Part I.

Instructions for Transmittal of Applications

Applicants should note specifically the following instructions for the transmittal of applications:

Transmittal of Applications: To be assured of consideration for funding, applications for noncompeting continuation projects should be mailed or hand delivered on or before the closing date given in the individual program annoucements included in this document.

If an application is late, the Department of Education may lack sufficient time to review it with other noncompeting continuation applications and may decline to accept it.

Applications Delivered by Mail: An application submitted under CFDA 84.132, the Centers for Independent Living program, must be addressed to the Department of Education, Application Control Center, Attention: 84.132, 400 Maryland Avenue, SW., Washington, D.C. 20202. Applications submitted under CFDA 84.128G, the Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects program, must be addressed to the Regional Office of the U.S. Department of Education at the appropriate address below:

Region I

RSA Regional Commissioner,
Department of Education, OSERS,
John F. Kennedy Federal Building,
Room E-400 Government Center,
Boston, Massachusetts 02203

Region II

RSA Regional Commissioner,
Department of Education, OSERS, 26
Federal Plaza, Room 4106, New York,
New York 10278

Region III

RSA Regional Commissioner,
Department of Education, OSERS,
3535 Market Street, Room 3350,
Philadelphia, Pennsylvania 19101

Region IV

RSA Regional Commissioner,
Department of Education, OSERS, 101
Marietta Street, N.W., Suite 821,
Atlanta, Georgia 30323

Region V

RSA Regional Commissioner,
Department of Education, OSERS, 300
South Wacker Drive, 15th Floor,
Chicago, Illinois 60606

Region VI

RSA Regional Commissioner,
Department of Education, OSERS,
1200 Main Tower Building, Room 1400,
Dallas, Texas 75202

Region VII

RSA Regional Commissioner,
Department of Education, OSERS, 324
E. 11th Street, 11 Oak Building, 10th
Floor West, Kansas City, Missouri
64106

Region VIII

RSA Regional Commissioner,
Department of Education, OSERS,
Federal Office Building, Room 398,
1961 Stout Street, Denver, Colorado
80294

Region IX

RSA Regional Commissioner,
Department of Education, OSERS,
Federal Office Building, Room 480, 50
United Nations Plaza, San Francisco,
California 94102

Region X

RSA Regional Commissioner,
Department of Education, OSERS,
2901 Third Avenue, Room 120, Seattle,
Washington 98121

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: Hand delivered applications under CFDA 84.132, the Centers for Independent Living Program, must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets SW., Washington, D.C.

Hand delivered applications under CFDA 84.128G, the Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects Program, must be taken to the appropriate Regional Office at the address given above.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays.

The Regional Offices will accept hand delivered applications between 8:30 a.m. and 4:30 p.m. (local time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted after 4:30 p.m. on the closing date.

Available Funds: In each application notice, under the paragraph on availability of funds, these estimates of funding levels do not bind the Department to a specific number of grants or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Intergovernmental Review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79 published at 48 FR 29158 et seq.) implementing Executive Order 12372 entitled: "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

The following programs in this notice are subject to the requirement of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State post-secondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

Included in each of the two application announcements in this notice is a current list of States that have established a process, designated a single point of contact, and have selected that program for review. Also included in each annoucement is the date by which comments and recommendations from a single point of contact review are due to the Department.

The Executive Order for Intergovernmental Review will apply to both 84.132—Centers for Independent Living and 84.128G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects.

Part I—List of Program Application Announcements Published in this Notice

CFDA No.	Program	Closing date
84.132	Centers for independent living.	Mar. 15, 1985
84.128G	Handicapped migratory agricultural and seasonal farmworker vocational rehabilitation service projects.	Mar. 29, 1985

Part II—Application Announcements for Each Program

84.132—Centers for Independent Living (Noncompeting)

Closing Date: March 15, 1985—(All projects)

Authority for this program is contained in section 711 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 796e).

Awards are made under this program to State vocational rehabilitation agencies or to local public agencies and private nonprofit organizations in those States where the State vocational rehabilitation agency does not apply.

The purpose of this program is to establish and operate Centers for Independent Living services for severely handicapped individuals so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction.

Program Information: Section 711(f) of the Rehabilitation Act of 1973, as added by Pub. L. 98-211, the Rehabilitation Amendments of 1984, requires the continued funding of current grantees through September 30, 1986, unless the Commissioner of the Rehabilitation Services Administration determines that there is a substantial failure to comply with the provisions of the grantee's approved application.

The Rehabilitation Amendments of 1984 also amended section 711(c) of the Rehabilitation Act of 1973 to require that applications contain a description of an evaluation plan which must reflect certain specific factors. Each applicant *must* submit this description before the Commissioner will continue its grant. This new requirement is contained in section 711(c)(3) and a copy of it is included in the program information packages sent to all eligible applicants.

All applicants are reminded that section 711(c)(1) of the Act continues to require that handicapped individuals be substantially involved in policy direction and management of each center, and be employed by the center.

Intergovernmental Review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process, designated a single point of contact, and have selected this program for review:

Alabama	New Mexico
Arizona	New York
Arkansas	North Carolina
California	North Dakota
Colorado	Ohio
Connecticut	Oklahoma
Delaware	Oregon
District of Columbia	Pennsylvania
Florida	Rhode Island
Hawaii	South Carolina
Illinois	South Dakota
Indiana	Texas
Kansas	Utah
Kentucky	Vermont
Louisiana	Virginia
Maine	Washington
Massachusetts	West Virginia
Michigan	Wisconsin
Mississippi	Wyoming
Missouri	Guam
Montana	Northern Mariana Islands
Nebraska	Puerto Rico
Nevada	Trust Territory
New Hampshire	Virgin Islands
New Jersey	

Immediately upon receipt of this notice, applicants which are govenmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 15, 1985 to the following address: The Secretary, U.S. Department of Education, Room 4181 (CFDA No. 84.132), 400 Maryland Avenue SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

Available Funds: The total amount of funds appropriated under this grant program for Fiscal Year 1984 was $19,400,000. It is estimated that $20,100,000 will be available in Fiscal Year 1985 to provide for the continuation funding of existing projects, as mandated by section 711(f) of the Act, and for the adjustment of project periods of certain existing projects to provide for a standardized project period under the Centers for Independent Living program.

Application Forms: Application forms and program information packages will be mailed to each eligible applicant.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exeed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1820-0018).

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Centers for Independent Living Program (34 CFR part 366); and

(b) Education Department General Administrative Regulation (EDGAR) (34 CFR Parts 74, 75, 77, 78 and 79).

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Division of Special Projects, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3317, Mary E. Switzer Building, 400 Maryland Avenue, SW., (MS 2312) Washington, D.C. 20202. Telephone (202) 732-1325. (29 U.S.C. 796e)

84.128G—Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Projects

Closing date: March 29, 1985—Noncompeting Continuation Projects.

Authority for this program is contained in section 312 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 777b).

Awards are made under this program to State vocational rehabilitation agencies or local administering vocational rehabilitation programs under written agreements with State agencies.

The purpose of this program is to support projects for providing vocational rehabilitation services to handicapped migratory agricultural workers and handicapped seasonal farmworkers.

Intergovernmental review: The information on Intergovernmental Review of Federal Programs, as required under Executive Order 12372, is included in the preamble to this notice.

The following is a current list of States that have established a process designated a single point of contact, and have selected this program for review:

Alabama	New Jersey
Arizona	New Mexico
Arkansas	New York
California	North Carolina
Connecticut	North Dakota
Delaware	Northern Mariana Island
District of Columbia	Ohio
Florida	Oklahoma
Guam	Oregon
Hawaii	Pennsylvania
Illinois	Puerto Rico
Indiana	South Carolina
kansas	South Dakota
Louisiana	Tennessee
Maine	Texas
Maryland	Trust Territory
Massachusetts	Utah
Michigan	Vermont
Mississippi	Virgin Islands
Missouri	Virginia
Montana	Washington
Nebraska	Wisconsin
Nevada	Wyoming
New Hampshire	

Immediately upon recieipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State Single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should,

immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by April 29, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181 (84.128 G), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS APPLICATION. DO NOT SEND APPLICATIONS TO ABOVE ADDRESS.

Available Funds: The total amount of funds appropriated under this program for Fiscal Year 1984 was $950,000. It is estimated that $592,000 of the $950,000 available in Fiscal Year 1985 for this program will be used to support 7 noncompeting continuation projects.

Application Forms: Application forms and program information packages will be mailed to each eligible applicant.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 15 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1820-0018).

Applicable Regulations: The following regulations are applicable to this program:

(a) Regulations governing Handicapped Migratory Agricultural and Seasonal Farmworker Vocational Rehabilitation Service Project (34 CFR Parts 369 and 375); and

(b) Education Department General Administrative Regulations (EDGAR) CFR Parts 74, 75, 77, 78 and 79).

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Division of Special Projects, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3317, Mary E. Switzer Building, 400 Maryland Avenue, SW., (MS-2312) Washington, D.C. 20202. Telephone (202) 732-1325.

(29 U.S.C. 777b)

(Catalog of Federal Domestic Assistance No. 84.128, Vocational Rehabilitation Service Projects and 84.132 Centers for Independent Living)

Dated: January 29, 1985.

Madeleine Will,

Assistant Secretary, Special Education and Rehabilitative Services.

[FR Doc. 85-2807 Filed 2-1-85; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Dose Assessment Advisory Group; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given to the following meeting:

Name: Dose Assessment Advisory Group (DAAG).

Date and time:

Thursday, February 21, 1985, 8:30 a.m.-5:00 p.m.;

Friday, February 22, 1985, 8:30 a.m.-4:00 p.m.

Place: U.S. Department of Energy, Nevada Operations Office Auditorium, 2753 South Highland Drive, Las Vegas, Nevada.

Contact: Marshall Page, Jr., Deputy Project Manager, Off-Site Radiation Exposure Review Project, Nevada Operations Office, U.S. Department of Energy, Post Office Box 14100, Las Vegas, Nevada 89114, Telephone: (702) 295-0991.

Purpose of the Group

To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative Agenda

February 21, 1985

—Welcome and Introductions

—Discussion of DAAG Recommendations

—DAAG Recommendation to Predict Hot Spots from Meteorological Data

—Project Directive No. 5, 6, 7, and 8

—Population Summaries

—Survey Meter and Film Badge Data Bases

—Format, Contents, and Supporting Data for the Town Data Base

—Description of the External Dose Assessment Model and External Population Dose Estimates

—Overview of Epidemiological Study of Fallout

—Update on CSU Milk Distribution Study

—Sensitivity of the Model to Predict Fallout to 400 Miles

—Analysis of EASY and PIKE fallout patterns

—Measurement of Dose from Fallout to Bricks in Utah Locations Using Thermoluminescence

—DAAG Discussion

—Public Comments and Questions (5-Minute Rule)

February 22, 1985

—Progress on Internal Dose Assessment Model

—Status on PATHWAY Uncertainty and Sediment Sampling

—Status of Survey Results and IDA

—Update on NURE and Gum-Film Analysis

—Quality Assurance of Phase II Sample Analysis

—ORERP Quality Assurance Program

—Status of Phase II Soil Sampling Program

—CIC and Document Collection Presentation

—Timeliness and Budget Projects

—DAAG Discussion and Recommendations

—Public Comments and Questions (5-Minute Rule)

Public Participation

The meeting is open to the public. The Chairperson of the Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page, Jr., at the address or telephone number listed above.

Transcripts

Available for public review and copying at the Public Reading Room, Room IE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on January 30, 1985.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 85-2828 Filed 2-1-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs and Energy Emergencies

International Atomic Energy Agreements; Austria; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Austria Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/AT(EU)-83, from the Federal Republic of Germany to Austria, 20 irradiated compacts, containing 44 grams of uranium enriched to 3.4% in U-235, and 1 gram of plutonium, for post-irradiation examination and ultimate disposal as waste.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: January 29, 1985.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-2754 Filed 2-1-85; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; European Atomic Energy Community; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale: Contract Number S-EU-829, for the supply of 175 grams of natural uranium, for use as standard reference material by COGEMA laboratories, Paris, France.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: January 29, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-2755 Filed 2-1-85; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Switzerland; Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/SD (EU)-47, for the retransfer of 22 kilograms of uranium, enriched to approximately 19.75% in U-235 contained in 10 prototype fuel elements from the Federal Republic of Germany to Switzerland. The fuel elements are to be tested in the Saphir research reactor, in connection with the Reduced Enrichment Research and Test Reactor (RERTR) program.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: January 29, 1985.

For the Department of Energy.

George J. Bradley, Jr.,

Deputy Assistant Secretary for International Affairs.

[FR Doc. 85-2753 Filed 2-1-85; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

Energy Conservation Program for Consumer Products; Representative Average Unit Costs of Energy

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY In this notice, the Department of Energy is forecasting the representative average unit costs of five residential energy sources for the year 1985. The five sources are electricity, natural gas, No. 2 heating oil, propane and kerosene. The representative unit costs of these energy sources are used in the Energy Conservation Program for Consumer Products established by the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act.

EFFECTIVE DATE: The representative average unit costs of energy contained in this notice will become effective March 6, 1985 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station CE-113.1, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC-12, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9513

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act (Pub. L. 94-163), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619), (Act)[1] requires that the Department of

[1] References to the "Act" refer to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act.

Energy (DOE) prescribe test procedures for the determination of the estimated annual operating cost and other measures of energy consumption for certain consumer products specified in the Act. DOE has prescribed test procedures for the types of products listed in Section 322(a) (1)–(13) of the Act. These test procedures are found in 10 CFR Part 430, Subpart B.

Section 323(b) of the Act requires that the estimated annual operating cost of a covered product be computed from measurements of energy use in a representative average-use cycle and from representative average unit costs of the energy needed to operate such product during such cycle. The section further requires DOE to provide information regarding the representative average unit costs of energy for use wherever such costs are needed to perform calculations in accordance with the test procedures. Most notably, these costs are used under the Federal Trade Commission labeling program established by section 324 of the Act and in connection with advertisements of appliance energy use and energy costs which are covered by Section 323(c) of the Act.

DOE last published representative average unit costs of residential energy for use in the Energy Conservation Program for Consumer Products on February 16, 1984 (49 FR 6005). Effective March 6, 1985, the cost figures published on February 16, 1984, will be superseded by the cost figures set forth in this notice.

DOE's Energy Information Administration (EIA) has developed the 1985 representative average unit costs of electricity, natural gas, No. 2 heating oil and propane found in this notice. These costs were generated from the EIA Short-Term Energy Price Projection System, which forecasts the retail cost of selected energy products based on changes in world oil prices, wellhead natural gas prices, seasonal patterns in retail prices and established trends in margins and operating expenses. The development of these costs is discussed in detail in the October 1984 issue of EIA's quarterly publication of historical and forecasted energy consumption and prices, "Short-Term Energy Outlook," DOE/EIA–0202 (84/4Q). The costs appear in Table 3 of this report. Copies of this report are available at the National Energy Information Center, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585.

In the case of kerosene, the 1985 representative average unit cost found in this notice was developed by other means since EIA's "Short-Term Energy Outlook" does not provide a forecast of the retail cost of this fuel. However, historical refiner and gas plant operator sales prices for kerosene, No. 2 heating oil and other petroleum-based fuels are available for another EIA publication, "Petroleum Marketing Monthly," DOE/EIA–0380. Referring to Table 7 of the August 1984 issue of "Petroleum Marketing Monthly," published November 1984, DOE obtained refiner and gas plant operator average sales prices for koresene and No. 2 heating oil for each month of the period January 1984 to the most recent month for which data was available, August 1984. Based on these data, DOE computed the average monthly sales prices for each of these fuels. To forecast a 1985 representative average unit cost for kerosene, DOE made the assumption that the relative difference between the average refiner and gas plant operator sales price and the average residential retail cost of kerosene and No. 2 heating oil (i.e. the percentage price "mark-up") is the same for both of these fuels. DOE also assumed that the relative difference between the refiner and gas plant operator 1984 and 1985 average sales prices of kerosene and No. 2 heating oil (i.e. percentage sales price increase) is the same for both of these fuels. On the basis of these two assumptions, DOE compted the relative difference between the 1985 representative average unit cost of No. 2 heating oil (taken from the October 1984 issue of "Short-Term Energy Outlook") and the average monthly refiner and gas plant operator sales prices for No. 2 heating oil over the period January 1984 through August 1984. DOE then applied this computed value to the average monthly refiner and gas plant operator sales price for kerosene over the period January 1984 through August 1984 to forecast its 1985 representative average unit cost.

The 1985 representative average unit costs stated in Table 1 are provided pursuant to section 232(b)(2) of the Act and will become effective March 6, 1985. They will remain in effect until further notice.

Issued in Washington, D.C., January 18, 1985.

Pat Collins,

Under Secretary.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1985)

Type of energy	In common terms	As required by test procedure	Dollars per million Btu [1]
Electricity	7.75¢/kWh [2,3]	$0.0775/kWh	$22.71
Natural Gas	61.7¢/therm [4] or $6.27/MCF [5,6]	0.00000617/Btu	6.17
No. 2 Heating Oil	$1.11/gallon [7]	0.00000800/Btu	8.00
Propane	72.0¢/gallon [8]	0.00000791/Btu	7.91
Kerosene	$1.24/gallon [9]	0.00000921/Btu	9.21

[1] Btu stands for British thermal units.
[2] kWh stands for kilowatt hour.
[3] 1 kWh = 3,413 Btu.
[4] 1 therm = 100,000 Btu.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,016 Btu.
[7] For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 13,700 Btu.
[8] For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,600 Btu.
[9] For the purposes of this table, one gallon of kerosene has an energy equivalence of 134,700 Btu.

[FR Doc. 85–2752 Filed 2–1–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER85–184–000]

Carolina Power & Light Co.; Order Accepting for Filing and Suspending Rates, Granting Intervention, Ordering Summary Disposition, and Establishing Hearing and Price Squeeze Procedures

Issued January 30, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; A.G. Sousa, Oliver G. Richard III, and Charles G. Stalon.

On December 14, 1984, Carolina Power and Light Company (CP&L) tendered for filing a proposed two-step increase in its rates for full and partial requirements service to 23 wholesale customers.[1] The proposed Phase I rates would increase revenues by approximately $22 million (10.2%), based on the calendar year 1985 test period. The Phase II rates would further increase revenues by approximately $11.5 million (5.4%), representing a total increase of $33.5 million (15.6%). Phase I of the proposed increase reflects the inclusion in rate base of CP&L's construction work in progress (CWIP) other than CWIP associated with

[1] *See* Attachment for rate schedule designations and affected customers.

pollution control and fuel conversion facilities. The CWIP-based portion of the rates represents an increase of approximately $12.1 million. CP&L requests effective dates of February 13, 1985 for the Phase I rates and February 14, 1985 for the Phase II rates. However, the company states that it would not contest a five month suspension of the Phase II rates if the Phase I rates suspended for only one day.

Notice of the filing was published in the **Federal Register** (49 FR 50774), with comments due on or before January 8, 1985. Timely motions to intervene were filed by the City of Fayetteville, North Carolina (Fayetteville) and the Cities of Bennettsville and Camden, South Carolina, and the French Broad Electric Membership Corporation (Cities). On January 9, 1985, the North Carolina Electric Membership Corporation and Brunswick Electric Membership Corporation (Cooperatives) filed an untimely motion to intervene.

Fayetteville, the Cities, and the Cooperatives all request that both phases of the proposed rates be suspended for five months. In support of its request for a maximum suspension, Fayetteville cites various cost of service issues, including: (1) Rate of return on common equity; (2) treatment of system sales to the North Carolina Eastern Municipal Power Agency (NCEMPA); (3) reflection of the gain and deferred taxes associated with the sale of facilites to NCEMPA; (4) the amortization period for cancellation costs related to Harris Unit No. 2 and the allocation of those costs to the wholesale class; (5) cash working capital; (6) claimed fossil fuel stocks; (7) reflection in administrative and general expenses of credits for reimbursements from NCEMPA; (8) regulatory expenses; and (9) allocation to the wholesale class of certain EEI expenditures. The Cooperatives raise additional cost of service issues, including: (1) The projected cost of long-term debt; (2) inclusion of operating reserves in rate base; and (3) allocation of general advertising expenses and industry association dues and memberships to the wholesale customers. The Cities raise many of the same issues as Fayetteville and the Cooperatives. The Cities also cite other issues, including: (1) Inclusion of construction-related materials and supplies in rate base; (2) claimed interest expense on spent nuclear fuel disposal costs (SNFDC) and inclusion of a credit for interest on SNFDC refunds; (3) administrative and general expenses generally; and (4) amortization of investment tax credits. Finally, the Cities reserve the right to raise other specific issues, including price squeeze.

On January 18, 1985, CP&L filed a timely response to the Cooperatives' pleading. CP&L does not oppose the Cooperatives' motion to intervene and request for hearing. The company, however, denies that a five-month suspension is warranted and asserts that a number of the Cooperatives; allegations are erroneous or unjustified.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely and unopposed motions to intervene serve to make Fayetteville and the Cities parties to this proceeding. Further, we find good cause to grant the Cooperatives' motion to intervene, given their interest in the proceeding as customers of CP&L, the very early stage of this proceeding, and our belief that no undue prejudice or delay should result.

We note that CP&L's Phase I and Phase II fuel clauses do not explicitly define the cost of fuel in terms of the fuel expenses booked to Account Nos. 151 and 518 as required by section 35.14 of the Commission's regulations. In addition, CP&L's Phase I fuel clause incorrectly provides for the recovery of the net energy cost of energy purchases *inclusive* of capacity or demand charges when such energy is purchased on an economic dispatch basis. Section 35.14, however, provides for net energy charges *exclusive* of capacity or demand charges.[3] Finally, CP&L's Phase II fuel clause, in note (c)(4), provides for reliability *purchases* instead of purchases made for reliability *purposes*. We shall require CP&L to file revised Phase I and Phase II fuel clauses to correct these clear irregularities within 30 days.

Our preliminary review of CP&L's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept CP&L's rates for filing, as modified by summary disposition, and suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our examination of CP&L's rates suggests that the Phase I rates may not yield excessive revenues. Accordingly, we shall suspend the Phase I rates for one day from 60 days after filing, to become effective on February 14, 1985, subject to refund. We shall suspend the proposed Phase II rates for five months, to become effective on July 14, 1985, subject to refund.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, 8 FERC ¶ 61,131 (1979), we shall order the initiation of price squeeze procedures and shall provide that the price squeeze issue be phased.

The Commission orders:

(A) The intervention of the Cooperatives is hereby granted, subject to the Commission's Rules of Practice and Procedure.

(B) Summary disposition is hereby ordered, as noted in the body of this order, with respect to: (1) Specifically defining fuel costs as only those booked to Account Nos. 151 and 518; (2) providing that net energy charges *exclusive* of capacity or demand charges will be reflected in the Phase I fuel clause for energy purchased on an economic dispatch basis; and (3) substituting "reliability purposes" for "reliability purchases" in note (c)(4) of its Phase II fuel clause. Within thirty (30) days of the date of this order, CP&L shall file revised Phase I and Phase II fuel clauses to reflect these determinations.

(C) CP&L's proposed rates are hereby accepted for filing as modified; the Phase I rates are suspended for one day, to become effective on February 14, 1985, subject to refund, and the Phase II rates are suspended for five months, to become effective on July 14, 1985, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of CP&L's rates.

(E) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding

[3] CP&L has retained its original fuel clause in its Phase I rates which is not a fuel clause permitting demand cost recovery pursuant to Order 352.

to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss), as provided in the Commission's Rules of Practice and Procedures.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Lois D. Cashell,

Acting Secretary.

Carolina Power & Light Company

[Docket No. ER85-184-000]

Rate Schedule Designations (Phase I)

Filed: December 14, 1984.

FPC Electric Tariff, Original Volume No. 1

Sheet No.	Supersedes	Description
(1) 11th Revised Sheet Nos. 5, 6 and 7.	10th Revised Sheet Nos. 5, 6, and 7.	Resale Service Schedule RS85-1.
(2) 9th Revised Sheet Nos. 7A, 7B, and 7C.	8th Revised Sheet Nos. 7A, 7B, and 7C.	Resale Service Schedule RS85-2.
(3) 10th Revised Sheet Nos. 7D, 7E, 7F, and 7G.	9th Revised Sheet Nos. 7D, 7E, 7F and 7G.	Partial Requirements Service Schedule RS85-3.
(4) 7th Revised Sheet Nos. 8 and 8A.	6th Revised Sheet Nos. 8 and 8A.	FAC Rider No. 85A.

Electric Tariff Customers

Electric Membership Cooperatives: Brunswick EMC, Carteret-Craven EMC, Central EMC, Four County EMC, French Broad EMC, Halifax EMC, Harkers Island EMC, Haywood EMC, Jones-Onslow EMC Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, South River EMC, Tideland EMC, Tri-County EMC, Wake EMC.

Designation	Description/other party
(5) Supplement No. 33 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 32).	Resale Service Schedule RS85-2 Town of Bennettsville, SC.
(6) Supplement No. 34 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 30).	FAC Rider No. 85A.
(7) Supplement No. 32 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 31).	Resale Service Schedule RS85-2 Town of Camden, SC.
(8) Supplement No. 33 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 29).	FAC Rider No. 85A.
(9) Supplement No. 32 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 31).	Resale Service Schedule RS85-2 Laurel Hill Electric Company.
(10) Supplement No. 33 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 29).	FAC Rider No. 85A.
(11) Supplement No. 33 to Rate Schedule FPC No. 89 (Supersedes Supplement No. 32).	Resale Service Schedule RS85-2 Town of Waynesville, NC.
(12) Supplement No. 34 to Rate Schedule FPC No. 89 (Supersedes Supplement No. 29).	FAC Rider No. 85A.
(13) Supplement No. 29 to Rate Schedule FPC No. 102 (Supersedes Supplement No. 28).	Partial Requirements Service Schedule RS85-3 City of Fayetteville, NC.
(14) Supplement No. 30 to Rate Schedule FPC No. 102 (Supersedes Supplement No. 24).	FAC Rider No. 85A.

Carolina Power & Light Company

[Docket No. ER85-184-000]

Rate Schedule Designations (Phase II)

Filed: December 14, 1984.

FPC Electric Tariff, Original Volume No. 1

Sheet No.	Supersedes	Description
(1) 12th Revised Sheet Nos. 5, 6, and 7.	11th Revised Sheet Nos. 5, 6, and 7.	Resale Service Schedule RS85-1A.
(2) 10th Revised Sheet Nos. 7A, 7B, and 7C.	9th Revised Sheet Nos. 7A, 7B, and 7C.	Resale Service Schedule RS85-2.
(3) 11th Revised Sheet Nos. 7D, 7E, 7F and 7G.	10th Revised Sheet Nos. 7D, 7E, 7F, and 7G.	Partial Requirements Service Schedule RS85-3A.
(4) 8th Revised Sheet Nos. 8 and 8A.	7th Revised Sheet Nos. 8 and 8A.	FAC Rider No. 95A.

Electric Tariff Customers

Electric Membership Cooperatives: Brunswick EMC, Carteret-Craven EMC, Central EMC, Four County EMC, French Broad EMC, Halifax EMC, Harkers Island EMC, Haywood EMC, Jones-Onslow EMC, Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Green EMC, Randolph EMC, South River EMC, Tideland EMC, Tri-County EMC, Wake EMC

Designation	Description/other party
(5) Supplement No. 35 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 33).	Resale Service Schedule RS85-2A Town of Bennettsville, SC.
(6) Supplement No. 36 to Rate Schedule FPC No. 49 (Supersedes Supplement No. 34).	FAC Rider No. 85B.
(7) Supplement No. 34 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 32).	Resale Service Schedule RS85-2A Town of Camden, SC.
(8) Supplement No. 35 to Rate Schedule FPC No. 50 (Supersedes Supplement No. 33).	FAC Rider No. 85B.
(9) Supplement No. 34 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 32).	Resale Service Schedule RS85-2A Laurel Hill Electric Company.
(10) Supplement No. 35 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 33).	FAC Rider No. 85B.
(11) Supplement No. 35 to Rate Schedule FPC No. 89 (Supersedes Supplement No. 33).	Resale Service Schedule RS85-2A Town of Waynesville, NC.
(12) Supplement No. 36 to Rate Schedule FPC No. 89 (Supersedes Supplement No. 34).	FAC Rider No. 85B.
(13) Supplement No. 31 to Rate Schedule FPC No. 102 (Supersedes Supplement No. 29).	Partial Requirements Service Schedule RS85-3A City of Fayetteville, NC.
(14) Supplement No. 32 to Rate Schedule FPC No. 102 (Supersedes Supplement No. 30).	FAC Rider No. 85B.

[FR Doc. 85-2768 Filed 2-1-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE85-2-000]

Central Illinois Light Co.; Application for Exemption

January 29, 1985.

Take notice that Central Illinois Light Company (CILCO) filed an application on December 28, 1984 for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1986 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290.

In its application for exemption CILCO states, in part, that it should not be required to file the specified data for the following reasons:

The goals of section 133 of PURPA are being met in the state of Illinois under ratemaking procedures and policies set by the Illinois Commerce Commission (ICC).

The ICC currently requires that CILCO, as part of the record in each CILCO retail rate proceeding, file both embedded accounting

cost of service and marginal cost of service studies in formats different from those specified in Part 290.

The applicant's current program of class load studies is more extensive than the load studies required by Part 290. The results of CILCO's ongoing research in class loads are provided to the ICC.

The ICC allows its staff and retail intervenors wide latitude to serve data requests upon CILCO for data and information that have not been provided in initial rate case filings. These data requests are tailored to the specific issues of the rate case, and are not satisfied by the scope of Part 290 information. CILCO is not aware of any instance where Part 290 data has reduced the number and scope of such data requests.

The ICC supports CILO's request for a blanket exemption from the filing requirements of PURPA Section 133 and 18 CFR Part 290 filing requirements for the June 30, 1986 filing and all subsequent filings.

Copies of the application for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also supply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period, such person must also serve a copy of such comments on: James Vergon, Director, Rate and Regulatory Affairs, Central Illinois Light Company, 300 Liberty Street, Peoria, Illinois 61602.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-2769 Filed 2-1-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ID-2150-000, et al.]

Interlocking Directorate Filings; Charles Gregory Uligan, et al.

Take notice that the following filings have been made with the Commission:

1. Charles Gregory Uligan

[Docket No. ID-2150-000]

January 29, 1985.

Take notice that on January 14, 1985, Charles Gregory Uligan (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Louisville Gas and Electric Company
Vice President, Ohio Valley Transmission Corporation

Comment date: February 14, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Robert P. Reuss

[Docket No. ID-1823-001]

Take notice that on January 16, 1985, Robert P. Reuss filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman of the Board and Chief Executive Officer, Centel Corporation
Director, American National Bank, and Trust Company of Chicago (Bank)
Director, American National Corporation

Comment date: February 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. R. Drake Keith

[Docket No. ID-2151-000]

Take notice that on January 15, 1985, R. Drake Keith (applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Treasurer, Middle South Energy, Inc.
Assistant Treasurer and Assistant Secretary, Arkansas Power & Light Company
Assistant Treasurer and Assistant Secretary, Louisiana Power & Light Company
Assistant Treasurer and Assistant Secretary, Mississippi Power & Light Company
Assistant Treasurer and Assistant Secretary, New Orleans Public Service Inc.

Comment date: February 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-2774 Filed 2-1-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE85-1-000]

Hawaiian Electric Co.; Application for Exemption

January 29, 1985.

Take notice that Hawaiian Electric Company (HECO) filed an application on December 31, 1985, for exemption from certain requirements of Part 290 of the Federal Energy Regulatory Commission's (FERC) regulations concerning collection and reporting of cost of service information under section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44FR58687, October 11, 1979). Exemption is sought from the requirement to file on or prior to June 30, 1986 and biennially thereafter, information on the costs of providing electric service as specified in Subparts B, C, D, and E of Part 290. In its application for exemption HECO states, in part, that it should not be required to file the specified data for the following reasons:

> The data yielded by the Part 290 Regulations has proven to be of limited value for retail ratemaking purposes in the State of Hawaii. HECO's state regulatory authority requires other equally sufficient means by which necessary information required for ratemaking purposes in Hawaii is made available to interested parties. The continued reporting under the Part 290 Regulations is an unnecessary burden and not in the public interest in Hawaii.

Copies of the applicant for exemption are on file with FERC and are available for public inspection. FERC's regulations require that said utility also apply to any state regulatory authority having jurisdiction over it to have the application published in any official state publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days

following the date this notice is published in the **Federal Register**. Within that 45 day period, such person must also serve a copy of such comments on: Mr. Harwood D. Williamson, Vice President, Planning, Hawaiian Electric Company, Inc., P.O. Box 2750, Honolulu, Hawaii 96840.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-2770 Filed 2-1-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-238-000, et al.]

Electric Rate and Corporate Regulation Filings; Illinois Power Co., et al.

Take notice that the following filings have been made with the Commission:

1. Illinois Power Company

[Docket No. ER85-238-000]

January 29, 1985.

Take notice that on January 22, 1985, Illinois Power Company ("Illinois Power") tendered for filing a proposed Amendment dated October 10, 1984 to the Interconnnection Agreement dated November 1, 1969 between Central Illinois Public Service Company, Tennessee Valley Authority, Union Electric Company, and Illinois Power Company.

Illinois Power Company indicates that the changes to Service Schedules A and D, the purpose of this filing, are generally in keeping with similar schedules which the individual companies referred to as "Companies" have in interconnection agreements with other companies. The charges for emergency power have been incurred by the supplying party at the time the request is made, taking into account other transactions to which the supplying party may be committed. The schedule for maintenance energy has been changed to allow for reservations of less than one week. The reservation charge is the same as that charge used in service schedules between the companies and with other parties for similar service on file and accepted by this Commission.

Illinois Power states that a copy of the filing was served upon Central Illinois Public Service Company, Tennessee Valley Authority, Union Electric Company, and the Illinois Commerce Commission.

Comment date: February 19, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket No. ER85-245-000]

January 29, 1985.

Take notice that on January 23, 1985, Florida Power Corporation (Florida Power) tendered for filing a revised Exhibit A to the Contract for Interchange Service dated July 21, 1977 between Florida Power and Tampa Electric Company (Tampa Electric). Florida Power states that revised Exhibit A, which describes the points of interconnection between Florida Power and Tampa Electric, is submitted for inclusion as a supplement under the existing Contract for Interchange Service between Florida Power and Tampa Electric. The Contract for Interchange Service is designated as Florida Power's Rate Schedule FPC No. 80 and Tampa Electric's Rate Schedule FPC No. 6. Florida Power's filing includes a Certificate of Concurrence executed by Tampa Electric in lieu of an independent filing.

Florida Power requests that the revised Exhibit A be permitted to become effective sixty days after the date of filing. Copies of the filing have been served upon Tampa Electric and the Florida Public Service Commission.

Comment date: February 14, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Central Hudson Gas & Electric Corporation

[Docket No. ER85-243-000]

January 29, 1985.

Take notice that on January 22, 1985, Central Hudson Gas and Electric Corporation (Central Hudson) submitted for filing a Notice of Cancellation of Central Hudson Gas and Electric Corporation's Rate Schedule FERC No. 62. The contract was cancelled on August 31, 1981 in accordance with its terms.

A copy of this filing has been sent to Philadelphia Electric Company.

Comment date: February 14, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Public Service Company of New Mexico

[Docket No. ER85-239-000]

January 29, 1985.

Take notice that on January 22, 1985, the Public Service Company of New Mexico (PNM) submitted for filing a Notice of Termination of Service Schedule H to the Interconnection Agreement between El Paso Electric and Public Service Company of New Mexico, Rate Schedule FERC No. 9.

PNM requests that the notice requirements of § 35.15 be waived to permit Service Schedule H to be terminated as of December 31, 1984.

Comment date: February 14, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Long Island Lighting Company

[Docket No. ER85-235-000]

January 29, 1985.

Take notice that on January 16, 1985, the Long Island Lighting Company (LILCO) submitted for filing notice of three separate changes in the rates that LILCO charges the Incorporated Village of Rockville Centre, New York pursuant to the electric power contract dated April 13, 1960 between LILCO and Rockville Centre.

The electric power contract provides that LILCO will change the rates LILCO charges Rockville Centre whenever LILCO changes with the approval of the New York Public Service Commission the rates it charges retail customers in its Service Classification No. 2-MRP.

LILCO states that this filing is to give the Commission notice of the three changes in the SC2-MRP rates that have occurred since October 1, 1982 and which by operation of Rate Schedule FERC 29 are applicable to Rockville Centre.

Comment date: February 13, 1895, in accordance with Standard Paragraph E at the end of this notice.

6. Southern Indiana Gas and Electric Company

[Docket No. ER85-237-000]

January 29, 1985.

Take notice that Southern Indiana Gas and Electric Company on January 22, 1985, tendered for filing a first supplement to the firm power agreement dated March 28, 1980, whereby Southern Indiana Gas and Electric Company makes certain modifications to the original agreement with Alcoa Generating Corporation for the sale of 90 MW of power, the quantity being subject to change by written agreement of the parties. The firm power agreement is designated as FERC Rate No. 38. The modifications proposed will reduce the adder to the operating cost rate contained in the energy charge. The effective date of the first supplement agreement is January 1, 1984.

The proposed modifications have been negotiated and agreed to by the parties.

Comment date: February 13, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Arizona Public Service Company

[Docket No. ER85-236-000]

January 29, 1985.

Take notice that on January 17, 1985, Arizona Public Service Company ("APS") tendered for filing a Notice of Cancellation of the Power Agreement between Electrical Distrct No. 6 ("ED-6") and APS, FERC Rate Schedule No. 35.

APS requests to cancel said Agreement as of June 30, 1985, pursuant to its terms. From and after said date, APS intends to serve ED-6 as a Section 205 customer under the tariff then in effect.

Copies of this filing have been served upon ED-6 and the Arizona Corporation Commission.

Comment date: February 13, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific Power & Light Company

[Docket No. ER84-822-001]

January 29, 1985.

Take notice that on November 23, 1984, Pacific Power and Light Company (Pacific) submitted for filing accompliance filing pursuant to the Commission's order dated October 26, 1984.

Pacific has filed a revised Average System Cost (ASC) for the State of Washington and a revised Schedule 5 which reflects the Commission's ordered adjustments.

Comment date: February 13, 1985, in accordance with Standard Paragraph H at the end of this notice.

9. West Texas Utilities Company

[Docket No. ER85-209-000]

January 29, 1985.

Take notice that on January 22, 1985, West Texas Utilities Company ("WTU") submitted for filing twenty-four (24) executed Delivery Point and Service Specifications sheets providing for changes in conditions of service under Service Agreements between WTU and Concho Valley Electric Cooperative, Inc., Lighthouse Electric Cooperative, Inc., McCulloch Electric Cooperative, Inc., and Taylor Electric Cooperative, Inc., executed under WTU's FERC Electric Tariff, Original Volume No. 1. The amendments are for the purpose of either providing for the establishment of a new delivery point, changing delivery voltage, changing location, terminating a delivery point, or for increasing or decreasing the stated maximum contract demand at certain existing delivery points.

WTU states that copies of the filing have been sent to the Public Utility Commission of Texas and the affected full requirements wholesale customers.

Comment date: February 13, 1985, in accordance with Standard Paragraph E at the end of this notice.

10. Pennsylvania Electric Company Metropolitan Edison Company West Penn Power Company The Potomac Edison Company

[Docket No. ER85-241-000]

January 29, 1985.

Take notice that on January 22, 1985 the GPU Service Corporation tendered for filing, on behalf of the above listed utilities, proposed revisions to Schedule 1 through Schedule 7 to the 115 kV, 138 kV and 230 kV Interconnection Facilities Agreement, dated June 20, 1968, and a new Schedule 8.

Schedules 1 and 3 have been revised to show the sale of certain substation facilities at Shingletown and Elko substations by Pennsylvania Electric Company to West Penn Power Company. Schedule 6 has been revised to show the payments by West Penn to Pennsylvania Electric for the change in ownership at Shingletown substation. Similarly Schedule 7 shows the revised payments at Elko Substation. A new interconnection (Moshannon Interconnection) has also been added to Schedules 1 and 3. Schedule 8 has been established to reflect payments to Penelec for facilities at the Moshannon Interconnection Schedules 2, 4, and 5 have changes in alignment for easier understanding for those who must administer the terms and conditions of the contract.

Comment date: February 14, 1985, in accordance with Standard Paragraph E at end of this notice.

11. Arizona Public Service Company

[Docket No. ER85-240-000]

January 29, 1985.

Take notice that on January 22, 1985, Arizona Public Service Company (APS) tendered for filing as an initial rate schedule an Operating Agreement between Cyprus-Bagdad Copper Company (Bagdad), Arizona Electric Power Cooperative, Inc. (AEPCO) and Arizona Public Service Company (APS), executed on December 7, 1984.

This Agreement provides for Mutual Standby Services at various facilities located in Mohave and Yavapai counties, located in Northwestern Arizona.

APS requests that this Agreement become effective sixty days from the date of filing.

Copies of this filing have been served upon Bagdad, AEPCO, and the Arizona Corporation Commission.

Comment date: February 19, 1985, in accordance with Standard Paragrpah E at the end of this notice.

12. Public Service Company of Indiana, Inc.

[Docket No. ER85-242-000]

January 29, 1985.

Take notice that Public Service Company of Indiana, Inc. on January 18, 1985 tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. (Service Company) and Louisville Gas and Electric Company (Louisville Company), an Eighth Supplemental Agreement, to become effective March 19, 1985.

Said Supplemental Agreement provides for the following:

(1) Amends Service Schedule A—Emergency Service to incorporate the parties' Order 84 language.

(2) Inserts a new Service Schedule B—Interchange Power, which supersedes the existing Service Schedule B, as amended.

(3) Inserts a new Service Schedule E—Short Term Power, which superseded the existing Service Schedule E, as amended.

Copies of the filing were served upon Louisville Gas and Electric Company, the Kentucky Public Service Commission, and the Public Service Commission of Indiana.

Comment date: February 19, 1985, in accordance with Standard Paragraph E at the end of this notice.

13. Kansas Gas and Electric Company

[Docket No. ES85-28-000]

January 29, 1985.

Take notice that on January 18, 1985, Kansas Gas and Electric Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an Order authorizing the issuance of up to 3,000,000 shares of its authorized but unissued Common Stock, without par value.

Comment date: February 19, 1984, in accordance with Standard Paragraph E at the end of this notice.

14. West Texas Utilities Company

[Docket No. ER85-81-001]

January 28, 1985.

Take notice that on January 14, 1985, West Texas Utilities Company, pursuant to the Commission's December 28, 1984 suspension order in this proceeding, submitted revised rates and cost of service applicable to Texas-New Mexico Power Company and the Cities of Brady and Coleman, Texas. As directed by the

Commission, the revised rates eliminate the apparent difference in proposed revenues and cost of service revenue requirement and reflects no increase in non-pollution control construction work in progress ("CWIP") over the level of such CWIP in WTU's most recent rate case.

Copies of the filing have been served on the customers of WTU affected by the filing and upon the Public Utility Commission of Texas.

Comment date: February 7, 1985, in accordance with Standard Paragraph E at the end of this notice.

15. Pacific Power & Light Company, an assumed business name of PacificCorp

[Docket No. ER85-233-000]

January 28, 1985.

Take notice that on January 14, 1985, Pacific Power & Light Company, an assumed business name of PacificCorp, tendered for filing, a Notice of Cancellation of bilateral Rate Schedule FPC No. 98. Pacific states that this Rate Schedule has expired by its own terms.

Pacific requests an effective date of sixty (60) days after the date of filing.

Notice of the proposed cancellation has been served upon the following parties:

The Washington Water Power Company
Puget Sound Power & Light Company
Seattle City Light
Portland General Electric
City of Tacoma
P.U.D. No. 1 of Snohomish County
P.U.D. No. 1 of Grays Harbor County
Bonneville Power Administration
Western Power Administration
Public Utility Commission of Oregon
Washington Utilities and Transportation Commission

Comment date: February 8, 1985, in accordance with Standard Paragraph E at the end of this notice.

16. Refuse Energy Systems Company

[Docket No. ER85-234-000]

January 28, 1985.

Take notice that on January 16, 1985, Refuse Energy Systems Company (RESCO) tendered for filing (1) a proposed Refuse Energy Systems Company Rate Schedule No. 1 (Resco Rate Schedule No. 1), applicable to sales of energy by Resco to New England Power Company (NEP) from a solid waste resource recovery and electric generating facility to be located at Saugus, Massachusetts (the Facility) and (2) a petition for waiver of the Commission's regulations regarding the submission of cost-of-service data, the requirement that rate schedules be submitted no more than 120 days before the rates are to become effective, accounting practices, adjustment and certification of accounts and reports, the filing of procurement policies and practices, the filing of certain statements and reports, the assessment of annual charges, property dispositions and consolidations, securities issuances and assumptions of liability, and the holding of interlocking directorate positions.

The proposed initial rate is set forth in the Electric Power Purchase Agreement (the Electric Power Purchase Agreement), dated March 31, 1983, between Resco and NEP. Under the Electric Power Purchase Agreement, the rate for sales of electric energy by Resco to NEP prior to the initial date of commercial operation of the Facility the (Commencement Date) will be NEP's average cost of fuel in mills per kilowatt-hour during the current month. Beginning on the Commencement Date, the rate for sales of electricity by Resco to NEP will be determined on a monthly basis, and will be the sum of (a) a percentage declining over time of NEP's on-peak incremental cost of fuel in mills per kilowatt-hour for each kilowatt-hour delivered during on-peak periods, and (b) the same percentage of NEP's off-peak incremental cost of fuel in mills per kilowatt-hour for each kilowatt-hour delivered during off-peak periods.

Copies of the instant filing have been served upon NEP.

Comment date: February 11, 1985, in accordance with Standard Paragraph E at the end of this notice.

17. Iowa Public Service Company

[Docket No. ES85-27-000]

January 25, 1985.

Take notice that on January 16, 1985, Iowa Public Service Company filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue up to $60 million of short-term unsecured promissory notes to commercial banks and its parent or affiliate companies and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1986, and will bear final maturity dates not later than March 31, 1987.

Comment date: February 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85-2773 Filed 2-1-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP85-14-000]

Trunkline Gas Co.; Petition for Declaratory Order

January 29, 1985.

On January 4, 1985, Trunkline Gas Company filed a petition for a declaratory order pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure.

Trunkline seeks a declaratory order establishing just and reasonable rates for gas it purchases from Monsanto Oil Company under Monsanto's F.E.R.C. Gas Rate Schedule No. 103 and from Edward L. Cox, Jr. and other small producers under small producer certificates. The particular wells from which the subject gas is being produced are the No. 1 Altman Well, the No. 1 Braune Well, the No. 1 Rau Well, and the No. 1 Buesing Well, all located in the Christmas Field, DeWitt County, Texas.

Trunkline states that the basic issue is whether the gas was dedicated to interstate commerce on or after January 1, 1973, or produced from wells commenced on or after January 1, 1973, so as to qualify for the rates prescribed by 18 CFR 2.56a, as adjusted pursuant to section 104 of the Natural Gas Policy Act, or whether the gas was dedicated or produced from wells commenced prior to January 1, 1973 so as to qualify for the lower flowing gas rates prescribed by 18 CFR 2.56b, as adjusted by section 104 of the N.G.P.A.

The producers mentioned above, Monsanto and Cox, *et al.*, brought suit

against Trunkline in the 190th Judicial Court in Texas demanding payment of post-January 1, 1973 rates. *Oliver, et al., v. Trunkline Gas Company*, No. 83–33728. By petition of Trunkline on June 3, 1983, the suit was removed to the United States District Court for the Southern District of Texas and is now pending as Civil Action No. H–83–3549.

Any person desiring to be heard or to protest this petition should file within 30 days after notice is published in the Federal Register, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a Motion to Intervene or a Protest in accordance with the requirements of Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85–2771 Filed 2–1–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. QF–85–163–000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Nitram, Inc., et al.

January 29, 1985.

Comments are due on the following filings on or before thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission:

1. Nitram, Inc.

[Docket No. QF85–163–000]

On January 2, 1985, Nitram, Inc. of 5321 Hartford Street, Tampa, Florida 33619 (applicant) submitted for filing an application for certification of a facility as a qualifying cogeneration facility prusuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at 5321 Hartford Street, Tampa, Florida 33601. The primary energy source is waste heat, a byproduct of a nitric acid production process. The facility will consist of a steam turbine/generator and a waste heat recovery boiler. The electric power production capacity of the facility is 6,000 kilowatts. The process steam is used for the production of ammonium nitrate. The facility is presently in operation.

2. General Electric Company

[Docket No. QF85–170–000]

On December 31, 1984, the General Electric Company of 1 River Road, Building 2—7th Floor, Schenectady, New York 12345 (Applicant) submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the Monsanto Chemical Plant in Texas City, Texas. The facility will consist of four gas-turbine generators combined with an automatic extraction/admission condensing steam turbine-generator. The exhaust heat from the gas turbines will be used to produce steam to drive turbine and to provide thermal energy for in-plant processes. The primary energy source for the facility will be natural gas. The electric power production capacity of the facility will be 422 megawatts. Construction of the facility is scheduled to begin in May 1985 with on-line operation commencing in 1987.

3. SAI Geothermal, Inc.

[Docket No. QF85–169–000]

On January 7, 1985, SAI Geothermal, Inc. (Applicant), of 3030 Patrick Henry Drive, Santa Clara, California 95054–1814, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The geothermal facility is located in the county of Mendocino, California. The facility will consist of three modular 12.5 MW turbine generator units for a total electric power production capacity of 37.5 MW. Initial operation is expected in 1988.

4. SAI Geothermal, Inc.

[Docket No. QF84–479–001]

On December 31, 1984, SAI Geothermal, Inc. (Applicant), of 3030 Patrick Henry Drive, Santa Clara, California 95054–1814, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The geothermal facility is located in Sonoma County, California. The facility was originally certified November 28, 1984. The Applicant requests that the electric power production capacity be changed from 12.5 MW to 25 MW.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (19 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 85–2767 Filed 2–1–85; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51556; FRL–2768–8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for seciton 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-seven PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85–414, 85–415, 85–416, 85–417, 85–418, 85–419, 85–420, 85–421, 85–422, 85–423, 85–424 and 85–425.....Apr. 17, 1985.

P 85–426, 85–427 and 85–428.....Apr. 21, 1985.

P 85–429, 85–430, 85–431, 85–432, 85–433, 85–434, 85–435 and 85–436...Apr. 22, 1985.

P 85–437, 85–438, 85–439 and 85–440...Apr. 23, 1985.

Written comments by:

P 85–414, 85–415, 85–416, 85–417, 85–418, 85–419, 85–420, 85–421, 85–422,

85–423, 85–424 and 85–425.....Mar. 18, 1985.
P 85–426, 85–427 and 85–428.....Mar. 22, 1985.
P 85–429, 85–430, 85–431, 85–432, 85–433, 85–434, 85–435 and 85–436...Mar. 23, 1985.
P 85–437, 85–438, 85–439 and 85–440...Mar. 24, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS–51556]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M St., SW., Washington, DC 20460, (202–382–3725).

SUPPLEMENTARY INFORMATION: A nonsubstantive change in the prefixes is being initiated for information published under sections 5(d)(2) and 5(h)(6) of the Toxic Substances Control Act (TSCA). The notices will contain essentially the same information but the prefixes to the specific number assignment will appear in an abbreviated form. Prefixes under the modified format will use the letters "P" (PMN), "T" (TMEA) and "Y" (POLYMER EXEMPTION). The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer of the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

P 85–414

Manufacturer. Confidential.
Chemical. (G) Acrylated alkyd resin.
Use/Production. (S) Acrylated alkyd converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–415

Manufacturer. Confidential.
Chemical. (G) Acrylic ester.
Use/Production. (S) Acrylic ester reacted into a polymer. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–416

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Acrylic resin converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–417

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Acrylic resin converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–418

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Acrylic resin converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–419

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Alkyd resin converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–420

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Thixotropic alkyd resin added to paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–421

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Alkyl resin used in paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–422

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Thixotropic alkyd added to paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–423

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Acrylic resin converted into paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–424

Importer. Confidential.
Chemical. (S) Diphenylsulfone-3,3'-disulfonylhydrazide.
Use/Import. (S) Industrial blowing agent in the production of plastic foams. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. None expected.
Environmental Release/Disposal. None expected.

P 85–425

Manufacturer: Dow Corning Corporation.
Chemical. (G) Ether dicarboxylate.
Use/Production. (G) Reaction modifier. Prod. range: Confidential.
Toxicity Data. Actue oral: Male—3,150 mg/kg, Female—2,120 mg/kg, Combined—2,580 mg/kg; Acute dermal: > 2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Essentially non-irritant; Spot plate test: Negative; Overlay plate test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by waste water treatment.

P 85–426

Manufacturer: Confidential
Chemical. (G) Complex organo-silane.
Use/Production. (G) Binder component of paint. Prod. range: 75,000–290,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 45 workers, up to 8 hrs/da, up to 104 da/yr.
Environmental Release/Disposal. 5 to 65 kg/batch released to land. Disposal by incineration and landfill.

P 85–427

Manufacturer: Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (G) Electrical wire coating. Prod. range: Confidential.

Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–428

Manufacturer: Ownes-Corning Fiberglas Corporation.
Chemical. (G) Ester modified phenolic resin.
Use/Production. (S) Industrial molding resin and additive for molding resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to air.

P 85–429

Manufacturer: Confidential.
Chemical. (G) Polyester.
Use/Production. (G) Polyester coatings. Prod. range: 33,000–132,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 38 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. 3 to 185 kg/batch released to land. Disposal by incineration and landfill.

P 85–430

Manufacturer: Confidential.
Chemical. (G) Complex organo-silane.
Use/Production. (G) Binder component for industrial coatings. Prod. range: 75,000–390,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 84 workers, up to 8 hrs/da, up to 104 da/yr.
Environmental Release/Disposal. 4 to 59 kg/batch released to land. Disposal by incineration and landfill.

P 85–431

Manufacturer: Confidential.
Chemical. (G) Complex amino ester.
Use/Production. (G) Specialty coatings. Prod. range: 9,000–18,650 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 31 workers, up to 6 hrs/da, up to 12 da/yr.
Environmental Release/Disposal. 0.1 to 20 kg/batch released to land. Disposal by incineration and landfill.

P 85–432

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane prepolymer.
Use/Production. (S) Industrial and commercial magnetic tape binder. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 30 workers, up to 6 hrs/da, up to 3 da/yr.
Environmental Release/Disposal. No release. 25 kg/batch incinerated.

P 85–433

Manufacturer. Phillips Chemical Company.
Chemical. (S) 1-Propanol, 3-mercapto-.
Use/Production. (G) Destructive use and intermediate in chemical substance. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 23 workers.
Environmental Release/Disposal. Release to water and land. Disposal by off-site deep well injection or incineration, landfill and Class 1 Evaporation Pond (company owned).

P 85–434

Manufacturer. Confidential.
Chemical. (G) Substituted cyclopropane carboxylic acid chloride.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >1,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate; Inhalation: >15.8 mg/l at 24, 48, 72, 96 hrs; Ames Test: Negative; Skin sensitization: Not strong.
Exposure. Manufacture: dermal, a total of 4 workers.
Environmental Release/Disposal. No release.

P 85–435

Manufacturer. Confidential.
Chemical. (G) Polyether polyol oligomer.
Use/Production. (G) Crosslinkable oligomer. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 10 da/yr.
Environmental Release/Disposal. 0.05 to 200 kg/batch released to land. Disposal by approved landfill.

P 85–436

Manufacturer. Confidential.
Chemical. (G) Halogenated silicon magnesium titanium alkoxides.
Use/Production. (S) Industrial catalyst for production of polyolefins. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture and use: dermal, a total of 3 workers, up to 1.0 hr/wk, 1 hr/da, up to 100 da/yr, 40 wks/yr.
Environmental Release/Disposal. No release.

P 85–437

Manufacturer. Confidential.
Chemical. (G) Hydroxy-propyl-triazine.
Use/Production. (G) Photographic chemical—contained use. Prod. range: Confidential.
Toxicity Data. Ames Test: Not mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 85–438

Importer. Confidential.
Chemical. (G) Bis (substituted-benzamide), N,N'-substituted-.
Use/Import. (S) Industrial auxiliary for paper. Import range: Confidential.
Toxicity Data. Acute oral: >5.0 ml/kg; Irritation: Skin—Not irritating, Eye—Slight; IC_{50} 96 hr (Brachydanio rerio): 100 mg/l.
Exposure. None expected.
Environmental Release/Disposal. No release to air, water and land.

P 85–439

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester.
Use/Production. (G) Potting compound. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–440

Importer. Nippon Zeon of America, Inc.
Chemical. (S) Methylmethacrylate-styrene-n-vinyl pyrrolidone terpolymer.
Use/Import. (S) Industrial toner for the plain paper copier (PPC). Import range: 10,000–30,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing and use: dermal, a total of 6 workers, up to 8 hrs/da, up to 50 da/yr.
Environmental Release/Disposal. Very little. Disposal by landfill.

Dated: January 28, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85–2560 Filed 2–1–85; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–53068; FRL–2769–4]

Premanufacture Notices; Monthly Status Report for November 1984

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal**

Register each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for November 1984.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-107 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53068]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during November; (b) PMNs received previously and still under review at the end of November; (c) PMNs for which the notice review period has ended during November; (d) chemical substances for which EPA has received a notice of commencement to manufacture during November and (e) PMNs for which the review period has been suspended. Therefore, the November 1984 PMN Status Report is being published.

Dated: January 24, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report—November 1984

I. 126 Premanufacture Notices Received During the Month

PMN No.	Identity and generic name	FR Citation	Expiration date
85-103	Generic name: Thermoplastic saturated polyester	49 FR 44676 (44676) (11-8-84)	Jan. 29, 1985.
85-104	Generic name: Alkenyl substituted carbomonocyclic alkenyl ether	49 FR 44676 (44676) (11-8-84)	Do.
85-105	Generic name: Poly alkenyl substituted carbomonocyclic ether	49 FR 44676 (44676) (11-8-84)	Do.
85-106	Generic name: Alkenyl substituted carbomonocyclic alcohol	49 FR 44676 (44678) (11-8-84)	Do.
85-107	Generic name: Polyurethane resin	49 FR 45657 (11-19-84)	Jan. 30, 1985.
85-108	Generic name: Acrylic copolymer	49 FR 45657 (11-19-84)	Do.
85-109	Generic name: Arylthiodialkanoylhydrazide	49 FR 45657 (11-19-84)	Do.
85-110	Generic name: Polysulfide polymer	49 FR 45657 (11-19-84)	Feb. 2, 1985.
85-111	Generic name: Polymer of disubstituted polysiloxane, substituted phenol and substituted alkanoyl halide.	49 FR 45657 (45658) (11-19-84)	Do.
85-112	Generic name: Alkanediol-maleic anhydride	49 FR 45657 (45658) (11-19-84)	Feb. 3, 1985.
85-113	Generic name: Terephthalic acid, polymer with (poly oxyalkylene) bis(N-aryl trimellitimide) and butanediol.	49 FR 45657 (45658) (11-19-84)	Do.
85-114	Generic name: Blocked aromatic isocyanate prepolymer	49 FR 45657 (45658) (11-19-84)	Do.
85-115	Generic name: Aromatic polyisocyanate	49 FR 45657 (45658) (11-19-84)	Do.
85-116	7,9 dimethylspiro (5.5) undecan-3-one	49 FR 45657 (45658) (11-19-84)	Do.
85-117	Generic name: Hydroxy resin	49 FR 45657 (45658) (11-19-84)	Do.
85-118	Generic name: Polyurethane	49 FR 45657 (45658) (11-19-84)	Do.
85-119	Generic name: Hydroxy resin	49 FR 45657 (45658) (11-19-84)	Do.
85-120	Generic name: Hydroxy acrylic resin	49 FR 45657 (45658) (11-19-84)	Do.
85-121	Generic name: Acrylic copolymer	49 FR 45657 (45658) (11-19-84)	Do.
85-122	Generic name: Copolymer of vinyl amides and organic acid sale	49 FR 45657 (45658) (11-19-84)	Do.
85-123	Generic name: Copolymer of vinyl amides and organic acid salt	49 FR 45657 (45658) (11-19-84)	Do.
85-124	Generic name: Copolymer of vinyl amides and organic acid salts	49 FR 45657 (45658) (11-19-84)	Do.
85-125	Generic name: Copolymer of vinyl amides and organic acid salts	49 FR 45657 (45659) (11-19-84)	Do.
85-126	Generic name: Unsaturated polyester	49 FR 45657 (45659) (11-19-84)	Feb. 4, 1985.
85-127	Generic name: Butanamide, N-substituted alkyl	49 FR 45657 (45659) (11-19-84)	Do.
85-128	Generic name: Butanamide, N-substituted alkyl	49 FR 45657 (45659) (11-19-84)	Do.
85-129	Generic name: Styrene, acrylate polymer	49 FR 45657 (45659) (11-19-84)	Do.
85-130	Generic name: Tetrabromobisphenol A-aromatic tertiary amine salt	49 FR 46482 (11-26-84)	Feb. 6, 1985.
85-131	Generic name: Tetrabromobisphenol A-aromatic tertiary amine salt	49 FR 46582 (11-26-84)	Do.
85-132	Generic name: Organosilicone copolymer	49 FR 46582 (11-26-84)	Do.
85-133	Generic name: Aliphatic olefin	49 FR 46582 (11-26-84)	Do.
85-134	Generic name: Intermolecularly rearranged triglycerides	49 FR 46582 (11-26-84)	Feb. 10, 1985.
85-135	Generic name: Substituted cyclopentadiene	49 FR 46852 (11-26-84)	Feb. 11, 1985.
85-136	Generic name: Substituted aliphthatic terminated poly(dimethylsiloxane)	49 FR 46852 (11-26-84)	Do.
85-137	Generic name: Polyamic acid ester	49 FR 46852 (11-26-84)	Do.
85-138	Generic name: Substituted titanocene	49 FR 46852 (11-26-84)	Do.
85-139	Generic name: Complex polyester	49 FR 46852 (11-26-84)	Do.
85-140	Generic name: Functional copolymer of styrene with acrylate and methacrylate monomers	49 FR 46852 (46853) (11-26-84)	Do.
85-141	Generic name: Polyester acrylate	49 FR 46852 (46853) (11-26-84)	Feb. 12, 1985.
85-142	Generic name: Aromatic epoxy ester	49 FR 46852 (46853) (11-26-84)	Do
85-143	Generic name: Iron complex of a substituted phenyl azo	49 FR 46852 (46853) (11-26-84)	Do.
85-144	Generic name: Salt of substituted butyl acetate	49 FR 46852 (46853) (11-26-84)	Do.
85-145	Generic name: Substituted pyridinium salt	49 FR 46852 (46853) (11-26-84)	Do.
85-146	Generic name: Biphenyl, 3,3'-dichloro-4-(substituted azo)-4'-[[(phenylamino) carbonyl]2-oxoprop-1-yl]azo-.	49 FR 46852 (46853) (11-26-84)	Do.
85-147	Generic name: Biphenyl, 3,3'-dichloro-4-(substituted azo)-4'-[[(phenylamino) carbonyl]2-oxoprop-1-yl]azo-.	49 FR 46852 (46853) (11-26-84)	Do.
85-148	Generic name: Modified acrylic copolymer	49 FR 47108 (11-30-84)	Feb. 1985.
85-149	Generic name: Epoxy acrylic copolymer	49 FR 47108 (11-30-84)	Do.
85-150	Generic name: Fluoranthenamine-substituted-anthoanthraquinone	49 FR 47108 (11-30-84)	Do.
85-151	Generic name: Fluoranthenediamino-bis (substituted anionanthraquinone) derivative	49 FR 47108 (11-30-84)	Do.
85-152	Generic name: Reacted epoxy resin	49 FR 47108 (47109) (11-30-84)	Do.
85-153	Generic name: Reacted epoxy resin	49 FR 47108 (47109) (11-30-84)	Do.
85-154	Generic name: Benzoid diester of acetic acid	49 FR 47108 (47109) (11-30-84)	Do.
85-155	Generic name: Halogenated aromatic sulfamide	49 FR 47108 (47109) (11-30-84)	Do.
85-156	Generic name: Disubstituted carbopolycycle-sulfonic acid salt	49 FR 47108 (47109) (11-30-84)	Do.
85-157	Generic name: Disubstituted carbopolycycle-sulfonic acid	49 FR 47108 (47109) (11-30-84)	Do.
85-158	Generic name: Aromatic diol	49 FR 47108 (47109) (11-30-84)	Feb. 16, 1985.

I. 126 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity and generic name	FR Citation	Expiration date
85-159	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
85-160	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
85-161	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
85-162	Generic name: Polymeric aliphatic polyol acrylate ester	49 FR 47108 (47109) (11-30-84)	Do.
85-163	Generic name: Cyanoacetate ester	49 FR 47108 (47109) (11-30-84)	Do.
85-164	Generic name: Unsaturated polyester	49 FR 47108 (47109) (11-30-84)	Do.
85-165	Polymer of dehydrated castor-oil fatty acids, pentaerithritol, isophthalic acid, linseed oil, dehydrated castor oil, dimethylethanolamine, isononanoic acid and maleic anhydride.	49 FR 47108 (47109) (11-30-84)	Do.
85-166	Generic name: Aromatic polycyanate resin	49 FR 47108 (47110) (11-30-84)	Feb. 17, 1985.
85-167	Generic name: Organo sulfur compound	49 FR 47108 (47110) (11-30-84)	Do.
85-168	Generic name: Functional polyether	49 FR 47108 (47110) (11-30-84)	Do.
85-169	Generic name: Polyester polyurethane	49 FR 47108 (47110) (11-30-84)	Do.
85-170	Generic name: Fatty ester	49 FR 47108 (47110) (11-30-84)	Do.
85-171	Generic name: Fatty ester	49 FR 47108 (47110) (11-30-84)	Do.
85-172	Generic name: Fatty ester	49 FR 47108 (47110) (11-30-84)	Do.
85-173	Generic name: Cyanoacetate ester	49 FR 47108 (47110) (11-30-84)	Do.
85-174	Generic name: Alkenyl substituted carbomonocyclic alkenyl ether	49 FR 47108 (47110) (11-30-84)	Do.
85-175	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47110) (11-30-84)	Do.
85-176	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47110) (11-30-84)	Do.
85-177	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47110) (11-30-84)	Do.
85-178	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47110) (11-30-84)	Do.
85-179	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47110) (11-30-84)	Do.
85-180	Generic name: Branched mono-carboxylic fatty acid	49 FR 47108 (47111) (11-30-84)	Do.
85-181	1-(2-methoxyethoxy)-4-methylbenzene	49 FR 47108 (47111) (11-30-84)	Do.
85-182	Generic name: Alkyl ester	49 FR 47108 (47111) (11-30-84)	Do.
85-183	4,5-dihydro-5-ethyyl-2-methyl-3-furancarboxylic acid ethyl ester	49 FR 47108 (47111) (11-30-84)	Do.
85-184	Generic name: Naphthoquinone diazide-sulphonic acid ester in formulation with phenol formaldehyde resin.	49 FR 47108 (47111) (11-30-84)	Do.
85-185	Generic name: Substituted phenyl salt	49 FR 47108 (47111) (11-30-84)	Do.
85-186	Generic name: Polyalkyleneoxy alkyl, aryl alkyl, alkyl silicone	49 FR 47108 (47111) (11-30-84)	Feb. 18, 1985.
85-187	Generic name: Arylalkyl hydrogen alkyl silicone	49 FR 47108 (47111) (11-30-84)	Do.
85-188	Generic name: Polyester diol	49 FR 47108 (47111) (11-30-84)	Do.
85-189	Generic name: Alkyl alkoxy siloxane	49 FR 47108 (47111) (11-30-84)	Do.
85-190	N,N-dimethyl-2-nitrobenzenesulfonamide	49 FR 47921 (12-7-84)	Feb. 20, 1985.
85-191	Phenyl 4-methoxy-3-nitrobenzenesulfonate	49 FR 47921 (12-7-84)	Do.
85-192	2-amino-N,N-dimethylbenzenesulfonamide	49 FR 47921 (12-7-84)	Do.
85-193	Phenyl 3-amino-4-methoxybenensulfonate	49 FR 47921 (12-7-84)	Do.
85-194	Generic name: Acid amide salt	49 FR 47921 (12-7-84)	Do.
85-195	Generic name: Substituted silyl epoxide	49 FR 47921 (47922) (12-7-84)	Do.
85-196	Generic name: Substituted alkyl silyl urea	49 FR 47921 (47922) (12-7-84)	Do.
85-197	Melamine cyanurate	49 FR 47921 (47922) (12-7-84)	Do.
85-198	Generic name: Alkylated aromatic diamine	49 FR 47921 (47922) (12-7-84)	Feb. 23, 1985.
85-199	Generic name: Hydrocarbon resin	49 FR 47921 (47922) (12-7-84)	Do.
85-200	Generic name: Cyanoacrylate ester	49 FR 47921 (47922) (12-7-84)	Do.
85-201	Generic name: Substituted dioxazine	49 FR 47921 (47922) (12-7-84)	Do.
85-202	Generic name: Substituted dioxazine	49 FR 47921 (47922) (12-7-84)	Do.
85-203	Generic name: Sulfur-containing polyalkylene oxides	49 FR 47921 (47922) (12-7-84)	Do.
85-213	Generic name: Aromatic polyurethane prepolymer containing tertiary amine	49 FR 47921 (47922) (12-7-84)	Do.
85-214	Generic name: Aromatic polyurethane prepolymer containing polyether	49 FR 47921 (47922) (12-7-84)	Do.
85-215	Generic name: Polyester polyol	49 FR 47921 (47922) (12-7-84)	Do.
85-216	Generic name: Substituted pyridine	49 FR 47921 (47922) (12-7-84)	Do.
85-217	Generic name: Polymer of diisocyanate with glycol	49 FR 47921 (47923) (12-7-84)	Feb. 24, 1985.
85-218	Generic name: Polymer of diisocyanate with glycol	49 FR 47921 (47923) (12-7-84)	Do.
85-219	Generic name: Polymer of diisocyanate with glycol	49 FR 47921 (47923) (12-7-84)	Do.
85-220	Generic name: Polymer of diisocyanate with glycol	49 FR 47921 (47923) (12-7-84)	Do.
85-221	Generic name: Polymer of diisocyanate	49 FR 47921 (47923) (12-7-84)	Do.
85-222	Generic name: Polymer of diisocyanate	49 FR 47921 (47923) (12-7-84)	Do.
85-223	Generic name: Polyester diol	49 FR 47921 (47923) (12-7-84)	Do.
85-224	Generic name: Polyester polyol	49 FR 47921 (47923) (12-7-84)	Do.
85-225	2-n-butoxyethyl 4-(dimethylamino)benzoate	49 FR 47921 (47923) (12-7-84)	Do.
85-226	Generic name: Substituted succinic acid	49 FR 47921 (47923) (12-7-84)	Do.
85-227	Generic name: Acrylic acid ester	49 FR 47921 (47923) (12-7-84)	Do.
85-228	Generic name: Disubstituted pyridinium bromide	49 FR 47921 (47923) (12-7-84)	Do.
85-229	Generic name: Epoxy polyester	49 FR 47921 (47923) (12-7-84)	Do.
85-230	Generic name: Acrylated alkyd resin	49 FR 47921 (47923) (12-7-84)	Do.
85-231	Generic name: Polyester base	49 FR 47921 (47924) (12-7-84)	Do.
85-232	Chromate (2-), [2-[[1-(3-chlorophenyl)-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-4-yl]azo]-5-sulfobenzoato-(2)][2-[4,5-dihydro-5-oxo-1,3-diphenyl-1H-pyrazol-4-yl]azo]benzoato (2-)]-, sodium hydrogen (9Cl).	49 FR 47921 (47924) (12-7-84)	Do.
85-233	Benzeneamine, 4-[(dichloro-1,3-benzothiazol-2-yl)azo]-N-methyl-N-(3-phenylpropyl)	49 FR 47921 (47924) (12-7-84)	Do.
85-234	Generic name: Disubstituted sulfide	49 FR 47921 (47924) (12-7-84)	Feb. 26, 1985.
85-235	Generic name: Vegetable oil polymer with alkane diols	49 FR 47921 (47924) (12-7-84)	Do.
85-236	Generic name: Substituted pyridine	49 FR 48801 (48802) (12-14-84)	Feb. 27, 1985.
85-237	Strontium, calcium, barium chloride phosphate; europium activated	49 FR 48801 (48802) (12-14-84)	Do.

*PMNs 85-204 through 85-212 have been consolidated into PMN 85-203.

II. 102 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity and generic name	FR citation	Expiration date
85-1	Generic name: Aromatic oxime	49 FR 41100 (10-19-84)	Dec. 29, 1984.
85-2	Generic name: Nitro alcohol	49 FR 41100 (41101) (10-19-84)	Dec. 30, 1984.
85-3	Generic name: Polyurethane polymer	49 FR 41100 (41101) (10-19-84)	Do.
85-4	Generic name: Substituted phenol	49 FR 41100 (41101) (10-19-84)	Do.
85-5	Adipic acid, azelaic azic, and phthalic anhydride with ethylene glycol terminated with 2-Ethyl hexanol.	49 FR 41100 (41101) (10-19-84)	Do.
85-6	Generic name: Alkyl phosphate, potassium salt	49 FR 41100 (41101) (10-19-84)	Do.
85-7	Generic name: Spiro [isobenzofuran xanthene]	49 FR 41100 (41101) (10-19-84)	Do.
85-8	Generic name: Polyether polyester urethane	49 FR 41100 (41101) (10-19-84)	Dec. 31, 1984.

II. 102 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
85-9	Generic name: Fatty alcohol, ethoxylated, propoxylated, fatty acid ester	49 FR 41100 (41101) (10-19-84)	Do.
85-10	Generic name: Benzothiazolium, 2-(2-ethoxy-1-propenyl)-3-ethyl, ethyl sulfate	49 FR 41100 (41101) (10-19-84)	Jan. 1, 1985.
85-11	Generic name: Aryl substituted aliphatic thiol	49 FR 41102 (10-19-84)	Jan. 2, 1985.
85-12	Generic name: Aliphatic nitrile	49 FR 41102 (10-19-84)	Do.
85-13	Generic name: Substituted borazole polymer	49 FR 41102 (10-19-84)	Do.
85-14	Dimethylsila-17-Crown-6	49 FR 41102 (41103) (10-19-84)	Do.
85-15	Generic name: Halogenated fatty acid ester	49 FR 41102 (41103) (10-19-84)	Jan. 6, 1985.
85-16	Generic name: Acrylamide unsaturated quaternary ammonium copolymer	49 FR 41102 (41103) (10-19-84)	Do.
85-17	Generic name: Acrylic copolymer	49 FR 41102 (41103) (10-19-84)	Jan. 7, 1985.
85-18	Generic name: Substituted amino anhtraquinone	49 FR 41102 (41103) (10-19-84)	Do.
85-19	Generic name: Terephthalic acid, polymer with 2-oxepanone, and an alkane diol	49 FR 41102 (41103) (10-19-84)	Do.
85-20	Generic name: Arylhydrozonotrimethylindolium, salt	49 FR 41102 (41103) (10-19-84)	Do.
85-21	Generic name: Substituted alkonyl dimethylchlorosilane	49 FR 41102 (41103) (10-19-84)	Do.
85-22	Generic name: Polymer of isooctyl acrylate and N-t-octylacrylamide	49 FR 41102 (41103) (10-19-84)	Do.
85-22	Generic name: Iron complex of a substituted phenyl azo	49 FR 41102 (41103) (10-19-84)	Do.
85-24	Generic name: 3-substituted propionic acid	49 FR 41102 (41103) (10-19-84)	Jan. 8, 1985.
85-25	Generic name: Methyl(aryl)indolylazothiazolium, salt	49 FR 41102 (41103) (10-19-84)	Do.
85-26	Generic name: Substituted phenyl disulfide	49 FR 41102 (41103) (10-19-84)	Do.
85-27	1-(2-aminophenyl)ethanone hydrochloride	49 FR 41102 (41103) (10-19-84)	Do.
85-28	Generic name: Trisubstituted benzene	49 FR 43105 (10-26-84)	Jan. 9, 1985.
85-29	Generic name: Trisubstituted benzene	49 FR 43105 (10-26-84)	Do.
85-30	Generic name: Carbopolycycle sulfonate of substituted phenyl azo substituted heteromonocycle	49 FR 43105 (43106) (10-26-84)	Do.
85-31	Generic name: Carbopolycycle sulfonate of substituted heteropolycycle	49 FR 43105 (43106) (10-26-84)	Do.
85-32	Generic name: Alkyl mercaptothiadiazole	49 FR 43105 (43106) (10-26-84)	Jan. 12, 1985.
85-33	Generic name: Polymonocyclic urethane	49 FR 43105 (43106) (10-26-84)	Jan. 13, 1985.
85-34	Generic name: Polyoxypropylene polyoxyethylene block copolymer ester acyl lactam	49 FR 43105 (43106) (10-26-84)	Do.
85-35	Generic name: Polybutadiene ester acyl lactam	49 FR 43105 (43106) (10-26-84)	Do.
85-36	Generic name: Substituted pyridine	49 FR 43105 (43106) (10-26-84)	Do.
85-37	Generic name: Isocyanate-terminated polyurethane	49 FR 43105 (43106) (10-26-84)	Do.
85-38	Generic name: Hydroxy-terminsted polyurethane	49 FR 43105 (43106) (10-26-84)	Do.
85-39	Generic name: Benzoquinolinylsulfoindenedione, substituted ammonium salt	49 FR 43105 (43106) (10-26-84)	Do.
85-40	Generic name: Aliphatic ketone	49 FR 43105 (43106) (10-26-84)	Do.
85-41	Carboxylic acids, C_6-C_{14} mono and C_6-C_{14} di-, polymers with adipic acid, 1,4-butanediol and propylene glycols.	49 FR 43105 (43106) (10-26-84)	Do.
85-42	Carboxylic acids, C_6-C_{14} mono and C_6-C_{14} di-, polymers with adipic acid, 1,4-butanediol, propylene glycols and acetic anhydride.	49 FR 43105 (43106) (10-26-84)	Do.
85-43	Polymer of phenol, triphenyl ethyl phosphonium idodide, trimellitic anhydride and EPON 828	49 FR 43105 (43107) (10-26-84)	Do.
85-44	Generic name: Substituted benzocyazoleydine ethylidine	49 FR 43105 (43107) (10-26-84)	Do.
85-45	Generic name: 3-substituted propanoic acid, glycol ester	49 FR 43105 (43107) (10-26-84)	Do.
85-46	Generic name: Sulfonated polycyclic aromatics	49 FR 43105 (43107) (10-26-84)	Jan. 14, 1985.
85-47	Generic name: Sulfonated polycyclic aromatic, sodium salt	49 FR 43105 (43107) (10-26-84)	Do.
85-48	Generic name: Sulfonated polycyclic aromatic, ammonium salt	49 FR 43105 (43107) (10-26-84)	Do.
85-49	Generic name: Sulfonated polycyclic aromatic, ammonium salt	49 FR 43105 (43107) (10-26-84)	Do.
85-50	Generic name: Sulfonated polycyclic aromatic, zinc salt	49 FR 43105 (43107) (10-26-84)	Do.
85-51	Generic name: Monoethanolamine salt of lignin	49 FR 43105 (43107) (10-26-84)	Jan. 15, 1985.
85-52	Generic name: Modified fatty acid polyamine condensate	49 FR 43105 (43107) (10-26-84)	Do.
85-53	Generic name: Crosslinked acrylic copolymer	49 FR 43105 (43107) (10-26-84)	Do.
85-54	Generic name: Organotungsten compound	49 FR 44139 (11-2-84)	Jan. 16, 1985.
85-55	Generic name: Substituted sulfonated naphthalene	49 FR 44139 (11-2-84)	Do.
85-56	Generic name: Alkylcycloalkenyl ketone	49 FR 44139 (11-2-84)	Do.
85-57	Generic name: Cycloalkenyl alkyl oxirane	49 FR 44139 (44140) (11-2-84)	Do.
85-58	Generic name: Cycloalkenyl alkyl thirane	49 FR 44139 (44140) (11-2-84)	Do.
85-59	Generic name: Cycloalkenyl alkyl thiol	49 FR 44139 (44140) (11-2-84)	Do.
85-60	Generic name: Functional polyester	49 FR 44139 (44140) (11-2-84)	Jan. 19, 1985.
85-61	Generic name: Aromatic polyester	49 FR 44139 (44140) (11-2-84)	Do.
85-62	Generic name: Polyalkylene oxide aromatic disocyanate prepolymer	49 FR 44139 (44140) (11-2-84)	Do.
85-63	Generic name: Alkyl substituted cyclopentanol	49 FR 44139 (44140) (11-2-84)	Jan. 20, 1985.
85-64	Generic name: Organosilicone copolymer	49 FR 44139 (44140) (11-2-84)	Do.
85-65	Generic name: Substituted cycloalkanone	49 FR 44139 (44140) (11-2-84)	Do.
85-66	Generic name: Polyurethane polymer	49 FR 44139 (44140) (11-2-84)	Do.
85-67	2,2'-diallyl-4,4'-sulfonyl diphenol	49 FR 44139 (44140) (11-2-84)	Do.
85-68	Generic name: Alkyd resin	49 FR 44139 (44140) (11-2-84)	Do.
85-69	Generic name: Condensation acrylic copolymer	49 FR 44139 (44140) (11-2-84)	Do.
85-70	Generic name: Epoxy modified alkyd resin	49 FR 44139 (44140) (11-2-84)	Do.
85-71	Generic name: Alkyd resin	49 FR 44139 (44141) (11-2-84)	Do.
85-72	Generic name: Lanthanum phosphate, cerium and terbium activated	49 FR 44139 (44141) (11-2-84)	Do.
85-73	Generic name: Modified acrylic polymer	49 FR 44139 (44141) (11-2-84)	Do.
85-74	Generic name: Modified acrylic polymer	49 FR 44139 (44141) (11-2-84)	Do.
85-75	Generic name: Modified acrylic polymer	49 FR 44139 (44141) (11-2-84)	Do.
85-76	Generic name: Modified acrylic polymer	49 FR 44139 (44141) (11-2-84)	Do.
85-77	Generic name: Modified acrylic polymer	49 FR 44139 (44141) (11-2-84)	Do.
85-78	Generic name: Substituted propionamide	49 FR 44139 (44141) (11-2-84)	Do.
85-79	Generic name: Substituted naphthol dyestuff	49 FR 44139 (44141) (11-2-84)	Jan. 21, 1985.
85-80	3-dodecyl-1-(2,2,6,6-tetramethyl-4-piperdinyl)-2-,5-pyrrolidinedione	49 FR 44139 (44141) (11-2-84)	Do.
85-81	N-[3-methyl-5-(phenylamino)-2,4-penta-dienylidene] benzanamine, monohydrobromide salt	49 FR 44139 (44141) (11-2-84)	Jan. 22, 1985.
85-82	Generic name: Tetrasubstituted pyrazole salt	49 FR 44139 (44141) (11-2-84)	Do.
85-83	Generic name: Polyester from dimethyl terephthalate, ethylene glycol and 3-substituted propanoic acid glycol ester.	49 FR 44139 (44141) (11-2-84)	Do.
85-84	Generic name: Perfluoroalkyl substituted acrylate polymer	49 FR 44139 (44142) (11-2-84)	Do.
85-85	Generic name: Sodium salt of sulfated linear C_{9-11} alcohol ethoxylated	49 FR 44139 (44142) (11-2-84)	Do.
85-86	Generic name: Modified acrylic polymer	49 FR 44676 (11-6-84)	Jan. 23, 1985.
85-87	Generic name: Sulfonated carbocyclic diester	49 FR 44676 (11-6-84)	Do.
85-88	Generic name: Substituted phenylamino substituted carbopolycycle sulfonic acid, salt	49 FR 44676 (44677) (11-6-84)	Do.
85-89	Generic name: Polyester from dimethyl terephthalate, ethylene glycol, isophthalic acid and a carboxylic acid.	49 FR 44676 (44677) (11-6-84)	Jan. 26, 1985.
85-90	Polymer of dimethyl therephthalate, ethyliine glycol, dimethyl 5-sulfoisophthalate, sodium salt and polyethylene glycol.	49 FR 44676 (44677) (11-6-84)	Do.
85-91	Generic name: Alcohol ether sulfate, sodium salt	49 FR 44676 (44677) (11-6-84)	Do.
85-92	Generic name: Hydroxyethylthiopolyalcohol	49 FR 44676 (44677) (11-6-84)	Do.
85-93	Generic name: Rosin-modified phenolic resin	49 FR 44676 (44677) (11-6-84)	Jan. 27, 1985.
85-94	Generic name: Carboxylated styrene/acrylic multipolymer	49 FR 44676 (44677) (11-6-84)	Do.
85-95	Generic name: Carboxylated acrylic multipolymer	49 FR 44676 (44677) (11-6-84)	Do.

II. 102 Premanufacture Notices Received Previously and Still Under Review at the End of the Month—Continued

PMN No.	Identity and generic name	FR citation	Expiration date
85-96	Generic name: Reaction product from the catalyzed reaction of 1,3-disubstituted benzene and an oxoalkane, reacted with sodium sulfide ($Na_2(Sx)$).	49 FR 44676 (44677) (11-8-84)	Do.
85-97	Generic name: Modified polymer of alkyl acrylates and alkyl methacrylates.	49 FR 44676 (44677) (11-8-84)	Do.
85-98	2,2'-(1,3-phenylene)bis(4,5-dihydrooxazole).	49 FR 44676 (44677) (11-8-84)	Do.
85-99	Generic name: (Polyoxyalkylene)bis(N-trimellitimide).	49 FR 44676 (44677) (11-8-84)	Jan. 28, 1985.
85-100	Generic name: Modified melamine formaldehyde resin.	49 FR 44676 (44678) (11-8-84)	Do.
85-101	Generic name: Modified melamine formaldehyde resin.	49 FR 44676 (44678) (11-8-84)	Do.
85-102	Generic name: Modified soybean-tung alkyd resin.	49 FR 44676 (44678) (11-8-84)	Do.

III. 95 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.	Identity and generic name	FR citation	Expiration date
84-99	Generic name: Hydroxyalkyl ether.	48 FR 50944 (50945) (11-4-83)	Nov. 30, 1984.
84-378	Generic name: Aromatic sulfonate of substituted heteropolycycle.	49 FR 6160 (6161) (2-17-84)	Nov. 14, 1984.
84-379	Generic name: Aromatic sulfonate of substituted heteropolycycle.	49 FR 6160 (6161) (2-17-84)	Do.
84-380	Generic name: Aromatic sulfonate of substituted heteropolycycle.	49 FR 6160 (6161) (2-17-84)	Do.
84-527	Generic name: Unsaturated amino alkyl ester salt.	49 FR 13744 (13745) (4-6-84)	Nov. 1, 1984.
84-537	Generic name: Unsaturated amino ester salt.	49 FR 13744 (13745) (4-6-84)	Do.
84-660	Generic name: Substituted aryl olefin.	49 FR 19110 (19114) (5-4-84)	Nov. 14, 1984.
84-704	Generic name: Substituted alkyl arene.	49 FR 22128 (22130) (5-25-84)	Do.
84-809	Generic name: Polyesterimide resin.	49 FR 24782 (24783) (6-15-84)	Nov. 16, 1984.
84-992	Generic name: Polyurethane polymer.	49 FR 31136 (31137) (8-3-84)	Nov. 17, 1984.
84-1038	Antimony pentachloride dimethyl methylphosphonate complex.	49 FR 33716 (33719) (8-24-84)	Nov. 3, 1984.
84-1039	Generic name: Polyester resin.	49 FR 33718 (33719) (8-24-84)	Nov. 4, 1984.
84-1040	Generic name: Acrylic resin.	49 FR 33718 (33719) (8-24-84)	Do.
84-1041	Generic name: Acrylic resin.	49 FR 33716 (33719) (8-24-84)	Do.
84-1043	Generic name: Sulfurized magnesium soap.	49 FR 33716 (33719) (8-24-84)	Do.
84-1044	Generic name: Fatty dimethyl amine.	49 FR 33718 (33719) (8-24-84)	Do.
84-1045	Generic name: Fatty trimethyl ammonium chloride.	49 FR 33718 (33719) (8-24-84)	Do.
84-1046	2-naphthylamine-3, 6, 8-trisulfonic acid, disodium salt.	49 FR 33718 (33719) (8-24-84)	Do.
84-1047	Generic name: Aliphatic polycarbonate silicon urethane.	49 FR 33718 (33719) (8-24-84)	Nov. 5, 1984.
84-1048	Generic name: Aliphatic polycarbonate urethane.	49 FR 33718 (33719) (8-24-84)	Do.
84-1049	Generic name: Aromatic polyether urethane.	49 FR 33718 (33719) (8-24-84)	Do.
84-1050	Generic name: Aliphatic polycarbonate urethane.	49 FR 33718 (33720) (8-24-84)	Do.
84-1054	Generic name: Alkyl, sulfonic acid, ammonium salt.	49 FR 33718 (33720) (8-24-84)	Nov. 6, 1984.
84-1055	Generic name: Alkyl, sulfonic acid, ammonium salt.	49 FR 33718 (33720) (8-24-84)	Do.
84-1056	Generic name: Alkyl, sulfonic acid, ammonium salt.	49 FR 33718 (33720) (8-24-84)	Do.
84-1057	Generic name: Alkyl, sulfonic acid, ammonium salt.	49 FR 33718 (33720) (8-24-84)	Do.
84-1058	Polymer of diethylene glycol, maleic anhydride and benzoic acid.	49 FR 33718 (33721) (8-24-84)	Nov. 7, 1984.
84-1059	Generic name: Fluoropolyester modified toluene diisocyanate polymer.	49 FR 33718 (33721) (8-24-84)	Do.
84-1060	Generic name: Polyamide-graft-polyacrylate polymer.	49 FR 33718 (33721) (8-24-84)	Do.
84-1061	Generic name: Trisubstituted melonamide.	49 FR 33718 (33721) (8-24-84)	Nov. 10, 1984.
84-1063	1,3-bis(1-phenylethenyl)benzene.	49 FR 33718 (33721) (8-24-84)	Nov. 11, 1984.
84-1064	Generic name: Modified polyacrylamide anionic polymer.	49 FR 33718 (33721) (8-24-84)	Do.
84-1065	Generic name: Polymer of mixed fatty acids, unsubstituted aromatic dicarboxylic acids and an aliphatic triol.	49 FR 33718 (33722) (8-24-84)	Do.
84-1066	Generic name: Substituted trisazo dye, salt.	49 FR 33718 (33722) (8-24-84)	Do.
84-1067	Generic name: Substituted metal complex.	49 FR 33718 (33722) (8-24-84)	Do.
84-1069	Generic name: Substituted ether of alkoxylated fatty alcohol.	49 FR 33718 (33722) (8-24-84)	Nov. 13, 1984.
84-1070	Generic name: Alkoxylated fatty alcohol.	49 FR 33718 (33722) (8-24-84)	Do.
84-1071	Generic name: Alkoxy aluminum alkyaceto-acetate.	49 FR 33718 (33722) (8-24-84)	Nov. 28, 1984.
84-1072	Generic name: Copolyester polymer.	49 FR 33718 (33722) (8-24-84)	Nov. 13, 1984.
84-1073	Generic name: Copolyester polymer.	49 FR 33718 (33722) (8-24-84)	Do.
84-1075	Generic name: Propargyl ester.	49 FR 34572 (8-31-84)	Nov. 17, 1984.
84-1076	Benzene, 1-(1-phenylethenyl)-3-(1-phenyl-ethyl).	49 FR 34572 (34573) (8-31-84)	Do.
84-1077	Generic name: Polyamine ion exchange resin.	49 FR 34572 (34573) (8-31-84)	Do.
84-1078	Generic name: Partial sodium salt of aminomethylene phosphonic acid.	49 FR 34572 (34573) (8-31-84)	Do.
84-1080	Generic name: Cyclic phosphite.	49 FR 34572 (34573) (8-31-84)	Nov. 18, 1984.
84-1081	Generic name: Styrene acrylic copolymer.	49 FR 34572 (34573) (8-31-84)	Do.
84-1082	Generic name: Styrene acrylic copolymer.	49 FR 34572 (34573) (8-31-84)	Do.
84-1083	Generic name: Acrylic copolymer.	49 FR 34572 (34573) (8-31-84)	Do.
84-1084	Generic name: Acrylic copolymer.	49 FR 34572 (34573) (8-31-84)	Do.
84-1085	Generic name: Polymer of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, and aliphatic diisocyanates.	49 FR 34572 (34573) (8-31-84)	Do.
84-1086	Generic name: Caprolactone modified by hydroxy ethyl acrylate.	49 FR 34572 (34573) (8-31-84)	Do.
84-1087	Generic name: Modified polyester.	49 FR 34572 (34573) (8-31-84)	Nov. 20, 1984.
84-1088	Generic name: Polyester.	49 FR 34572 (34573) (8-31-84)	Do.
84-1089	Generic name: Modified, maleated metal resinate.	49 FR 34572 (34574) (8-31-84)	Do.
84-1090	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1091	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1092	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1093	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1094	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1095	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1096	Generic name: Fatty acid, carbomonocylic ester.	49 FR 34572 (34574) (8-31-84)	Do.
84-1097	Generic name: Alkyl phosphate ester amine salt.	49 FR 34572 (34574) (8-31-84)	Do.
84-1098	Generic name: Acetal interpolymer.	49 FR 34572 (34574) (8-31-84)	Do.
84-1099	4-anilino-4'-hydroxy azo benzene.	49 FR 34572 (34574) (8-31-84)	Do.
84-1100	Generic name: Aliphatic polyurethane aqueous dispersion.	49 FR 35414 (35415) (9-7-84)	Nov. 21, 1984.
84-1101	Generic name: Type I anion exchange resin, bicarbonate/carbonate form.	49 FR 35414 (35415) (9-7-84)	Do.
84-1102	Generic name: Modified polymer of acrylates and methacrylates.	49 FR 35414 (35415) (9-7-84)	Do.
84-1103	Generic name: Terpolymer of acrylate and methacrylates.	49 FR 35414 (35415) (9-7-84)	Do.
84-1104	Generic name: Substituted triazines.	49 FR 35414 (35415) (9-7-84)	Do.
84-1105	Generic name: Tetra amino di-substituted metal complex.	49 FR 35414 (35415) (9-7-84)	Do.
84-1106	Generic name: Alkoxylated poly(oxy-alkylene)diamine.	49 FR 35414 (35415) (9-7-84)	Nov. 24, 1984.
84-1107	Generic name: Cooper complex of a substituted biphenyl sulfonated salt.	49 FR 35414 (35415) (9-7-84)	Do.
84-1108	Generic name: Polyurethane polymer.	49 FR 35414 (35415) (9-7-84)	Nov. 25, 1984.

III. 95 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)—Continued

PMN No.	Identify and generic name	FR citation	Expiration date
84-1109	Generic name: Modified rosin	49 FR 35414 (35415) (9-7-84)	Do.
84-1110	Generic name: Terephthalic acid, polymer with polytetramethylene ether glycol, 2-oxepanone, and an alkane diol.	49 FR 35414 (35415) (9-7-84)	Do.
84-1111	Generic name: Reacted brominated epoxy resin	49 FR 35414 (35415) (9-7-84)	Do.
84-1112	Generic name: Aliphatic dicarboxylic acid polymer with alkane diol	49 FR 35414 (35415) (9-7-84)	Nov. 26, 1984.
84-1113	Generic name: Acid form of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9-7-84)	Do.
84-1115	Generic name: Phenolic modified rosin ester	49 FR 35414 (35416) (9-7-84)	Do.
84-1116	Adipic acid and phthalic anhydride polymers with ethylene glycol and neopentyl glycol terminated with 2-ethyl hexanol.	49 FR 35414 (35416) (9-7-84)	Do.
84-1117	Adipic acid, azelaic acid, phthalic anhydride, polymers with ethylene glycol neopentyl glycol and 2-ethyl hexanol.	49 FR 35414 (35416) (9-7-84)	Do.
84-1118	Generic name: Carboxyl functional acrylic copolymer	49 FR 35414 (35416) (9-7-84)	Do.
84-1119	1,2,3-Propanetricarboxylic acid, 2-(acetoxy)-, tri-n-hexyl ester	49 FR 35414 (35416) (9-7-84)	Do.
84-1120	1,2,3-Propanetricarboxylic acid, 2-(butoxy)-, tri-n-hexyl ester	49 FR 35414 (35416) (9-7-84)	Do.
84-1121	1,2,3-Propanetricarboxylic acid, 2-(acetoxy)-, tri-n-(octyl/decyl) ester	49 FR 35414 (35416) (9-7-84)	Do.
84-1122	Generic name: Silicone glycol	49 FR 35414 (35416) (9-7-84)	Do.
84-1123	Generic name: Substituted sulfonated naphthalene	49 FR 35414 (35416) (9-7-84)	Nov. 27, 1984.
84-1124	Generic name: Modified styrene-divinylbenzene polymer	49 FR 35414 (35416) (9-7-84)	Do.
84-1125	Generic name: Methanone, alkyl-aryl	49 FR 35414 (35416) (9-7-84)	Do.
84-1126	Generic name: Methanone, alkyl-substituted phenyl	49 FR 35414 (35417) (9-7-84)	Do.
84-1127	Generic name: Sulfamic acid, substituted amine salt	49 FR 35414 (35417) (9-7-84)	Do.
84-1132	Generic name: Heterocyclic substituted cooper phthalocyanine	49 FR 36151 (36152) (9-14-84)	Nov. 28, 1984.
84-1133	Generic name: Hydroxy acrylic resin	49 FR 36151 (36152) (9-14-84)	Do.
84-1134	Generic name: Hydroxy acrylic resin	49 FR 36151 (36152) (9-14-84)	Do.
84-1135	Generic name: Vinyl urethane	49 FR 36151 (36152) (9-14-84)	Do.

NOTE.—84-991 chemical identity published in the October 1984 Monthly Report 49 FR 49899 (49903) on December 24, 1984 should be read as Cellulose, acetate propanoate, [(1-oxo-2-propenyl)amino methyl ether.

IV. 56 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical Identification	FR citation	Date of commencement
82-441	Generic name: Alkyl phenol, formaldehyde, alkanolamine, alkylene oxides reaction product	47 FR 27610 (27611) (6-25-82)	Sept. 21, 1984.
83-728	Generic name: Organic silane-sulfonyl azide	48 FR 22792 (22795) (5-20-83)	Oct. 1984.
83-996	Generic name: 6-dibutylamino-2-(substituted) spiro (xanthene-9,3'-phthalide	48 FR 35713 (35714) (8-5-83)	Oct. 22, 1984.
83-1015	Generic name: Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer	48 FR 36647 (36649) (8-12-83)	Nov. 12, 1984.
83-1016	Generic name: Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer	48 FR 36647 (36649) (8-12-83)	Do.
83-1017	Generic name: Isocyanato functional polycarbamoyl (polyalkylene oxide) oligomer	48 FR 36647 (36649) (8-12-83)	Do.
83-1045	Generic name: 1,3-naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-arylazo	48 FR 37699 (37700) (8-19-83)	Sept. 20, 1984.
83-1175	Generic name: Monosubstituted heterocycle-sulfonylisocyanate	48 FR 41638 (41643) (9-16-83)	Oct. 22, 1984.
83-1211	Generic name: Monosubstituted heterocycle-sulfonamide	48 FR 43397 (43398) (9-23-83)	Oct. 4, 1984.
84-99	Generic name: Alkoxy polyol terpolymer	48 FR 50944 (50945) (11-4-83)	Oct. 8, 1984.
84-105	Generic name: Halogented alkene	48 FR 50944 (40945) (11-4-83)	Nov. 26, 1984.
84-106	Generic name: Halogenated alkane	48 FR 50944 (50945) (11-4-83)	Do.
84-107	Generic name: Halogenated alkane	48 FR 50944 (50945) (11-4-83)	Nov 16, 1984.
84-201	Generic name: Tetrasubstituted dithiadi-phosphetane	48 FR 52505 (52506) (11-18-83)	Oct. 16, 1984.
84-223	Generic name: Aromatic sulfonate of substituted heteropolycycle	48 FR 55332 (12-12-83)	Nov. 15 , 1984.
84-232	Generic name: Alkyd resin	48 FR 55332 (55333) (12-12-83)	Oct. 26, 1984.
84-336	Polymer of Melamine, formaldehyde, o,p toluenesulfonamide, methly glucoside, sodium hydroxide, guanidine, carbonate, magnesium bromide.	49 FR 3523 (3524) (1-27-84)	Oct. 27, 1984.
84-387	Generic name: Substituted benzly alcohol	49 FR 6160 (6161) (2-17-84)	Oct. 8, 1984.
84-420	Generic name: 4-(4,5-dihydro-4-(5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H/pyrazol-1-yl-benzenesulfonic acid-triplotassium salt.	49 FR 7654 (7655) (3-1-84)	Nov. 19, 1984.
84-548	Generic name: Carbodiimide	49 FR 14802 (14803) (4-13-84)	Nov. 15,1984.
84-580	Generic name: Isoproply ester of substituted acetic acid	49 FR 16833 (16834) (4-20-84)	Jan. 1, 1984.
84-581	Generic name: Oxaspiroalkane	49 FR 16833 (16834) (4-20-84)	Do.
84-582	Generic name: Substituted trialkylbi-cyclononane	49 FR 16833 (16834) (4-20-84)	Do.
84-584	Generic name: Methl alkanoate ester	49 FR 16833 (16834) (4-20-84)	Do.
84-585	Generic name: Alkyl pentanoate ester	49 FR 16833 (16834) (4-20-84)	Do.
84-629	Generic name: Modified epoxy resin	49 FR 19110 (19111) (5-4-84)	Sept. 20, 1984.
84-668	Generic name: Polyester from carbomonocyclic ester and alkylene glycol	49 FR 19110 (19114) (5-4-84)	Oct. 6, 1984.
84-672	Generic name: Reaction product of epoxides and aromatic amine	49 FR 22128 (22129) (5-25-84)	Oct. 15, 1984.
84-682	Generic name: Modified, fatty amidoamine	49 FR 21113 (5-18-84)	Oct. 11, 1984.
84-705	Benzeneamine, 2-ethyl-6-methyl-N-methylene	49 FR 22128 (22130) (5-25-84)	Oct. 31, 1984.
84-782	Generic name: Pentasubstituted naphthalene-carboxamide	49 FR 23916 (23919) (6-8-84)	Oct. 25, 1984.
84-797	N-ethy-N-(4-nitrophenyl)ethanamide	49 FR 24782 (6-15-84)	Oct. 3, 1984.
84-800	Generic name: Pentasubstituted naphthalene-carboxamide	49 FR 24782 (24783) (6-15-84)	Do.
84-801	N-ethyl-N-[4-[(methylsulfonyl)amino]phenyl] ethanamide	49 FR 24782 (24783) (6-15-84)	Oct. 31, 1984.
84-802	Generic name: Aromatic diamine polymer with epoxy phenol novolac	49 FR 24782 (24783) (6-15-84)	Nov. 7, 1984.
84-843	Generic name: Modified epoxy prepolymer	49 FR 2576 (25676) (6-22-84)	Nov. 12, 1984.
84-844	Generic name: Amine salt of a styrene-divinyl benzene ion exchange resin	49 FR 25676 (25678) (2-22-84)	Oct. 17, 1984.
84-859	Generic name: Halophthalimide	49 FR 26800 (26801) (6-29-84)	Oct. 23, 1984.
84-877	Generic name: Polyamide polyether polymer	49 FR 28614 (7-13-84)	Nov. 1, 1984.
84-889	Generic name: Substituted benzaldehyde	49 FR 28614 (28615) (7-13-84)	Oct. 30, 1984.
84-898	Generic name: Polyester polyol	49 FR 28616 (28617) (7-13-84)	Oct. 14, 1984.
84-933	Polymer of 2, Butenedioic acid (Z)-, monomethyl ester, polymer with ethenyl-benzene, 2,5-furandione and (Z)-2-methylpropyl hydrogen 2-butenedioate, ammonium hydroxide.	49 FR 29451 (29453) (7-20-84)	Nov 15, 1984.
84-947	Generic name: Modified pigment yellow 12	49 FR 30238 (30239) (7-27-84)	Oct. 29, 1984.
84-952	Generic name: Ketimine	49 FR 30238 (30239) (7-27-84)	Oct. 15, 1984.
84-955	Generic name: Modified polyester resin	49 FR 30238 (30239) (7-27-84)	Nov. 8, 1984.
84-966	Generic name: Oligomeric diol	49 FR 30238 (30240) (7-27-84)	Oct. 18, 1984.
84-967	Generic name: Polyether urethane polymer	49 FR 30238 (30240) (2-27-84)	Do.
84-975	Generic name: Polymer of aliphatic diamines, an alkanediol polyester, a monoalcohol polyether, a metal salt of an alkenediol polyether and aliphatic diisocyanates.	49 FR 30238 (30241) (7-27-84)	Oct. 26, 1984.
84-1025	Generic name: Modified essential oil	49 FR 32110 (32111) (8-10-84)	Nov. 13, 1984.
84-1026	Generic name: Phenol, benzylic ether	49 FR 32110 (32111) (8-10-84)	Nov. 14, 1984.
84-1029	Generic name: Polyether aromatic isocyanate terminated prepolymer	49 FR 32110 (32112) (8-10-84)	Oct. 30, 1984.
84-1030	Generic name: Poly(alkylsuccinic diester)	49 FR 33718 (8-24-84)	Nov. 15, 1984.

IV. 56 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Chemical Identification	FR citation	Date of commencement
84-1031	Generic name: Poly(alkylsuccinic diester	49 FR 33718 (33719) (8-24-84)	
84-1032	Generic name: Alkylated phenol	49 FR 32110 (32113) (8-10-84)	Nov. 1, 1984.
84-1058	Polymer of diethylene glycol, maleic anhydride, benzoic acid	49 FR 33721 (10-24-84)	Nov. 3, 1984.
84-1069	Generic name: Substituted ether of alkoxylated fatty alcohol	49 FR 33721 (33722) (8-24-84)	Nov. 14, 1984.

V. 102 Premanufacture Notice for Which the Review Period Has Been Suspended

PMN No.	Identity and generic name	FR citation	Date suspended
83-1	Generic name: Polyhalogenated aromatic alkylated hydrocarbon	47 FR 46371(10-18-82)	Oct. 22, 1982.
83-333	Generic name: Reaction product of poly-cyclesulfonic acid salt with phosphorus halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite alkali.	48 FR 72(73) (1-3-83)	Mar. 14, 1983.
83-401	Generic name: Naphthalenetrisulfonic acid, chlorortriazinylamino-methoxymethylphenylazo	48 FR 5304 (2-4-83)	Aug. 18, 1983.
83-418	Generic name: Benzenedisulfonic acid, chlorotriazinylaminodimethylphenylazo-sulfonaphthaleneazo.	48 FR 5304 (5306) (2-4-83)	Do.
83-461	Generic name: Substituted alkoxy silane	48 FR 7299 (7300) (2-18-83)	Apr. 25, 1983.
83-634	Generic name: Substituted mono azo aromatic	48 FR 17385 (4-22-83)	July 5, 1983.
83-669	Generic name: Chromium complex of substituted phenolazosulfonaphthol with naphtholazosulfonaphthol.	48 FR 20490 (5-6-83)	Aug. 5, 1983.
83-677	Generic name: Chromium complex of substituted alkylaminoformimidphenol with sulfonaphtholazosulfophenylpyrazolone.	48 FR 20490 (20491) (5-6-83)	Do.
83-755	4-hydroxy-6-phenylaminonaphthalene-2-sulfonic acid	48 FR 24967 (6-3-83)	Aug. 17, 1983.
83-770	Generic name: Cobalt complex of a substituted phenolazonaphthol	48 FR 24967 (24968) (6-3-83)	Aug. 15, 1983.
83-771	Generic name: Chromium complex of substituted phenolazoalkylarylaminoformimidphenol with sulfonaphthylazosulfonaphthol.	48 FR 24967 (24968) (6-3-83)	Do.
83-860	Generic name: Metal complexed substituted aromatic azo compound	48 FR 30434 (30435) (7-1-83)	Sept. 21, 1983.
83-875	4-(2-cyano-4-nitrophenylazo)-[N-(2-cyanoethyl)-N-(2-phenoxyethyl)amino] benzene	48 FR 31460 (31462) (7-8-83)	Do.
83-876	4-(2-cyano-4-nitrophenylazo)-[N,N-bis(2-propionyloxyethyl)amino]-3-chlorobenzene	48 FR 31460 (31462) (7-8-83)	Do.
83-913	Generic name: Copper sulfonylphenazopolyhydroxy phenazobenzoate	48 FR 32381 (32383) (7-15-83)	Oct. 1, 1983.
83-1006	Generic name: (Amino)-(hydroxy)-(substituted)(substituted) naphthalenedisulfonic acid, and (amino)-(hydroxy)-(substituted)-(substituted) naphthalenedisulfonic acid, salts with sodium and potassium.	48 FR 36647 (36648) (8-12-83)	Oct. 14, 1983.
83-1007	Generic name: (Substituted)-(substituted)-hydroxy-naphthalenesulfonic acid, sodium salts	48 FR 36647 (36648) (8-12-83)	Do.
83-1012	Generic name: Bis(sulfophenylchloro-triazineaminosulfophenylazo) hydroxyamino-disulfonaphthalene.	48 FR 36647 (36648) (8-12-83)	Oct. 24, 1983.
83-1018	Generic name: Substituted-naphthalene tetradisulfonic acid, bis[(substituted-hydroxyphenylazo)phenyl]derivative.	48 FR 36647 (36649) (8-12-83)	Do.
83-1033	Generic name: C_{9-14} carboxylic acid	48 FR 37699 (37700) (8-19-83)	Dec. 8, 1983.
83-1238	Generic name: Substituted anthraquinone	48 FR 43397 (43400) (9-23-83)	Dec. 9, 1983.
84-15	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Jan. 3, 1984.
84-17	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48864) (10-21-83)	Mar. 1, 1984.
84-18	1[3,1 dimethylethoxy)-propan-2-ol	48 FR 48863 (48864) (10-21-83)	Jan. 6, 1984.
84-36	Generic name: Substituted heterocyclic metal complex	48 FR 48863 (48866) (10-21-83)	Mar. 1, 1984.
84-50	Generic name: Substituted heterocyclic metal complex	48 FR 50951 (50952) (11-4-83)	Do.
84-64	Generic name: Substituted-phenylamino monochloro-triazinylamino sulfophenylazo-substituted-disulfonaphthalenylazo-naphthalene-disulfonic acid, hexasodium salt.	48 FR 50951 (50953) (11-4-83)	Jan. 5, 1984.
84-106	Generic name: Trisubstituted heterocyclic disubstituted monocycle	48 FR 50944 (50945) (11-4-83)	Mar. 3, 1984.
84-121	Generic name: Substituted heterocyclic metal complex	48 FR 50944 (50946) (11-4-83)	Mar. 1, 1984.
84-306	Benzoic acid, 2-(((((2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl)amino]carbonyl)oxy-, methyl ester	49 FR 903 (932) (1-6-84)	Mar. 22, 1984.
84-307	2-propenoic acid, 2-methyl-, 2-((hexahydro 2-oxo-1H-azepin-1-yl)carbonyl)amino)ethyl ester	4930 FR 932 (1-6-84)	Do.
84-358	Generic name: Polyaromatic urethane poly (unsaturated) ester	49 FR 6891 (2-24-84)	Apr. 26, 1984.
84-375	Generic name: Sodium salt of alkyl dithiocarbamides	49 FR 4980 (4981) (2-9-84)	May 11, 1984.
84-376	Generic name: Aryl esters of alkyl dithiocarbamates	49 FR 4980 (4981) (2-9-84)	Do.
84-391	Generic name: Cuprate(5-), [5-hydroxy-2-[[4-[[5-hydroxy-6-[[2-methoxy-5-[substituted]phenyl]azo]-7-sulfo-2-naphthalenyl]amino]-6-[[3-sulfophenyl]amino]]-1,3,5-triazin-2-yl]amino]-6-[[2-hydroxy-5-sulfophenyl]azo-1,7-naphthalene-disulfonato(7-)], pentasodium.	49 FR 6160 (6162) (2-17-84)	Apr. 27, 1984.
84-392	Generic name: Alkoxylated cycloaliphatic diamine	49 FR 6160 (6162) (2-17-84)	Do.
84-416	Dimethylbis(N-ethylacetamido)silane	49 FR 6891 (6892) (2-24-84)	May 11, 1984.
84-425	Generic name: Alkyl arylphosphonium salt	49 FR 7554 (7655) (3-1-84)	Apr. 13, 1984.
84-485	Generic name: Poly(oxy-1,2-ethanediyl) alpha-acyl-w-alkyl	49 FR 11009 (11010) (3-23-84)	June 4, 1984.
84-490	Generic name: Substituted aminofluorane	49 FR 11009 (11010) (3-23-84)	Aug. 16, 1984.
84-558	Generic name: Carboxylated alkane diol	49 FR 14802 (14803) (4-13-84)	June 27, 1984.
84-591	Generic name: Sodium salt of an alkylated, sulfonated aromatic	49 FR 16833 (16835) (4-20-84)	July 5, 1984.
84-597	Generic name: Blocked aliphatic ployisocyanate	49 FR 16833 (16835) (4-20-84)	July 19, 1984.
84-649	Generic name: Chromate, bis(substituted substituted phenolato)inorganic salts	49 FR 19110 (19113) (5-4-84)	July 20, 1984.
84-650	Generic name: Chromate, bis(substituted substituted substituted pyrazolyl, sodium	49 FR 19110 (19113) (5-4-84)	Do.
84-651	Generic name: Chromate, bis(substituted substituted naphthalenolato)sodium	49 FR 19110 (19113) (5-4-84)	Do.
84-664	Generic name: Chromate, [substituted substituted phenolato) (substituted substituted substituted substituted phenolato)sodium.	49 FR 20060 (20061) (5-11-84)	Do.
84-665	Generic name: Chromate, bis(substituted substituted substituted phenolato), sodium	49 FR 20060 (20061) (5-11-84)	Do.
84-669	Oleic, linoleic, palmitic acid ester of ethoxylated $C_{12}C_{18}$ alcohols	49 FR 20060 (20061) (5-11-84)	July 18, 1984.
84-673	Generic name: Chromate (substituted naphthalenolato) (substituted substituted naphthalenolato)inorganic salts.	49 FR 20060 (20061) (5-11-84)	July 20, 1984.
84-698	Generic name: 9,10-Anthracenedione sulfonic acid, sodium salt	49 FR 22128 (22129) (5-25-84)	July 25, 1984.
84-703	Oxo-octyl acetate	49 22128 FR (22130) (5-25-84)	Aug. 9, 1984.
84-713	Generic name: Acrylated alkoxylated aliphatic polyol	49 FR 22128 (22130) (5-25-84)	Aug. 3, 1984.
84-737	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Aug. 15, 1984.
84-738	Generic name: Glycol ether	49 FR 22865 (22866) (6-1-84)	Do.
84-742	Generic name: Cross-linked modified polyvinyl amide	49 FR 22865 (22866) (6-1-84)	July 23, 1984.
84-780	Generic name: Aliphatic diacrylate	49 FR 23916 (23919) (6-8-84)	Aug. 22, 1984.
84-792	Generic name: Disubstituted anthraquinone-2-sulfonic acid, alkali metal salt	49 FR 23916 (23920) (6-8-84)	Do.
84-796	Generic name: Polyfunctional aziridine	49 FR 24782 (6-15-84)	Aug. 17, 1984.
84-814	Generic name: Polysubstituted polyol	49 FR 24782 (24784) (6-15-84)	Aug. 27, 1984.
84-820	Generic name: Phosphonium salt	49 FR 24782 (24784) (6-15-84)	Aug. 29, 1984.
84-824	Generic name: Brominated aromatic	49 FR 25676 (6-22-84)	Do.
84-839	Generic name: Polyfunctional aziridine	49 FR 25676 (25677) (6-22-84)	Aug. 27, 1984.
84-858	Generic name: Polyalkylene glycol ether acrylate	49 FR 26800 (26801) (6-29-84)	Aug. 31, 1984.
84-860	Generic name: Disubstituted nitrobenzene	49 FR 26800 (26801) (6-29-84)	Sept. 26, 1984.

V. 102 PREMANUFACTURE NOTICE FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED—Continued

PMN No.	Identity and generic name	FR citation	Date suspended
84-880	Generic name: Modified melamine formaldehyde polymer	49 FR 28614 (7-13-84)	Aug. 22, 1984.
84-881	Generic name: Modified ploymer of styrene with alkyl acrylate and alkyl methacrylates	49 FR 28614 (28615) (7-13-84)	Aug. 30, 1984.
84-885	Generic name: Carboxylic acid chloride	49 FR 28614 (28615) (7-13-84)	Oct. 4, 1984.
84-886	Generic name: Triazine derivative	49 FR 28614 (28615) (7-13-84)	Oct. 22, 1984.
84-895	Generic name: Substituted-substituted benzenesulfonic acid coupled with substituted-substituted benzenes and substituted substituted naphthalenedisulfonic acid, sodium salt.	49 FR 28614 (28616) (7-13-84)	Sept. 19, 1984.
84-900	1,3,5-Triazine-2,4,6 (1H,3H,5H)-trione, 1,3,5-tris(2,3-dibromopropyl)	49 FR 28616 (28617) (7-13-84)	Sept. 28, 1984.
84-901	Bis(tetrabromobisphenol A)bis(tribromo-phenyl)ethyleneteracarbonate	49 FR 28616 (28617) (7-13-84)	Sept. 21, 1984.
84-902	Hexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
84-903	N-methylhexabromodiphenyl amine	49 FR 28616 (28617) (7-13-84)	Do.
84-910	Phenol, p-allyl	49 FR 28616 (28617) (7-13-84)	Sept. 26, 1984.
84-913	Generic name: N,N' bis(2-(2-(3-alkyl) thiazoline)vinyl)-1,4-phonylene diamine double salt	49 FR 28616 (28618) (7-13-84)	Do.
84-916	Generic name: Mixed chromium complexes of substituted hydroxyphenyl azo hydroxy naphthalenes, amine salts.	49 FR 29451 (7-20-84)	Sept. 28, 1984.
84-927	Generic name: Carbopolycyclic alkenyl ether	49 FR 29451 (7-20-84)	Sept. 26, 1984.
84-938	Polymer of hydroxy ethyl acrylate and polyisocyanate T 1690/100	49 FR 29451 (29453) (7-20-84)	Oct. 1, 1984.
84-951	Generic name: Substituted aminobenzoic acid ester	49 FR 30238 (30239) (7-27-84)	Oct. 4, 1984.
84-954	Generic name: Substituted aromatic	49 FR 30238 (30239) (7-27-84)	Oct. 10, 1984.
84-963	6-Nitro-2(3H)-benzoxazolone	49 FR 30238 (30240) (7-27-84)	Oct. 11, 1984.
84-969	4-amino-3,6-bis[5-[4-(3-carboxypyridinio)-6-(4-chloro-3-sulfonatoanilino)-1,3,5-triazin-2-ylamino]-2-sulfonato-phenylazo]-5-hydroxy-2,7-naphthalene-disulfonate-dihydroxid, hexasodium.	49 FR 31136 (31137) (8-3-84)	Oct. 16, 1984.
84-1005	Generic name: Alkyl amine derivative	49 FR 32110 (8-10-84)	Oct. 24, 1984.
84-1007	Generic name: 3-alkyl-2-(2-anilio)vinyl thiazolinium salt	49 FR 32110 (8-10-84)	Oct. 5, 1984.
84-1042	Methylammonium n-methyldithiocarbamate	49 FR 33718 (33719) (8-24-84)	Oct. 31, 1984.
84-1051	Generic name: Halogenated aromatic substituted olefin	49 FR 33718 (33720) (8-24-84)	Oct. 30 1984.
84-1053	Generic name: Ethoxylated vegetable fatty acids, end-capped	49 FR 33718 (33720) (8-24-84)	Oct. 26, 1984.
84-1062	Methyl vinyl sulfone	49 FR 33718 (33721) (8-24-84)	Nov. 6, 1984.
84-1068	N-dimethylthiocarbamylthio-N'-phenyl urea	49 FR 33718 (33722) (8-24-84)	Nov. 5, 1984.
84-1074	Generic name: Polyurethane ploymer	49 FR 34572 (8-31-84)	Nov. 9, 1984.
84-1079	Generic name: Alkylated diphenyl oxide	49 FR 34572 (34573) (8-31-84)	Nov. 26, 1984.
84-1114	Generic name: Sodium salt of sulfonated, alkylated diphenyl oxide	49 FR 35414 (35416) (9-7-84)	Nov. 19, 1984.
84-1128	Generic name: Isoalkyleneoxy alkanol	49 FR 35414 (35417) (9-7-84)	Nov. 26 1984.
84-1129	Acetic acid, ester with C_9-C_{11} iso alcohols, C_{10}-rich	49 FR 35414 (35417) (9-7-84)	Nov. 21, 1984.
84-1130	Acetic acid, ester with C_9-C_{11} alcohols, C_{10}-rich	49 FR 35414 (35417) (9-7-84)	Do.
84-1131	Acetic acid, ester with C_{10}-C_{14} iso alcohols, C_{12}-rich	49 FR 35414 (35417) (9-7-84)	Do.
84-1136	Generic name: Substituted aromatic amide	49 FR 36151 (36152) (9-14-84)	Nov. 20, 1984.
84-1137	Generic name: Cycloaliphatic epoxide	49 FR 36151 (36152) (9-14-84)	Do.
84-1144	Generic name: Isoalkyleneoxy alkanoate	49 FR 36151 (36152) (9-14-84)	Nov. 28, 1984.
84-1145	Generic name: Alkyltrialkoxysilane	49 FR 36151 (36152) (9-14-84)	Nov. 27, 1984.
84-1167	Generic name: Epoxy ester	49 FR 37458 (37460) (9-24-84)	Nov. 30, 1984.

[FR Doc. 85-2563 2691 Filed 2-1-85; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 84-1292; PR-2954-S et al.]

David C. Saks et al.; Order to Show Cause, Suspension Order and Designation Order

In the matter of Revocation of License of

David C. Saks, P.O. Box 30008, Memphis, Tennessee 38130; Licensee of Station WD4SHP in the Amateur Radio Service. — PR Docket No. 84-1292 PR-2954-S.

Suspension of License of: David C. Saks, P.O. Box 30008, Memphis, Tennessee 38130; Amateur Novice Class Operator License. — PR Docket No. 84-1293.

Application of David C. Saks, P.O. Box 30008, Memphis, Tennessee 38130. — PR Docket No. 84-1294.

For Amateur General Class Operator License.

Adopted: November 29, 1984.
Released: January 14, 1985.

1. On September 14, 1984, you were convicted (upon your plea of guilty) in the United States District Court for the Western District of Tennessee (CR-84-20085) of wilfully operating an Amateur radio station on December 30, 1983, without a proper license, in violation of section 301 of the Communications Act of 1934, as amended (Title 47, United States Code, section 301). All determinations made in that proceeding are *res judicata* in this proceeding.

2. Section 312(a)(2) of the Communications Act of 1934, as amended, allows us to revoke your station license for matters coming to our attention which would have prevented granting your original application. Section 312(a)(4) of the Act allows us to revoke your station license for wilful or repeated violation of the Act of the Commission's Rules. Section 303(m)(1)(A) allows us to suspend your radio operator license for violation of the Act or Rules. Section 309(e) requires us to designate your application for hearing if we are unable to find that its grant would serve the public interest, convenience and necessity.

3. You are ordered under section 312(a)(2) and (4) and (c) of the Act to present evidence why your license for Amateur radio station WD4SHP should not be revoked. If you wish to present such evidence at an evidentiary hearing before an Administrative Law Judge, you must request a hearing within 30 days. If such a request is made, a time, place and Presiding Judge will be arranged by a later order. If you do not request a hearing, the Commission staff will determine, without a hearing, if revocation is warranted, and will consider any written statements you submit. A form and envelope are enclosed for your reply.

4. Additionally, your Novice Class Amateur radio operator license is hereby suspended under section 303(m) of the Act, for the remainder of its term. The suspension will be held in abeyance (until the case is decided) if, within 30 days of your receipt of this Order, you request a hearing or submit a written statement concerning the suspension matter. If you do not request a hearing or submit a statement, the suspension will take effect 30 days after your receipt of this Order.[1]

5. Furthermore, your application [2] to upgrade your operator license to General Class is hereby designated for hearing under section 309(e) of the Act.

[1] Any contrary provisions of § 1.85 of the Commission's Rules are hereby waived.

[2] That application was granted on March 16, 1984, but the grant was subsequently set aside on April 12, 1984, and the application was returned to pending status.

6. Your case will be decided on the following issues:

(a) To determine the effect of the above-mentioned conviction upon your qualifications to remain an Amateur radio station licensee.

(b) To determine whether your license for Amateur radio station WD4SHP should be revoked.

(c) To determine, in light of the above-mentioned conviction, whether the suspension of your Novice Class Amateur radio operator license should be affirmed, modified or dismissed.

(d) To determine, in light of the above-mentioned conviction, whether granting your application would serve the public interest, convenience and necessity and whether it should be granted.

7. The revocation and suspension proceedings are hereby consolidated for hearing pursuant to § 1.227 of the Commission's Rules.

8. Any questions about this should be directed to the Special Services Division of the Private Radio Bureau at (202) 632-7197. This Order is being sent by Certified Mail—Return Receipt Requested and Regular Mail to P.O. Box 30008, Memphis, Tennessee 38130 and to 1791 Madison Avenue, Memphis, Tennessee 38104.

Chief Private Radio Bureau.

Raymond A. Kowalski,

Chief, Special Services Division.

[FR Doc. 85-2723 Filed 2-1-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1495]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

January 28, 1985.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the Commission's Rules to Delete Restrictions on Cable Television Broadcast Television Cross-Ownership. (RM-3810)

Divestiture Requirement of § 76.501 Relative to Egregious Cable Television Broadcast Television Cross-Ownership in Existence on or before July 1, 1970. (Docket No. 20423)

Filed by: A.L. Stein, Attorney for Goodland Cable TV and KLOE-TV on 1-4-85.

Subject: Petitions Seeking Amendment of Part 68 of the Commission's Rules Concerning Connection of Telephone Equipment, Systems and Protective Apparatus to the Telephone Network and Notice of Inquiry into Standards for Inclusion on One and Two-Line Business and Residential Service in Part 68 of the Commission's Rules. (CC Docket No. 81-216, RM's 2845, 3195, 3206, 3227, 3283, 3316, 3329, 3348, 3501, 3526, 3530, 4054 & 4087)

Filed by: James A. DeBois, David J. Ritchie & Wendy L. Miller, Attorneys for AT&T Information Systems, Inc., on 1-14-85. Andrew D. Lipman, Attorney for Verilink Corporation on 1-14-85.

Subject: Low Power Television and Television Translator Service. (MM Docket No. 83-1350)

Filed by: Victor E. Ferrall, Jr., Linda K. Smith & John T. Scott, III, Attorneys for the State of Alaska.

Subject: Amendment of the Commission's Rules Regarding the Modification of FM and Television Station Licenses. (MM Docket No. 83-1148)

Filed by: Meredith S. Senter, Jr., Attorney for Spanish International Communications Corporation on 9-27-84.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-2724 Filed 2-1-85; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0163

Title: Individual and Family Grant (IFG) Program Information

Abstract: The formats presented for approval are checklists, reviews, and other management tools recommended for use by FEMA Regional staff in fulfilling their requirements for monitoring the IFG program. Some of the information is obtained from the State implementing the IFG program

Type of Respondents: State or Local Governments

Number of Respondents: 150

Burden Hours: 3,038.

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street SW., Washington, D.C. 20472.

Comments should be directed to Mike Weinstein, Desk Officer for FEMA, Office of Information and Regulatory Affairs, OMB, Rm. 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: January 29, 1985.

Walter A. Girstantas,

Director, Administrative Support.

[FR Doc. 85-2744 Filed 2-1-85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to OMB for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, et seq.). Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C., 20573, telephone number (202) 523-5725. Comments may be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review

46 CFR Part 540—Security for the Protection of the Public and Related Application Form FMC-131

FMC is resubmitting request for an extension of clearance for 46 CFR Part 540 and Form FMC-131 to comply with OMB's request for consolidated submission. Title 46 CFR Part 540 provides procedures whereby persons in the United States who arrange, offer, advertise or provide passage on a vessel having berth or stateroom accommodations for 50 or more passengers and embarking passengers at U.S. ports shall establish their financial responsibility or, in lieu thereof, file a bond or other security to meet liabilities for nonperformance of voyage, or for injury or death to passengers or other

persons on voyages to or from U.S. ports. Related Application form FMC-131 must also be completed. Estimates for the respondent universe of 60 are as follows: for 46 CFR Part 540, 154 responses and 639 manhour burden; for related application form FMC-131, 50 annual responses and 300 manhour burden. Total cost to the Federal Government is estimated at $54,400; total cost to respondents is estimated at $54,200.

Francis C. Hurney,

Secretary.

[FR Doc. 85-2799 Filed 2-1-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0533]

Fee Schedules for Federal Reserve Bank Services

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: 1985 Fee Schedules for the Definitive Securities Safekeeping and Noncash Collection Service.

SUMMARY: The Board has approved new fee structures and fees for the Federal Reserves' definitive securities safekeeping and noncash collection service.

EFFECTIVE DATE: February 28, 1985.

FOR FURTHER INFORMATION CONTACT: Gerald D. Manypenny, Manager (202/452-3954), or Donna A. DeCorleto, Senior Analyst (202/452-3956), Divison of Federal Reserve Bank Operations; or Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: In September 1983, the Board approved fee schedules for the definitive securities safekeeping and noncash collection service. 48 FR 44647 (September 29, 1983). Fees were established to provide a matching of costs, excluding the private sector adjustment factor ("PSAF"), and revenues in the third quarter of 1984. The Federal Reserve recovered 98 percent of the costs of providing this service in the end of the third quarter of 1984 based on costs and revenues of approximately $4.7 million and $4.6 million, respectively. Preliminary data for the fourth quarter of 1984 indicates a recovery rate comparable to that of the third quarter.[1]

In order to achieve a cost/revenue match, including PSAF, in 1985, and in view of changing industry practices attributable to the Tax Equity and Fiscal Responsibility Act, the Board proposed several changes to the fee structures in November 1984. 49 FR 46488 (November 26, 1984). The proposed revisions to the definitive securities safekeeping fee structure included: (1) The addition of a reregistration fee by all Reserve Banks to recover the costs of sending a registered security to the transfer agent for reregistration; (2) the introduction on a district option basis of a fee to differentiate the higher costs of safekeeping coupon bearing securities as compared with registered securities. Proposed revisions to the noncash collection activity fee structure included: (1) An optional return item fee; (2) the Addition of a mixed deposit option on a permanent basis;[2] and (3) the option of setting different city and country collection fees for Reserve Banks not electing to offer a mixed deposit program. Fees were projected to increase by an average of 21.5 percent.

Ten comments, six from Reserve Banks, were received concerning the Board's proposals. Comments received from depository institutions were generally favorable. One commenter suggested that cost reduction efforts continue instead of increasing fees. One depository institution objected to the imposition of a reregistration fee for registered securitits kept at a Reserve Bank solely for pledging purposes. Another commenter stated that reregistrationis a labor intensive procedure for which most commercial banks charge and the proposed fee was in line with commercial bank charges in that district. This commenter also stated that, although its local Reserve Bank was not exercising the option to charge of fee to differentiate between coupon bearing and registered securities, such an option was not necessary because the declining number of coupon bearing securities would result in declining costs. One commenter expressed concern about the increase in its Reserve Bank's deposit and withdrawal fees.

A review of the Reserve Banks' cost and revenue projections for 1985 indicates that the fee increases reflected in the request for comment are necessary to ensure that the System recovers fully the cost, including PSAF, of providing this service in 1985.[3] The Board also believes that revisions to the fee structure for the definitive securities safekeeping activity are essential to achieving this goal. Reregistration of a registered security is labor intensive and costly because the security must be withdrawn from safekeeping, transported to the transfer agent, and returned into safekeeping. These costs have been increasing as the number of registered securities increases. Similarly, the optional fee to differentiate between coupon bearing securities and registered securities reflects the increased costs resulting from the need to clip maturing coupons twice yearly. Registered securities usually have no coupons. Generally, costs related to coupon bearing securities do not decline as rapidly as the number of coupon bearing securities declines because of their labor intensive nature and requirements to maintain high security standards in this operation.[4]

With regard to the noncash collection activity, two commenters supported the imposition of a return item fee on a district option but expressed concern over the level of the fee. One commenter stated that a depository institution should not be charged the return item fees of two Reserve Banks handling returned out-of-district items.

In light of the comments received, Reserve Banks reviewed the costs associated with return item handling. As a result of that review, ten of the Reserve Banks believed the level of the fee was appropriate and the St. Louis Reserve Bank decided not to exercise the option to impose a return item fee.[5] The return item fee will be assessed only by the collecting Reserve Bank.

One commenter supported the mixed deposit option as beneficial to those depository institutions that do not have sufficient volume of noncash items to justify the time involved in sorting. The Board believes that in light of the benefits of the program for these depository institutions, the mixed deposit program should be approved on a district option basis. The Board also determined that Reserve Banks not

[1] Preliminary data for the year indicates that costs, including PSAF, were $21.7 million with revenue of $18.5 million.

[2] The Mixed deposit program provides depository institutions in participating districts the option of submitting unsorted coupon envelopes.

[3] Reserve Banks are continuing cost reduction efforts. In 1984, cost for the service increased approximately 3 percent due to significant volume increases and to the introduction of float costing in 1984. Excluding float, 1984 costs declined 1 percent compared to 1983. Costs are projected to decline by 2.3 percent in 1985.

[4] Three Reserve Banks will adopt a par value fee for coupon bearing securities to reflect this differential and another Reserve Bank will alter its account maintenance fee.

[5] The Atlanta Reserve Bank had previously decided not to charge a return item fee.

offering the mixed deposit program be given the option of adopting different city and country collection fees.

After review of the comments received and analysis of the issues raised, the Board has decided to approve the revised fee schedules for the definitive securities safekeeping and noncash collection service, to be effective February 28, 1985. The revised fee schedules are attached. The Board believes that the revised fee schedules will provide for full recovery of costs, including PSAF, in 1985 based on projected costs of $21.2 million and projected revenue of $21.3 million.

By order of the Board of Governors of the Federal Reserve System, January 29, 1985.

William W. Wiles,

Secretary of the Board.

ATTACHMENT I.—1985 PRICE SCHEDULE DEFINITIVE SAFEKEEPING

	Deposits		Withdrawals [1]		Receipts/issues				Purchases and sales		Re-registrations 1985 [4]	Par value 1985 [5]
	1984	1985	1984	1985	1-400	1-400	400+	400+				
					1984	1985	1984	1985	1984	1985		
Boston	12.50	12.50	12.50	12.50	2.80	2.90	2.10	2.20	15.00	15.00	12.50	
New York	35.50	35.50	35.50	35.50	5.35	5.35	4.75	4.75	23.00	23.00	35.50	0.0050
Philadelphia [2]	15.00	16.00	15.00	16.00	3.00	3.25	2.00	2.25	19.00	20.00	20.00	
Cleveland	15.00	15.00	15.00	15.00	2.25	2.00	1.75	1.50	25.00	25.00	15.00	0.0050
Richmond	15.00	15.00	15.00	15.00	1.50	1.95	1.00	1.45	20.00	20.00	15.00	
Atlanta [3]	0.00	0.00	5.00	5.00	(6)	(6)	(6)	(6)	(7)	(7)	5.00	
Chicago	11.00	15.00	11.00	15.00	3.00	3.50	2.75	2.75	19.00	21.00	15.00	
Detroit [3]	11.00	11.00	11.00	11.00	2.00	2.25	1.75	2.00	(7)	(7)	11.00	
St. Louis	8.00	10.00	8.00	10.00	1.25	1.50	0.90	0.90	(7)	(7)	10.00	
Minneapolis	8.00	8.00	8.00	8.00	1.40	1.40	0.75	0.75	10.00	10.00	8.00	
Kansas City	15.00	15.00	15.00	15.00	1.50	2.50	1.25	2.25	20.00	20.00	15.00	
Dallas	10.00	10.00	10.00	10.00	2.75	2.25	2.50	2.00	26.50	26.50	10.00	0.0080

[1] Actual shipping costs additional.
[2] Applied to coupon bearing securities only; fee per $1,000 par value.
[3] Philadelphia—$2.25 fee for all registered securities. This is to recognize the lower handling costs of registered securities versus bearer securities.
[4] Atlanta 1-500 receipts @ $2.50 in 1984/85, 500-1000 @ $2.00 in 1984/85, and 1000+ @ $1.50 in 1984/85.
[5] Detroit Pilot 1-100 receipts priced at @ $3.00 1984/85, over 100 receipts @ $2.25 in 1984 and $2.50 in 1984 including collection of coupons.
[6] See below.
[7] N/A.

ATTACHMENT II.—1985 PRICE SCHEDULE NONCASH COLLECTION

[For banks not offering a mixed deposit product]

	Local coupons			Add-on fee for interdistrict coupons		Postage and insurance [1]		Return items	Bond redemptions and sales [2]	
	Local	City	Country							
	1984	1985	1985	1984	1985	1984	1985	1985	1984	1985
Boston	2.00	2.00	2.00	2.55	2.75	1.00	1.00	3.00	12.50	12.50
New York	2.50	2.75	4.00	2.75	2.75	0.50	0.75	10.00	35.50	35.50
Philadelphia	2.90	2.90	2.90	2.55	2.85	1.00	1.00	10.00	15.00	20.00
Richmond	2.00	2.00	2.00	2.50	3.50	1.00	1.00	5.00	20.00	20.00
Chicago [3]	3.50	3.50	3.50	2.75	2.75	0.70/1.70	1.00/2.00	10.00	11.00	20.00
Detroit	2.50	2.50	2.50	2.60	3.00	1.00	1.00	10.00	11.00	11.00
Minneapolis [4]	2.50	2.50	2.50	2.70	3.00	0.60	0.60	10.00	8.00	8.00
Kansas City	3.20	3.50	3.50	2.50	3.50	1.00	1.00	10.00	15.00	20.00
San Francisco	4.00	5.00	5.00	N/A	N/A	1.00	1.00	10.00	35.50	35.50

[1] Per $1,000.
[2] Actual shipping cost additional.

[For banks offering a mixed deposit product]

	Local coupons from in-district DFI's				Local coupons from out-of-district DFI's				Inter-district coupons				Return items	Bond redemptions and sales [1]	
	City		Country		City		Country		Fine sort		Mixed				
	1984	1985	1984	1985	1984	1985	1984	1985	1984	1985	1984	1985	1985	1984	1985
Cleveland	2.25	2.75	2.75	3.00	3.00	3.25	3.00	3.50	2.75	4.00	3.75	5.00	10.00	15.00	15.00
Atlanta	1.75	1.75	2.50	2.50	1.40	2.40	1.40	3.15	2.75	2.75	3.75	3.75	0.00	7.50	7.50
St. Louis	2.00	3.25	2.00	3.25	2.00	3.25	2.00	3.25	2.75	3.25	3.25	3.25	0.00	10.00	10.00
Dallas	2.75	3.00	2.75	3.00	2.10	3.50	2.10	3.50	2.75	3.25	3.75	4.50	10.00	15.00	20.00

[1] Chicago—1985 postage and insurance $1.000 per $1000 local, $2.000 per $1000 Interdistrict.
[2] Minneapolis—12th district coupons $4000; bounds $8.00.
[3] Plus postage and insurance.

[FR Doc. 85-2729 Filed 2-1-84; 8:45 am]

BILLING CODE 6210-01-M

BankEast Corp. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise

noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the office of the Board of Governors not later than February 23, 1985.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BankEast Corporation*, Manchester, New Hampshire; to engage *de novo* through its subsidiary, BankEast Mortgage Corporation, Manchester, New Hampshire, in making, acquiring and servicing loans or other extensions of credit secured by real estate mortgages for its own account and the accounts of others. These activities would be conducted in New England and the mid-Atlantic states.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago Illinois 60690:

1. *The Marine Corporation*, Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, Marine Bank Services Corporation, Milwaukee, Wisconsin, in providing data processing and data transmission services, facilities, data bases and access to such services, facilities and data bases by any technological means.

Board of Governors of the Federal Reserve System, January 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2727, Filed 2-1-85; 8:45 am]

BILLING CODE 6210-01-M

Central Fidelity Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 25, 1985.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Central Fidelity Banks, Inc.*, Richmond, Virginia; to acquire 100 percent of the voting shares or assets of the successor by merger to The First Bank of Poquoson, Poquoson, Virginia.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Banco Del Pacifico*, Guayas, Ecuador; to become a bank holding company by acquiring 50.02 percent of the voting shares of Pacific National Bank, Miami, Florida.

2. *Dahlonega Bancorp, Inc.*, Dahlonega, Georgia; to acquire 100 percent of the voting shares or assets of The Bank of Ellijay, Ellijay, Georgia.

3. *First State Capital Corporation*, Lineville, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of Lineville, Lineville, Alabama.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Farmers Banc, Inc.*, Tipton, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Loan & Trust Company, Tipton, Indiana.

2. *First Berne Financial Corporation*, Berne, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of First Bank of Berne, Berne, Indiana.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Banterra Corp.*, El Dorado, Illinois; to acquire 15.8 percent of the voting shares or assets of Egypt Bancorp, Inc., Marion, Illinois and thereby indirectly acquire Bank of Egypt, Marion, Illinois. In this regard, Egypt Bancorp, Inc., Marion, Illinois, has applied to acquire 80 percent of the voting shares of Bank of Egypt, Marion, Illinois.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Horizon Bankshares, Inc.*, Forth Worth, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Texas at Forth Worth, Forth Worth, Texas.

Board of Governors of the Federal Reserve Bank System, January 29, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-2728 Filed 2-1-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Commission Announcement of Cigarette Manufacturers' and Importers' Obligations Under the Comprehensive Smoking Education Act To Submit Rotational Plans

AGENCY: Federal Trade Commission.

ACTION: Announcement regarding rotational health warnings.

SUMMARY: On October 12, 1984 the President signed into law the Comprehensive Smoking Education Act. The Act requires that, effective one year from the date of enactment, all cigarette packages and advertisements bear rotational health warnings. The Federa Trade Commission is charged with

approving rotational plans submitted by cigarette manufacturers and importers.

DATE: *Submission Deadline:* Plans should be submitted by May 6, 1985.

FOR FURTHER INFORMATION CONTACT: Judith P. Wilkenfeld, Program Advisor, Cigarette Advertising and Testing, Federal Trade Commission, 6th & Pennsylvania Avenue NW., Washington, D.C. 20580. (202) 376–8648.

SUPPLEMENTARY INFORMATION:

Requirements of the Comprehensive Smoking Education Act

All cigarette packages and advertisements other than outdoor billboards must rotate the following warnings on a quarterly basis:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

All cigarette advertisements on outdoor billboards must rotate the following warnings on quarterly basis:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, and Emphysema.

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Health Risks.

SURGEON GENERAL'S WARNING: Pregnant Women Who Smoke Risk Fetal Injury and Premature Birth.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

Each manufacturer or importer must rotate quarterly the warnings appearing on the packaging and adverstising of each brand of cigarettes in accordance with a plan prepared by the manufacturer or importer, and submitted to and approved by the Federal Trade Commission. Proposed rotational plans should be submitted for approval to Judith P. Wilkenfeld, Program Advisor, Cigarette Advertising and Testing, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, D.C. 20580. (202) 376–8648. Manufacturers or importers who are unclear about the obligations imposed by this legislation should contact Ms. Wilkenfeld for assistance.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85–2763 Filed 2–1–85; 8:45 am]

BILLING CODE 6750–01–M

Promotional Games of Chance Aging Information Collection Activities Under OMB Review

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) for review of a voluntary survey of individuals who have played a "Game of Chance" in the past twelve months.

SUMMARY: The FTC is requesting OMB review under 5 CFR 1320.14 of a telephone survey of adults who have played a promotional game of chance at a food retailer, gasoline station, or other retailer, such as a fast food chain. The information collected will be used by the FTC to evaluate the Commission's Games of Chance Trade Regulation Rule, 16 CFR 419. Specifically, the Bureau of Consumer Protection is seeking data with which to evaluate the importance to consumers of the information disclosures required by the rule.

DATE: Comments on this request for OMB review must be submitted on or before March 6, 1985.

ADDRESS: Send comments to Mr. Don Arbuckle, Office of Information Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. Copies of the application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Thomas J. Maronick, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523–4810.

John H. Carley,

General Counsel.

[FR Doc. 85–2765 Filed 2–1–85; 8:45 am]

BILLING CODE 6750–01–M

Publication of "Tar", Nicotine and Carbon Monoxide Content of the Smoke of 207 Varieties of Cigarettes

SUMMARY: The Federal Trade Commission publishes the "tar", nicotine, and carbon monoxide content of domestic cigarettes.

FOR FURTHER INFORMATION CONTACT: Judith P. Wilkenfeld, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–376–8648) or Harold C. Pillsbury, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–523–3559).

SUPPLEMENTARY INFORMATION: The Federal Trade Commission's Laboratory has determined the "tar" (dry particulate matter), total alkaloid (reported as nicotine) and carbon monoxide content of 207 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the following specifications as set forth in the Commission's announcement of July 31, 1967 (31 FR 11178) and July 10, 1980 (45 FR 26483).

1. Smoke cigarettes to a 23mm. butt length, or to the length of the filter and overwrap plus 3mm. if in excess of 23mm.

2. Base results on a test of approximately 90 cigarettes per brand, or type.

3. Cigarettes to be tested will be selected on a random basis, as opposed to "weight selection".

4. Determine particulate matter on a "dry" basis employing the gas chromatography method published by C.H. Sloan and B.J. Sublett in Tobacco Science 9, page 70, 1965, as modified by F.J. Schlutz' and A.W. Spears' report published in Tobacco, vol. 162, no. 24, page 32, date June 17, 1966, to determine the moisture content.

5. Determine and report "tar" content after subtracting moisture and alkaloids (as nicotine) from particulate matter.

6. Carbon monoxide is determined by nondispersal infrared spectrophotometer.

Concerning the 207 varieties tested, 15 were capable of being smoked to 23mm. The butt length of the other 192 varieties tested ranged from 24.6mm. to an average of between 43.0 to 44.1mm. The butt length of 165 of the 207 varieties tested exceeded 30mm.

The samples used were obtained by attempting to purchase two packages of each variety of cigarettes as distributed by domestic cigarette manufacturers during October 1983 to January 1984 in each of 50 geographic locations throughout the country. Not all varieties were available in each of the 50 geographic locations and in these instances, one or more additional packages of cigarettes were purchased in those geographic locations where respective varieties were available. The samples utilized in the tests were representative of the 207 varieties of cigarettes as available throughout the country at the time of purchase.

In the table listing the cigarette varieties in alphabetical order, "tar" and carbon monoxide content is reported to the nearest 0.1 milligram and the nicotine to the nearest 0.01 milligram, each with appropriate statistical values. The average weight is reported in grams per cigarette and the butt length range to the nearest 0.1 millimeter. In all other tables the average weight and butt length columns and the figures representing the standard deviation of the mean have been eliminated. The "tar" and carbon monoxide figures have been rounded to the nearest milligram (0.5 milligrams and greater rounded up, 0.4 milligrams and less rounded down) and the nicotine figures have been rounded to the nearest tenth of a milligram (0.05 milligrams and greater rounded up, 0.04 milligrams and less rounded down). Three tables respectively lists varieties in increasing order of "tar" values, in increasing order of nicotine values and in increasing order of carbon monoxide values. Accordingly, "tar", nicotine and carbon monoxide figures in the tables represent rounded off averages without indication of their precision.

It should be noted that cigarette brands with assay results for "tar" and carbon monoxide below 0.5 mg. per cigarette and for nicotine below 0.05 mg. per cigarette are recorded in the accompanying tables with asterisks (*) indicating that they are below 0.5 mg. "tar", 0.05 mg. nicotine and 0.5 mg. carbon monoxide. The tables do not differentiate and no ranking is intended between these cigarettes because the current, approved testing methodology is not sensitive enough to differentiate between cigarettes at these levels.

On April 13, 1983, the Commission announced its determination that its present testing methodology for "tar", nicotine and carbon monoxide does not measure accurately Brown & Williamson's Barclay cigarettes and in fact understates the measured deliveries of these products. Therefore, it announced that until it adopts a new testing methodology that is able to measure Barclay cigarettes, future FTC Tar, Nicotine & Carbon Monoxide Reports will not include test results for Barclay cigarettes. As a result, no test results for Barclay cigarettes are included within this report. At that same time the Commission also found that there was significant likelihood that the same problem (namely, an inaccurate reporting of the "tar", nicotine and CO delivery) existed with respect to Kool Ultra and Kool Ultra 100's, two other brands of cigarettes manufactured by Brown & Williamson. However, the Commission has not yet reached any conclusion whether Kool Ultra and Kool Ultra 100's are ranked inappropriately. Therefore, two asterisks (**) have been appended to Kool Ultra and Kool Ultra 100's in this report to indicate this continuing controversy.

By direction of the Commission, dated January 15, 1985.

Emily H. Rock,

Secretary.

TAR NICOTINE AND CO CONTENT OF 207 BRANDS OF DOMESTIC CIGARETTES TESTED BY FTC METHOD

Brand name and type	Tar [1]	Nicotine [2]	Carbon monoxide [3]
Alpine, king size; filter; menthol	16	0.9	14
Belair, king size; filter; menthol	10	0.7	9
Belair, 100, 100mm; filter; menthol	8	0.6	7
Benson & Hedges, reg. size; filter; (hard pack)	1	0.1	2
Benson & Hedges, king size; filter; (hard pack)	15	1.1	11
Benson & Hedges 100, 100mm; filter; (hard pack)	16	1.0	15
Benson & Hedges 100, 100mm; filter; menthol; (hard pack)	16	1.0	15
Benson & Hedges 100, 100mm; filter	16	1.0	15
Benson & Hedges 100, 100mm; filter; menthol	16	1.0	15
Benson & Hedges Lights 100, 100mm; filter	10	0.7	11
Benson & Hedges Lights 100, 100mm; menthol	10	0.7	10
Benson & Hedges Ultra Light, 100mm; filter; (hard pack)	5	0.4	5
Benson & Hedges Ultra Light, 100mm; filter; menthol; (hard pack)	5	0.4	5
Bright, king size; filter; menthol	6	0.5	7
Bright 100, 100mm; filter; menthol	6	0.5	7
Bull Durham, king size; filter	28	1.8	23
Cambridge, king size; filter; (hard pack)	(*)	(*)	(*)
Cambridge, king size; filter	1	0.1	1
Cambridge 100, 100mm; filter	5	0.4	5
Camel, reg. size; non-filter	21	1.4	13
Camel, king size; filter; (hard pack)	16	1.1	15
Camel, king size; filter	16	1.1	14
Camel Lights, king size; filter; (hard pack)	9	0.7	8
Camel Lights, king size; filter	8	0.7	10
Camel Lights 100, 100mm; filter	11	0.8	14
Carlton, king size; filter; (hard pack)	(*)	(*)	(*)
Carlton, king size; filter	1	0.1	2
Carlton, king size; filter; menthol	1	0.1	1
Carlton 100, 100mm; filter; (hard pack)	1	0.1	(*)
Carlton 100, 100mm; filter; menthol; (hard pack)	(*)	(*)	(*)
Carlton 100, 100mm; filter	5	0.4	6
Carlton 100, 100mm; filter; menthol	5	0.4	6
Carlton 120, 120mm; filter	7	0.6	5
Carlton 120, 120mm; filter; menthol	7	0.6	5
Century, king size; filter	14	0.9	16
Century Lights, king size; filter	9	0.7	11
Chesterfield, reg. size; non-filter	19	1.2	11
Chesterfield, king size; non-filter	22	1.5	13
Dorado, king size; filter	13	0.9	12
Doral II, king size; filter	4	0.4	3
Doral II, king size; filter; menthol	4	0.4	3
English Ovals, reg. size; non-filter; (hard pack)	23	1.8	11
English Ovals, king size; non-filter; (hard pack)	26	2.1	14
Eve Lights 100, 100mm; filter	12	0.9	9
Eve Lights 100, 100mm; filter; menthol	12	0.9	9
Eve Lights 120, 120mm; filter; (hard pack)	14	1.1	11

TAR NICOTINE AND CO CONTENT OF 207 BRANDS OF DOMESTIC CIGARETTES TESTED BY FTC METHOD—Continued

Brand name and type	Tar [1]	Nicotine [2]	Carbon monoxide [3]
Eve Lights 120, 120mm; filter; menthol; (hard pack)	14	1.1	11
Galaxy, king size; filter	14	0.9	13
Half & Half, king size; filter	18	1.3	17
Herbert Tareyton, king size; non-filter	24	1.5	16
Iceberg 100, 100mm; filter; menthol	4	0.3	4
Kent, king size; filter; (hard pack)	12	0.9	11
Kent, king size; filter	12	0.9	10
Kent 100, 100mm; filter	13	1.0	11
Kent 100, 100mm; filter; menthol	15	1.2	14
Kent Golden Lights, king size; filter	9	0.6	9
Kent Golden Lights, king size; filter; menthol	8	0.7	8
Kent Golden Light, 100, 100mm; filter	9	0.6	10
Kent Golden Light, 100, 100mm; filter, menthol	9	0.8	9
Kent III, king size; filter	3	0.3	2
Kent III 100, 100mm; filter	4	0.4	5
Kool, reg. size; non-filter; menthol	20	1.2	14
Kool, king size; filter; menthol; (hard pack)	16	1.1	15
Kool, king size; filter; menthol	16	1.0	14
Kool Lights, king size; filter; menthol	8	0.7	9
Kool Lights 100, 100mm; filter; menthol	9	0.7	9
Kool Milds, king size; filter; menthol	10	0.7	11
Kool Milds 100, 100mm; filter; menthol	11	0.8	12
Kool Super Longs 100, 100mm; filter; menthol	14	0.9	15
Kool Ultra**, king size; filter; menthol	2	0.1	1
Kool Ultra 100**, 100mm; filter; menthol	4	0.4	3
L&M, king size; filter; (hard pack)	13	0.9	13
L&M, king size; filter	13	0.9	13
L&M 100, 100mm; filter	14	1.0	13
L&M Lights, king size; filter	6	0.7	7
L&M Lights 100, 100mm; filter	6	0.6	6
Lark, king size; filter	14	0.9	13
Lark 100, 100mm; filter	15	1.0	15
Lark Lights, king size; filter	13	0.9	12
Lark Lights 100, 100mm; filter	13	1.0	13
Lucky Strike, reg. size; non-filter	23	1.4	16
Lucky Strike, king size; filter; (hard pack)	11	0.8	10
Lucky Strike, king size; filter	10	0.8	10
Lucky Strike 100, 100mm; filter	11	0.9	10
Marlboro, king size; filter; (hard pack)	16	1.0	14
Marlboro, king size; filter	16	1.0	15
Marlboro, King size; filter; menthol	16	1.0	14
Marlboro 100's, 100MM; filter; (hard pack)	16	1.0	14
Marlboro 100's, 100MM; filter	16	1.0	15
Marlboro Lights, King size; filter; (hard pack)	10	0.7	11
Marlboro Lights, King size; filter	10	0.7	11
Marlboro Lights 100, 100MM; filter	10	0.7	11
Max 120, 120MM; filter	16	1.4	17
Max 120, 120MM; filter; menthol	19	1.4	17
Merit, King size; filter	8	0.5	9
Merit, King size; filter; menthol	8	0.5	10
Merit 100, 100MM; filter	10	0.7	12
Merit 100, 100MM; filter; menthol	9	0.7	11
Merit Ultra Lights, King size; filter	5	0.4	5
Merit Ultra Lights, King size; filter; menthol	5	0.4	5
Merit Ultra Lights 100, 100MM; filter	5	0.4	6
Merit Ultra Light 100, 100MM; filter; menthol	4	0.4	4
Montclair, King size; filter; menthol	15	1.0	15
More 120, 120MM; filter	17	1.2	20
More 120, 120MM; filter; menthol	16	1.2	19
More Lights 100, 100MM; filter; (hard pack)	8	0.6	8
More Lights 100, 100MM; filter; menthol; (hard pack)	8	0.6	8
Multifilter, King size; filter	12	0.8	10
Multifilter, King size; filter; menthol	12	0.8	10

TAR NICOTINE AND CO CONTENT OF 207 BRANDS OF DOMESTIC CIGARETTES TESTED BY FTC METHOD—Continued

Brand name and type	Tar [1]	Nicotine [2]	Carbon monoxide [3]
Newport, King size; filter; menthol; (hard pack)	16	1.1	15
Newport, King size; filter; menthol	17	1.2	17
Newport 100, 100MM; filter; menthol	19	1.5	20
Newport Lights, King size; filter; menthol; (hard pack)	9	0.7	9
Newport Lights, King size; filter; menthol	8	0.7	8
Newport Lights 100, 100MM; filter; menthol	10	0.8	10
Newport Red, King size; filter; (hard pack)	12	0.9	13
Newport Red, King size; filter;	14	1.0	15
Now, King size; filter; (hard pack)	*	*	*
Now, King size; filter	1	0.1	2
Now, King size; filter; menthol	1	0.1	1
Now 100, 100MM; filter; (hard pack)	*	0.1	*
Now 100, 100MM; filter	3	0.3	2
Now 100, 100MM; filter; menthol	2	0.2	1
Old Gold Filter, king size; filter	17	1.3	18
Old Gold Filter 100, 100MM; filter	20	1.5	20
Old Gold Lights, king size; filter	9	0.8	10
Old Gold Straight, king size; non-filter	26	1.6	17
Pall mall, King size; non-filter	23	1.3	15
Pall mall, King size; filter	17	1.1	16
Pall Malt 100, 100mm; filter	15	1.1	15
Pall Mall Extra light, king size; filter	7	0.6	7
Pall Mall light 100, 100mm; filter	9	0.7	9
Pall Mall light 100, 100mm; filter; menthol	12	1.0	11
Parliament Lights, king size; filter; (hard pack)	9	0.6	9
Parliament Lights, king size; filter	9	0.6	9
Parliament Lights 100, 100mm; filter	12	0.8	11
Philip Morris, reg. size; non-filter	21	1.2	12
Philip Morris, Commander, king size; non-filter	26	1.6	14
Philip Morris, International, 100mm; filter (hard pack)	17	1.1	16
Philip Morris, International, 100mm; filter; menthol; (hard pack)	17	1.1	16
Picayune, reg. size; non-filter	16	1.0	12
Players, reg. size; non-filter; (hard pack)	25	1.9	15
Players, king size; filter; (hard pack)	12	0.8	11
Players, king size; filter; menthol	12	0.8	11
Players, 100, 100mm; filter; (hard pack)	13	0.9	12
Players, 100, 100mm; filter; menthol; (hard pack)	13	0.9	11
Raleigh, king size; non-filter	25	1.4	16
Raleigh, king size; filter;	15	0.9	16
Raleigh, 100, 100mm; filter;	16	1.0	17
Raleigh, lights, king size; filter;	10	0.8	10
Raleigh, lights 100, 100mm; filter;	9	0.7	9
Richland, King Size; filter	16	1.1	13
Richland, King Size; filter; menthol	15	1.0	13
Salem, king size; filter; menthol	16	1.1	16
Salem, 100, 100mm; filter; menthol	16	1.2	15
Salem lights, king size; filter; menthol	9	0.7	11
Salem lights 100, 100mm; filter; menthol	9	0.7	11
Salem Slim Lights 100, 100mm; filter; menthol (hard pack)	8	0.7	9
Salem Ultra, king size; filter; menthol	5	0.4	6
Salem Ultra 100, 100mm; filter; menthol	5	0.4	6
Saratoga 120, 120mm; filter; (hard pack)	14	0.9	13
Saratoga 120, 120mm; filter; menthol; (hard pack)	14	0.9	13
Satin 100, 100mm; filter	10	0.9	11
Satin 100, 100mm; filter; menthol	9	0.8	10
Silva Thins 100, 100mm; filter	11	0.9	9
Silva Thins 100, 100mm; filter; menthol	11	0.9	8
Spring 100, 100mm; filter; menthol	19	1.1	16
St. Moritz 100, 100mm; filter	14	1.1	13

TAR NICOTINE AND CO CONTENT OF 207 BRANDS OF DOMESTIC CIGARETTES TESTED BY FTC METHOD—Continued

Brand name and type	Tar [1]	Nicotine [2]	Carbon monoxide [3]
St. Moritz 100, 100mm; filter; menthol	14	1.1	13
Tall 120, 120mm; filter	20	1.5	19
Tall 120, 120mm; filter; methol	17	1.3	17
Tareyton, king size; filter	13	0.9	14
Tareyton 100, 100MM; filter	13	0.9	15
Tareyton Lights, king size; filter	4	0.4	4
Tareyton Long Light 100, 100MM; filter	7	0.6	7
Triumph, king size; filter	3	0.3	3
Triumph, 100MM; filter; menthol	3	0.3	2
Triumph 100, 100MM filter	4	0.4	5
Triumph 100, 100MM; filter; menthol	4	0.4	4
True, king size; filter	5	0.4	4
True 100, king size; filter; menthol	5	0.4	5
True 100, 100MM; filter	6	0.6	8
True 100, 100MM; filter; menthol	7	0.6	8
Vantage, king size; filter	10	0.7	12
Vantage, king size filter; menthol	9	0.7	12
Vantage 100, 100MM; filter	9	0.7	11
Vantage 100, 100MM; filter; menthol	9	0.7	11
Vantage Ultra Lights, king size; filter	5	0.4	6
Vantage Ultra Lights, king size; filter; menthol	5	0.4	6
Vantage Ultra Light 100, 100MM; filter	5	0.5	6
Vantage Ultra Lights 100, 100MM filter; menthol	5	0.4	7
Viceroy, king size; filter	16	0.9	16
Viceroy Rich Lights, king size; filter	10	0.7	10
Viceroy Rich Lights 100, 100MM; filter	11	0.8	11
Viceroy Super Long 100, 100MM filter	14	0.9	16
Virginia Slims 100, 100MM; filter	14	0.9	12
Virginia Slims 100, 100MM; filter menthol	14	0.9	13
Virginia Slims Lights 100, 100MM; filter; (hard pack)	8	0.6	7
Virginia Slims Lights 100, 100MM; filter; menthol; (hard pack)	8	0.6	8
Winston, king size; filter; (hard pack)	16	1.1	14
Winston, king size; filter	16	1.1	15
Winston 100, 100MM; filter	17	1.2	16
Winston International 100, 100MM; filter (hard pack)	16	1.1	14
Winston Lights, king size; filter	6	0.7	9
Winston Lights 100, 100MM; filter	11	0.8	13
Winston Ultra Lights, king size; filter	5	0.4	6
Winston Ultra Lights 100, 100MM; filter	5	0.5	7

[1] "Tar"—milligrams total particulate matter less nicotine and water per cigarette.
[2] Nicotine total alkaloids reported in milligrams per cigarette.
[3] Carbon Monoxide reported in milligrams per cigarette.
* Indicates "tar" below 0.5 mg.; nicotine below 0.05 mg. or carbon monoxide below 0.5 mg. per cigarette.
** See statement in text concerning Kool Ultra brands.

[FR Doc. 85-2764 Filed 2-1-85; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

Office of Federal Supply and Services, National Capital Region; Store Closings

Subject: Closing of 13 Self-Service Stores in the National Capital Region.

ACTION: Notice.

SUMMARY: The General Services Administration, (GSA) National Capital Region is announcing the closing of 13 self-service stores in the Washington metropolitan area effective March 1, 1985. This change is being made because improved support is now available through Customer Supply Centers and because budget limitations dictate that GSA implement the most cost effective means of providing retail services.

Additional Information: GSA is committed to providing effective and economical supply support to Government agencies. GSA has determined that the most effective method to provide retail supplies to Federal agencies is through a network of Customer Supply Centers. CSCs provide catalog ordering by telephone and direct shipment of orders by small parcel carrier within 24 hours after placement of the order.

Prior to March 1, 1985, current self-service store account holders will be given the opportunity to automatically receive a preapproved CSC account. Authorized Federal activities that currently do not have self-service store charge plates may submit an application for a Customer Supply Center account by contacting the General Services Administration, Office of Federal Supply and Services, Customer Service Bureau (WFB), Washington, DC 20407. Telephone inquiries should be directed to (202) 472-5000.

The following self-service store locations will close at the end of the business day on February 28, 1985:

GSA Regional Office Building, 7th and D Street, SW, Washington, DC
General Services Administration, 18th and F Street, NW, Washington, DC
State Department, 2201 C Street, NW, Washington, DC
Office of Personnel Management, 1900 E Street, NW, Washington, DC
Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC
Internal Revenue Service, 12th and Constitution Avenue, NW, Washington, DC
Department of Health and Human Services, 4th and C Street, SW, Washington, DC
National Center Building 1, 2511 Jefferson Davis Highway, Arlington, Virginia
Crystal Mall 3, 1931 Jefferson Davis Highway, Arlington, Virginia
NASSIF Building, 7th and D Street, SW, Washington, DC
Parklawn Building, 5600 Fishers Lane, Rockville, Maryland

Justice Department, 10th and Constitution Avenue, NW, Washington, DC
Department of Labor, 2nd and Constitution Avenue, NW, Washington, DC

Agencies will continue to receive retail supply support through the Customer Supply Center located in Springfield, Virginia, and the Office Products Center, located at Building 74, Washington Navy Yard Annex, 4th and M Street, SE, Washington, DC. Specialized industrial products and building materials are also available through the FSS Retail System at the Industrial Products Center, Building 159, Washington Navy Yard Annex, 4th and M Street, SE, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Contact Mark M. Kinsley, Director, Customer Service Bureau, General Services Administration, Washington, DC 20407.

Dated: January 28, 1985.

William F. Madison,

Regional Administrator.

[FR Doc. 85-2794 Filed 2-1-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreement for a Demonstration Program in the Use of Calcium Fluoride in Fluoridating a Water System Availability of Funds for Fiscal Year 1985; Correction

In FR Doc. 84-33871 beginning on page 50786 in the issue of Monday, December 31, 1984, make the following correction:

On page 50786, third column, under *"B. Cooperative Activities, 1. Recipient Activities:"* paragraph d. should have included the following statement as the last sentence: "This system must discharge into waste and not into a community water system."

Dated: January 25, 1985.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85-2782 Filed 2-1-85; 8:45 am]

BILLING CODE 4160-18-M

National Institute for Occupational Safety and Health; Request for Comments and Secondary Data on Peripheral Neuropathy in Veterinarians and Allied Personnel Using Fenthion

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice of request for comments and secondary data.

SUMMARY: NIOSH is requesting comments and secondary data from all interested parties concerning peripheral neuropathy in veterinarians and animal assistants and neurological effects of chronic exposure to fenthion. Interested parties may submit case studies or incidence data collected for a given job/occupation or descriptions of use. These data will be used by NIOSH to evaluate peripheral neuropathy among veterinarians and allied personnel, to evaluate risks of fenthion, and to determine the need for research to acquire additional data.

DATE: Comments concerning this notice should be submitted by April 15, 1985.

ADDRESS: Any information, comments, suggestions, or recommendations should be submitted in writing to: Sanford S. Leffingwell, M.D., M.P.H., Chief, Research Analysis Section, Priorities and Research Analysis Branch, Division of Standards Development and Technology Transfer, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

FOR FURTHER INFORMATION CONTACT: Sanford S. Leffingwell, M.D., M.P.H., telephone (513) 684-8474, or FTS 684-8474.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), NIOSH is directed to develop recommendations for improved occupational safety and health standards. NIOSH has evaluated an outbreak of peripheral neuropathy among veterinarians and allied personnel in a veterinary medical clinic. The data gathered suggest that the insecticide fenthion may be implicated in the etiology of the outbreak.

For many years, some organophosphate insecticides have been known to cause peripheral neuropathy in persons exposed to them. Neuropathy can result from inhalation, ingestion, or cutaneous absorbtion of the pesticides. At the clinic where the problem occurred, the veterinarians and staff rubbed fenthion onto the backs of dogs to kill fleas and other pests. Fenthion is absorbed through the skin of animals, acting as a systemic pesticide. While fenthion is not approved by the Food and Drug Administration for use on small animals, it has been used on dogs; and a recent evaluation suggesting that fenthion is efficacious in controlling fleas in dogs may increase this use. Although fenthion has not induced degenerative neuropathy in chickens or mammalian species, there is some uncertainty about the sensitivity of the tests used in those assays.

A number of other chemicals used in the clinic where these cases occurred can be absorbed through the skin; however, fenthion appears to be the most probable causative agent.

NIOSH does not have sufficient data to determine either the risk of neuropathy with exposure to fenthion or the safety of other chemicals encountered in veterinary practice.

To determine whether recommendations for safety measures are in order, NIOSH is interested in obtaining existing and available materials, e.g., reports and research findings, on the following:

1. Peripheral neuropathy among veterinarians and allied personnel, whether exposed to fenthion or not, including incidence data and case reports regarding chemical exposures.

2. Uses of fenthion, in addition to the primary use on cattle, for the control of insect pests.

3. Health effects in workers exposed to fenthion or to products containing this compound.

4. Exposure risks of workers involved in the production, formulation, transportation, transfer, storage, or use of products containing fenthion.

5. Publicly available descriptions of work practices or procedures for control of the workplace environment during production, formulation, transportation, transfer, storage, or use of products containing fenthion.

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: January 25, 1985.

L.W. Sparks,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 85-2785 Filed 2-1-85; 8:45 am]

BILLING CODE 4160-19-M

Occupational Safety and Health; Request for Comments and Secondary Data on the Use and Health Effects of 1,3-Dichloropropene

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Notice of request for comments and secondary data.

SUMMARY: NIOSH is requesting comments and secondary data from all interested parties concerning the use of 1,3-Dichloropropene (1,3-DCP), as well as health effects data associated with exposure to 1,3-DCP and products containing this compound. Interested parties may submit descriptions of use, case studies, or incidence data collected for a given job/occupation, or descriptions and apparent risk factors for a given job/occupation. These data will be used by NIOSH to evaluate the possible adverse health effects of exposure to 1,3-DCP, and the need for research to acquire additional data.

DATE: Comments concerning this notice should be submitted by April 5, 1985.

ADDRESS: Any information, comments, suggestions, or recommendations should be submitted in writing to: Mr. Ralph Zumwalde, Chief, Document Development Section, Document Development Branch, Division of Standards Development and Technology Transfer, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Susten, Criteria Manager, Division of Standards Development and Technology Transfer, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, (513) 684–8311, or FTS 684–8311.

SUPPLEMENTARY INFORMATION: Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), NIOSH is directed to develop recommendations for improved occupational safety and health standards. NIOSH is currently collecting data pertaining to the use and health effects of 1,3-DCP to determine if such a recommendation is in order.

Use of products containing 1,3-DCP has increased significantly due to Environmental Protection Agency restrictions placed on dibromochloropane (DBCP) and ethylene dibromide (EDB). Purified 1,3-DCP has caused mutations in bacteria. In addition, purified 1,3-DCP administered subcutaneously to mice for 77 weeks induced cancers (fibrosarcomas) at the site of injection. A recent National Toxicology Program animal bioassay study shows that oral administration of a commercial soil fumigant containing 1,3-DCP for 2 years produced malignant tumors of the forestomach and liver in male rats and in the forestomach, lungs, and bladder in female mice.

NIOSH is interested in obtaining existing and available materials, e.g., reports and research findings, on the following:

1. Use of 1,3-DCP, in addition to the primary use in soil fumigants for the control of nematodes.
2. Health effects in workers exposed to 1,3-DCP, or to products containing this compound.
3. Exposure risks of workers involved in the production, formulation, transportation, transfer, storage, or use of products containing 1,3-DCP.
4. Publicly available descriptions of work practices or procedures for control of the workplace environment during production, formulation, transportation, transfer, storage, or use of products containing 1,3-DCP.

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: January 25, 1985.

L.W. Sparks,

Acting Director, National Institute for Occupational Safety and Health.

[FR Doc. 85–2784 Filed 2–1–85; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 84N–0102]

Cumulative List of Orphan Products Designations

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) previously announced the availability of a list to be updated quarterly identifying the drugs and biological products granted orphan designation in accordance with section 526 of the Orphan Drug Act (Pub. L. 97–414) (see the **Federal Register** of April 13, 1984 (49 FR 14808)). By this notice, FDA is publishing a cumulative list of designated orphan drugs and biological products.

ADDRESS: A copy of the list for the current calendar year is available for review at, and individual copies may be obtained from, the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Roger C. Gregorio, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4903.

SUPPLEMENTARY INFORMATION: FDA's Office of Orphan Products Development reviews and takes final action on applications submitted by sponsors seeking orphan designation pursuant to the interim guidelines for section 526 of the Orphan Drug Act. In accordance with section 526 of that act, which requires public notification of designations, FDA maintains a list identifying designated orphan drugs and biological products for the current calendar year. The list is available upon request from FDA's Dockets Management Branch (address above) under docket number 84N–0102. The list is updated on a quarterly basis. The agency intends to publish in the **Federal Register** at the end of each calendar year a cumulative list of designated orphan drugs or biological products, to include sponsor name and specific disease/condition, for which designations have been granted.

This notice lists those products designated as orphan drugs or biological products through December 31, 1984. The designation of a drug or biological products applies only to the sponsor who requested the designation. Each sponsor interested in developing an orphan product must apply for designation for its product. Copies of the interim guidelines for use in compiling an application for designation may be obtained from the Office of Orphan Products Development (HF–35) (address above).

Orphan Drug and Biological Product Designations Through 1984

BIOLOGICAL PRODUCT DESIGNATIONS

Name of biological product	Proposed use	Sponsor's name and address
Generic—Alpha-1-antitrypsin (recombinant DNA origin). *Trade*—not established.	Supplementation therapy for alpha-1 antitrypsin deficiency in the ZZ phenotype population.	Cooper Biomedical, Inc., 3145 Porter Dr., Palo Alto, CA 94304.
Generic—Alpha-1-proteinase inhibitor (Alpha-1 PI). *Trade*—Not established.	Replacement therapy in the Alpha 1 PI congenital deficiency state.	Cutter Laboratories, P.O. Box 1986, Berkeley, CA 94701.
Generic—Antimelanoma antibody XMMME-0001-DTPA-In_{IN}. *Trade*—Same as generic.	Diagnostic use in imaging systemic and nodal melanoma metastasis.	Xoma Corp., 3516 Sacramento St., San Francisco, CA 94118.
Generic—Antimelanoma antibody XMMME-001-RTA. *Trade*—Same as generic.	Treatment of Stage III melanoma not amenable to surgical resection.	Do.
Generic—Antithrombin III (AT-III). *Trade*—Not established.	For use as replacement therapy in congenital deficiency of AT-III for prevention and treatment of thrombosis and pulmonary emboli.	Cutter Laboratories, P.O. Box 1986, Berkeley, CA 94701.

BIOLOGICAL PRODUCT DESIGNATIONS—Continued

Name of biological product	Proposed use	Sponsor's name and address
Generic—Botulinum A toxin. *Trade*—Oculinum.	Treatment of strabismus and belpharospasm.	Alan B. Scott, 2232 Webster St., San Francisco, CA 94115.
Generic—Digoxin-specific antibody fragments. *Trade*—Digibind.	Treatment of potentially life-threatening digitalis intoxication in patients who are refractory to management by conventional therapy.	Burroughs-Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.
Generic—Hemin. *Trade*—Panhematin.[1]	Amelioration of recurrent attacks of acute intermittent prophyria temporally related to the menstrual cycle in susceptible women and similar symptoms which occur in other patients with acute intermittent porphyria, porphyria variegata, and hereditary coproporphyria.	Abbott Laboratories, Pharmaceutical Products Division, North Chicago, IL 60064.

[1] Approved for marketing.

DRUG PRODUCT DESIGNATIONS

Name of drug product	Proposed use	Sponsor's name and address
Generic—Amsacrine. *Trade*—Amsidyl.	Treatment of patients with acute adult leukemia.	Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.
Generic—Bacitracin, U.S.P. *Trade*—Not established.	Antibiotic-associated pseudomembranous enterocolitis caused by toxins A and B elaborated by *Clostridium difficile*.	A.L. Laboratories, Inc., 452 Hudson Terrace, P.O. Box 1621, Englewood Cliffs, NJ 07632.
Generic—Chanodiol. *Trade*—Chenix.[1]	For patients with radiolucent stones in well opacifying gallbladders, in whom elective surgery would be undertaken except for the presence of increased surgical risk due to systemic disease or age.	Rowell Laboratories, Inc., 210 Main St. West, Baudette, MN 56623.
Generic—Clofazimine. *Trade*—Lamprene.	Treatment of leprosy resistant to Dapsone and the ENL and lepra reaction.	Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Ave., Summit, NJ 07901.
Generic—Cromolyn sodium. *Trade*—Cromoral.	Mastocytosis	Fisons Corp., 2 Preston Ct., Bedford, MA 01730.
Generic—Cyproterone acetate. *Trade*—Cyproteron/Androcur.	Treatment of severe hirsutism.	Berlex Laboratories, Inc., 110 East Hanover Ave., Cedar Knolls, NJ 07927.
Generic—Diaziquone. *Trade*—Not established.	Treatment of primary brain malignancies (Grade III–IV astrocytomas.	Warner-Lambert Co., 201 Tabor Rd., Morris Plains, NJ 07950.

DRUG PRODUCT DESIGNATIONS—Continued

Name of drug product	Proposed use	Sponsor's name and address
Generic—Epoprostenol prostacyclin, PGI_2, PGX. *Trade*—Flolan.	Replacement of heparin in certain patients requiring hemodialysis.	Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709.
Generic—Epoprostenol. *Trade*—Cyclo-Prostin.	Replacement of heparin in certain patients requiring hemodialysis.	The Upjohn Co., 301 Henrietta St., Kalamazoo, MI 49001.
Generic—Ethanolamine oleate. *Trade*—Not established.	Bleeding esophageal varices.	Glaxo, Inc., P.O. Box 13960, Five Moore Dr., Research Triangle Park, NC 27709.
Generic—Hexamethylmelamine. *Trade*—Hexastat.	Treatment of advanced adenocarcinoma of the ovary.	Ives Laboratories, 685 Third Ave., New York, NY 10017.
Generic—Human epidermal growth factor (urogastrone). *Trade*—Not established.	Acceleration of corneal epithelial regeneration and healing of stromal incisions from corneal transplant surgery.	Chiron Corp., 4560 Horton St., Emeryville, CA 94608.
Generic—L-carnitine. *Trade*—Not established.	Generic carnitine deficiency.	American McGaw, Division of American Hospital Supply Corp., 2525 McGaw Ave., Irvine, CA 92714.
Generic—L-carnitine. *Trade*—Not established.	Primary and secondary carnitine deficiency of genetic origin.	Sigma Tau, Inc., 723 North Bears St., Holmdel, NJ 07733.
Generic—L-5-Hydroxytryptophan (L-5HTP). *Trade*—Not established.	Treatment of postanoxic intention myoclonus.	Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiague, NY 11726.
Generic—Monooctanoin. *Trade*—Moctan.	Dissolution of cholesterol gallstones retained in the common bile duct.	Ascot Pharmaceuticals, Inc., 7701 North Austin Ave., Skokie, IL 60077.
Generic—PEG-adenosine deaminase (PEG-ADA). *Trade*—Imudon.	For use as enzyme replacement therapy for ADA deficiency in patients with severe combined immunodeficiency (SCID).	Enzon, Inc., 300C Corporate Ct., South Plainfield, NJ 07080.
Generic—Pentamidine isethionate.[1] [2] *Trade*—Pentam 300.	Pneumocystis carinii pneumonia.	LyphoMed. Inc., 2020 Ruby St., Melrose Park, IL 60160.
Generic—Pentamidine isethionate. *Trade*—Not established.	Pneumocystis carinii pneumonia.	Rhone-Poulenc, Inc., 52 Vanderbilt Ave., New York, NY 10017.
Generic—Potassium citrate. *Trade*—Urocit.	Prevention of calcium renal stones in patients with hypocitraturia for the avoidance of the complication of calcium stone formation in patients with uric lithiasis.	Charles Y.C. Pak, The University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, TX 75235.

DRUG PRODUCT DESIGNATIONS—Continued

Name of drug product	Proposed use	Sponsor's name and address
Generic—Quinacrine HCl. *Trade*—Not established.	For use in the prevention of recurrence of pneumothorax in patients at high risk of recurrence, e.g., patients with cystic fibrosis.	LyphoMed, Inc., 2020 Ruby St., Melrose Park, IL 60160.
Generic—Selegiline HCl. *Trade*—Deprenyl.	Adjuvant to levodopa or levodopa and carbidopa treatment of idiopathic Parkinson's disease (paralysis agitans), postencephalitic parkinsonism, and symptomatic parkinsonism.	Farmacon, Inc., P.O. Box 566, Westport, CT 06881.
Generic—Sodium monomercaptoundecahydrocloso-dodecaborate. *Trade*—Borolite.	Treatment of glioblastoma multiforme as an alternative to conventional photon therapy.	Nuclear Medicine, Inc., 900 Atlantic Dr. NW., Atlanta, GA 30332.
Generic—Spiramycin. *Trade*—Rovamycine.	For use in the symptomatic relief and parasitic cure of cronic cryptosporidiosis in patients with immunodeficiency.	Rhone-Poulenc, Inc., 52 Vanderbilt Ave., New York, NY 10017.
Generic—Teniposide (VM-26). *Trade*—Not established.	Treatment of refractory childhood acute lymphocytic leukemia (ALL).	Bristol-Myers Co., Pharmaceutical Research & Development Division, P.O. Box 4755, Syracuse, NY 13221–4755.
Generic—Trienthylene dihydrochloride. *Trade*—Cuprid.	Treatment of patients with Wilson's disease who are intolerant of, or inadequately responsive to, penicillamine.	Merck Sharp and Dohme Research Laboratories, Division of Merck and Co., Inc., West Point, PA 19486.
Generic—Viloxazine hydrochloride. *Trade*—Vivalan.	Treatment of narcolepsy and cataplexy.	Stuart Pharmaceuticals, Division of ICI America Inc., Wilmington, DE 19897.
Generic—^{123} I-metsiodobenzylguanidine. *Trade*—Not established.	Dignostic adjunct in patients with pheochromocytoma.	William H. Beierwaltes, Physician-in-charge, Nuclear Medicine, University of Michigan Medical Center, 1405 East Ann St., Ann Arbor, MI 48109.
Generic—^{131} I-6B-iodomethyl-19-norcholesterol. *Trade*—Not established.	Adrenal cortical imaging.	William H. Beierwaltes, Physician-in-charge, Nuclear Medicine, University of Michigan Medical Center, 1405 East Ann St., Ann Arbor, MI 48109.
Generic—2, 3-dimercaptosuccinic acid (DMSA). *Trade*—Not established.	Treatment of lead poisoning in children.	Johnson and Johnson Baby Products Co., Grandview Rd., Skillman, NJ 08858.

[1] Approved for marketing.
[2] Exclusive approval.

Dated: January 28, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-2736 Filed 2-1-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-295]

Over-the-Counter (OTC) Drug Review; Public Notice of Feedback Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the policy the agency intends to use concerning the maintenance of a public record announcing OTC drug, feedback meetings.

DATES: Effective February 4, 1985; comments by April 5, 1985.

ADDRESS: Written comments to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockveille, MD 20857.

FOR FURTHER INFORMATION CONTACT: Melvin Lessing, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4900.

SUPPLEMENTARY INFORMATION: FDA published a final rule in the **Federal Register** of September 29, 1981 (46 FR 47730), revising the procedural regulations in 21 CFR 330.10 for reviewing and classifying OTC drugs to delete the provision that authorizes the marketing of a Category III ingredient or other condition in an OTC drug product after a final monograph is established. FDA took that action to conform to the holding and order of the United States District Court for the District of Columbia in *Cutler* v. *Kennedy*, 475 F. Supp. 838 (D.D.C. 1979).

The revision in the regulations affected the time period during which new data may be submitted to FDA to support the inclusion in a final monograph of a condition not classified in Category I in a proposed or tentative final monograph. The agency also published a notice announcing its policy concerning agency meetings with industry or other interested parties, called "feedback" meetings, to discuss testing protocols and other matters related to conditions not classified in Category I (46 FR 47740; September 29, 1981, subsequently clarified in 48 FR 14050; April 1, 1983). All feedback meetings are open to the public, and a prior reservation is not necessary.

Public Record

The Center for Drugs and Biologics' Division of OTC Drug Evaluation intends to make available in the Docket Management Branch an announcement of each upcoming feedback meeting, including the date, time, location, and subject, so that interested persons can be aware in advance of these meetings. Announcements of these feedback meetings ordinarily will be filed under Docket No. 80N-0295 10 days before the meeting. Announcements are available for public examination in the Docket Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons are advised to confirm that the meeting remains scheduled as announced by telephoning the contact person listed above shortly before the announced date.

Notice and comment are not necessary before issuing this notice. (See 5 U.S.C. 553(b)(A).) It would also be contrary to the public interest to delay implementing the procedures described in this notice.

Interested persons may, on or before April 5, 1985, submit to the Docket Management Branch (address above) written comments on this notice. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Such comments will be considered in determining whether amendments or revisions to the notice are warranted. Received comments will be incorporated into the public file on the statment and may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 28, 1985.

Joseph P. Hile,

Assoicate Commissioner for Regulatory Affairs.

[FR Doc. 85-2734, Filed 2-1-85; 8:45 am]

BILLING CODE 4160-01-M

Request for Nominations for Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for consumer and industry representatives to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur during the next 12 months.

FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATE: Nominations should be received by March 21, 1985 for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives must be submitted in writing to Naomi Kulakow (address below.)

All nomination and curricula vitae (which includes nominee's office address and telephone number) for industry representatives must be submitted in writing to Kay Levin (address below).

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests:

Naomi Kulakow, Office of Consumer Affairs (HFE-40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5006.

For Industry Interests:

Kay Levin, Center for Devices and Radiological Health (HFZ-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3516.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the following panels:

Panel	Approximate date representative is needed	
	Consumer	Industry
1. Anesthesiology and Respiratory Therapy Devices Panel.	Nov. 30, 1985	Nov. 30, 1985.
2. Circulatory System Devices Panel.	NV	June 30, 1985.
3. Clinical Chemistry and Clinical Toxicology Devices Panel.	Feb. 28, 1986	NV.
4. Dental Devices Panel.	NV	Oct. 31, 1985.
5. Gastroenterology-Urology Devices Panel.	Dec. 31, 1985	NV.
6. General and Plastic Surgery Devices Panel.	Aug. 31, 1985	Aug. 31, 1985.
7. General Hospital and Personal Use Devices Panel.	NV	Dec. 31, 1985.
8. Hematology and Pathology Devices Panel.	NV	Feb. 28, 1986.

Panel	Approximate date representative is needed	
	Consumer	Industry
9. Immunology Devices Panel.	Feb. 28, 1986	NV.
10. Microbiology Devices Panel.	Feb. 28, 1986	Immediately.
11. Ophthalmic Devices Panel.	NV	Oct. 31, 1985.
12. Orthopedic and Rehabilitation Devices Panel.	Aug. 31, 1985	Aug. 31, 1985.
13. Radiologic Devices Panel.	NV	Jan. 31, 1986.

NOTE.—NV = No Vacancy.

Functions

The functions of the medical devices panels are to: (1) Review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Consumer and Industry Representation

Section 513 of the act (21 U.S.C. 360c) provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry.

Nomination Procedure

Any interested person may nominate one or more qualified persons as a member of a particular advisory panel to represent consumer interests as identified in this notice. To be eligible for selection, the applicants' experience and/or education will be evaluated against Federal civil service criteria for the position to which they will be appointed.

Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular panel may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization or firm who is willing to participate in the selection process. Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and, in the case of consumer representative, appears to have no conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory panel or in any advisory panel. The term of office is between 3 and 4 years, depending on the appointment date.

Selection Procedure

Selection of members representing consumer interests is conducted through a procedure that includes use of a consortium of consumer organizations that has the responsibility for screening, interviewing, and recommending cnadidates to the agency for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. The letter will state that it is the responsibility of each organization to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: January 28, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–2737, Filed 2–1–85; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Health Resources and Services Administration; Statement of Organization, Functions and Delegations of Authority; Center for Nursing Research

Notice is hereby given that a Center for Nursing Research was established in the Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, on January 14, 1985.

Dated: January 24, 1985.

Robert Graham,

Administrator, Health Resources and Services Administration.

[FR Doc. 85–2732, Filed 2–1–85; 8:45 am]

BILLING CODE 4160-15-M

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency holding the meeting: Federal Council on the Aging.

Time and date: Meeting begins at 9:00 AM and ends at 5:30 PM on Wednesday, February 20, 1985. Meeting begins at 9:00 AM and ends at 1:00 PM on Thursday, February 21, 1985.

Place: Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, Rooms 503–529A (Fifth Floor).

Status: Meeting is open to the public.

Contact person: Rita Lowry, Room 4243, HHS North Building, 245–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting on February 20 and 21, 1985 from 9:00 AM–5:30 PM and from 9:00 AM–1:00 PM respectively in Rooms 503A–529A of the Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, D.C. 20201.

The agenda will include a briefing on "Long Term Care Insurance: Reality and Potential", a discussion of 1985 Older Americans Month activities, and a presentation on the Close-Up Foundation. In addition, a substantial

amount of time will be devoted to FCA Committee meetings.

Dated: January 30, 1985.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 85-2814 Filed 2-1-85; 8:45 am]

BILLING CODE 4130-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Designation of an Area of Critical Environmental Concern; Blue Ridge, Tulare County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Initiation of a 60-day public comment period on the proposed designation of public land at Blue Ridge as an Area of Critical Environmental Concern.

SUMMARY: Pursuant to the authorities in the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (Section 202(c)(3)) and in 43 CFR 1601.6-7, and 60-day public comment period is initiated on the following land proposed to be designated as the Blue Ridge Area of Critical Concern (ACEC):

Mt. Diablo Meridian

T. 19 S., R. 29 E.
Sec. 5, Lots 11, 12, 16;
Sec. 6, Lot 16;
Sec. 7, Lot 1, SE¼NE¼, NE¼SE¼;
Sec. 8, SW¼NE¼, W½W½, Lots 3, 4, W½SE¼;
Sec. 15, W½NE¼, NW¼, N½SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½NW¼SE¼, N½S½NW¼SE¼, S½SW¼NW¼SE¼, W½NW¼S W¼SE¼;
Sec. 18, E½;
Sec. 19, NE¼, NE¼SE¼;
Sec. 20, W½W½, Lots 3, 4, SE¼;
Sec. 21, N½NE¼, SW¼NE¼, W½, W½SE¼;
Sec. 28, E½NW¼, Lots 1, 2;
Sec. 29, All.

The Blue Ridge ACEC contains approximately 3,170 acres of public land.

SUPPLEMENTARY INFORMATION: Blue Ridge is located in Tulare County, twelve miles north of Porterville, California. Blue Ridge has been designated by the U.S. Fish and Wildlife Service (USFWS) as critical roosting habitat for the California condor. As mandated by the Endangered Species Act of 1973, as amended, no actions will be permitted within this designated area that will jeopardize the continued existence of the species. Because the condor is a federally listed endangered species, its designated critical habitat area should be protected. The ACEC designation is consistent with the California Condor Recovery Plan, the Endangered Species Act, and subsequent regulations which identify the need for the Bureau to take positive action toward enhancement of the species. Management of this ACEC will be directed towards protection and enhancement of the condor.

Management as an ACEC will include the following:

1. Management in conjunction with the USFWS and California Department of Fish and Game;
2. Closure to off-road vehicle use;
3. Withdrawal from hardrock mineral exploration and development;
4. Development of a Habitat Management Plan.

Specific details of the resource values and special management attention required for the above proposed area have been included in the Management Framework Plan (MFP) for the South Sierra Foothills Planning Area. The area and the management criteria were developed through the planning process which included several stages of public participation. Opportunities for public participation were provided during the following planning steps: preplanning; development of the planning criteria; and review of the Public Summary/ Rangeland Program Summary. All documents cited above are on file in the Caliente Resource Area Office.

DATE: Written comments on the proposed designation for the ACEC must be received by April 5, 1985.

ADDRESS: Written comments should be sent to: Caliente Area Manager, Bureau of Land Management, 520 Butte Street, Bakersfield, California 93305.

FOR FURTHER INFORMATION CONTACT: Glenn Carpenter, Area Manager, Bureau of Land Management, Caliente Resource Area, 520 Butte Street, Bakersfield, California, 93305, (805) 861-4236.

Dated: January 23, 1985.

Glenn A. Carpenter,

Caliente Resource Area Manager.

[FR Doc. 85-2465 Filed 2-1-85; 8:45 am]

BILLING CODE 4310-40-M

Vale District Grazing Advisory Board and Vale District Advisory Council; Meeting

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting, Vale District Grazing Advisory Board and Vale District Advisory Council.

SUMMARY: Notice is given in accordance with Pub. L. 920463 that the Vale District Grazing Advisory Board will meet March 6, 1985, and that the Vale District Advisory Council will meet March 7, 1985. The Grazing Advisory Board and the Advisory Council will both discuss issues to be addressed in the upcoming Resource Management Plan for the Baker Resource Area, the Owyhee Wild River Boundary, potential bighorn sheep reintroductions, and proposed district land exchanges.

ADDRESS: Both meetings will begin at 9:00 A.M. in the conference room of the Vale District Office, 100 East Oregon Street, Vale, Oregon 97918.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Bureau of Land Management, Vale District, P.O. Box 700, 100 East Oregon Street, Vale, Oregon 97918.

Fearl M. Parker,

District Manager.

[FR Doc. 85-2537 Filed 2-1-85; 8:45 am]

BILLING CODE 4310-33-M

[W-88913]

Proposed Coal Lease Sale for Kemmerer Resource Area, Rock Springs District, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Hearing on Environmental Assessment for Proposed Emergency Coal Lease Sale in the Kemmerer Resource Area, Rock Springs District, Wyoming.

SUMMARY: This Notice sets forth the schedule and proposed agenda of the public hearing on the Environmental Assessment (EA) of a proposed coal lease sale in the Kemmerer Resource Area.

DATE: The public hearing will be held February 25, 1985, at 7:00 P.M.

ADDRESS: The public hearing will be held in the Kemmerer Senior Citizens Center, located at Kemmerer, Wyoming.

FOR FURTHER INFORMATION CONTACT: Name: Ron Wenker, Area Manager, Address: Bureau of Land Management, P.O. Box 632, Kemmerer, Wyoming 83101; Telephone: (307) 877-3933.

SUPPLEMENTARY INFORMATION: An application for an emergency bypass coal lease was filed with the Bureau of Land Management by the Pittsburg and Midway Coal Company to facilitate anticipated expansion of their existing mine. The hearing will officially record testimony and public comments on the EA concerning the proposed Tract 98 emergency bypass coal lease sale on the following land:

6th Principal Meridian, Wyoming

T. 21 N., R. 116 W.,

Section 17: Tracts 98, A, B, C, D.

Encompassing 164.81 acres of public surface and minerals.

In addition, testimony and public comments will be accepted on the proposed sale and on factors to be considered in making the fair market value and maximum economic recovery determinations on the proposed lease tract. Any person that will or may be adversely affected by the proposed coal development should express their concerns at the public hearing. Further written comments on the EA and Record of Decision may be submitted to the Kemmerer Resource Area Office no later than thirty (30) days from the date of this publication. Any testimony and written comments received will be made a part of the official record and will be considered in preparing the final decisions on the coal sale.

The Environmental Assessment is based on several planning and environmental documents, the Green River-Hams Fork Draft Coal EIS, the Site-Specific Analysis of Tract 98, the Tract Profile of Tract 98, the Pioneer Trails Management Framework Plan Coal Amendment, and the Draft Kemmerer Resource Management Plan, all of which will be available for inspection at the public hearing.

At the public hearing BLM will accept oral and written testimony. Advance registration of those persons wishing to testify is required. Speakers will be heard in the order of registration. After the registered witnesses have been heard, the presiding officer will consider the requests of any other persons present who wish to testify. Oral testimony will be limited to ten minutes and may be supplemented by filing a written text of any prepared comments offered at the hearing. Any single organization's viewpoint must be presented by a single representative. Other members of that organization may present their views or opinions as private citizens.

Persons who wish to testify should notify the Kemmerer Resource Area Office in writing prior to the close of business on February 25, 1985. Please send the notification to Ron Wenker, Area Manager, Kemmerer Resource Area, at the address below:

Bureau of Land Management, Kemmerer Resource Area, P.O. Box 632, Kemmerer, Wyoming 83101; Telephone: (307) 877-3933.

Dated: January 22, 1985.

Donald H. Sweep,

District Manager, Rock Springs District.

[FR Doc. 85-2725 Filed 2-1-85; 8:45 am]

BILLING CODE 4310-22-M

[INT DEIS 85-4]

Lower Gila South Draft Resource Management Plan/Environmental Impact Statement, Phoenix District, AZ; Availability and Public Hearings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Draft Resource Management Plan/Environmental Impact Statement and Public Hearings and Meetings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 202(f) of the Federal Land Policy and Management Act of 1976, a Draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the Lower Gila South Planning Area.

The draft RMP/EIS addresses future management options for approximately 2,009,000 acres of public lands in southwestern Arizona. Of this total, 607,557 acres in 12 wilderness study areas (WSAs) are analyzed for recommendation as suitable or nonsuitable for wilderness designation. The Lower Gila South Planning Area includes portions of La Paz, Maricopa, Pima, Pinal, and Yuma Counties, Arizona.

Public Participation

A copy of the draft RMP/EIS will be sent to all individuals, government agencies, and groups who have expressed interest in the Lower Gila South planning process. In addition, a limited number of copies of the draft RMP/EIS are available upon request from the Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027. Public reading copies may be reviewed at the following locations:

Bureau of Land Management, Office of Public Affairs, Interior Building, 18th and C Streets NW., Washington, D.C. 20240; Telephone (202) 343-5717

Bureau of Land Management, Arizona State Office, 3707 North 7th Street, Phoenix, Arizona 85019; Telephone (602) 241-5504

Bureau of Land Management, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027; Telephone (602) 863-4464.

The draft RMP/EIS will be available for review through May 2, 1985. Written comments should be sent by this date to RMP/EIS Team Leader, Bureau of Land Management, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027.

Oral or written comments will also be received at the formal public hearings and written comments will be received at the public meetings to be held as follows.

Public Hearings (Phoenix and Gila Bend, Arizona)

Tuesday, March 12, 1985—Maricopa Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona at 7:00 p.m.

Wednesday, March 13, 1985—Gila Bend Community Center, 202 N. Euclid Avenue, Gila Bend, Arizona at 7:00 p.m.

Public Meetings (Quartzsite and Ajo, Arizona)

Monday, March 11, 1985—Quartzsite Civic Center, Mesquite Drive, Quartzsite, Arizona from 3:00 to 7:00 p.m.

Thursday, March 14, 1985—Catholic Parish Hall, 141 Morondo, Ajo, Arizona from 3:00 to 7:00 p.m.

All comments received during the review period relating to the adequacy of the draft RMP/EIS (whether written or oral) will be considered in preparing the Lower Gila South Final RMP/EIS.

SUPPLEMENTARY INFORMATION: Five alternatives are described and analyzed in the draft RMP/EIS. The five alternatives provide for a full range of management options from resource production to resource protection.

The Proposed Action recommends 189,750 acres in portions of four wilderness study areas (WSAs) as suitable for wilderness designation. Eight WSAs involving 417,807 acres are recommended as nonsuitable for wilderness designation. A description of the affected environment and an analysis of the environmental impacts of the alternatives are included in the RMP/EIS.

FOR FURTHER INFORMATION CONTACT: Bill Carter, RMP/EIS Team Leader Bureau of Land Management, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027; Telephone (602) 863-4464.

Dated: January 28, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-2783 Filed 2-1-85; 8:45 am]

BILLING CODE 4310-32-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting OSM's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the OSM clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Nancy Baldwin, Washington, D.C. 20503, telephone (202) 395–7340.

Title: 30 CFR 701 Permanent Regulatory Program.

Abstract: The Surface Mining Control and Reclamation Act requires permit applicants to pay an application fee and allows the regulatory authority to provide that the payment of the fee be spread over the term of the permit. The proposed rule would allow applicants to request to pay in installments. The information collection requirement would be the applicant's request to pay in installments rather than in a single payment.

The proposed rule would also allow small operators to request and receive waivers of all but $500 of the fee upon a showing that they met the criteria of 30 CFR 795.6 (defining "small operator"). The information collection requirement would be the applicant's request for such a waiver.

Bureau Form Number: None
Frequency: Once per applicant
Description of Respondents: Applicants for Permits
Annual Responses: 540
Annual Burden Hours: 270
Bureau Clearance Officer: Darlene Grose Boyd, (202) 343–5447.

Dated: December 14, 1984.

Carson W. Culp,

Assistant Director, Budget and Administration.

[FR Doc. 85–2786 Filed 2–1–85; 8:45 am]

BILLING CODE 4310–05–M

Reopening of Public Comment Period on the Draft Environmental Impact Statement (EIS) for the Proposed La Plata Mine, San Juan County, NM; Federal Coal Lease NM–0315559

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

ACTION: Notice of reopening of public comment period on the draft EIS for the proposed La Plata mine (OSM–EIS–17), San Juan County, New Mexico.

SUMMARY: Notice is hereby given that the Office of Surface Mining (OSM) has reopened the public comment period for the proposed La Plata mine draft EIS. This comment period will extend to March 6, 1985, 4 p.m., MST. The purpose of the extended comment period is to give the public additional time to prepare and submit written comments to OSM on the draft EIS and on revised information to the permit application that has been made available by San Juan Coal Company. The information is currently being printed and will be available for public review on February 1, 1985. It further describes coal transportation alternatives, blast vibration, and hydrology.

In view of this new information, OSM has evaluated the need for a supplemental draft EIS in accordance with the provisions of the National Environmental Policy Act and the implementing regulations. OSM has concluded that the new information does not meet the requirements of 40 CFR 1502.9 (a) or (c). Therefore, a supplemental draft EIS is not required.

Copies of the new information will be available for review at the San Juan County Courthouse, Aztec, New Mexico; the New Mexico Energy and Minerals Department, Mining and Minerals Division, 525 Camino de los Marquez, Santa Fe, New Mexico; the San Juan County Library, Farmington, New Mexico; the Office of Surface Mining Albuquerque Field Office, 219 Central Avenue NW., Room 4104, La Plata Highway, Farmington, New Mexico; and the San Juan Coal Company La Plata Information Trailer, La Plata, New Mexico.

DATES: Written comments or statements must be received no later than 4 p.m., MST, March 6, 1985, at the address below. In preparing the final EIS, OSM will consider comments received during the original public comment period, the public hearing on December 4, 1984, and the extended comment period.

ADDRESSES: Written comments or statements must be mailed or hand delivered to Allen D. Klein, Administrator, Attn: Charles Albrecht, OSM, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Chief, Environmental Analysis Branch (telephone (303) 844–5656) at the location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: San Juan Coal Company proposes to mine an average of about 2.0 million tons per year or 69.7 million tons of coal over 32 years at its La Plata mine. In the process, 1,551 acres of land would be disturbed on the mine area, the facilities area, and the transportation corridor addressed by San Juan Coal Company's permit application. An additional 92 acres would be disturbed during construction of that part of the transportation corridor within the permit area of the San Juan mine. Total disturbance, therefore, would be 1,643 acres. The Back Diamond, Navajo, and San Juan mines are in operation in the general area.

The proposed La Plata mine draft EIS was released to the public on October 23, 1984. A scoping meeting and a public hearing were held on July 27, 1983, and December 4, 1984, respectively, at the La Plata Firehouse, La Plata, New Mexico. The original public comment period on the draft EIS ended January 4, 1985.

The draft EIS analyzes the impacts on the human environment that would result from approval of the mining plan and issuance of a Federal permit to mine coal by OSM for San Juan Coal Company's proposed mine. The Secretary of the Interior must make a decision on San Juan Coal Company's permit application in accordance with the Surface Mining Control and Reclamation Act of 1977. The draft EIS evaluates three alternative actions that cover the range of decisions available to the Secretary of the Interior regarding the mining plan and the transportation corridor plan for the proposed La Plata mine. These actions are approval of the plans with conditions to bring them into compliance with Federal and State regulations and issuance of a Federal permit to mine coal; disapproval of the plans, in which case no Federal permit to mine coal would be issued; and no action.

The new information to the permit application consists of three reports. The "Evaluation of Coal Transport Alternatives" (Morrison Knudson, Volumes I and II, January 1985) evaluates thirteen scenarios for conveying coal from the mine to the San Juan Power Plant. The report analyzes three transportation corridors and

different modes of hauling coal, including truck-haul, conveyor, train, and coal slurry.

The "Summary Report on Blast Vibration Studies" (David S. Bowling, January 2, 1985) is a summary of a literature search on the potential effects of blasting on various types of structures.

The "Hydrology Report" (Radian Corporation, January 1985) persents a program for monitoring domestic water wells surrounding the proposed mine site.

The final EIS is expected to be available for public review and comment in late May 1985.

Dated: January 29, 1985.

Allen D. Klein,

Acting Assistant Director, Technical Services, and Research.

[FR Doc. 85-2748 Filed 2-1-85; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the twelfth meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on February 14 and 15, 1985.

The purpose of the meeting is to assist AID in implementing the components of the Title XII program by providing a two-way communications link for concerns of AID and concerns of the universities. During this meeting JCARD will discuss issues related to forestry research and education, research priorities and implementation progress, and review JCARD work plans for the remainder of the year.

JCARD will meet from 1:15 p.m. to 5:00 p.m. on February 14 and from 9:00 a.m. to 1:00 p.m. on February 15. The meeting will be held in Room 1105, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D.C. 20523 or telephone him at (202) 632-7332.

Dated: January 30, 1985.

John C. Rothberg,

Assistant Director for Operations BIFAD Support Staff.

[FR Doc. 85-2827 Filed 2-1-85; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30603]

Rail Carriers; MG Rail, Inc.; Exemption From 49 U.S.C. 10746, 10901, 11321, and 1143; Jeffersonville, IN; Notice

AGENCY: Interstate Commerce Commissions.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts (a) from 49 U.S.C. 10901, the lease and operation by MG Rail, Inc. (MG) of a 7.74-mile terminal rail line in Clark Maritime Centre, Jeffersonville, IN; (b) from 49 U.S.C. 10746, the transportation by MG of freight in which it may have an interest; and (c) from 49 U.S.C. 11321 and 11343, the common control of MG and Arrow Transportation Company, a motor and water common carrier.

DATES: This exemption is effective on February 4, 1985. Petitions to reopen must be filed by February 25, 1985.

ADDRESSES: Send pleadings referring to Finance Docket No. 30603 to:

(1) Office of the Secretary Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petition's representative: Peter A. Greene, 1920 N Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

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

Decided: January 28, 1985.

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

James H. Bayne,

Secretary.

[FR Doc. 85-2809, Filed 2-1-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. R.C. Cobb, Inc. and United States v. Consolidated Theatres, Inc.; Proposed Final Judgments and Competitive Impact Statements

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that proposed Final Judgments, Stipulations and Competitive Impact Statements have been filed with the United States District Court for the Northern District of Alabama in *United States of America* v. *R.C. Cobb, Inc.* and *United States of America* v. *Consolidated Theatres, Inc.* The complaints in these cases allege that Cobb and Consolidated engaged in a conspiracy, known in the trade as a split agreement, to eliminate competition for motion picture licenses being offered by distributors for Birmingham, Huntsville, and Tuscaloosa, Alabama, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The proposed Judgments would enjoin the defendants from participating in any split agreements or from otherwise entering into any agreement with any other exhibitor to eliminate competition for motion picture licenses. Each of the defendants would be further enjoined by the Judgments for a period of five years from acting as a booking agent for a theatre owned by another exhibitor where that theatre is within twenty miles of one of the defendant's theatres or within twenty miles of a theatre for which the defendant acts as a booking agent, unless the defendant obtains written permission from the Assistant Attorney General in charge of the Antitrust Division. Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to John Clark, Chief, Special Trial Section, Room 9120 Star Building, Antitrust Division, Department of Justice,

Washington, D.C. 20530, (telephone (202) 724-6335).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

U.S. District Court, Northern District of Alabama, Birmingham Division

[Civil Action No. CV85C02105; Filed: January 22, 1985]

Stipulation

United States of America, plaintiff, v. R.C. Cobb, Inc., defendant.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16) and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the Plaintiff: J. Paul McGrath, *Assistance Attorney General;* Joseph H. Widmar, John W. Clark, Frank N. Bentkover, *Attorneys, Department of Justice.*

For the Defendant: E. M. Friend, Jr., F. Timothy McAbee, Sirote, Permutt, Friend, Friedman, Held & Apolinsky, P.C. Post Office Box 55727, Birmingham, Alabama 35255; Fred E. Haynes; Dorothy E. Hansberry; Dorothy E. Hansberry, *Attorneys, Department of Justice, Antitrust Division, Washington, D.C. 20530, (202) 724-6337.*

U.S. District Court; Northern District of Alabama; Birmingham Division

Final Judgment

United States of America, Plaintiff, v. R.C. Cobb, Inc., Defendant.

[Civil Action No. CV85C0210S; Entered: Filed: January 22, 1985]

Plaintiff, United States of America, having filed its complaint herein on January 22, 1985, and plaintiff and defendant R.C. Cobb, Inc., by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

A. "Booking agent" means a person who, acting as the agent of another person, obtains licenses for the exhibition of motion pictures by that other person;

B. "Distributor" means any person who grants a license to an exhibitor authorizing the exhibitor to exhibit a motion picture in a theatre;

C. "Exhibitor" means any person who owns, operates, or controls a theatre;

D. "License" means the grant by a distributor to an exhibitor of the right to exhibit a motion picture in a theatre;

E. "Person" means any individual, partnership, corporation, association, or other business or legal entity; and

F. "Theatre" means any facility for the public exhibition of motion pictures.

III

This Final Judgment applies to the defendant and to its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets, that the acquiring party agree to be bound by the provisions of this Final Judgment and that such agreement be filed with the Court.

B. Defendant shall provide written notice to the plaintiff no later than thirty days subsequent to the effective date of any action whereby defendant (1) changes its name, (2) liquidates or otherwise ceases operations, (3) declares bankruptcy, or (4) is acquired by (or becomes a subsidiary of) another firm.

V

Defendant is enjoined and restrained from entering into, adhering to, maintaining, enforcing, or furthering, directly or indirectly, any contract, agreement, understanding, plan, or program, with any person anywhere in the United States, to:

1. Split or allocate among exhibitors the right or opportunity to negotiate for motion picture licenses, including, but not limited to, any such activity referred to as the split or allocation of a right of first negotiation or of an initial opportunity to negotiate for film licenses;

2. Refrain from bidding or competitively negotiating for film licenses;

3. Submit noncompetitive, collusive, or rigged offers or bids on motion picture licenses; or

4. Fix, stabilize, or lower the terms, such as percentage rental payments, guarantees, advances, or playtime, in motion picture licenses.

VI

For a period of five years from the entry of this final judgment, defendant is enjoined and restrained:

(A) From acting as the booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre is within twenty miles of a theatre owned, operated, or controlled by the defendant, unless defendant obtains written permission to its acting as booking agent from the Assistant Attorney General in charge of the Antitrust Division; or

(B) From acting as the booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre is within twenty miles of a theatre for which the defendant acts as the booking agent, unless defendant obtains written permission to its acting as booking agent from the Assistant Attorney General in charge of the Antitrust Division.

VII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on

reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees, and agents of defendant, any of whom may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized represenative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

VIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

IX

This Final Judgment will expire on the tenth anniversary of its date of entry or with respect to any particular provision, on any earlier date specified.

X

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court; Northern District of Alabama; Birmingham Division

[Civil Action No. CV85CO210S; Filed: January 23, 1985]

Competitive Impact Statement

United States of America, plaintiff, v. R.C. Cobb, Inc., defendant.

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), the United States hereby submits this competitive impact statement relating to the proposed final judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

The United States has filed, simultaneously with the filing of the proposed final judgment, a complaint alleging that R. C. Cobb, Inc. ("Cobb") has engaged in a conspiracy in unreasonable restraint of interstate commerce in violation of Section 1 of the Sherman Act (15 U.S.C. 1). Entry by the Court of the final judgment will terminate this action. The Court will retain jurisdiction over this matter for such further proceedings as may be required to interpret, modify, or enforce the judgment, or to punish violations thereof.

II

Description of the Alleged Violation

The Complaint alleges that, beginning in the Fall of 1983 and continuing into July 1984, Cobb and its co-conspirators participated in an agreement, known in the motion picture industry as a split agreement, to eliminate competition among exhibitors in Birmingham, Huntsville, and Tuscaloosa, Alabama ("the three-city area") for licenses to films being offered by motion picture distributors for exhibition there.[1] A split agreement is a type of cartel agreement. In a split, exhibitors get together and agree among themselves as to which of them will have the right to negotiate, without competition from the other split participants, with a distributor for a license to exhibit a particular motion picture. The court in *United States* v. *Capitol Service, Inc.*, 568 F. Supp. 134 (E.D. Wis. 1983), ruled that all split agreements, while varying in their mechanics, shared critical anti-competitive characteristics and were *per se* illegal.

In order to understand the nature of a split agreement, some background information on the motion picture industry and the licensing of motion pictures is useful. The motion picture industry encompasses three activities: production, distribution, and exhibition. Producers make motion pictures and enter into agreements with distributors to have their films distributed nationally to theatres that are owned or operated by exhibitors. Some distributors also produce motion pictures or, in other instances, finance the work of independent producers.

Distributors license motion pictures for exhibition on a picture-by-picture, theatre-by-theatre basis in each local market. Where two or more exhibitors operate theatres in a market, a distributor may license its films by competitive bidding or by negotiating with competing theatres.

Exhibitors are awarded motion picture license agreements based on the offers they submit to a distributor in response to competitive bid solicitations or during negotiations. The offers that exhibitors submit for licenses include, among other things, terms for film rental (generally a percentage of the gross or net box office receipts), specific playdates, and length of playtime (including the conditions under which the film will be held over). The offers may also include a guarantee, which is a minimum film rental payment that the exhibitor promises to pay the distributor regardless of the financial success of the film, or an advance, which is an advance payment to be applied against the film rental actually earned under the percentage rental terms in the license.

When a distributor receives competitive bids or competitively-negotiated offers on a motion picture, it awards the license to the theatre making the best offer. In deciding which is the best offer, the distributor takes into account not only the licensing terms offered by the competing exhibitors but also the overall grossing potential of their theatres, which is determined by theatre size, quality, and location. In

[1] Simultaneously with the filing of the complaint, the United States filed a criminal information against Cobb charging it with a violation of Section 1 of the Sherman Act by participation in the split agreement in the three-city area. Pursuant to a plea agreement, Cobb has agreed to plead guilty to the criminal information and pay a $100,000 fine.

local markets where there are no agreements among exhibitors to restrain competition, competing exhibitors know that to obtain a particular motion picture license they must offer the distributor a better deal than is offered by their competitors.

The split agreement that is the subject of the proposed final judgment arose out of recent events in the Birmingham, Huntsville, and Tuscaloosa motion picture exhibition markets. Consolidated Theatres, Inc. ("Consolidated") entered the Huntsville market in 1977 by opening the University theatre; Cobb did not, at that time, operate a theatre in Huntsville. In 1982, Consolidated expanded its operations in Alabama by opening theatres in Birmingham and Tuscaloosa, two cities where Cobb previously had a monopoly position as the only exhibitor. Also in 1982, Cobb entered the Huntsville market by obtaining theatres there.

Consolidated's entry into Birmingham and Tuscaloosa and Cobb's entry into Huntsville led to intense competition between the two companies for film licenses. This competition, which took the form of competitive bidding and competitive negotiations, led to the payment of film rental terms by Cobb and Consolidated that were generally higher than they would have been in a non-competitive environment. Substantial guarantees were paid by the two exhibitors as a result of the competition; the competition also meant that the rental terms in the licenses for the three-city area were not adjustable.[2]

Cobb and Consolidated became unhappy with the high film rental terms resulting from competition in the three-city area. In the Fall of 1983, they agreed to form a split in order to eliminate the competition that was causing the high film rental terms. The terms of the split agreement were that the two companies and their co-conspirators would:

(a) Split or allocate among themselves the rights to negotiate for motion picture licenses;

(b) Refrain from competitive bidding or competitive negotiations for motion picture licenses;

(c) Submit offers only for the exhibition of motion pictures at the theatres to which they had been split or allocated;

(d) Refrain from dealing with distributors with respect to motion pictures split or allocated to other participants in the conspiracy;

(e) Refrain from competing against each other for the licensing of motion pictures;

(f) Appoint Cobb as the booking agent [3] for all first-run theatres in Birmingham and Tuscaloosa, Alabama, with the responsibility for booking motion pictures at the theatres in those two cities to which they had been split or allocated; and

(g) Appoint Consolidated as the booking agent for all first-run theatres in Huntsville, Alabama, with the responsibility for booking motion pictues at the theatres in Huntsville to which they had been split or allocated.

As a result of the split agreement, competition for the licensing of motion pictures in the three-city area was eliminated. In particular, the split eliminated bidding and competitive negotiations for film licenses. The elimination of competition resulted in the exhibitors in the three-city area offering to distributors terms for film licenses that were lower than they would have been had the exhibitors continued to compete for licenses.

III

Explanation of the Proposed Final Judgment

The United States and the defendant have agreed in a stipulation that the final judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The final judgment provides that there has been no admission by any party with respect to any issue. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(e), entry of this judgment is conditioned upon a determination by the Court that the judgment is in the public interest. The term of the final judgment is 10 years.

Section V of the final judgment prohibits Cobb from entering into any agreement with competitors anywhere in the United States to eliminate competition for motion picture licenses.

Section VI of the final judgment, enjoins Cobb, for a period of five years from the date of entry of the final judgment, from acting as a booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre is either within twenty miles of one of Cobb's theatres or within twenty miles of a theatre for which Cobb acts as the booking agent, unless Cobb obtains written permission to act as booking agent from the Assistant Attorney General in charge of the Antitrust Division. The twenty-mile standard used in Section VI is not intended in any way to imply that the Department of Justice believes that the appropriate geographic market for motion picture exhibition is an area with a diameter of twenty miles. The twenty-mile standard was chosen for administrative purposes and in the belief that it should generally cover most situations in which there would be reduced competition as a result of a booking arrangement between Cobb and another exhibitor. The determination of the size of the geographic market for film exhibition in a particular town or city depends on the analysis of a variety of factors. The twenty-mile standard used in Section VI is not a substitute, nor is it intended to be a substitute, for that analysis.

Section IV of the final judgment imposes certain additional obligations on Cobb. In the event of a sale of all or substantially all of Cobb's assets, Section IV(A) requires that Cobb, as a condition of the sale, obtain an agreement by the acquiring party to be bound by the final judgment. Section IV(B) requires that the defendant provide written notice to the United States within thirty days of the effective date of any action whereby it (1) changes its name, (2) liquidates or otherwise ceases operations, (3) declares bankruptcy, or (4) is acquired by (or becomes a subsidiary of) another firm.

In order to ensure that defendant is complying with the provisions of the final judgment, Section VII(A) sets forth procedures under which representatives of the Department of Justice will be permitted to inspect and copy Cobb's documents and to interview its officers, employees, and agents. Section VII(B) requires Cobb to submit written reports upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division.

IV

Alternatives Considered to the Proposed Final Judgment

The United States considered no alteratives. Other than the booking prohibition in Secton VI of the final judgment, the final judgment includes all the relief requested in the complaint and provides the same relief as obtained by the United States after fully litigating

[2] The general industry practice is that the rental terms in licenses awarded pursuant to competitive bidding and competitive negotiations are not, except in unusual circumstances, subject to adjustment after the picture plays. In other words, the terms in licenses awarded by bid or by competitive negotiation are considered to be "firm." By contrast, the rental terms on pictures licensed by negotiation are frequently subject to downward adjustment if the film performs below expectations.

[3] A booking agent is a person who, acting as the agent for another person, obtains licenses for the exhibition of motion pictuers by that other person.

United States v. *Capitol Service, Inc.* 568 F. Supp. 134 (E.D. Wis. 1983).

V

Remedies Available to Private Plaintiffs

Potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable remedies that they would have had were the final judgment not entered. Pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this judgment may not be used in private litigation as *prima facie* evidence of the defendant's violation of the federal antitrust laws, although a plea of guilty or a conviction in the accompanying criminal information could be so used.

VI

Procedures Available for Modification of the Proposed Judgment

The final judgment is subject to a stipulation by the United States and the defendant that provides that the United States may withdraw its consent to the judgment at any time until the Court has found that entry of the judgment is in the public interest. By its terms, the final judgment provides for the Court's retention of jurisdiction in order, among other things, to permit the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b), any person wishing to comment on the final judgment may, for the sixty (60) day period prior to the effective date of the judgment, submit written comments to: John W. Clark, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

The comments, and the responses thereto, will be filed with the Court and published in the **Federal Register.** The Department of Justice will evaluate all comments and detemine whether there is any reason for the withdrawal of its consent to the judgment.

VII

Determinative Documents

Since there are no materials or documents that were determinative in formulating a proposal for the consent judgment, none are being filed by the United States. Section 2(b) of the Antitrust Procedures and Penalties Act requires that such documents, if there are any, be made available to the public for examination.

Fred E. Haynes, Dorothy E. Hansberry, *Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Telephone: (202) 724-6337.*

U.S. District Court, Northern District of Alabama; Birmingham Division

[Civil Action No. CV85C02115; Filed: January 22, 1985]

United States of America, plaintiff, v. Consolidated Theatres, Inc., defendant.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16) and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the plaintiff: J. Paul McGrath, *Assistant Attorney General,* Joseph H. Widmar, John W. Clark, Frank N. Bentkover, *Attorneys, Department of Justice.*

For the Defendant: Mark B. Edwards, Berry, Hogewood, Edwards & Freeman, Suite 3601, One NCNB Plaza Charlotte, North Carolina 28280; Fred E. Haynes, Dorothy E. Hansberry, *Attorneys, Department of Justice, Washington, D.C. 20530, (202) 724-6337.*

U.S. District Court, Northern District of Alabama, Birmingham Division

[Civil Action No. CV85C02115; Entered: Filed: January 22, 1985]

United States of America, plaintiff, v. Consolidated Theatres, Inc., defendant.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on January 22, 1985, and plaintiff and defendant Consolidated Theatres, Inc., by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of the parties hereto. The Complaint states a claim upon which relief may be granted under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

A. "Booking agent" means a person who, acting as the agent of another person, obtains licenses for the exhibition of motion pictures by that other person;

B. "Distributor" means any person who grants a license to an exhibitor authorizing the exhibitor to exhibit a motion picture in a theatre;

C. "Exhibitor" means any person who owns, operates, or controls a theatre;

D. "License" means the grant by a distributor to an exhibitor of the right to exhibit a motion picture in a theatre;

E. "Person" means any individual, partnership, corporation, association, or other business or legal entity; and

F. "Theatre" means any facility for the public exhibition of motion pictures.

III

This Final Judgment applies to the defendant and to its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

A. Defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of its assets, that the acquiring party agree to be bound by the provisions of this Final Judgment and that such agreement be filed with the Court.

B. Defendant shall provide written notice to the plaintiff no later than thirty days subsequent to the effective date of any action whereby defendant (1) changes its name, (2) liquidates or otherwise ceases operations, (3) declares bankruptcy, or (4) is required by (or becomes a subsidiary of) another firm.

V

Defendant is enjoined and restrained from entering into, adhering to, maintaining, enforcing, or furthering, directly or indirectly, any contract, agreement, understanding, plan, or program, with any person anywhere in the United States, to:

1. Split or allocate among exhibitors the right or opportunity to negotiate for motion picture licenses, including, but not limited to, any such activity referred to as the split or allocation of a right of first negotiation or of an initial opportunity to negotiate for film licenses;

2. Refrain from bidding or competitively negotiating for film licenses;

3. Submit noncompetitive, collusive, or rigged offers or bids on motion picture licenses; or

4. Fix, stabilize, or lower the terms, such as percentage rental payments, guarantees, advances, or playtime, in motion picture licenses.

VI

For a period of five years from the entry of this final judgment, defendant is enjoined and restrained:

(A) From acting as the booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre owned, operated, or controlled by another exhibitor where that theatre is within twenty miles of a theatre owned, operated, or controlled by the defendant, unless defendant obtains written permission to its acting as booking agent from the Assistant Attorney General in charge of the Antitrust Division; or

(B) From acting as the booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre is within twenty miles of a theatre for which the defendant acts as the booking agent, unless defendant obtains written permission to its acting as booking agent from the Assistant Attorney General in charge of the Antitrust Division.

VII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistance Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, employees, and agents of defendant, any of whom may have counsel present regarding, any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedures, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which defendant is not a party.

VIII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

This Final Judgment will expire on the tenth anniversary of its date of entry or with respect to any particular provision, on any earlier date specified.

X

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

US District Court, Northern District of Alabama, Birmingham Division

[Civil Action No. CV85C02115; Filed: January 22, 1985]

United States of America, Plaintiff, v. Consolidated Theatres, Inc., defendant.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), the United States hereby submits this competitive impact statement relating to the proposed final judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

The United States has filed, simultaneously with the filing of the proposed final judgment, a complaint alleging that Consolidated Theatres, Inc. ("Consolidated") has engaged in a conspiracy in unreasonable restraint of interstate commerce in violation of Section 1 of the Sherman Act (15 U.S.C. 1). Entry by the Court of the final judgment will terminate this action. The Court will retain jurisdiction over this matter for such further proceedings as may be required to interpret, modify, or enforce the judgment, or to punish violations thereof.

II

Description of the Alleged Violation

The Complaint alleges that, beginning in the Fall of 1983 and continuing into July 1984, Consolidated and its co-conspirators participated in an agreement, known in the motion picture industry as a split agreement, to eliminate competition amony exhibitors in Birmingham, Huntsville, and Tuscaloosa, Alabama ("the three-city area") for licenses to films being offered by motion picture distributors for exhibition there.[1] A split agreement is a

[1] Simultaneously with the filing of the complaint, the United States filed a criminal information against Consolidated charging it with a violation of Section 1 of the Sherman Act by participation in the split agreement in the three-city area. Pursuant to a plea agreement, Consolidated has agreed to plead guilty to the criminal information and pay a $75,000 fine.

type of cartel agreement. In a split, exhibitors get together and agree among themselves as to which of them will have the right to negotiate, without competition from the other split participants, with a distributor for a license to exhibit a particular motion picture. The court in *United States* v. *Capitol Service, Inc.*, 568 F. Supp. 134 (E.D. Wis. 1983), ruled that all split agreements, while varying in their mechanics, shared critical anti-competitive characteristics and were *per se* illegal.

In order to understand the nature of a split agreement, some background information on the motion picture industry and the licensing of motion pictures is useful. The motion picture industry encompasses, three activities: production, distribution, and exhibition. Producers make motion pictures and enter into agreements with distributors to have their films distributed nationally to theatres that are owned or operated by exhibitors. Some distributors also produce motion pictures or, in other instances, finance the work of independent producers.

Distributors license motion pictures for exhibition on a picture-by-picture, theatre-by-theatre basis in each local market. Where two or more exhibitors operate theatres in a market, a distributor may license its films by competitive bidding or by negotiating with competing theatres.

Exhibitors are awarded motion picture license agreements based on the offers they submit to a distributor in response to competitive bid solicitations or during negotiations. The offers that exhibitors submit for licenses include, among other things, terms for film rental (generally a percentage of the gross or net box office receipts), specific playdates and length of playtime (including the condition under which the film will be held over). The offers may also include a guarantee, which is a minimum film rental payment that the exhibitor promises to pay the distributor regardless of the financial success of the film, or an advance, which is an advance payment to be applied against the film rental actually earned under the percentage rental terms in the license.

When a distributor receives competitive bids or competitively-negotiated offers on a motion picture, it awards the license to the theatre making the best offer. In deciding which is the best offer, the distributor takes into account not only the licensing terms offered by the competing exhibitors but also the overall grossing potential of their theatres, which is determined by theatre size, quality, and location. In local markets where there are no agreements among exhibitors to restrain competition, competing exhibitors know that to obtain a particular motion picture license they must offer the distributor a better deal than is offered by their competitors.

The split agreement that is the subject of the proposed final judgment arose out of recent events in the Birmingham, Huntsville, and Tuscaloosa motion picture exhibition markets. Consolidated entered the Huntsville market in 1977 by opening the University theatre; R.C. Cobb, Inc. ("Cobb") did not, at that time, operate a theatre in Hunsville. In 1982, Consolidated expanded its operations in Alabama by opening theatres in Birmingham and Tuscaloosa, two cities where Cobb previously had a monopoly position as the only exhibitor. Also in 1982, Cobb entered the Huntsville market by obtaining theatres there.

Consolidated's entry into Birmingham and Tuscaloosa and Cobb's entry into Huntsville led to intense competition between the two companies for film licenses. This competition, which took the form of competitive bidding and competitive negotiations, led to the payment of film rental terms by Cobb and Consolidated that were generally higher than they would have been in a non-competitive environment. Substantial guarantees were paid by the two exhibitors as a result of the competition; the competitions also meant that the rental terms in the licenses for the three-city area were not adjustable.[2]

Cobb and Consolidated became unhappy with the high film rental terms resulting from competition in the three-city area. In the Fall of 1983, they agree to form a split in order to eliminate the competition that was causing the high film rental terms. The terms of the split agreement were that the two companies and their co-consipirators would:

(a) Split or allocate among themselves the rights to negotiate for motion picture licenses;

(b) Refrain from competitive bidding or competitive negotiations for motion picture licenses;

(c) Submit offers only for the exhibition of motion pictures at the theatres to which they had been split or allocated;

(d) Refrain from dealing with distributors with respect to motion pictures split or allocated to other participants in the conspiracy;

(e) Refrain from competing against each other for the licensing of motion pictures;

(f) Appoint Cobb as the booking agent [3] for all first-run theatres in Birmingham and Tuscaloosa, Alabama, with the responsibility for booking motion pictures at the theatres in those two cities to which they had been split or allocated; and

(g) Appoint Consolidated as the booking agent for all first-run theatres in Huntsville, Alabama, with the responsibility for booking motion pictures at the theatres in Huntsville to which they had been split or allocated.

As a result of the split agreement, competition for the licensing of motion pictures in the three-city area was eliminated. In particular, the split eliminated bidding and competitive negotiations for film licenses. The elimination of competition resulted in the exhibitors in the three-city area offering to distributors terms for film licenses that were lower than they would have been had the exhibitors continued to compete for licenses.

III

Explanation of the Proposed Final Judgment

The United States and the defendant have agreed in a stipulation that the final judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalities Act. The final judgment provides that there has been no admission by any party with respect to any issue. Under the provisions of section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), entry of this judgment is conditioned upon a determination by the Court that the judgment is in the public interest. The term of the final judgment is 10 years.

Section V of the final judgment prohibits Consolidated from entering into any agreement with competitors anywhere in the United States to eliminate competition for motion picture licenses.

Section VI of the final judgment, enjoins Consolidated, for a period of five years from the date of entry of the final judgment, from acting as a booking agent for a theatre owned, operated, or controlled by another exhibitor where that theatre is either within twenty miles

[2] The general industry practice is that the rental terms in licenses awarded pursuant to competitive bidding and competitive negotiations are not, except in unusual circumstances, subject to adjustment after the picture plays. In other words, the terms in licenses awarded by bid or by competitive negotiation are considered to be "firm." By contrast, the rental terms on pictures licensed by negotiation are frequently subject to downward adjustment if the film performs below expectations.

[3] A booking agent is a person who, acting as the agent for another person, obtains licenses for the exhibition of motion pictures by the other person.

of one of Consolidated's theatres or within twenty miles of a theatre for which Consolidated acts as the booking agent, unless Consolidated obtains written permission to act as booking agent from the Assistant Attorney General in charge of the Antitrust Division. The twenty-mile standard used in Section VI is not intended in any way to imply that the Department of Justice believes that the appropriate geographic market for motion picture exhibition is an area with a diameter of twenty miles. The twenty-mile standard was chosen for administrative purposes and in the belief that it should generally cover most situations in which there would be reduced competition as a result of a booking arrangement between Consolidated and another exhibitor. The determination of the size of the geographic market for film exhibition in a particular town or city depends on the analysis of a variety of factors. The twenty-mile standard used in Section VI is not a substitute, nor is it intended to be a substitute, for that analysis.

Section IV of the final judgment imposes certain additional obligations on Consolidated. In the event of a sale of all or substantially all of Consolidated's assets, Section IV(A) requires that Consolidated, as a condition of the sale, obtain an agreement by the acquiring party to be bound by the final judgment. Section IV(B) requires that the defendant provide written notice to the United States within thirty days of the effective date of any action whereby it (1) changes its name, (2) liquidates or otherwise ceases operations, (3) declares bankruptcy, or (4) is acquired by (or becomes a subsidiary of) another firm.

In order to ensure that defendant is complying with the provisions of the final judgment, Section VII(A) sets forth procedures under which representatives of the Department of Justice will be permitted to inspect and copy Consolidated's documents and to interview its officers, employees, and agents. Section VII(B) requires Consolidated to submit written reports upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division.

IV.

Alternatives Considered to the Proposed Final Judgment

The United States considered no alternatives. Other than the booking prohibition in Section VI of the final judgment, the final judgment includes all the relief requested in the complaint and provides the same relief as obtained by the United States after fully litigating *United States* v. *Capitol Service, Inc.*, 568 F. Supp. 134 (E.D. Wis. 1983).

V

Remedies Available to Private Plaintiffs

Potential private plaintiffs who might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable remedies that they would have had were the final judgment not entered. Pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), this judgment may not be used in private litigation as *prima facie* evidence of the defendant's violation of the federal antitrust laws, although a plea of guilty or a conviction in the accompanying criminal information could be so used.

Procedures Available for Modification of the Proposed Judgment

The final judgment is subject to a stipulation by the United States and the defendant that provides that the United States may withdraw its consent to the judgment at any time until the Court has found that entry of the judgment is in the public interest. By its terms, the final judgment provides for the Court's retention of jurisdiction in order, among other things, to permit the parties to apply to the Court for such orders as may be necessary or appropriate for the modification of the final judgment.

As provided by Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), any person wishing to comment on the final judgment may, for the sixty (60) day period prior to the effective date of the judgment, submit written comments to: John W. Clark, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

The comments, and the responses thereto, will be filed with the Court and published in the Federal Register. The Department of Justice will evaluate all comments and determine whether there is any reason for the withdrawal of its consent to the judgment.

VII

Determinative Documents

Since there are no materials or documents that were determinative in formulating a proposal for the consent judgment, none are being filed by the United States. Section 2(b) of the Antitrust Procedures and Penalties Act requires that such documents, if there are any, be made available to the public for examination.

Fred E. Haynes, Dorothy E. Hansberry,
Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, Telephone: (202) 724-6337.

[FR Doc. 85-2762 Filed 2-1-85; 8:45 am]
BILLING CODE 4410-01-M

National Cooperative Research Act of 1984; Medium Range Truck Transmission Cooperative Project; Eaton Corp., et al.

Notice is hereby given that pursuant to Section 6(a) of the National Cooperative Research Act of 1984, Pub. L. 98-462 ("the Act"), Eaton Corporation; a wholly owned United Kingdom subsidiary of Eaton Corporation, Eaton, Limited; and Fiat Veicoli Industrialia, S.p.A., an Italian corporation, have filed a written notification of a truck transmission project simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the project and (2) the nature and objectives of the project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the project, and its general areas of planned activity, are given below.

The parties to the project are: Eaton Corporation; Eaton, Limited; and Fiat Veicoli Industrialia, S.p.A. The purpose of the project is to design and to develop medium range manual change gear synchronized truck transmissions and to evaluate the possibility of further cooperation regarding specilized manufacturing of the transmissions after completion of the project. The transmissions will have 310, 410, 510, and 610 foot pounds of torque with 5, 6, 9, and 9 speeds, respectively. Cooperation between the companies will end when the project is completed or on December 31, 1986, whichever is earlier.

Joseph H. Widmar,
Director of Operations, Antitrust Division.

[FR Doc. 85-2761 Filed 2-1-85; 8:45 am]
BILLING CODE 4410-01-M

LIBRARY OF CONGRESS

American Folklife Center Board of Trustees; Meeting

In accordance with Pub. L. 94-463, the Board of Trustees of the American Folklife Center announce its meetings to be held in Washington, D.C. on Friday, March 1, from 9:30 a.m. to 4:30 p.m. in

the Wilson Room of the Library of Congress. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Ray Dockstader, American Folklife Center (202) 287–6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small group of versatile professional who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 85–2775, Filed 2–1–85; 8:45 am]

BILLING CODE 1410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Centers and Services Section) to the National Council on the Arts will be held on February 19, 1985, from 9:00 a.m.–6:00 p.m. and on February 20, 1985, from (9:00 a.m.–4:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on February 20, from 3:00–4:00 p.m. to discuss guidelines.

The remaining sessions of this meeting on February 19, from 9:00 a.m.–6:00 p.m.; and on February 20, from 9:00 a.m.–3:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1966, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

January 25, 1985.

[FR Doc. 85–2727, Filed 2–1–85; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Power Authority of the State of New York; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

[Docket No. 50–333]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendment to Facility Operating License No. DPR–59, issued to Power Authority of the State of New York (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York.

In accordance with the licensee's application dated December 6, 1984, as supplemented January 10, 1985, the proposed amendment would revise the Technical Specifications (TSs) to permit refueling with the Reactor Protection System (RPS) inoperable. These revisions would facilitate installation of Analog Trip Transmitter System components and avoid delay in completion of the 1985 refueling outage.

In Table 3.1–1 of Appendix A of the TSs, for the refueling mode, the following statement would be added: "When all rods are full-in and electrically disarmed, the reactor protection system need not be operable." In Section 3.10, the following item (3.10.A.8) would be added: "Refuel interlocks and rod blocks associated with one rod permissive need not be operable if all rods are fully inserted and electrically disarmed."

The Reactor Protection System limits the uncontrolled release of radioactive material from the fuel and the Reactor Coolant Pressure Boundary by terminating excessive temperature and pressure increases through the initiation of an automatic scram. The function of refueling interlocks is to prevent criticality by restricting the movement of control rods during refueling and to prevent refueling operations from being carried out when all control rods are not fully inserted. The proposed revisions would require that all control rods be electrically disarmed once the rods are fully inserted. The need for interlocks under these conditions would therefore be eliminated.

Before issuance of the proposed license amendment, the Commission will have made findings as required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. Since the reactor would be in cold shutdown, the only design basis accidents that could possibly occur, and, therefore, need to be considered are: a rod drop accident, a fuel assembly drop accident in the spent fuel pool, and a refueling accident in which a fuel assembly drops on the core during refueling. The proposed revisions would not increase the probability of fuel assembly drops. In the unlikely event one occurs, neither the reactor protection system nor the control rod blocks and refueling interlocks could, or are designed to, prevent or mitigate the consequences. A rod drop accident, which is described in section 14.6.1.2 of the FitzPatrick Final Safety Analysis Report (FSAR), is not considered credible since it cannot occur in the absence of rod withdrawal. Rod motion is physically prevented by electrically disarming all rods as described above. In addition, procedures and administrative controls which meet the requirements of 10 CFR 50 Appendix B will be used to assure that the rods are electrically disarmed.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The only events that could be associated with the proposed revisions have been discussed above. No new possible events can be attributed to the proposed revisions.

(3) Involve a significant reduction in a margin of safety. Since the proposed

revisions apply only when all rods are fully inserted and electrically disarmed, the reactor, in effect, would already be in a scrammed condition. Therefore, under these circumstances, no reduction in safety margin would result from an inoperable RPS. In addition, the nuclear characteristics of the core assure that the reactor would remain subcritical even if the highest worth control rod were able to be fully withdrawn.

Based on the foregoing, the Commission proposes to determine that the proposed license amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By March 6, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page numberof this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated December 6, 1984, as supplemented January 10, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland, this 28th day of January, 1985.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 85-2825 Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Emergency Core Cooling Systems; Meeting

The ACRS Subcommittee on Emergency Core Cooling Systems will hold a meeting on February 21, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, February 21, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the status of the effort to revise Appendix K to 10 CFR 50.46, discuss the proposal by Duke Power Company to delete the ECCS UHI system at the McGuire nuclear plant; discuss the adequacy of fiberglass as insulation in nuclear power plants, specifically the effects on containment emergency sump performance following an accident; discuss the overall scope and direction of the joint NRC/B&W Owners Group/EPRI/B&W IST research program as well as related program efforts; and discuss and miscellaneous topics.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance in practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 29, 1985

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-2821 Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Class 9 Accidents; Meeting

The ACRS Subcommittee on Class 9 Accidents will hold a meeting on February 25, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Monday, February 25, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss with the NRC Staff the status of the NRC's severe accident codes.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Alan B. Wang (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 29, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-2822 Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Electrical Systems; Meeting

The ACRS Subcommittee on Electrical Systems will hold a meeting on February 26, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, February 26, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will discuss plant experience with the loss of AC power and the status of NRC actions on USI A-44, "Station Blackout".

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff,

their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Medhat M. El-Zeftawy (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 29, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 2823 Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on February 15 and 16, 1985, in Room 1046, 1717 H Street, NW, Washington, DC.

Although the meeting will be primarily an Executive Session, it will be open to public attendance.

The agenda for the subject meeting will be as follows:

Friday, February 15, 1985—8:30 a.m. until the conclusion of business

Saturday, February 16, 1985—8:30 a.m. until the conclusion of business

The Subcommittee will review: (1) The Department of Energy's "Final Mission Plan for the Civilian Radioactive Waste Management Program"; and (2) NRC review plans and generic technical positions not previously reviewed.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

The Subcommittee and its consultants will discuss the subject topics; representatives of the NPC and DOE Staffs and other interested persons may also be invited to participate in these discussions.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Owen S. Merrill, (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EST.

Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: January 30, 1984.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85-2824 Filed 2-1-85; 8:45 am]

BILLING CODE 7590-01-M

Monthly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

Correction

In FR Doc. 85-1627 beginning on page 3047 in the issue of Wednesday, January 23, 1985, make the following correction:

On page 3064, third column, in the entry for **"Rochester Gas and Electric Corporation"**, fourteenth line, "10" should have read "1".

BILLING CODE 1505-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/802]

Advisory Committee on International Investment, Technology and Development; Meeting

The Department of State will hold a meeting of the Subcommittee on Multilateral Affairs of the Advisory Committee on International Investment, Technology, and Development on Thursday, February 21, 1985 from 2:00 p.m. to 4:00 p.m. in Room 1912 of the Department of State, 2201 "C" St., NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to (1) report on the results of negotiations on the United Nations' Draft Guidelines for Consumer Protection and to hear comments on the proposed Guidelines from those attending; (2) discuss the issue of multilateral environmental standards for Multinational Corporations including reporting on proposals within the Organization for Economic Cooperation and Development to incorporate environmental standards into the Guidelines for Multinational Enterprises and reviewing the background of the U.S. vote on the United Nations General Assembly resolution on hazardous products; and (3) report developments on the United Nations Code of Conduct for Transnational Corporations.

Access to the State Department is controlled. Therefore, members of the public wishing to attend the meeting must contact the Office of Investment Affairs [(202) 632-2728] in order to arrange admittance. Please use the "C" street entrance.

The Chairman of the Subcommittee will, as time permits, entertain comments from members of the public at the meeting.

Dated: January 28, 1985.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 85-2787 Filed 2-1-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/804]

Study Group 7 of the U.S. Organization International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 7 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on February 28, 1985 at the U.S. Naval Observatory, Room 300, Building 52, 34th and Massachusetts Avenue, NW., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 7 deals with time-signal services by means of radiocommunications. The purpose of the meeting is to review preparations for the international meeting of Study Group 7 in October 1985.

Members of the general public may attend the meeting and join in the discussions subject to the instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520 (telephone [202] 632-2592).

Dated: January 22, 1985.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 85-2789 Filed 2-1-85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/805]

Integrated Services Digital Network (ISDN) Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Joint Working Party and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 12, 1985 in Room, 1207, Department of State, 2201 C Street, NW., Washington, D.C. The meeting will begin at 9:30 a.m.

The agenda for the meeting in as follows:

1. Report of the interregnum meeting of international CCITT Study Group XVIII ISDN Group of Experts, London, January 21–25, 1985;
2. Consideration of delayed contributions to the meeting of international CCITT Study Group XI, March 18–29, 1985;
3. Consideration of regular contributions to the meeting of international CCITT Study Group XVIII, June 17–27, 1985;
4. Any other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated in arrangements are made in advance of the meeting. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: January 23, 1985.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 85–2790 Filed 2–1–85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/806]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 20, 1985 at 2201 C Street, NW., Washington, D.C.

Study Group A deals with U.S. Government aspects of international telegram and telephone operations and tariffs. The Study Group will discuss international telecommunications questions relating to telephone, telegraph, telex, new record services, data transmission and leased channel services in order to develop U.S. positions to be taken at upcoming international meetings of CCITT Study Group III (May 7–10) and Study Group I (May 9–17, 1985) in Geneva.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled. All persons wishing to attend the meeting should contact the office of Earl Barbely, Department of State, Washington, D.C.; telephone (202) 632–3405. All attendees must use the C Street entrance to the building.

Dated: January 24, 1985.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 85–2791 Filed 2–1–85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/807]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on March 28, 1985 at 9:30 a.m. in Room 1207, Department of State, 2201 C Street, NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to review progress to date in the preparations for the meeting of international Study Group 1 November 4–15, 1985.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore suggested that prior to the meeting, persons who plan to attend, so advise the office of Mr. Richard Shrum, Department of State, Washington, D.C.; telephone (202) 632–2592. All attendees must use the C Street entrance to the building.

Dated: January 25, 1985.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 85–2792 Filed 2–1–85; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/808]

Advisory Committee on International Investment, Technology and Development; Closed Meeting

The Department of State will hold a meeting of the Subcommittee on International Investment of the Advisory Committee on International Investment, Technology and Development on Wednedsay, February 20, 1985 from 10:00 a.m. to 12:00 noon in room 1912 of the Department of State, 2201 "C" St., NW., Washington, D.C., 20520.

This meeting will be closed to the public, pursuant to Section 10(d) of the Federal Advisory Committe Act 5 U.S.C. Appendix 10(d) and 5 U.S.C. 552(C)(9)(B) because the Subcommittee will discuss the status of on-going diplomatic negotiations, premature disclosure of which could adversely affect U.S. interests.

Dated: January 24, 1985.

Walter B. Lockwood, Jr.,

Executive Secretary.

[FR Doc. 85–2793 Filed 2–1–85; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

National Hazardous Materials Transportation Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1), notice is hereby given of the first meeting of the National Hazardous Materials Transportation Advisory Committee (NHMTAC) on February 19 and 20, 1985, at 9:00 a.m. in Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

The purpose of the meeting is to solicit advice from the Committee on the appropriate industry, Federal, State, and local government roles and relationships

in the field of hazardous materials transportation emergency preparedness.

Following is the proposed agenda for the meeting:

1. Overview briefing of the Committee on the Department of Transportation's hazardous materials transportation responsibilities.

2. Briefing on the Department's current activities in hazardous materials transportation area.

3. Briefing on the Department's emergency preparedness role and responsibility.

4. Discussion of appropriate industry and government emergency preparedness roles and responsibilities.

Attendance is open to the public but limited to the space available. Members of the public may present written statements to the Committee before or after any meeting of the Committee. Such statements should be sent to: National Hazardous Materials Transportation Advisory Committee, ATTN: Ms. Cecy Ivie, Materials Transporation Bureau (DMT-60), Room 8432, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Dated: December 9, 1985.

Sherwood C. Chu,

Associate Director for Regulatory Planning and Analysis, Material Transportation Bureau.

[FR Doc. 85-2760 Filed 2-1-85; 8:45 am]

BILLING CODE 4910-60-M

[Docket No. NPDA-2]

City of New York; Application for Non-Preemption Determination; Notice of Conference and Extension of Comment Period

AGENCY: Research and Special Programs Administration, Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of conference and extension of comment period.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming conference in the form of a briefing for state and local officials in Connecticut as well as other interested parties who wish to submit written comments regarding New York City's request for a non-preemption determination. The purpose of this conference is to provide attendees with factual presentation of the history of this proceeding, the technical factual questions involved, the legal issues to be addressed, and the procedures to be followed in submitting comments for the record. This conference was requested by the State of Connecticut and is authorized under the procedural regulations governing processing of applications for non-preemption determination (49 CFR 107.219(a)). In order to provide attendees with sufficient time to prepare and submit comments, the deadline for their submission is hereby extended from March 4 to April 15, 1985.

DATES: The Conference will take place on Thursday, February 14, 1985; (9:30-11:00 a.m.). The comment period is extended to April 15, 1985.

ADDRESS: The Conference will be held at the Connecticut Department of Transportation Training Division, 2710 Berlin Turnpike, Newington, CT 06111.

Note.—Seating capacity is limited. Jurisdictions and interested organizations are, therefore, requested to limit the number of attendees representing them.

FOR FURTHER INFORMATION CONTACT: Elaine Economides, Office of Chief Counsel, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, DC 20590, (Tel: 202/755-4972).

SUPPLEMENTARY INFORMATION: On January 16, 1985, the Materials Transportation Bureau (MTB) published a notice and invitation to comment (50 FR 2528) on New York City's application for a non-preemption determination concerning its ban on the highway transportation of spent nuclear fuel, a local restriction which is inconsistent with, and therefore preempted by, the Hazardous Materials Transportation Act (HMTA). Pursuant to section 112(b) of the HMTA (49 U.S.C. 1811(b)) the City seeks an administrative determination by the MTB that its inconsistent requirement is not preempted because it meets the statutory criteria of providing an equivalent level of safety as compared with the Federal rule and imposing no unreasonable burden on commerce. In its application, the City has presented technical analyses and legal arguments to support its assertion that its inconsistent regulation satisfies the above-described statutory criteria for waiver of preemption. A key element of the City's application is its assertion that spent nuclear fuel may be transported from Long Island to Idaho without going through New York City because alternate routes exist which provide an equal or greater level of safety without unreasonably burdening commerce. Included among these alternate routes are three involving water transport from Long Island to Connecticut.

Because Connecticut would be directly affected by Departmental issuance of the determination requested by New York City, the Attorney General for the State of Connecticut requested that the Department hold a public hearing in that state. While the procedural regulations governing the processing of applications for non-preemption determinations do not require the Department to hold public hearings, they authorize the Department to convene either a hearing or a conference (49 CFR 107.219(a)). Upon consideration of the Attorney General's request that the state of Connecticut be given an opportunity to present relevant testimony and evidence in connection with New City's application, the Department concluded that this objective could be realized most effectively through the use of a conference in the form of a briefing.

This administrative proceeding, docket no. NPDA-2 involves both significant legal issues concerning the Federal-state relationship and very technical questions of fact involving route selection, risk analysis and operational safety. Because it is in the interests of all parties that the Department's decision, and the record on which it relies, be based on relevant facts and a reasoned analysis thereof, the Department has decided to convene a conference in the form of a briefing on: The history of this proceeding; the substantive and procedural regulations involved; the nature, intent and effect of the City's application; and the specific issues which the Department must resolve in this proceeding.

The purpose of this conference is to provide prospective commenters with the substantive and procedural information necessary to enable them to submit for the record written comments which will assist the Department in reaching a decision of the specific issues involved. The conference will not include any discussion of the merits of the application, nor will opinion testimony be entertained.

The conference is open to the public. There is no registration fee to attend. It will begin at 9:30 a.m. on Thursday, February 14, 1985, at the Connecticut Department of Transportation Training

Division 2710 Berlin Turnpike, Newington, CT 06111.

As published in the **Federal Register** notice of January 16, 1985 (50 FR 2528) the public comment period on docket no. NPDA–2 was scheduled to end on March 4, 1985. In order to provide attendees with sufficient time to prepare and submit written comments, the Department hereby extends the deadline for public comment on docket no. NPDA–2 to April 5, 1985.

Issued in Washington, D.C., on January 30, 1985.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 85–2830 Filed 2–1–85; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 23
Monday, February 4, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

AFRICAN DEVELOPMENT FOUNDATION

TIME: 10:00 p.m.

PLACE: African Development Foundation.

DATE: Friday, 15 February 1985.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report
2. President's Report
3. Advisory Council Report—Arterbery/Robinson
4. External Committee Report—Mr. A.C. Arterbery
5. Program Committee Report—Dr. Patsy Blackshear
6. Other Business

CONTACT PERSON FOR MORE INFORMATION: Ms. Marge Cook (634–9853).

Leonard H. Robinson, Jr.,

President.

ADF Agency Number 11010006

ADF BOAC Number 953901

[FR Doc. 85–2832 Filed 1–31–85; 10:58 am]

BILLING CODE 6116-01-M

2

FEDERAL ELECTION COMMISSION

DATE & TIME: Thursday, February 7, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Suggested improvements in the MUR process
Routine administrative matters

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

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85–2883 Filed 1–31–85; 3:51 pm]

BILLING CODE 6715-01-M

3

NEIGHBORHOOD REINVESTMENT CORPORATION

TIME AND DATE: 2:00 p.m., Wednesday, February 6, 1985.

PLACE: Neighborhood Reinvestment Corporation, 1850 K Street NW., Suite 400, Washington, D.C. 20006.

STATUS: Open Meeting.

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

AGENDA:

I. Call to Order and Remarks of the Chairman
II. Approval of Minutes, November 14, 1984
III. Executive Director's Report
IV. Audit Committee Report
V. Treasurer's Report
VI. Budget Committee
VII. Personnel Committee Report

No. 35, January 29, 1985.

Carol J. McCabe,

Secretary.

[FR Doc. 85–2819 Filed 1–30–85; 4:27 pm]

BILLING CODE 7570-01-M

4

OVERSEAS PRIVATE INVESTMENT CORPORATION

TIME AND DATE: 9 a.m. (closed portion). 10 a.m. (open portion). Tuesday, February 12, 1985.

PLACE: Offices of the Corporation, seventh floor Board Room; 1129 20th Street NW., Washington, D.C.

MATTERS TO BE CONSIDERED: (Closed to the public 9 a.m. to 10 a.m.).

1. Insurance Project in Middle Eastern Country.
2. Insurance Project in Middle Eastern Country.
3. Determination of Countries and Areas Qualifying as Developing Countries and Areas for OPIC Programs.
4. Policy-Guidelines: Review.
5. Claims Report.
6. Information Report: Finance.
7. Information Reports: General.
8. China Projects: Status Report.

FURTHER MATTERS TO BE CONSIDERED: (Open to the Public 10 a.m.).

1. Approval of the Minutes of the Previous Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Increase of Direct Investment Fund for FY 1985.
4. Financial Statements as of December 31, 1984 and for the First Quarter of 1985.
5. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2925.

Elizabeth A. Burton,

OPIC Corporate Secretary.

January 30, 1985.

[FR Doc. 85–2845 Filed 1–31–85; 12:42 am]

BILLING CODE 3210-01-M

5

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (50 FR 3867 1/28/85).

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, January 23, 1985.

CHANGE IN THE MEETING: Additional items.

The following items were considered at a closed meeting scheduled for Tuesday, January 29, 1985, at 10:00 a.m.

Institution of injunctive action.
Settlement of injunctive action.
Withdraw enforcement action.

Commissioners Treadway, Cox, Peters and Marinaccio determined that Commission business required the above changes and that no earlier notice thereof was possible.

AT TIMES CHANGES IN COMMISSION PRIORITIES REQUIRE ALTERATIONS IN THE SCHEDULING OF MEETING ITEMS. FOR FURTHER INFORMATION AND TO ASCERTAIN WHAT, IF ANY, MATTERS HAVE BEEN ADDED, DELETED OR POSTPONED, PLEASE CONTACT: Steve Molinari at (202) 272–2467.

John Wheeler,

Secretary.

January 30, 1985.

[FR Doc. 85–2884 Filed 1–31–85; 8:45 am]

BILLING CODE 8010-01-M

federal register

Monday
February 4, 1984

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican in the Southeastern United States From the List of Endangered and Threatened Wildlife; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Removal of the Brown Pelican in the Southeastern United States From the List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service removes from the List of Endangered and Threatened Wildlife the brown pelican (*Pelecanus occidentalis*) in Alabama, Florida, Georgia, South Carolina, North Carolina, and points northward along the Atlantic coast. The brown pelican remains endangered throughout the remainder of its range, which includes Mississippi, Louisiana, Texas, California, Mexico, Central and South America, and the West Indies. This change in status is based on evidence that the pelican is at or above historical breeding levels and has stable population numbers and productivity. The species no longer fits the definition of "endangered" or "threatened" in the southeastern States.

DATE: The effective date of this rule is March 6, 1985.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Endangered Species Field Station, Jackson Mall Office Center, 300 Woodrow Wilson Avenue, Suite 316, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT: Mr. John I. Christian, Assistant Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, Atlanta, Georgia 30303 (404/221-3588 or FTS 242-3588).

SUPPLEMENTARY INFORMATION:

Background

The brown pelican is one of two species of pelican in North America: the other is the white pelican (*Pelecanus erythrorhynchos*). The brown pelican weighs up to 8 pounds and may have a wingspan of 7 feet. It feeds almost entirely on fishes captured by plunge diving in coastal waters. The brown pelican is rarely found away from salt water and does not normally venture more than 20 miles out to sea.

This rule addresses a particular population of the brown pelican: Alabama, Florida, South Carolina, North Carolina, and northward along the Atlantic coast. In the eastern United States, large numbers of brown pelicans historically nested on small coastal islands in Texas, Louisiana, Florida, and South Carolina; some nesting also occurred in North Carolina and possibly Georgia. There are no verified reports of nesting in Mississippi or States north of North Carolina. In 1983, several pairs of pelicans were discovered nesting on a spoil island in Mobile Bay, Alabama. This was the first substantiated nesting record for pelicans in that State. The brown pelican regularly occurs as far north as the mouth of the Chesapeake Bay, although numbers and timing (usually late summer) are dependent largely upon water temperatures and prey availability. In some years, post-breeding movements extend as far north as New Jersey.

Islands chosen as colony sites are generally 5 acres or less in size, and of very recent origin, being mangrove islands, natural sand spits, or dredge spoil sites. Elevation of these islands is essentially at or only a few feet above sea level. The dune islands in particular are subject to erosion and flooding by storm and spring tides, and they are constantly shifting position.

In Florida, most brown pelicans nest 2–25 feet above the high tide line on islands of black mangroves (occurs statewide) and red mangroves (on the west coast). Brown pelicans have also been observed nesting in white mangroves, and to a lesser extent, in other trees and shrubs, including Australian pine, red cedar, live oak, redbay, and seagrape.

In North and South Carolina, pelicans nest almost without exception on low sand islands of natural or artificial origin. Nesting is concentrated on the highest portion of these islands (rarely more than 6 feet above mean high tide), which are often characterized by a panicgrass-cordgrass association. Nesting also occurs in seashore saltgrass, pigweed, and other characteristic beach and dune species. The elevation of the area appears to be a more essential feature governing nest site selection than the specific vegetation present, although the two factors are in many cases related. The recently discovered nesting pelicans in Alabama have been utilizing driftwood and other debris on a dredge spoil island.

Between 1957 and 1961, the brown pelican disappeared as a nesting species on the Louisiana coast and became nearly extirpated on the Texas coast. Prior to this decline, the brown pelican population in these two States may have numbered about 50,000 individuals (King *et al.*, 1977). Of the several species of coastal breeding birds along the Louisiana and Texas coasts, only the brown pelican was known to suffer so severely. In the late 1950's, there was no adequate explanation for this population crash, but the severity and suddenness of the decline, which affected all age groups, suggested to biologists in the mid-1960's the involvement of an extremely toxic agent. Subsequent research has implicated the organochlorine pesticide endrin as the probable causative substance (Blus, Cromartie, *et al.*, 1979).

Around the same time (late 1960's, early 1970's), brown pelican populations in South Carolina showed some evidence of decreased reproduction, resulting primarily from eggshell thinning (Blus, Cromartie, *et al.*, 1979). This decrease in reproduction was similar to, although less severe than, the concomitant situation in California, where thin-shelled eggs and other complications had resulted in a complete reproductive failure of brown pelicans in the 1960's (Anderson and Hickey, 1970). This impairment of reproduction has been attributed primarily to the organochlorine pesticide DDT and its principal metabolite DDE. These substances, which are not easily broken down, accumulate in the tissues of species at the top of the foodchain, such as the brown pelican. DDE interferes with calcium deposition during shell formation, resulting in the production of thin-shelled eggs that are easily crushed during incubation (Peakall, 1975).

In summary, organochlorine pesticide pollution apparently contributed to the endangerment of the brown pelican via two mechanisms—direct toxicity (affects all age classes) and impaired reproduction (reduces recruitment into the population). As a result of the observed population declines, the threat of further declines from probably increasingly contaminated food supplies, and the uncertain population status of the species in other areas where contamination was expected, the brown pelican was listed as endangered throughout its U.S. range on October 13, 1970 (35 FR 16047), and in its foreign range on June 2, 1970 (35 FR 8495).

Since the time of listing, the Environmental Protection Agency has placed a ban on the use of DDT in the United States (37 FR 13369–13376, July 7, 1972) and has sharply curtailed the use of endrin. As a result, the environmental residue levels of these persistent compounds have steadily decreased in most areas. There has also been a corresponding increase in the eggshell thickness and reproductive success of brown pelicans as well as of many other

avian predators, including bald eagles and peregrine falcons. Pesticide residue levels in brown pelican eggs in the area affected by this rule have steadily decreased since they were first measured in 1969 (Blus, Cromartie, *et al.*, 1979; Blus, Lamont, and Neely, 1979; Schreiber, 1980).

The historic population levels of the eastern brown pelican are based on observations made as far back as the early 1800's (Audubon in Florida) to the early part of this century. The best estimate of the number of pairs of pelicans nesting in Florida before 1900 is 6–9,000 pairs. The best estimate for South Carolina's historic population is 3–6,000 pairs. North Carolina ranged from none to perhaps a hundred pairs historically. A small colony sporadically was seen in Georgia and usually had a few hundred birds, if any. Prior to 1983, no nesting pelicans were known from Alabama (see above) and Mississippi (still no records). Historically, about 10–15,000 pairs of birds nested in Louisiana and 1,500–4,000 in Texas.

Breeding population censuses of the eastern brown pelican, conducted annually since the late 1960's, now indicate stable or increasing breeding populations in many areas, as indicated in the table below:

NUMBER OF BROWN PELICAN NESTS COUNTED

Year	Florida	South Carolina	North Carolina	Louisiana[1]	Texas	Total[2]
1968	6,936	NS	NS	0	2	
1969	6,133	1,266	NS	0	5	
1970	7,690	1,116	NS	0	8	
1971	5,923	1,469	NS	11	3	
1972	7,990	1,415	NS	23	9	
1973	6,010	1,646	NS	67	6	
1974	6,090	1,670	NS	90	7	
1975	5,950	2,400	NS	118	11	
1976	5,491	2,540	75	63	11	8,106
1977	6,532	3,376	82	83	17	9,090
1978	7,780	3,353	172	140	25	11,305
1979	8,942	4,236	426	196	37	13,604
1980	8,095	5,346	425	174	51	13,866
1981	8,125	5,705	658	254	56	14,488
1982	8,546	6,653	600+	331	96	15,800+
1983	6,980	4,919	1,250	602	96	13,149
1984	NS	5,070	NS	709	115	NA

[1] Birds transplanted from Florida 1968–1980 and their offsprings.
[2] Total covers only Florida and Carolinas (LA and TX not affected by this rule).
NOTE.—NS—Not surveyed adequately. NA—Not available.

In Florida, over the past 16 years, brown pelicans have nested on a total of 46 colony sites located throughout the State's coastal areas. The westernmost known breeding site in the State is near Panama City.

In contrast to the situation in Florida, South Carolina brown pelicans breed on only two sites. The average number of nests is currently (1980–84) at, or above, the reported historical level of 5,000.

The decline in the number of nests counted in Florida and South Carolina in 1983 is believed due to an unusually late nesting season in Florida and the partial loss of one of the two sites in South Carolina (to be discussed further below). The 1984 data are incomplete, but the Service believes they show a slight increase over 1983. Such fluctuations in annual numbers are to be expected.

The explosive increase of brown pelicans in North Carolina may be related, in part, to the expansion of the South Carolina colonies, but cannot otherwise be explained fully. North Carolina is at the northern periphery of the brown pelican's breeding range and, as such, the colonies may be expected to fluctuate more dramatically than they would in more centrally-located breeding areas. The fact that some North Carolina brown pelicans nest on recently-created dredge spoil islands may also have contributed to the birds' increase in the State. Brown pelicans currently use three to seven colony sites in two disjunct North Carolina coastal areas.

The 1983 and 1984 breeding population expansion in Alabama is considered further evidence of the healthy state of this pelican population. In 1983 there were four nests and in 1984 there were eight.

In the **Federal Register** of November 10, 1983 (48 FR 51736–51741), the Service proposed to remove this population segment of the brown pelican from the List of Endangered and Threatened Wildlife. In the area affected by this rule, pelican nesting populations are presently at or above known historical levels. Furthermore, over the past 6–8 years, the average current fledgling rate has remained greater than or equal to the level of 1.0 young per nest considered necessary to maintain a stable population over the past 6–8 years. Based on these data, the Eastern Brown Pelican Recovery Team (U.S. Fish and Wildlife Service, 1980) recommended that the pelican be removed from the List of Endangered and Threatened Wildlife in the portions of its range covered by this rule. The team had suggested the pelican be delisted on the Gulf Coast from the Louisiana-Mississippi border eastward and on the entire Atlantic Coast. The Service has selected the Alabama-Mississippi border as the boundary for this action. This will ensure continued protection for the pelicans from Louisiana, if they feed or loaf in Mississippi waters.

Before addressing specific comments on the proposed rule, it should be noted that in taking this action, the Service is by no means divesting itself of any future concern for the brown pelican from Alabama eastward and northward. Within its planning and budgeting process, the Service has ranked the brown pelican as a National Species of Special Emphasis. Every region within the Service in which the brown pelican occurs in significant numbers has prepared a Regional Resource Planning Document (RRP) that specifically addresses the needs of the brown pelican in that region. The RRP's are to be used by the Service both in short-term and long-term planning of funding allocations.

The RRP for the brown pelican in the area affected by this rule emphasizes the desirability for continued monitoring of breeding populations and pesticide levels, protection and management of nesting habitat, and further efforts toward research and public education regarding this species. The Atlanta Regional Office of the Service is coordinating the development and implementation of necessary monitoring, protection, and research efforts. Copies of the RRP document for the area covered by this rule are available through the U.S. Fish and Wildlife Service, Regional Office, Region 4, Richard B. Russell Federal Building, 75 Spring Street, SW, Atlanta, Georgia 30303.

Summary of Comments and Recommendations

In the November 10, 1983, proposed rule (48 FR 51736) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations and other interested parties were contacted and requested to comment. Newspaper notices inviting

public comment were published in 15 major and local papers throughout the area affected by the rule.

A total of 47 comments were received and are discussed below. Comments were received from the following sources: State wildlife agencies, local governments, national conservation groups and zoological societies, seabird hospitals, professional biologists, and other private citizens. Additionally, a petition with 281 signatures advocating reclassification to theatened status was received from John's Pass Seafood Company, Treasure Island, Florida.

The North Carolina Wildlife Resources Commission favored a reclassification to threatened status but opposed total delisting on the grounds that since pelicans breeding in North Carolina are concentrated in only two areas, they are still susceptible to decimation from flooding, erosion, and winter mortality. The commission also alluded to the potential future threat of increased pesticide runoff associated with the massive agriculture land conversions scheduled for the Dare/Hyde/Tyrrell County peninsula. On March 15, 1984, 120,000 acres of the land in question were donated to the Fish and Wildlife Service as a part of the National Wildlife Refuge system. There are no known pesticides presently being used in the range of the brown pelican in the southeastern U.S. that appear to pose any threat to the existence of the North Carolina birds or the remainder of this population.

The South Carolina Wildlife and Marine Resources Department indicated that pelicans in South Carolina have nested on only two coastal islands; three quarters of one of these was lost due to erosion in the winter of 1982, and reproduction in 1983 was reduced (see section on destruction of habitat below). It was the opinion of this agency, as well as several other commenters, that continued listed status would increase the likelihood of continued monitoring and cooperation among various State and Federal agencies.

None of these comments contained information that had not already been evaluated in the Service's original formulation of the proposed rule. The Service is mandated to make determinations regarding endangered species solely on the basis of the best available biological information. This information indicates that the eastern brown pelican has achieved or surpassed historical levels of some 14,000–18,000 breeding adults in Florida and 10,000 in the Carolinas, the area affected by this action. The recent Dare/Hyde/Tyrrell County peninsula land acquisition further ensures the safety of the North Carolina pelicans. The States of North and South Carolina may exercise the option of retaining the pelican as endangered (or threatened) on their respective State lists. This would focus concern for the pelican at a more accurate level and should provide adequate impetus for continued monitoring and/or habitat restoration work, as necessary. Some of this work may also be funded through the Service's RRP process, as described above. Habitat has not been a limiting factor regarding the continued existence of the pelican. Shifting islands or breeding sites are frequent elements of the pelican's ecology. Other aspects of the above concerns are addressed below.

Four commenters, including one seabird biologist, and the Town of Holden Beach, North Carolina, cautioned that we have no adequate explanation for the dramatic upswing of pelican numbers in North Carolina and that this population could crash just as rapidly as it has risen. For this reason, they favored a reclassification to threatened status. The Service agrees that the recent pelican increase in North Carolina is without known precedent and cannot be fully explained. However, we do not agree that this is adequate justification for retaining the brown pelican in threatened status. As stated elsewhere in this rule, *P. occidentalis* reaches the northern periphery of its breeding range in North Carolina. Unexplained increases or decreases may be expected to occur towards the periphery of any animal's range, as environmentally favorable conditions wax and wane over time. Therefore, a decrease in pelican breeding numbers in North Carolina, which could be attributed, for example, to inclement weather or loss of habitat, would not necessarily be of adverse consequence to the population as a whole.

Similarly, several individual commenters expressed concern over the effects of natural phenomena such as severe storms and fluctuations in food supply. The Service believes that while the pelican, as well as many other organisms, might be negatively impacted by such factors, these natural phenomena provided the evolutionary backdrop in which the species evolved (see section on natural factors below) and cannot be taken as serious threats to the brown pelican's continued existence. This bird has survived many tens of thousands of years of hurricanes, high tides, freezes, warming and cooling periods, and other natural factors and can be expected to cope with these same factors in the future, provided environmental contamination and other human-related factors do not cause significant adverse problems.

Along these same lines, several commenters, including the Florida Audubon Society and officials of Dade County, Florida, mentioned that pelican populations in certain areas of Florida, particularly the southwest coast and the Everglades, have shown a downward trend for a number of years. These trends are most likely associated with changes in the distribution patterns of fish species upon which the pelicans feed and do not constitute threats to the species' continued existence. There are no downward trends in pelican population numbers for the State of Florida as a whole, and there is no evidence that the above-mentioned population declines are associated with thinned eggshells or other indications of pesticide-induced reproductive failure.

One commenter noted that the decrease in Florida nesting pelican numbers of between 20 and 25 percent from 1979 to 1983 belied our contention that this population was stable. However, an examination of previous years' data reveals that fluctuation in nesting numbers appears to be the norm for the Florida population; year-to-year upward fluctuations of as much as 35 percent have occurred, as have downward fluctuations of nearly 25 percent. This may be partially attributed to the time that surveys were conducted, given natural variation in peak nesting time, as well as to "real" fluctuations in breeding conditions. Such variations in the counts are eventually dampened by repeated observations. The 16-year mean number of brown pelican nests in Florida is 7076. The Service believes that these data are adequate to conclude that Florida nesting pelican numbers may indeed be considered stable, fluctuating around 7000 nesting pairs.

Six individual commenters indicated that pelicans should remain threatened as a precautionary measure, until more data become available. The opinion was expressed that it seems illogical to jump from endangered to delisted status without an intermediate period under threatened classification. As stated above, the brown pelican was originally listed as endangered throughout its range, based on the species' known problems in California, Louisiana, and Texas and its expected threat from the same source (DDT) throughout the remainder of its range. In addition, the earlier laws (pre-1973) allowed for only a single level of listing: endangered. Population data gathered since listing have questioned the likelihood that the pelican population in Florida was ever endangered, as defined by the Act, and

this designation was also questionable for the pelican in South Carolina. These data were not in existence at the time of listing, and the most prudent course of action, based on the best available data at that time, was to list the entire species as endangered. Further, the present Act, as amended, requires a review of all listed species every 5 years to ensure an appropriate listing status. The brown pelican was first reviewed in 1979 under the provision, and the result of that review is this rule, which merely delineates more accurately the actual biological status of *Pelecanus occidentalis* as it is known today.

Five individuals commented that the pelican should remain listed because the problems of pollution and other forms of human interference have not been solved. This was also stated in the petition from John's Pass Seafood Company mentioned above. The Service does not feel that these generalized concerns constitute sufficient reason to continue listed status. Along these same lines, a letter from the director of a Florida seabird sanctuary documented the existence of numerous illegal sewage outlets dumping raw municipal and industrial waste directly into the coastal environment. While this is surely a problem for the pelican, as well as for many other organisms that spend part of their life cycle in estuaries, it does not constitute sufficient reason for classifying this pelican as endangered or threatened. These illegal sewage outflows generally result in, at most, very small-scale and localized water-bird and fish die-offs (see section on pollution below). The fact that such outflows are presently illegal will not be altered by any change in the brown pelican's status. Sufficient laws, both State and Federal, currently exist to regulate such infractions. Proper enforcement of these laws should in no way be dependent upon the status of the brown pelican under the Act.

A theme mentioned in many of the letters opposing this action was that the Service delisting the brown pelican would be tantamount to writing it out of any future funding considerations. This is not the case. As mentioned above, the RRP process provides a firm framework within which the Service may allocate funds for brown pelican monitoring and protection. States may also allocate Section 6 monies approved for such purposes, as well as non-game and other funds derived from other sources, to brown pelican projects. Endangered species funding priorities may indeed be readjusted once it is recognized that the brown pelican is not endangered or threatened as defined by the Act, and some of these funds may be appropriately re-allocated to the study and protection of listed species. The State of Florida has already recognized the low priority of the brown pelican as an endangered species and has adjusted its own funding level accordingly. Funding sources and levels, past, present, and future, are not factors under the Act for listing, reclassifying, or delisting a species (see below).

Two seabird hospitals provided data indicating that we had underestimated fishline and hook injuries to pelicans. These data are discussed below.

The National Wildlife Federation (NWF) mentioned, among other points, the possible threat to pelicans from potential manganese mining operations in the Tampa Bay area. The Minerals Management Service (MMS) has indicated that this activity, if it occurs at all, is unlikely to take place before the turn of the century. The Service (FWS) is of the opinion that any threat to pelicans from this potential activity does not constitute sufficient reason to delay or alter this rule. Other points raised by the NWF are discussed in appropriate sections elsewhere in this document.

Comments supporting the proposed rule were received from four States (Alabama, Louisiana, Texas, and Maryland), seven biologists (including two members of the Eastern Brown Pelican Recovery Team), two county administrators, and the Curator of Ornithology, New York Zoological Society.

The Virgin Islands Department of Conservation and Cultural Affairs, Division of Fish and Wildlife, provided excellent data concerning the status of the brown pelican in the Virgin Islands. The agency concurred with the proposed delisting but felt that its database was not yet adequate to include the Puerto Rico and Virgin Island population in the delisting action. The Service concurs with this determination.

Summary of Factors Affecting the Species

After a thorough review and consideration of all pertinent information available, the Service has determined that the eastern brown pelican should be delisted in Alabama, Florida, Georgia, South Carolina, North Carolina and points northward along the Atlantic coast. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement provisions of the Act for listing, reclassifying or removing species (codified at 50 CFR Part 424; revision published October 1, 1984; 49 FR 38900–38912) were followed. A species may be determined to be an endangered or threatened species (or reclassified) due to one or more of the five factors described in section 4(a)(1) and at § 424.11 of this title.

The regulations at § 424.11(d) further state that the data to support such removal must be the best scientific and commercial data available to the Director to substantiate that the species no longer meets any of the five factors of section 4(a)(1) and is neither endangered nor threatened for one or more of the following reasons:

1. *Extinction.* Unless each individual of the listed species was previously identified and located, a sufficient period of time must be allowed before delisting to clearly ensure that the species is extinct.

2. *Recovery of the species.* The principal goal of the Service is to return listed species to a point at which protection under the Act is no longer required. A species may be delisted if the evidence shows that it is no longer endangered or threatened.

3. *Original data for classification in error.* Subsequent investigations may produce data that show that the best scientific or commercial data available at the time that the species was listed, or the interpretation of such data, were in error.

The five factors in section 4(a)(1) and their application to the brown pelican in the southeastern United States are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Brown pelicans generally nest on small (usually less than 5 acres) coastal islands, either on the ground or in shrubs or trees (U.S. Fish and Wildlife Service, 1980).

1. *Florida.* Most nesting occurs on mangrove islands. Due to coastal development, this type of habitat has decreased somewhat since the turn of the century. The Service's National Wetlands Inventory (NWI) indicated that as of 1980, an estimated 670,000 acres of mangrove habitat existed in Florida. Mangrove habitat is protected by section 404 of the Clean Water Act as well as by local laws in Florida.

While there are several traditional, large rookeries in Florida, there are many smaller breeding sites that may shift from year to year. Availability of appropriate and widely distributed nesting islands is apparently not a problem in Florida.

Approximately 40 percent of the brown pelican breeding population in Florida currently nests on National Wildlife Refuges. Another 5 percent uses National Park Service land for breeding

purposes. Some 8 percent of the remaining breeders in Florida nest on National Audubon Society land or that owned or leased by other conservation organizations (Florida Game and Freshwater Fish Commission, 1982). Thus, over 50 percent of Florida's brown pelicans nest on sites that are managed for the primary purpose of promoting and maintaining their reproductive success.

2. *North Carolina.* Up until 1982, brown pelicans in North Carolina used three to five colony sites in two disjunct coastal areas. In 1983, brown pelicans were observed nesting on two additional, more northerly colony sites.

The three longest-standing brown pelican colony sites in the State are currently being acquired by the National Audubon Society. These colonies will continue to be protected and monitored regardless of the brown pelican's future classification status.

During the late winter of 1982, the U.S. Army Corps of Engineers, in cooperation with the State of North Carolina and the U.S. Fish and Wildlife Service, rebuilt one severely eroded brown pelican nesting island, and pelicans have continued to nest on the island in 1983 and 1984.

3. *South Carolina.* Unlike the situation in Florida, pelicans in this State nest in only two colony sites which are not widely separated. One is located on Cape Romain National Wildlife Refuge, and the other has been on one of several islands some 50–60 miles south of the refuge. Pelicans nesting within the refuge boundaries have been, and will continue to be, protected and monitored whatever their status.

The more southerly brown pelican nesting site in South Carolina has shifted periodically, as the various islands used for nesting have eroded or been washed away. The most recent shift occurred after Hurricane David destroyed the existing pelican colony island, Deveaux Bank, in 1979. From 1980 to the present time, pelicans in the area have nested on Bird Key at the mouth of the Stono River.

This island was dedicated as a State sanctuary in 1982. In 1983, however, tidal erosion caused nest flooding and greatly reduced pelican reproductive success. This created a temporary problem for South Carolina's brown pelican population, since it is thought that all appropriate brown pelican nesting sites in the State are already occupied (Cely and Wilkinson, 1981). The South Carolina Department of Wildlife and Marine Resources coordinated the effort to stabilize Bird Key with dredge spoil material, as was done in a similar situation in North Carolina. This effort was also successful, and pelicans are again nesting on Bird Key. Thus, nesting island stabilization using dredge spoil has proven to be an effective method of maintaining brown pelican (as well as other seabird) nesting habitat, thereby decreasing the potential threat of habitat loss even towards the periphery of the brown pelican's breeding range.

4. *Alabama.* In July of 1983, four brown pelican nests were discovered on a spoil island in Mobile Bay, Alabama, that had been created by the U.S. Army Corps of Engineers. The Corps erected warning signs and monitored the progress of these nests. Eventually, two young were fledged. This year, pelicans are again nesting on this site. In addition to constituting a range expansion for the species, this successful nesting demonstrates the readiness of pelicans to accept man-made nesting sites. This demonstrated flexibility presents a new option for management of pelican habitat and further reduces the likelihood of threat to pelicans from habitat loss.

5. *Other States.* As indicated above, pelicans in Georgia, Virginia, and States north of Virginia originate from the nesting colonies in Florida and the Carolinas. Coastal habitats used by pelicans outside of Florida and the Carolinas, used for feeding and loafing, appear adequate to meet the future needs of the species.

In summary, a large percentage of the brown pelican's nesting habitat in the area affected by this rule is protected from human intrusion and development. Furthermore, the availability of nesting habitat, on a range-wide basis, is not limiting to brown pelicans. Historical records going back a hundred years indicate that habitat has been lost, but such losses have usually resulted in the colonies moving to a nearby islet to resume nesting activities. Habitat loss was not a major factor of consideration in the original listing of the brown pelican, and the Service thinks that projected habitat loss to development or other causes cannot be considered a factor still endangering or threatening the continued existence of the brown pelican.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Since the pelicans' plight has been widely publicized, human intrusion into their nesting areas, both by scientists and the general public, has increased. While some researchers believe that such disturbance has had little effect, recent studies have indicated human disturbance can significantly decrease brown pelican productivity, by causing the adults to flush, resulting in egg breakage, thermal stress and increased predation of eggs and nestlings (Schreiber, 1979; Anderson and Keith, 1980). Access to brown pelican colonies is limited generally to scientific investigators and resource managers on federally-owned nesting sites and those designated by local governments or private owners as sanctuaries. Individual pelicans nesting on privately-owned sites will remain protected from injury or taking by the Migratory Bird Treaty Act of 1918 and any applicable State laws. No other Federal laws are needed in the view of the Service to ensure the continued protection from take of this species in these States. Present State laws would continue to protect the species from take in those States affected by this rule. The pelican is not in trade and is not on the appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

C. *Disease or predation.* Brown pelicans generally choose nesting sites that are free of mammalian predators that could attack eggs or young. Gulls, fish crows, and other avian predators occasionally destroy unguarded pelican nests, but if brown pelicans are undisturbed, at least one member of the breeding pair usually remains close to the nest to protect egg and vulnerable nestlings. In the absence of other disturbing factors, egg and nest predation does not impose a significant limitation on brown pelican reproduction. There is no significant predation on adult brown pelicans.

Like all other species of wildlife, brown pelicans are susceptible to certain diseases and parasitic infections. For example, a foot-rot disease of unknown origin has been observed in brown pelicans on the east coast of Florida. In Texas, where brown pelican numbers are still very low, reproduction was adversely affected by a tick infestation in 1981. Brown pelicans are known to host other parasites, including mites and liver flukes. However, diseases and parasites normally pose no significant problems for a healthy brown pelican population.

D. *The inadequacy of existing regulatory mechanisms.* In addition to the Endangered Species Act, the brown pelican is protected from taking by the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703 *et seq.*). Brown pelican habitat is given protective consideration by the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*), the Estuary Protection Act (16 U.S.C. 1221 *et seq.*), section 10 of the Rivers and Harbors Act (33 U.S.C. 401 *et seq.*), and sections 402 and 404 of the Federal Water Pollution

Control Act (33 U.S.C. 1251 *et seq.*), as amended by the Clean Water Act (91 Stat. 1566).

In addition, continuing pelican research or monitoring programs might be conducted using funds provided, in part, through the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669) and the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901). Funds may also still be available to the States under section 6 of the Endangered Species Act, as State-listed species or State-candidates (as well as federally listed species) qualify for study funding. The pelican is listed as endangered under the State laws of all the affected States except Florida, where it is presently listed as threatened. Additionally, funds for brown pelican management and study may be available through the Service's RRP process, as described above. These regulations and laws, if enforced and/or funded, will provide adequate protection for the brown pelican and its habitat.

E. *Other natural or man-made factors affecting its continued existence.*

1. *Natural factors.* Brown pelican reproductive success is strongly influenced by the weather at the time of breeding. High winds or waters can destroy or inundate nests; untimely cold snaps may contribute to the death of eggs or nestlings, and periodic food shortages may result in decreased nesting and/or fewer young reared (Schreiber, 1979). Therefore, brown pelican productivity normally fluctuates considerably from year to year and place to place. A complete local reproductive failure in one season in one locality is not an uncommon occurrence and no cause for immediate alarm, if the brown pelican population is at safe levels overall. The pelican is a long-lived species that has evolved with this "boom or bust" reproductive strategy.

Brown pelicans may switch breeding sites from year to year, especially in Florida, where the breeding population is widely distributed. Therefore, abandonment of one or several rookeries is no indication of an overall declining population. Examples of localized population declines and reproductive failures are numerous. Brown pelican populations have apparently been declining in the Florida Keys recently and may be declining on the southwest coast of Florida as well. These declines (or population shifts) are possibly related to a changing distribution and/or abundance of fish species. Despite these apparent local declines, however, the total population of brown pelicans in Florida has remained relatively stable.

In summary, natural factors may adversely affect brown pelican reproduction on a short-term localized basis, but in and of themselves pose no threat to the continued existence of the species.

2. *Man-related factors.*

a. *Pesticides.* As stated above, susceptibility to organochlorine pesticide residues was the primary factor contributing to the original endangerment of the brown pelican. Due to environmental regulations promulgated over the past 12–15 years, the threat of organochlorine pesticide pollution has been greatly reduced, and the residues of those persistent compounds in brown pelican eggs have shown a steady decrease. This highly encouraging trend is a major factor supporting this delisting action. However, the Service is aware that there are some pesticides currently registered for use that contain small amounts of DDT. Some of these products are under EPA review, and their use may be restricted or cancelled. Such products will likely be replaced by less persistent chemicals of unknown effects to pelicans and other susceptible estuarine-dependent life forms. At the present time, such materials do not pose a known threat to the brown pelican.

While the effects on brown pelicans from environmental contaminants other than the organochlorines are not thoroughly known, there are indications that some localized contaminant-related problems still exist for this highly susceptible species. National Wildlife Health Laboratory records of eastern brown pelican mortality from 1976 to 1983 document 10 die-off incidents totaling over 212 birds in the States covered by this rule. Almost 5 percent of these reported mortalities were related to actual or suspected pesticide or heavy metal contamination. About 47 percent of the reported mortalities occurred in the vicinity of illegally released untreated sewage. Other sources of mortality included parasites or enteritis (33 percent—possibly a secondary result of previous debilitation), drowning and/or starvation (7 percent) and unknown causes (8.5 percent). However, these die-offs are generally small and occur in numerous other seabirds feeding in coastal areas as well.

In summary, neither the threat of future "unknown" pesticides nor the threat from existing short-lived, non-organochlorine pesticides constitute sufficient reason for continued listed status of an animal with as large and stable a population as the brown pelican. To maintain this species on the list (§ 17.11) in the area addressed by this rule would be inconsistent with the Act's definitions of "endangered" and "threatened" and would be incongruous with the status of truly endangered or threatened species.

The Service believes that by the very conspicuous nature of the pelican, the sudden loss of an unusual number of birds or nests, for example, would be reported quickly. The pelican is a very popular bird, not just with the public at large, but with scientists (public and private) as well. The bird continues to be heavily studied throughout its range by bird watchers and ornithologists. Should the pelican experience any new problems, these very likely would soon be brought to the attention of the Service, even without intensive Federal or State monitoring.

b. *Commercial fishing activity.* Throughout much of its range, the diet of the eastern brown pelican is composed largely of Atlantic and Gulf menhaden. The menhaden fisheries are the largest in North America, comprising between 24 percent and 43 percent of the total U.S. fishery landings over the past decade.

There does not appear to be a conflict between pelican conservation and the menhaden fishery in the area of this proposed rule, since the portion of the Atlantic menhaden fishery that occurs within the range of the Atlantic coast pelican population is compatible with peak historical pelican numbers. There is virtually no commercial menhaden fishing in peninsular Florida.

c. *Recreational fishing activity.* Every year, a number of brown pelicans become hooked or entangled in monofilament line or caught by baited hooks, resulting in injury and some mortality. The Pelican Harbor Seabird Station, Inc., which covers an estimated 10-mile section of coastline in the Miami area, reports that of 200 pelicans handled in 1982, roughly 71 percent had fishing-related injuries. Of these, 12 (8.5 percent) died or were permanently crippled; the remainder were rehabilitated. Fishing-related injuries comprised about 35 percent of all observed mortality. Another seabird rehabilitation group, the Endangered Species Protection Fund, reports treating some 450 brown pelicans for fish line or hook injuries over a 4-year period in the Port Canaveral, Brevard County vicinity.

These data indicate that our original estimate of 500 pelican injuries per year from fish lines and hooks was quite low. This source of mortality, however, is still not considered to be detrimental to overall pelican numbers (stable at about 30,000 breeding and non-breeding birds

in Florida). Additionally, it is likely that much of this mortality is compensatory; i.e., many of these pelicans would have died of other causes had they not succumbed to this source of mortality. Finally, this impact is largely accidental; therefore, this rule is not anticipated to have any effect on its occurrence. This problem is probably more effectively dealt with through educational, rather than legal channels. The net effect of such losses has not depressed the pelican population below historical levels.

d. *Coastal oil and gas development.* Any oil and gas development could increase the likelihood of introducing some hydrocarbon pollutants into the marine environment. Demonstrated adverse effects of oil on avian species include decreased hatchability of eggs, direct toxicity and stress from oil ingested during feeding or preening, and feather fouling, resulting in decreased insulation and possible drowning (Holmes and Cronshaw, 1977). Brown pelicans breeding in North and South Carolina could be vulnerable to oil spills, because of their concentration on small areas during the breeding season. Such spills might impact one or more colonies, but the long-term effects would be minimal. (After the 1969 Santa Barbara spill the local pelican population was greatly augmented by breeders from other areas over the next 5–6 years.)

Outer Continental Shelf (OCS) oil and gas leasing in the area of this proposed rule is in its infancy, and it is difficult even to speculate on the area's potential. The Minerals Management Service's (MMS) 1982, 5-year OCS oil and gas leasing schedule proposes 6 sales in two OCS regions covering the area addressed by this proposed rule. Two of these sales have been held on schedule. Response has been moderate. To date, only 6 exploratory wells have been drilled in the South Atlantic Region, and 25 wells in the East Gulf of Mexico Region. None of these wells has been productive. Interest in offshore leases has generally been confined to tracts 100 miles or more from the coastline.

Of the States in the proposed rule area in which brown pelicans nest, only Florida and Alabama have any current oil and gas development in State waters. To date, only the Alabama coastal zone has shown any promise of productivity, and this has been for gas, rather than oil production. The States of North Carolina, South Carolina, and Florida, in particular, are very concerned about the potential adverse environmental effects of oil and gas development in coastal areas and are not encouraging oil and gas leasing in State waters. Florida recently passed a law prohibiting drilling in all bays, estuaries, and rivers, and within 1 mile of the coastline. Florida and North Carolina are conducting studies to determine whether, and what type of, leasing should be allowed in State waters. The Florida Department of Environmental Regulation also has strict requirements for state-of-the-art equipment to prevent blowouts and spills and to protect the environment, should they occur.

Federal laws regulating offshore oil and gas operations have also become more stringent within the past decade. The oil content of water produced from offshore operational discharges is limited by effluent guidelines promulgated by EPA, which are enforced by National Pollution Discharge Elimination System permits. The U.S. Geological Survey is responsible for day-to-day inspection and monitoring of OCS oil and gas operations and monitoring hydrocarbon discharges resulting from such operations. Additionally, an Environmental Impact Statement must be prepared for all MMS OCS lease sales.

Therefore, the possibility of oil spills impacting brown pelican nesting colonies in the area of this proposed rule is minimal and speculative due to: (1) The relatively great distance offshore of current and projected future OCS leases, (2) the general reluctance of the States involved to lease tracts in State waters, (3) the stringent regulations (both State and Federal) governing drilling operational procedures and equipment, and (4) the general lack of interest in this part of the coastline as a potential oil-producing region.

In summary, the Service has carefully assessed the best scientific and commerical information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Biological data indicate that the brown pelican is not currently endangered or threatened in the area covered by this rule. Based on this evaluation, the preferred action is to delist the brown pelican on the Atlantic Coast and in Florida and Alabama. Any alternative action would not truly reflect the biological status of the pelican in the area where this rule applies and would be contrary to the Act's intent.

Available Conservation Measures

The prohibitions pertaining to an endangered species found in section 9(a)(1) of the Act, as implemented at § 17.21, no longer apply in the area covered by this rule. These include prohibitions on taking, harm, possessing, selling or offering for sale, exporting, and shipping in interstate or foreign commerce. However, these same general prohibitions will still be provided under the Migratory Bird Treaty Act and other laws and regulations.

The protection afforded the brown pelican under section 7(a) of the Act is eliminated in the area covered by this rule. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out, are not likely to jeopardize listed species or result in the destruction or adverse modification of designated critical habitat. Any economic consequences that may have occurred as a result of sections 7 and 9 of the Act would be eliminated in the area covered by the rule. All prohibitions and provisions set forth in the Act would still apply to the brown pelican in those portions of its range not specifically addressed by this rule.

Survey work leading to the recommendation for delisting was made possible by partial funding through grants-in-aid to qualifying States under section 6 of the Act. The Service strongly recommends and solicits the participation of the affected States in carrying out continued monitoring of brown pelican reproductive success. The Service intends to give the pelican continued consideration for any available Section 6 monies for such study. In order to ensure the maintenance of this population's non-endangered status and the welfare of this bird, the Service has established an RRP, as described above.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

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A more complete list of references is on file in the Jackson, Mississippi, Office, as well as various letters, administrative reports, and other documents not referenced here. These are available for inspection along with the rest of the administrative record as indicated under the **ADDRESSES** section in this document.

Author

The primary author of this rule is Judy F. Jacobs, formerly of the Jackson Endangered Species Field Station (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. Amend § 17.11(h) by revising the entry for the brown pelican under "BIRDS" to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
Pelican, brown	*Pelecanus occidentalis*	U.S.A. (Carolinas to Texas, California), West Indies, and Central and South America: coastal.	Entire—except U.S. Atlantic coast, Florida, and Alabama.	E	2, 3, 170	NA	NA

Dated: January 11, 1985.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–2694 Filed 2–1–85; 8:45 am]

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federal register

Monday
February 4, 1985

Part III

Department of Health and Human Services

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Listing of Impairments—Mental Disorders; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Regulations No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Listing of Impairments—Mental Disorders

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: These proposed amendments revise the medical evaluation criteria for mental disorders for the disability program in title II and title XVI of the Social Security Act. No substantial revisions have been made to these criteria since 1979. The proposed revisions reflect advances in medical treatment and in methods of evaluating certain mental impairments, and will provide up-to-date medical criteria for use in the evaluation of disability claims based on mental disorders.

DATE: We will consider your comments if we receive them no later than March 21, 1985.

ADDRESSES: Send your written comments to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or deliver them to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days.

Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: William J. Ziegler, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone 301–594–7415.

SUPPLEMENTARY INFORMATION: On June 7, 1983, the Secretary announced a top-to-bottom review of all disability program policies and procedures in consultation with appropriate subject-matter experts to assure that disability rules accurately and fairly carry out the intent of the Social Security Act and also reflect the latest advances in diagnosis, evaluation and treatment of disability causing impairments. Particular attention was given to updating and refining the disability eligibility criteria for metal disorders. Because of extensive concern about the evaluation of claims involving mental impairments, the Secretary announced the temporary exemption of about two-thirds or about 135,000 of these cases from continuing disability reviews until current rules could be reviewed and revised as needed.

Pub. L. 98–460 requires the Secretary of Health and Human Services (HHS) to revise the rules used for the evaluation of mental impairments. This publication is the first step to publishing final regulations. It gives the public an opportunity to comment on proposed rules that have been developed in consultation with leading experts. HHS will evaluate all public comments and make any necessary modifications resulting from such evaluation.

After the public has had an opportunity to comment and after we carefully consider the comments, we will publish final regulations to be effective for 3 years. The dynamic nature of the diagnosis, evaluation and treatment of the mental disease process requires that the rules in the area be periodically revised and updated. We intend to carefully monitor these regulations over a 3-year period to ensure that they fulfill congressional intent by providing for ongoing evaluation of the medical evaluation criteria. Therefore, 3 years after publication of final rules, these regulations will cease to be effective unless extended by the Secretary or revised and promulgated again as a result of the findings from the evaluation period.

The proposed revision of the Listing of Impairments relating to mental disorders is but one element in an extensive plan for assuring fair and accurate evaluation of claims for disability benefits by those with mental impairments. Work is also being done to assure that severe impairments, but ones of less than listing-level severity, will be realistically reviewed in relationship to a person's ability to work. This step of the evaluation process requires a residual functional capacity (RFC) determination, and numerous activities are underway to assure that this part of the process is effective.

It is important to emphasize that not only in preparing these revisions but also in drawing up an overall mental impairment improvement plan, SSA has consulted with leading experts in the field of mental impairments from the American Psychiatric Association, the American Psychological Association and other professionals.

To provide an ongoing review and evaluation of mental impairment adjudication, SSA has enter into a contract with the American Psychiatric Association to provide for such an ongoing review of for both reliability and validity of disability evaluation criteria.

Explanation of Proposed Revisions

The proposed revisions serve several purposes. The medical terms used to describe the major mental disorders and their characteristics and symptoms have been updated to conform to the nomenclature currently used by psychiatrists and other mental health professionals. Terminology of this type in the proposed listings is based on that used in the third revision of the *Diagnostic and Statistical Manual of Mental Disorders* published by the American Psychiatric Association. This edition, published in 1980 and now widely used by psychiatrists, psychologists and other mental health professionals, gives a common basis for communication, which is particularly important in evaluating medical reports used in determining disability.

The proposed listings are also more specifically related to different types of mental disorders. Thus, fewer conditions are included under the same listing, resulting in an increase in the number of listings from four to eight. Because of the diversity of mental disorders, it was still necessary to group some disorders under a single listing. However, in the proposed listings the organization of mental disorders is based on the third revision of the *Diagnostic and Statistical Manual of Mental Disorders* which provides a more realistic organization in terms of the common characteristics of the mental disorders that evaluated under a particular listing.

The revisions also reflect evolving medical knowledge of the characteristics of mental disorders and their treatment and management. (Since the body of knowledge on mental disorders is constantly evolving, SSA will provide for the ongoing evaluation of the medical evaluation criteria for mental disorders to ensure that the criteria reflect the most up-to-date knowledge on those disorders.)

One of the major changes is in Listing 12.03 where proposed language has been added to ensure that the chronic schizophrenic individual who may have his or her symptoms attenuated by treatment but who still cannot work because of more subtle manifestations of his or her disorder will now meet the severity of the revised listing. This has been the major area of criticism and a principal area of deficiency in the current regulations. Other minor changes occur in the Organic Mental Disorders listing, where language has

been added to better measure intellectual loss; the Anxiety-Related Disorders listing, where specific language has been added to cover agoraphobia (12.06C); the Somatoform Disorders (12.07) and Personality Disorders (12.08) listings, where language has been added to give a more accurate description of these conditions based on the third edition of the *Diagnostic and Statistical Manual of Mental Disorders.*

The following is a summary of the proposed listings.

12.00 Preface

We are proposing several significant additions to the preface to the mental disorders listings. In 12.00A (*Introduction*) of the preface, we explain the basic approach used in the listings that follow. In this introduction, we explain that in most of the listings we use a dual approach, by dividing listings into two paragraphs, with the A paragraph describing the characteristics necessary to establish the presence of the mental disorder and the B paragraph describing the restrictions and limitations of function resulting from the disorder. In 12.00A, we also are proposing a definition of "residual functional capacity" and are explaining how the concept applies in evaluating mental impairments.

In 12.00B (*Need for Medical Evidence*) of the preface, we describe the need for objective evidence for the evaluation of mental disorders. Although we are not proposing any substantial change in this area, we explain how clinical signs, symptoms and laboratory findings are used together in the evaluation of mental impairments. (Also, see 20 C.F.R. §§ 404.1528, 404.1529, 416.928, and 416.929.)

In 12.00C (*Assessment of Severity*) of the preface, we describe in detail the multiple factors in the paragraph B criteria of most of the mental disorders listings. (Similar factors are in paragraph C as well as paragaph B in two of the mental disorders listings, 12.03 *Schizophrenic, Paranoid and Other Psychotic Disorders* and 12.06 *Anxiety Related Disorders.*) Two of these descriptions—involving activities of daily living and social functioning—are similar to descriptions in the current listings for mental disorders. The others—involving concentration and task performance, and deterioration under work-like conditions—are not directly related to criteria contained in the current listings for mental disorders. However, they are being proposed on the basis of the recommendations of mental health professionals, who consider them particularly important as work related characteristics affected by mental disorders. If should also be noted that, although the criteria in paragraph B are identical for several mental disorders listings, the number of items required under paragraph B in order to meet particular listings varies. (The selection of the number which must be met is based on the current evaluation of their effect on the functional ability to work. As additonal experience is gained, the number of items required under paragraph B could change.)

In 12.00D (*Documentation*) of the preface, we discuss the evidence needed to document mental impairments. The new material stresses that at any one time during the course of a mental disorder an individual may appear to be relatively free of the characteristics of the disorder. Therefore, it is important to obtain evidence of the person's condition over the course of the mental illness. In 12.00D we discuss the importance of work attempts and circumstances surrounding termination of the work effort. We also discuss the use of psychological testing. (Also, see 20 CFR 404.1512 through 404.1518 and 414.912 through 416.918.)

For inclusion in 12.00E, we are proposing new material explaining that, rather than placing undue reliance on the findings obtained on any single examination, it is important to evaluate the total treatment history of persons with chronic mental impairments.

In 12.00F (*Effects of Structured Settings*) and 12.00G (*Effects of Medication*) of the preface, we are proposing new material relating to chronic mental disorders. We explain that evaluation of mental disorders must include consideration of the fact that medication, hospitalization, or other highly structured living arrangements may minimize the overt indication of severe chronic mental disorders. In 12.00G we also acknowledge that medications may sometimes produce side-effects that add to the work-related limitations resulting from a mental disorder.

We are proposing a brief discussion of the effects of current medical treatment for inclusion in 12.00H (*Effect of Treatment*).

In 12.00I (*Technique For Application of the Mental Disorders Listings*) of the preface, we are proposing the implementation of a technique for evaluating mental disorders that is intended to facilitate uniform and accurate application of the listings at all levels of administrative review. This technique will ensure that (1) all evidence necessary for application of the listings is obtained, (2) all aspects of the mental disorder(s) relevant to the individual's ability to work are considered and evaluated in accordance with the listings, and (3) all evidence obtained is organized and presented in a clear, concise, and consistent manner.

At the hearing and appeal levels, this technique will be applied similarly to the manner in which "medical equivalence" is now determined. That is, the opinion of a medical consultant designated by the Secretary must be considered in applying the technique because it requires exercise of extensive medical expertise. It is anticipated that this technique will require an increased use of medical advisors, both at hearings and for review of the records.

A copy of the document using this technique is available upon request by writing to: Social Security Administration, Office of Disability, Division of Medical and Vocational Policy, 3–A–10 Operations Building, 6401 Security Blvd., Baltimore, MD 21235.

12.01 Category of Impairments—Mental

12.02 Organic Mental Disorders. We propose to expand paragraph A of listing 12.02 to include four additional factors that are characteristic of organic mental disorders. In paragraph B, we are retaining from the present listing the restrictions related to daily activities and an impaired ability to relate to other people. However, we have reworded the statement on an impaired ability to relate to other people to reflect difficulties in the total area of social functioning. We are proposing two new items, 12.02B3 and 4, because severe organic mental disorders often result in deficiencies of concentration and many persons with these conditions experience a marked worsening of symptoms when faced with stress. We are proposing to eliminate one requirement in the current listing—deterioration of personal habits. This characteristic is not always apparent in some persons with severe organic mental disorders.

12.03 Schizophrenic, Paranoid and Other Psychotic Disorders. In this proposed listing we are grouping psychotic conditions that are more closely related than in the current listing. We are proposing to move affective disorders to a new separate listing, which follows this one. In paragraph A, we are retaining the three characteristics of these disorders contained in the current listing—hallucinations, delusions, and illogical association of ideas. However, the concept of illogical association of ideas is being incorporated in 12.03A3 in association with other signs of disrupted

thought. We are listing other characteristics of disorganized thought and behavior in 12.03A2 and 3. We are also including consideration of observed emotional changes that are often present in these disorders. We are revising paragraph B in the manner previously described for proposed listing 12.02. In paragraph C, we are proposing new evaluation considerations that recognize that the more obvious symptoms of these disorders are often lessened by medication or support from mental health facilities or other sources. Individuals, who have a medically documented history of one or more episodes of acute symptoms, signs and functional limitations described in paragraphs A and B, may have a remission either induced by treatment or by living in a supportive environment (such as a supervised group home). Many such individuals remain disabled because they experience a return of symptoms and signs when they encounter stressful circumstances or when they leave the supportive environment of the supervised living situation or sheltered work.

12.04 Affective Disorders. In the current organization of the mental disorders listings, affective disorders are included as mood disorders with other functional psychotic disorders such as schizophrenias and paranoid states under the same listing. The new listing which we are proposing relates exclusively to affective disorders. In paragraph A of the proposed listing, we describe the characteristics of affective disorders in much greater detail than they are described in the current listing for functional psychotic disorders in 12.03. We are revising paragraph B in the manner previously described for proposed listing 12.02.

12.05 Mental Retardation. Paragraph A of both the current and proposed listing provides for the evaluation of persons who are so profoundly retarded that they cannot undergo psychological testing. The proposed paragraph has been condensed to focus more directly on the absence of basic self-help skills that are most indicative of profound retardation that precludes psychological testing. Paragraphs B and C pertain to evaluation using psychological testing. Both B and C of the proposed listing specify that the lowest of the three scores derived from tests is to be used. However, this is not a new principle because it is found in the preface (paragraph 12.00B4) to the current listing. In addition, in 12.05C the necessity for another "mental or physical impairment" of significance has been deleted and replaced with the same restrictions and limitations of function common to the paragraph B criteria of the other proposed listings.

12.06 Anxiety Related Disorders. In the current organization of the mental disorders listings, anxiety disorders are grouped in listing 12.04 with other similar functional nonpsychotic disorders. Proposed listing 12.06 exclusively covers disorders related to anxiety. Paragraphs 1, 2 and 4 of 12.06A of this proposed listing are similar to the criteria in the current 12.04 listing. A new paragraph 3 of 12.06A gives significance to frequent panic attacks. A new paragraph 5 of 12.06A provides for the inclusion of anxiety disorders resulting from traumatic experiences. The criteria we are proposing in paragraph B are the same as the paragraph B criteria being proposed in listing 12.02. In the new 12.06C, we recognize that confinement to the home characterizes a severe anxiety disorder. In listing 12.06, paragraph C serves as an option that can be used in lieu of paragraph B.

12.07 Somatoform Disorders. Somatoform disorders are currently evaluated along with other functional nonpsychotic disorders such as neurotic disorders, personality disorders, and alcohol addiction and drug addiction disorders under the present listing 12.04. The new 12.07 listing we are proposing relates specifically to somatoform disorders. In 12.07A we are adding two characteristic patterns of these disorders to the one now in 12.04A6 of the current mental disorders listings. Paragraph B includes the same evaluation criteria found in paragraph B of proposed listing 12.02 but three of the four criteria requirements must be met.

12.08 Personality Disorders. Personality disorders are currently evaluated along with other functional nonpsychotic disorders such as psychophysiologic disorders, neurotic disorders, and alcohol addition and drug addiction disorders under listing 12.04. The proposed listing 12.08 exclusively covers personality disorders. In paragraph A of the proposed listing we are retaining the two characteristics of personality disorders that are found in 12.04A7 of the current listing. In 12.08A3 through 6 of the proposed listing we are adding other descriptions that are characteristic of personality disorders. Paragraph B contains the same criteria we are proposing under paragraph B in listing 12.02; but in evaluating personality disorders under listing 12.08, at least three of the criteria requirements under paragraph B must be met.

12.09 Substance Addiction Disorders. We are proposing a new listing that relates to addiction to alcohol or other drugs and to other substances that affect the central nervous system. However, the proposed listing itself only serves as a reference listing by indicating which of the other listed impairments must be used to evaluate the behavior or physical changes resulting from the regular use of substances. (For example, should an individual with a substance addiction disorder experience seizures as a result of that disorder, either listing 11.02 (Epilepsy—major motor seizures) or listing 11.03 (Epilepsy—minor motor seizures) should be used for the evaluation of the substance addiction disorder.)

Recommendation Not Being Proposed

We have accepted all of the recommendations we have received except for the inclusion of pain in the listing for somatoform disorders (listing 12.07) and the recommended criteria for the evaluation of substance addiction disorders in listing 12.09.

In the recommendation for somatoform disorders, a direct reference is made to pain. In this context, the reference seems to be to psychogenic pain. Psychogenic pain refers to the rare instance when pain occurs with no demonstrable organic pathology from which the pain could reasonably be derived. In the recommendation, psychogenic pain is included as a criterion which when considered in combination with other criteria in listing 12.07 could permit a presumption of disability.

As directed by Pub. L. 98–460 (section 3), a Commission on the Evaluation of Pain will be established to conduct a study in connection with the National Academy of Sciences concerning the evaluation of pain in determining disability. Therefore, rather than proposing psychogenic pain as a presumptively disabling criterion at this time, we are referring this recommendation to the Commission as part of its overall study of this area.

The recommendation for substance addiction disorders not being proposed represents a significant departure from the criteria currently in effect and traditionally employed by us in the evaluation of such disorders. Under the proposed criteria, substance addiction, in its advanced stages, is seen as a separate syndrome which exerts control over the individual in which major physical and psychological dependency, as well as withdrawal signs and

symptoms, become key diagnostic features.

While it is recognized that new developments in medical research provide some support for such an approach, it is our opinion that such criteria must be subjected to further study and broad review to determine its reliability for determining disability for individuals with substance addiction disorders (i.e., whether the proposed listing describes an impairment that would prevent an individual from doing any gainful activity). Therefore, until we have had the opportunity to assess the reliability of the recommendation, we are proposing a reference listing only which will indicate which other listed impairments must be used to evaluate the behavioral or physical changes resulting from the regular use of addictive substances.

A copy of the workgroup's recommendations are available upon request by writing to: Social Security Administration, Office of Disability, Division of Medical and Vocational Policy, 3-A-10 Operations Building, 6401 Security Blvd., Baltimore, MD 21235.

Executive Order 12291

These proposed regulations are not expected to produce significant additional program costs when compared to those which would be incurred under current regulations. They should not affect the economy by $100 million or more yearly and should not increase costs or prices significantly for any segment of the population or otherwise meet the criteria for a major rule as specified in Executive Order 12291. Therefore, we have determined that a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these proposed regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because they affect only individuals.

Paperwork Reduction Act

The Secretary may require agencies responsible for determining mental disability impairments to prepare and submit report forms which will implement the techniques described in section 12.00I. The public is invited to comment on the use of the reporting form. Organizations or individuals desiring to submit comments should direct them to the agency official designated for this purpose whose name appears in this preamble and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Room 3002, Washington, D.C. 20503, Attention: Desk Officer for HHS.

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

(Catalog of Federal Domestic Program Nos. 13.802, Social Security Disability Insurance; 13.807, Supplemental Security Income Program)

Dated: August 21, 1984.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: October 29, 1984.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950-)

For the reasons set out in the preamble, Part 404, Subpart P, Chapter III of Title 20, Code of Federal Regulations, is amended as set forth below.

20 CFR Part 404, Subpart P is amended as follows:

1. The authority citation for Subpart P reads as follows:

Subpart P—Determining Disability and Blindness

Authority: Secs. 202, 205, 216, 221, 222, 223, 225, and 1102, of the Social Security Act, as amended; 49 Stat. 623, as amended, 53 Stat. 1368, as amended, 68 Stat. 1080, 1081 and 1082 as amended, 70 Stat. 815 and 817, as amended, 49 Stat. 647, as amended (42 U.S.C. 402, 405, 416, 421, 422, 423, 425 and 1302).

2. In Part 404, Part A of Appendix 1 (Listing of Impairments) of Subpart P is amended by revising 12.00, Mental Disorders, to read as follows:

Appendix 1—Listing of Impairments

Part A

Criteria applicable to individuals age 18 and over and to children under age 18 where criteria are appropriate.

* * * * *

12.00 Mental Disorders

The mental disorders listings in 12.00 of the Listing of Impairments will only be effective for 3 years unless extended by the Secretary or revised and promulgated again.

A. *Introduction:* The evaluation of disability on the basis of mental disorders requires the documentation of a medically determinable impairment(s) as well as consideration of the degree of limitation such impairment(s) may impose on the individual's ability to work and whether these limitations have lasted or are expected to last for a continuous period of at least 12 months. The listing for mental disorders are arranged in eight diagnostic categories: organic mental disorders (12.02); schizophrenic, paranoid and other psychotic disorders (12.03); affective disorders (12.04); mental retardation (12.05); anxiety disorders (12.06); somatoform disorders (12.07); personality disorders (12.08); and substance addiction disorders (12.09). Each diagnostic group, except listing 12.09, consists of a set of clinical findings (paragraph A criteria), one or more of which must be met, and which, if met, lead to a test of functional restrictions (paragraph B criteria), two or three of which must also be met. There are additional considerations (paragraph C criteria) in listings 12.03 and 12.06, discussed therein.

The purpose of including the criteria in paragraph A of the listings for mental disorders is to medically substantiate the presence of a mental disorder. The purpose of including the criteria in paragraph B and C of the listings for mental disorders is to describe those functional limitations associated with mental disorders which are incompatible with the ability to work. The restriction listed in paragraph B and C must be the direct result of the mental disorder which is manifested by the clinical findings outlined in paragraph A. The criteria included in paragraphs B and C of the listings for mental disorders have been chosen because they represent functional areas deemed essential to work. An individual who is severely limited in these areas as the result of an impairment identified in paragraph A is presumed to be unable to work.

The structure of the listing for substance addiction disorders, listing 12.09, is different from that for the other mental disorder listings. Listing 12.09 is structured as a reference listing; that is, it will only serve to indicate which of the other listed mental or physical impairments must be used to evaluate the behavioral or physical changes resulting from regular use of addictive substances.

The listings for mental disorders are so constructed that an individual meeting the criteria could not reasonably be expected to engage in gainful work activity. "Meeting or equaling the criteria of the listings" means that the mental disorder would be sufficiently severe, in and of itself, to result in: (a) An inability to perform routine, repetitive tasks on sustained basis (6–8 hours per day) without excessive supervision, and (b) an inability to interact in an acceptable manner with coworkers, supervisors or the public in a normal work setting.

Individuals who have an impairment with a level of severity which does not meet the criteria of the listings for mental disorders may or may not have the residual functional capacity (RFC) which would enable them to engage in substantial gainful work activity. The determination of mental RFC is crucial to the evaluation of an individual's capacity to engage in substantial gainful work activity when the criteria of the listings for mental disorders are not met or equaled but the impairment is nevertheless severe.

RFC may be defined as a multidimensional description of the work-related abilities which an individual retains in spite of

medical impairments. RFC complements the criteria in paragraphs B and C of the listings for mental disorders by requiring consideration of an expanded list of work-related capacities which may be impaired by mental disorder when the impairment is severe but does not meet or equal a listed mental disorder. (While RFC is used in most claims, the law specifies that it does not apply to the following special claims categories: disabled title XVI children below age 18, widows, widowers, and surviving divorced wives. The impairment(s) of these categories must meet or equal a listed impairment for the individual to be eligible for disability insurance benefits.

B. *Need for Medical Evidence:* The existence of a medically determinable impairment of the required duration must be established by medical evidence consisting of clinical signs, symptoms and/or laboratory or psychological test findings. These findings may be intermittent or persistent depending on the nature of the disorder. Clinical signs are medically demonstrable phenomena which reflect specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality. These signs are typically assessed by a psychiatrist or psychologist and/or documented by psychological tests. Symptoms are complaints presented by the individual. Signs and symptoms generally cluster together to constitute recognizable clinical syndromes (mental disorders). Both symptoms and signs which are part of any diagnosed mental disorder must be considered in evaluating severity.

C. *Assessment of Severity:* For mental disorders, severity is assessed in terms of the functional limitations imposed by the impairment. Functional limitations are assessed using the criteria in paragraph B of the listings for mental disorders (descriptions of restrictions of activities of daily living, social functioning, concentration and task persistence, and ability to tolerate increased mental demands associated with competitive work). Four areas are considered.

1. *Activities of daily living* include adaptive activities such as cleaning, shopping, cooking, taking public transportation, paying bills, maintaining a residence, caring appropriately for one's grooming and hygiene, using telephones and directories, using a post office, etc. In the context of the individual's overall situation, the quality of these activities is judged by their independence, appropriateness and effectiveness. It is necessary to define the extent to which the individual is capable of initiating and participating in activities independent of supervision or direction.

2. *Social functioning* refers to an individual's capacity to interact appropriately and communicate effectively with other individuals. Social functioning includes the ability to get along with others, e.g., family members, friends, neighbors, grocery clerks, landlords, bus drivers, etc. Impaired social functioning may be demonstrated by a history of altercations, evictions, firings, fear of strangers, avoidance of interpersonal relationships, social isolation, etc. Strength in social functioning may be documented by an individual's ability to initiate social contacts with others, communicate clearly with others, interact and actively participate in group activities, etc. Cooperative behaviors, consideration for others, awareness of other's feelings, and social maturity also need to be considered. Social functioning in work situations may involve interactions with the public, responding appropriately to persons in authority, e.g., supervisors, or cooperative behaviors involving coworkers.

3. *Concentration and task persistence* refers to the ability to sustain focused attention sufficiently long to permit the completion of tasks commonly found in work settings. In activities of daily living, concentration may be reflected in terms of ability to follow and understand simple story lines or news items on television or radio, ability to complete tasks in everyday household routines, etc. Major deficiencies in concentration and task persistence are best observed in work and work-like settings, but can often be assessed through direct psychiatric examination and/or psychological testing. Concentration is assessed on mental status examinations by tasks such as having the individual subtract serial sevens from 100. Psychological tests of intelligence or memory assess concentration through tasks requiring short-term memory or through tasks that must be completed within established time limits. In work evaluations, concentration is assessed through such tasks as filing index cards, locating telephone numbers, or disassembling and reassembling objects. Strengths and weaknesses in areas of concentration can be discussed in terms of frequency of errors, time it takes to complete the task, and extent to which assistance is required to complete the task.

4. *Deterioration or decompensation in work or work-like situations* refers to repeated failure to adapt to stressful circumstances which cause the individual either to withdraw from that situation and/or to experience exacerbation of signs and symptoms (i.e., decompensation) with an accompanying difficulty in maintaining activities of daily living, social relationship, and/or maintaining concentration and tasks persistence (i.e., deterioration). Stresses common to the work environment include decisions, attendance, schedules, completing tasks, interactions with supervisors, interactions with peers, etc.

D. *Documentation:* The presence of a mental disorder should by documented primarily on the basis of reports from individual providers, such as psychiatrists and psychologists, and facilities such as hospitals and clinics. Adequate descriptions of functional limitations must be obtained from these or other sources which may include programs and facilities where the individual has been observed over a considerable period of time.

Information from both medical and nonmedical sources may be used to obtain detailed descriptions of the individual's activities of daily living, social functioning, ability to concentrate and persist, or ability to tolerate increased mental demands (stress). This information can be provided by programs such as community mental health centers, day care centers, sheltered workshops, etc. It can be provided by others, including family members, who have knowledge of the individual's functioning. In some descriptions of activities of daily living or social functioning given by individuals or treating sources may be insufficiently detailed and/or may be in conflict with the clinical picture otherwise observed or described in the examination or reports. It is necessary to resolve any inconsistencies or gaps that may exist in order to obtain a proper understanding of the individual's functional restrictions.

An individual's level of functioning may vary considerably over time. The level of functioning at a specific time may seem relatively adequate or, conversely, rather poor. Proper evaluation of the impairment must take any variations in level of functioning into account in arriving at a determination of impairment severity over time. Thus, it is vital to obtain evidence from relevant sources over a sufficiently long period prior to the date of adjudication in order to establish the individual's impairment severity. This evidence should include treatment notes, hospital discharge summaries, and work evaluation or rehabilitation progress notes if these are available.

Some individuals may have attempted to work or may actually have worked during the period of time pertinent to the determination if disability. This may have an independent attempt at work, or it may have been in conjunction with a community mental health or other sheltered program which may have been of either short or long duration. Information concerning the individual's behavior during any attempt to work and the circumstances sorrounding termination of the work effort are particularly useful in determining the individual's ability or inability to function in a work setting.

The results of well-standardized psychological tests such as the Wechsler Adult Intelligence Scale (WAIS), the Minnesota Multiphasic Personality Inventory (MMPI), the Rorschach, and the Thematic Apperception Test (TAT), may be useful in establishing the existence of a mental disorder. For example, the WAIS is useful in establishing mental retardation, and the MMPI, Rorschach, and TAT may provide data supporting several other diagnoses. Broad-based neurophychological assessments using, for example, the Halstead-Reitan or the Luria-Nebraska batteries may be useful in determining brain function deficiencies. In addition, the procress of taking a standardized test requires concentration and task persistence; performance on such tests may provide useful data about a claimant's ability to perform work tasks in other settings. Test results should, therefore, include both the objective data and a narrative description of clinical findings. Narrative reports of intellectual assessment should include a discussion of whether or not obtained IQ scores are considered valid and consistent with the individual's developments history and degree of functional restriction.

In cases involving impaired intellectual functioning, a standardized intelligence test, e.g., the WAIS, should be administered and

interpreted by a phychologist or psychiatrist qualified by training and experience to perform such an evaluation. In special circumstances, nonverbal measures, such as the Raven Progressive Matrices, the Leither international scale, or the Arthur adaptation of the Leiter may be substituted.

Identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual functioning. In this connection, it must be noted that on the WAIS, perhaps currently the most widely used measure of intellectual ability in adults, IQs of 69 and below are characteristic of approximately the lowest 2 percent of the general population. In instances where other tests are administered, it would be necessary to convert the IQ to the corresponding percentile rank in the general population in order to determine the actual degree of impairment reflected by those IQ scores.

In cases where more than one IQ is customarily derived from the test administered, i.e., where verbal, performance, and full-scale IQs are provided as on the WAIS, the lowest of these is used in conjunction with listing 12.05.

In cases where the nature of the individual's intellectual impairment is such that standard intelligence tests, as described above, are precluded, medical reports specifically describing the level of intellectual, social, and physical function should be obtained. Actual observations by Social Security Administration or State agency personnel, reports from educational institutions and information furnished by public welfare agencies or other reliable objective sources, should be considered as additional evidence.

E. *Chronic Mental Impairments:* Particular problems are often invovled in evaluating mental impairments in individuals who have long histories of repeated hospitalizations or prolonged outpatient care with supportive therapy and medication. Individuals with chronic psychotic disorders commonly have their lives structured in such a way as to minimize stress and reduce their signs and symptoms. Such individuals may be much more impaired for work than their signs and symptoms would indicate. The results of a single examination may not adequately describe these individual's sustained ability to function. It is, therefore, vital to review all pertinent information relative to the individual's condition, especially at times of increased stress. It is mandatory to attempt to obtain adequate descriptive information from all sources which have treated the individual either currently or in the time period relevant to the decision.

F. *Effects of Structured Settings:* Particularly in cases involving chronic mental disorders, overt symptomatology may be controlled or attenuated by psychosocial factors such a placement in a hospital or board and care facility. Highly structured and supportive settings may greatly reduce the mental demands place on an individual. With lowered mental demands, overt signs and symptoms of the underlying mental disorder may be minimized. At the same time, however, the individual's ability to function outside of such a structured and/or supportive setting may not have changed. An evaluation of individuals whose symptomatology is controlled or attenuated by psychosocial factors must consider the ability of the individual to function outside of such highly structured settings. (For these reasons the paragraph C criteria were added to Listings 12.03 and 12.06.)

G. *Effects of Medication:* Attention must be given to the effect of medication on the individual's signs, symptoms and ability to function. While psychotropic medications may control certain primary manifestations of a mental disorder, e.g., hallucinations, such treatment may or may not affect the functional limitations imposed by the mental disorder. In cases where overt symptomatology is attenuated by the psychotropic medications, particular attention must be focused on the functional restrictions which may persist. These functional restrictions are also to be used as the measure of impairment severity. (See the paragraph C criteria in Listings 12.03 and 12.06.)

Neuroleptics, the medicines used in the treatment of mental illness, may cause drowsiness, blunted affect, or other side effects involving other body systems. Such side effects must be considered in evaluating overall impairment severity. Where adverse effects of medications contribute to the impairment severity and the impairment does not meet or equal the listings but is nonetheless severe, such adverse effects must be considered in the assessment of the mental residual functional capacity.

H. *Effect of Treatment:* It must be remembered that with adequate treatment some individuals suffering with chronic mental disorders not only have their symptoms and signs ameliorated but also return to a level of function close to that of their premorbid status. Our discussion here in 12.00H has been designed to reflect the fact that present day treatment of a mentally impaired individual may or may not assist in the achievement of an adequate level of adaptation required in the work place. (See the paragraph C criteria in Listings 12.03 and 12.06.)

I. *Technique for Application of the Mental Disorders Listings:* In 12.00A through 12.00H, key concepts that are necessary for application of the listings are discussed. So that these concepts will be effectively utilized in the evaluation of all mental disorders, 12.00I introduces the technique that must be followed at each administrative level in that evaluation. This will ensure that (1) all evidence necessary for application of the listings is obtained, (2) all aspects of the mental disorder(s) relevant to the individual's ability to work are considered and evaluated in accordance with the listings, and (3) all evidence obtained is organized and presented in a clear, concise, and consistent manner.

To ensure that all evidence needed for application of the listings is obtained, this technique requires the evaluator to indicate whether the evidence is sufficient to rate each of the specific criteria that are applicable for the listing in question. To ensure that all aspects of the mental disorder relevant to each individual's ability to work are considered and evaluated in accordance with the listings, this technique requires the evaluator to indicate whether each of the paragraph A criteria are present or absent. If the requirements of paragraph A are met, it is then necessary to rate the degree of functional loss which affects the individual's ability to work (paragraph B criteria). This rating must be done on a scale that ranges from no limitation to the level of severity indicated in those criteria.

For the first two paragraph B criteria (activities of daily living and social functioning), the rating of limitation must be done based upon the following five point scale: none, slight, mild, moderate, and marked. For the third criterion (concentration and task persistence), the following five point scale must be used: never, seldom, occasional, often, and frequent. For the fourth criterion (deterioration or decompensation in work or work-like situations), the following four point scale must be used: never, once, twice, and repeated (three or more). The last point for each of these scales represents the degree of limitation called for in the criteria.

If it is determined that paragraph C criteria will be used in lieu of paragraph B criteria (see listings 12.03 and 12.06), the evaluator will, by following this technique, indicate whether the evidence is sufficient to establish the presence or absence of each paragraph C criterion. The evaluator will then indicate the presence or absence of each of these criteria after all necessary evidence is considered.

Finally, the evaluator must, in each case, complete a narrative summary which shows the significant history, examination, and laboratory findings that were considered in assessing the case under the A, B, and C criteria described in 12.00. Thus, the evidence will be organized and presented in a clear, concise, and consistent manner.

A standard document itemizing the steps of this technique must be completed by the evaluator in each case at the initial, reconsideration, administrative law judge hearing, and Appeals Council levels (when the Appeals Council issues a decision).

For all cases involving mental disorders at the administrative law judge hearing or Appeals Council level, documentation to show the application of the technique will be appended to the decision. The assistance of a medical advisor will be utilized as described in 12.00I.

When a medical advisor is utilized by an administrative law judge, the advisor will give his or her opinion on the document, referred to in 12.00I, which will be included in the record and considered by the administrative law judge or Appeals Council. A medical advisor will be utilized except as described in the following paragraphs of 12.00I.

When the record includes such a document previously completed by a physician or psychologist designated by the Secretary, the opinion of a medical advisor is not needed, unless in the judgment of the administrative law judge or the Appeals Council, the document is incomplete or inaccurate.

Where new evidence is submitted, a medical advisor is needed except when the new evidence is duplicative, irrelevant, immaterial, or does indicate a change in the conclusion regarding any item on the

document previously completed by a physician or psychologist designated by the Secretary.

At the hearing level, if evidence that was previously available is submitted in connection with the request for hearing and there is no apparent reason why it was not previously obtained, the administrative law judge may, at his or her discretion, remand the case to the State agency for further consideration and, if necessary, further development. In the alternative, the administrative law judge will apply the technique with the assistance of a medical advisor as described in 12.00I. If a favorable decision can be made based on the evidence, the administrative law judge must apply the technique at the hearing level to avoid delay of the decision.

12.01 Category of Impairments—Mental

12.02 *Organic Mental Disorders* (Psychological or behavioral abnormalities associated with a dysfunction of the brain. History and physical examination or laboratory tests demonstrate the presence of a specific organic factor judged to be etiologically related to the abnormal mental state and loss of previously acquired functional abilities.)

The required level of severity for these disorders is met when the requirements in both A and B are satisfied.

A. Demonstration of a loss of specific cognitive abilities or affective changes and the medically documented persistence of at least one of the following:

1. Disorientation to time and place; or

2. Memory impairment, either short-term (inability to learn new information), intermediate, or long-term (inability to remember information that was known sometime in the past); or

3. Perceptual or thinking disturbances (e.g., hallucinations, delusions); or

4. Change in personality; or

5. Disturbance in mood; or

6. Emotional lability (e.g., explosive temper outbursts, sudden crying, etc.) and impairment in impulse control; or

7. Dementia involving loss of measured intellectual ability of at least 15 I.Q. points from premorbid levels or overall impairment index clearly within the severely impaired range on the Luria-Nebraska or Halstead-Reitan; and

B. Resulting in at least two of the following:

1. Marked restriction of activities of daily living; or

2. Marked difficulties in maintaining social functioning; or

3. Deficiencies of concentration and presistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or

4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms.

12.03 *Schizophrenic, Paranoid and Other Psychotic Disorders* (Characterized by the onset of psychotic features with deterioration from a previous level of functioning.)

The required level of severity for these disorders is met when the requirements in both A and B are satified, or when the requirements in C are satisfied.

A. Medically documented persistence, either continuous or intermittent, of one or more of the following:

1. Delusions or hallucinations; or

2. Catatonic or other grossly disorganized behavior; or

3. Incoherence, loosening of associations, illogical thinking, or poverty of content of speech if associated with one of the following:

a. Blunt affect; or

b. Flat affect; or,

c. Inappropriate affect;

or

4. Emotional withdrawal and/or isolation; and

B. Resulting in at least two of the following:

1. Marked restriction of activities of daily living; or

2. Marked difficulties in maintaining social functioning; or

3. Deficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or

4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms; or

C. Medically documented history of one or more episodes of acute symptoms, signs and functional limitations described in A and B of this listing, although these symptoms or signs are currently attenuated by medication or psychosocial support, and one of the following:

1. Repeated deterioration with increased mental demands requiring substantial increases in mental health services and withdrawal from the stressful environment; or

2. Documented current history of two or more years of inability to function outside of a highly supportive living situation.

12.04 *Affective Disorders* (Characterized by a disturbance of mood, accompanied by a full or partial manic or depressive syndrome. Mood refers to a prolonged emotion that colors the whole psychic life; it generally involves either depression or elation.)

The required level of severity for these disorders is met when the requirements in both A and B are satisfied.

A. Medically documented persistence, either continuous or intermittent, of one of the following:

1. Depressive syndrome characterized by at least four of the following:.

a. Anhedonia; or

b. Appetite disturbance with change in weight; or

c. Sleep disturbance; or

d. Psychomotor agitation or retardation; or

e. Decreased energy; or

f. Feelings or guilt or worthlessness; or

g. Difficulty concentrating or thinking; or

h. Thoughts of suicide; or

2. Manic syndrome characterized by at least three of the following:

a. Hyperactivity; or

b. Pressure of speech; or

c. Flight of ideas; or

d. Inflated self-esteem; or

e. Decreased need for sleep; or

f. Easy distractability; or

g. Involvement in activities that have a high probability of painful consequences which are not recognized; or

3. Bipolar syndrome with episodic periods manifested by the full symptomatic picture of either or both manic and depressive syndromes; and

B. Resulting in at least two of the following:

1. Marked restriction of activities of daily living; or

2. Marked difficulties in maintaining social functioning; or

3. Deficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or

4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms.

12.05 *Mental Retardation* (Developmental disorders characterized by a life-long pattern of below average intellectual functioning and a failure to develop adaptive behaviors.)

The required level of severity for this disorder is met when the requirements in A, B, or C are satisfied.

A. Severe and profound mental retardation as manifested by a failure to develop even the most primitive of self-help skills (e.g., toilet training, dressing, washing, etc.) and requiring custodial care; or

B. A valid performance, verbal or full scale IQ of 59 or less; or

C. A valid performance, verbal, or full scale IQ of 60 to 69 inclusive with two of the following:

1. Marked restriction of activities of daily living; or

2. Marked difficulties in maintaining social functioning; or

3. Deficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or

4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms.

12.06 *Anxiety Related Disorders* (In these disorders anxiety is either the predominate disturbance or it is experienced if the individual attempts to master symptoms; for example, confronting the dreaded object or situation in a phobic disorder or resisting the obsessions or compulsions in obsessive compulsive disorders.)

The required level of severity for these disorders is met when the requirements in both A and B are satisfied, or when the requirements in both A and C are satisfied.

A. Medically documented findings of at least one of the following:

1. Generalized persistent anxiety accompanied by three out of four of the following signs or symptoms:

a. Motor tension; or

b. Automatic hyperactivity; or

c. Apprehensive expectation; or
d. Vigilance and scanning; or
2. A persistent irrational fear of a specific object, activity, or situation which results in a compelling desire to avoid the dreaded object, activity, or situation; or
3. Recurrent severe panic attacks manifested by a sudden unpredictable onset of intense apprehension, fear, terror and sense of impending doom occurring on the average of at least once a week; or
4. Recurrent obsessions or compulsions which are a source of marked distress; or
5. Recurrent and intrusive recollections of a traumatic experience, which are a source of marked distress: and
B. Resulting in at least two of the following:
1. Marked restriction of activities of daily living; or
2. Marked difficulties in maintaining social functioning; or
3. Deficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or
4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms; or
C. Resulting in complete inability to function independently outside the area of one's home.

12.07 *Somatoform Disorders* (Physical symptoms for which there are no demonstrable organic findings or known physiological mechanisms.)

The required level of severity for these disorders is met when the requirements in both A and B are satisfied.

A. Medically documented by evidence of one of the following:
1. A history of multiple physical symptoms of several years duration, beginning before age 30, that have caused the individual to take medicine frequently, see a physician often and alter life patterns significantly; or
2. Persistent nonorganic disturbance of one of the following:
a. Vision; or
b. Speech; or
c. Hearing; or
d. Use of a limb; or
e. Psychogenic seizures; or
f. Coordination disturbance; or
g. Akinesia; or
h. Dyskinesia; or
i. Anesthesia; or
3. Unrealistic interpretation of physical signs or sensations associated with the preoccupation or belief that one has a serious disease or injury; and
B. Resulting in three of the following:
1. Marked restriction of activities of daily living; or
2. Marked difficulties in maintaining social functioning; or
3. Difficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or
4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms.

12.08 *Personality Disorders* (A personality disorder exists when personality traits are inflexible and maladaptive and cause either significant impairment in social or occupational functioning or subjective distress. Characteristic features are typical of the individual's long-term functioning and are not limited to discrete episodes of illness.)

The required level of severity for these disorders is met when the requirements in both A and B are satisfied.

A. Deeply ingrained, maladaptive patterns of behavior associated with one of the following:
1. Seclusiveness or autistic thinking; or
2. Pathologically inappropriate suspiciousness or hostility; or
3. Oddities of thought, perception, speech and behavior; or
4. Persistent disturbances of mood or affect; or
5. Pathological dependence, passivity, or aggressivity; or
6. Intense and unstable interpersonal relationships and impulsive and damaging behavior; and
B. Resulting in three of the following:
1. Marked restriction of activities of daily living; or
2. Marked difficulties in maintaining social functioning; or
3. Difficiencies of concentration and persistence resulting in frequent failure to complete tasks (in work settings or elsewhere); or
4. Repeated episodes of deterioration or decompensation in work or work-like situations which cause the individual to withdraw from that situation and/or to experience exacerbation of signs and symptoms.

12.09 *Substance Addiction Disorders* (Behavioral changes or physical changes associated with the regular use of substances that affect the central nervous system.)

The required level of severity for these disorders is met when the requirements in any of the following (A through I) are satisfied.

A. Chronic brain damage. Evaluate under 12.02.
B. Depressive syndrome. Evaluate under 12.04.
C. Anxiety disorders. Evaluate under 12.06.
D. Personality disorders. Evaluate under 12.08.
E. Peripheral neuropathies. Evaluate under 11.14.
F. Liver damage. Evaluate under 5.05.
G. Gastritis. Evaluate under 5.04.
H. Pancreatitis. Evaluate under 5.08.
I. Seizures. Evaluate under 11.02 or 11.03.

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1984. The CFR volume issued as of Apr. 1, 1980, should be retained.

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